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EXAMINING THE POLICIES AND PRIORITIES OF THE MINE SAFETY AND HEALTH ADMINISTRATION

HEARING

BEFORE THE

SUBCOMMITTEE ON WORKFORCE PROTECTIONS

OF THE

COMMITTEE ON EDUCATION AND WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED NINETEENTH CONGRESS

SECOND SESSION

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C O N T E N T S

Page

Hearing held on January 22, 2026 1

OPENING STATEMENTS

Mackenzie, Hon. Ryan, Chairman, Subcommittee on Workforce Protections 1
Prepared statement of 3
Omar, Hon. Ilhan, Ranking Member, Subcommittee on Workforce Protections 3
Prepared statement of 5

WITNESSES

Palmer, Hon. Wayne, Assistant Secretary of Labor for Mine Safety and Health, Mine Safety and Health Administration 6
Prepared statement of 8

ADDITIONAL SUBMISSIONS

Ranking Member Omar:
Document entitled "Regulatory Timeline of MSHA Silica Standard" ... 25
Document entitled "Decades of Expert Recommendations on Respirable Crystalline Silica" 27
Letter dated January 20, 2026, from the National Coalition of Black Lung and Respiratory Disease Clinics, Inc. (NCBLRDC) 28
Letter dated January 17, 2026, from Appalachian Citizens' Law Center, Sam B. Petsonk, Esq., and Appalachian Voices 31

QUESTIONS FOR THE RECORD

Responses to questions submitted for the record by:
Mr. Wayne Palmer 35

EXAMINING THE POLICIES AND PRIORITIES OF THE MINE SAFETY AND HEALTH ADMINISTRATION

Thursday, January 22, 2026

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON WORKFORCE PROTECTIONS,
COMMITTEE ON EDUCATION AND WORKFORCE,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:16 a.m., in Room 2175, Rayburn House Office Building, Washington, DC, Hon. Ryan Mackenzie (Chairman of the Subcommittee) presiding.

Present: Representatives Mackenzie, Messmer, Grothman, Fine, Walberg, Omar, and Scott.

Also present: Representatives Moylan and Baumgartner.

Staff present: Lauren Blunt, Intern; Vlad Cerga, Director of Information Technology; Hope Dennis, Intern; Halle Greenbaum, Staff Assistant; Libby Kearns, Press Assistant; Katerina Kerska, Legislative Assistant; Trey Kovacs, Director of Workforce Policy; Campbell Ladd, Clerk; R.J. Laukitis, Staff Director; Danny Marca, Director of Information Technology; Brad Mannion, Professional Staff Member; John Martin, Deputy Director of Workforce Policy/Counsel; Audra McGeorge, Communications Director; Ethan Pann, Deputy Press Secretary and Digital Director; Kane Riddell, Staff Assistant; Sara Robertson, Press Secretary; Katherine Anne Russo, Director of Member Services and Coalitions; Heidi Schneider, Professional Staff Member; Austin Small, Intern; Joe Wheeler, Professional Staff Member; Thomas White, Deputy Clerk; James Whittaker, General Counsel; Ilana Brunner, Minority General Counsel; Micah Buchman, Minority Intern; A'Ishah Johnson, Minority Grad Intern; Stephanie Lalle, Minority Communications Director; Dhrtvan Sherman, Minority Research Assistant; Bob Shull, Minority Senior Labor Policy Counsel; Raiyana Malone, Minority Press Secretary; Kevin McDermott, Minority Director of Labor Policy; Marie McGrew, Minority Press Assistant; Eleazer Padilla, Minority Staff Assistant; Véronique Pluviose, Minority Staff Director; Banyon Vassar, Minority Director of IT.

Chairman MACKENZIE. Good morning. This Subcommittee on Workforce Protections will come to order. I note that a quorum is present. Without objection, the Chair is authorized to call a recess at any time and for note we will be doing so for House voting in just a few minutes here.

We all share the goal of keeping hard-working Americans safe. Today's hearing examines the Federal agency responsible for en-

suring the safety of our men and women who help power our Nation. The Mine Safety and Health Administration, also known as MSHA, establishes and enforces safety and health standards governing all mines, both above and underground.

We are joined today by Hon. Wayne Palmer, the Assistant Secretary of Labor for Mine Safety and Health at the U.S. Department of Labor, who will share with us the Trump administration's vision for MSHA. Assistant Secretary Palmer was confirmed by the Senate on October 7th, 2025. Prior to his appointment, he served as the executive Vice President of the Essential Minerals Association.

