

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56, 57, 60, 70, 71, 72, 75, and 90

[Docket No. MSHA–2023–0001]

RIN 1219–AB36

Lowering Miners’ Exposure to Respirable Crystalline Silica and Improving Respiratory Protection

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule; notice of public hearings.

SUMMARY: The Mine Safety and Health Administration (MSHA) will hold three public hearings on the proposed rule, *Lowering Miners’ Exposure to Respirable Crystalline Silica and Improving Respiratory Protection*. The proposed rule was published on July 13, 2023 and is available at <https://www.regulations.gov> and MSHA’s website at www.MSHA.gov. The proposed rule would amend MSHA’s existing standards to better protect miners against occupational exposure to respirable crystalline silica, a carcinogenic hazard, and to improve respiratory protection for all airborne hazards.

DATES: Hearings will be held on the following dates: August 3, 2023, August 10, 2023, and August 21, 2023. The locations are listed in the

SUPPLEMENTARY INFORMATION section of this document. Post-hearing comments must be received or postmarked by midnight (Eastern Time) on August 28, 2023.

ADDRESSES: All submissions must include RIN 1219–AB36 or Docket No. MSHA–2023–0001. You should not

include personal or proprietary information that you do not wish to disclose publicly. If you mark parts of a comment as “business confidential” information, MSHA will not post those parts of the comment. Otherwise, MSHA will post all comments without change, including any personal information provided. MSHA cautions against submitting personal information.

You may submit comments and informational materials, clearly identified by RIN 1219–AB36 or Docket Id. No. MSHA–2023–0001, by any of the following methods:

- **Federal E-Rulemaking Portal:** <https://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Email:** zzMSHA-comments@dol.gov. Include “RIN 1219–AB36” in the subject line of the message.

- **Regular Mail:** MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5450.

- **Hand Delivery or Courier:** MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except Federal holidays. Before visiting MSHA in person, call 202–693–9440 to make an appointment. Special health precautions may be required.

- **Facsimile:** 202–693–9441. Include “RIN 1219–AB36” in the subject line of the message.

Information Collection Requirements. Comments concerning the information collection requirements of this proposed rule must be clearly identified with “RIN 1219–AB36” or “Docket No. MSHA–2023–0001,” and sent to MSHA by one of the methods previously explained.

Docket. For access to the docket to read comments and background

documents, go to <https://www.regulations.gov>. The docket can also be reviewed in person at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, Virginia, between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays. Before visiting MSHA in person, call 202–693–9440 to make an appointment. Special health precautions may be required.

Email Notification. To subscribe to receive an email notification when MSHA publishes rulemaking documents in the **Federal Register**, go to <https://public.govdelivery.com/accounts/USDOL/subscribe/new>.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances, MSHA, at: silicanprm@dol.gov (email); 202–693–9440 (voice); or 202–693–9441 (facsimile). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The public hearings provide industry, labor, and other interested parties with an opportunity to present oral statements, written comments, and other information on the proposed rule published on July 13, 2023 (88 FR 44852). In response to requests from the public, MSHA will hold a third public hearing on the Silica proposed rule, in addition to the two public hearings announced in the notice of proposed rulemaking. The Agency believes that the public would benefit from a third hearing which would allow the public an additional opportunity to present their views in a location accessible to miners, mine operators, and other members of the public.

Each of the three public hearings will begin at 9 a.m. local time and end after the last presenter speaks on the following dates:

Date	Location	Contact No.
August 3, 2023	Mine Safety and Health Administration, 201 12th Street South (Room 7W202), Arlington, VA 22202.	202–693–9440
August 10, 2023	National Mine Health and Safety Academy, Auditorium (Room B102), 1301 Airport Road, Beckley, WV 25813.	202–693–9440
August 21, 2023	Denver Federal Center, Building 25, Lecture Hall (Room 1866), West 6th Avenue and Kipling Street, Denver, CO 80225.	202–693–9440

The public hearings will begin with an opening statement from MSHA, followed by an opportunity for members of the public to make oral presentations. Speakers and other attendees may present information to MSHA for inclusion in the rulemaking record. The hearings will be conducted in an informal manner. Formal rules of

evidence and cross examination will not apply.

A verbatim transcript of each of the proceedings will be prepared and made a part of the rulemaking record. Copies of the transcripts will be available to the public. MSHA will make the transcript of the hearings available at <https://www.regulations.gov> and on MSHA’s

website at <https://arlweb.msha.gov/currentcomments.asp>.

MSHA will accept post-hearing written comments and other appropriate information for the rulemaking record from any interested party, including those not presenting oral statements, received by midnight (Eastern Time) on August 28, 2023.

