



**AGC**  
THE CONSTRUCTION  
ASSOCIATION



**American Road  
& Transportation  
Builders Association**



**NATIONAL ASPHALT  
PAVEMENT ASSOCIATION**



**Associated  
Builders and  
Contractors**

August 8, 2023

S. Aromie Noe, Director  
Office of Standards, Regulations, and Variances  
Mine Safety and Health Administration (MSHA)  
201 12th Street South  
Suite 4E401  
Arlington, Virginia 22202-5450

Re: RIN 1219-AB36; Docket No: MSHA-2023-0001

Dear Director Noe:

The Associated General Contractors of America (AGC), American Road and Transportation Builders of America (ARTBA), National Asphalt Paving Association (NAPA), and Associated Builders and Contractors (ABC) respectfully request a 90-day extension to the comment period provided in MSHA's proposed RIN 1219-AB36, Lowering Miners' Exposure: Respirable Crystalline Silica and Improving Respiratory Protection, as published in the Federal Register on July 13, 2023. MSHA has requested comments on 43 specific areas within a 45-day comment period. That timeframe is insufficient to provide thoughtful and meaningful comments on all 43 questions.

The above-mentioned national construction trade associations represent a significant number of construction firms that will be directly impacted by the MSHA proposed rule, with a large percentage of firms representing the small business community. The proposed rule requires a thorough examination of its technical aspects, economic impact, and feasibility which is critical to fully comprehend its potential compliance obligations. Extension of the comment period will allow all stakeholders to conduct research, gather data, and engage with the firms each group represents with a focus on understanding the impacts on small business. This additional time will also facilitate collaboration among the agency and regulated community, promoting a more inclusive and transparent rulemaking process.

The rulemaking process will be greatly benefit from providing sufficient time to review each of the questions presented, as well as the proposed regulatory text, in a comprehensive manner. Again, the national construction associations represented in this letter kindly request that MSHA extend the comment period for 90 days and establish the comment deadline as November 24, 2023.

Respectfully submitted,

Associated General Contractors of America  
American Road and Transportation Builders Association  
National Asphalt Paving Association  
Associated Builders and Contractors