He also served in the first Trump administration at MSHA, including as principal Deputy Assistant Secretary and for a time acting Assistant Secretary. He also served as chief of staff to a senator from my home State, Senator Rick Santorum. This marks the first time in six and a half years that the Assistant Secretary of Labor for MSHA has testified before this Committee and I commend the Committee for holding this important hearing and welcoming Assistant Secretary Palmer today.

Mining plays a critical role in supporting our economy and America's energy independence. As a representative of the great Commonwealth of Pennsylvania, which has more than 700 active mines, I have seen firsthand how this industry supports jobs, families and local economies. Under the Trump administration, there is an opportunity for mining to grow and continue delivering for communities across the country. Last year, President Trump issued several executive orders aimed at increasing domestic mineral and coal production.

As we seek to expand production, our responsibility is clear. We must ensure workers' protections keep pace. This is where MSHA comes in. MSHA must promote and implement strong and effective policies, so that every time and every mine worker can finish his or her shift and return home safely to their loved ones. While MSHA oversees the health and well-being of workers in this unique industry, it also faces the challenge of protecting workers from hazards common in other industries such as respiratory-related silica issues and hazards that are unique to mining such as black lung disease.

Given his leadership experience at MSHA and his background right in the mining industry, Assistant Secretary Palmer is well equipped to confront these issues and we thank you for joining us here today. Going forward, MSHA must uphold strong safety standards while also supporting innovation as technologies and operational demands evolve. This can be achieved by pairing focused, effective enforcement with a strong compliance assistance program that promotes collaboration among employers, workers and MSHA.

By working together, we can develop practical common sense policies that prioritize safety and worker well-being. Again, Assistant Secretary Palmer, thank you for being here today and we look forward to your testimony. With that, I yield to the Ranking Member for her opening statement.

[The opening statement of Chairman Mackenzie follows:]

STATEMENT OF HON. RYAN MACKENZIE, CHAIRMAN, SUBCOMMITTEE ON WORKFORCE PROTECTIONS

We all share the goal of keeping hardworking Americans safe. Today's hearing examines the federal agency responsible for ensuring the safety of the men and women who help to power our nation,

The Mine Safety and Health Administration (MSHA) establishes and enforces safety and health standards governing all mines-both above and underground. We are joined today by the Honorable Wayne Palmer, the Assistant Secretary of Labor for Mine Safety and Health at the U.S. Department of Labor, who will share the Trump administration's vision for MSHA.

Assistant Secretary Palmer was confirmed by the Senate on October 7, 2025. Prior to his appointment, he served as executive vice president of the Essential Minerals Association. He also served in the first Trump administration at MSHA, including as Principal Deputy Assistant Secretary and, for a time, Acting Assistant Secretary. He also served as chief of staff to a Senator from my home state, Senator Rick Santorum.

This marks the first time in six and a half years that the Assistant Secretary of Labor for Mine Safety and Health has testified before this Committee, and I commend the Committee for holding this important hearing and welcoming Assistant Secretary Palmer today.

Mining plays a critical role in supporting our economy and America's energy independence. As a representative of the great Commonwealth of Pennsylvania, which has more than 700 active mines, I have seen firsthand how this industry supports jobs, families, and local economies. Under the Trump administration, there is opportunity for mining to grow and continue delivering for communities across the country.

Last year, President Trump issued several executive orders aimed at increasing domestic mineral and coal production. As production expands, our responsibility is clear: we must ensure worker protections keep pace. That is where MSHA comes in. MSHA must promote and implement strong and effective policies so that every mine worker can finish his or her shift and return home safely to their loved ones.

While MSHA oversees the health and well-being of workers in this unique industry, it also faces the challenge of protecting workers from hazards common in other industries—such as respirable silica—and hazards that are unique to mining, such as black lung disease. Given his leadership experience at MSHA and his background in the mining industry, Assistant Secretary Palmer is well-equipped to confront these issues.

Going forward, MSHA must uphold strong safety standards while also supporting innovation as technologies and operational demands evolve. This can be achieved by pairing focused, effective enforcement with a strong compliance assistance program that promotes collaboration among employers, workers, and MSHA. By working together, we can develop practical, commonsense policies that prioritize safety and worker wellbeing.

Assistant Secretary Palmer, thank you for being here today, I look forward to your testimony.