Pre-registration is not required to attend the hearings. Interested parties may attend the hearings virtually or in person. Additional information on how to attend the public hearings virtually or in-person will be available at <https://www.msha.gov/regulations/rulemaking/silica>. Interested parties who intend to present testimony at the hearings are asked to register in advance on MSHA's website at <https://www.msha.gov/form/silica-hearings-registration>. Speakers will be called in the order in which they are registered. Those who do not register in advance will have an opportunity to speak after all those who pre-registered have spoken. You may submit hearing testimony and documentary evidence, identified by docket number (MSHA-2023-0001), by any of the methods previously identified.

(Authority: 30 U.S.C. 811)

Dated: July 17, 2023.

Christopher J. Williamson,

Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 2023-15592 Filed 7-25-23; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R10-OAR-2021-0752; FRL-9203-01-R10]

Air Plan Approval; WA; Yakima County Outdoor and Agricultural Burning Rule Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve into the Washington State Implementation Plan (SIP) the Yakima Regional Clean Air Agency's (YRCAA) revised outdoor and agricultural burning rule submitted by the State of Washington (Washington or the State) on October 14, 2021. The submitted revisions improve stringency, clarity and enforceability of the rule. The EPA is proposing to approve the SIP submission as consistent with Clean Air Act (Act or CAA) requirements.

DATES: Comments must be received on or before August 25, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R10-OAR-2021-0752, at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from <https://www.regulations.gov>. The EPA may

publish any comment received to its public docket. Do not electronically submit any information you consider to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Claudia Vaupel, (206) 553-6121, vauepl.claudia@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, it is intended to refer to the EPA.

I. Background for This Action

Section 110 of the CAA requires states to develop and submit to the EPA a SIP to ensure that state air quality meets National Ambient Air Quality Standards (NAAQS). These ambient standards address six criteria pollutants: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. Each federally approved SIP protects air quality primarily by addressing air pollution at its point of origin through air pollution regulations and control strategies. The EPA-approved SIP provisions and control strategies are federally enforceable. States revise the SIP as needed and submit revisions to the EPA for review and approval.

The EPA approved YRCAA's outdoor burning rules into the Washington SIP in 1998 as part of the Yakima area attainment plan for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀)¹ On October 14, 2021, Washington submitted a SIP revision to the EPA that repeals and replaces the 1998 SIP-approved outdoor burning rules for the Yakima area.

II. The State's Submission

Washington's October 14, 2021, SIP submission significantly revised the

¹ We note that the Yakima area has since been redesignated to attainment for PM₁₀. (See 70 FR 6591, February 8, 2005).

SIP-approved outdoor burning rules for the Yakima area. Specifically, the SIP revision repeals and replaces the following rules from *Regulation 1 of the Yakima Regional Clean Air Agency, Article 5*, that were federally approved into the Washington SIP in 1998: *5.01 Outdoor Burning*; *5.02 Regulations Applicable to All Outdoor Burning*; *5.03 Regulations Applicable to All Outdoor Burning within the Jurisdiction of the Yakima County Clean Air Authority, Local Cities, Towns, Fire Protection Districts and Conservation Districts*; *5.04 Regulations Applicable to Permits Issued by the Yakima County Clean Air Authority for All Other Outdoor Burning*; and *5.05 Additional Restrictions on Outdoor Burning*. The SIP revision replaces the repealed outdoor burning rules in *Regulation 1, Article 5*, with *Regulation 1, Article 3, 3.03 Outdoor and Agricultural Burning*, that was adopted by YRCAA on October 8, 2020 and became state effective on November 9, 2020.

III. The EPA's Evaluation

As mentioned previously, the October 2021 SIP submission replaces the outdoor burning rules in *Regulation 1, Article 5*, with outdoor and agricultural burning rules in *Regulation 1, Article 3, Section 3.03*. The revision includes renumbering as well as updates to the rules.

Applicability

The revised rules continue to apply within YRCAA's jurisdiction. *Section 3.03* of the revised rules applies to burning requiring a permit and to burning that is exempt from permitting. *Section 3.03* also applies to agricultural burning at agricultural operations and government operations, and to certain firefighting training fires. Consistent with the current SIP-approved rules, the revised rules do not apply to silvicultural burning and contain clarification that silvicultural burning is regulated by chapter 70A.15.RCW, chapter 332-24 WAC, and the Department of Natural Resources Washington State Smoke Management Plan (3.03.B). The revised rules also contain exemptions for certain fire training fires at enclosed fire training facilities that meet specific rule requirements. Overall, the scope and applicability of outdoor burning subject to the revised rules appears at least equivalent to, if not more stringent than, the current SIP-approved rules.

General Prohibitions and Requirements for All Burning

Under the revised rules, residential and land clearing burning is prohibited