Ms. OMAR. Thank you, Mr. Chairman. Good morning, everyone. Thank you so much, Assistant Secretary Palmer, for being here today. Since its inception in 1977, the Mine Safety and Health Administration, MSHA, has strived to protect American miners from occupational hazard and negative health impacts, prevent disease through inspection and oversight.

MHSA sets vital health and safety standards, such as rules on dust levels, posting warning signs, and controls for explosive hazards. To set those standards, MSHA heavily relies on the research capacity of other agencies, such as the National Institute of Occupational Safety and Health, which identifies hazards and conducts health research.

MSHA's work is critical in keeping miners healthy and alive. Unfortunately, after declining for decades, black lung disease is now on the rise. X-ray surveillance data indicates that the prevalence of black lung disease has doubled from 2007 to 2017.

Nearly one in five long-tenured miners in Appalachia have been diagnosed with black lung disease. The most severe form, called progressive massive fibrosis, is now at epidemic level. PMF or complicated black lung is caused by the inhalation of coal and silica dust. In fact, silica dust is 20 times more toxic than coal dust alone, and has been identified as one of the main causes of the spike in black lung.

Black lung can be a devastating disease. Miners gradually lose the ability to breathe, causing them to wheeze and gasp for air. For some with PMF, survival requires lung transplant, but even then life expectancy does not usually exceed 5 years. Even more troubling, PMF is now afflicting miners at far earlier ages, with cases being documented in miners in their 20's, in their 30's and 40's, and sadly, there is still no cure for black lung disease.

The relationship between silica and black lung disease among coal miners is particularly well known, but silica dust is a significant threat to workers in metal and non-metal mines, which makes up more than 90 percent of active miners in the country. These miners also face the risk of chronic lung disease and cancer.

Recognizing this long-standing danger, the Biden administration made one of the most significant updates to mine safety standards in decades to protect miners from exposure to silicon dust. In 2024, the Biden-era Department of Labor issued a rule to protect workers from serious health threats by lowering the allowable levels of silica exposure in miners, and extending operation funded respiratory screening to miners.

Now the Trump administration is reversing course on this progress by refusing to defend this new rule in court. We often hear our colleagues on the other side of the aisle accuse regulatory agencies in a Democratic administration of what they call "sue and settle." Right now, this administration appears to be working hand in hand with the mining companies to weaken this important silica rule.

Also of critical concern is MSHA's ability to hold bad operators accountable for injuring or killing miners. MSHA now has only 654 inspectors. I look forward to hearing more from the Assistant Secretary about his plans to restore the agency to full capacity. Staffing, ultimately, is the agent's capacity to get the job done to protect miners.

I worry that the current status is not serving miners well. In 2025 alone, there was 21 percent increase in miners' fatality driven by a 40 percent increase in deaths in metal and non-metal mines. Ranking Member Scott and I sent two letters earlier last year, inquiring about the extent and impact of firing DOL and MSHA. The administration has so far failed to provide a substantive response to these letters, leaving Congress and the miners who rely on the services of MSHA in the dark. By firing staff at MSHA and NIOSH, refusing to enforce safety regulations, and closing dozens of MSHA offices, the Trump administration is failing to protect the health and safety of hard-working miners and sabotaging decades of efforts to prevent black lung. As healthcare costs skyrocket, miners should not have to worry about workplace exposures forcing them into hospitals.

Assistant Secretary Palmer, I look forward to our conversation today, and I hope that we can figure out a way to keep miners safe and prevent future tragedies. Thank you Chairman, and I yield back.

[The opening statement of Ranking Member Omar follows:]

STATEMENT OF HON. ILHAN OMAR, RANKING MEMBER, SUBCOMMITTEE ON WORKFORCE PROTECTIONS

Thank you, Mr. Chairman. Good morning, everyone. Thank you so much, Assistant Secretary Palmer, for being here today.

Since its inception in 1977, the Mine Safety and Health Administration, or MSHA, has strived to protect America's miners from occupational hazards and negative health impacts and prevent disasters through inspection and oversight. MSHA sets vital health and safety standards, such as rules on dust levels, posting warning signs, and controls for explosive hazards. To set those standards, MSHA heavily relies on the research capacity of other agencies, such as the National Institute for Occupational Safety and Health (NIOSH), which identifies hazards and conducts health research.

MSHA's work is critical in keeping miners healthy and alive. Unfortunately, after declining for decades, black lung disease is now on the rise. X-ray surveillance data indicated that the prevalence of black lung disease had doubled from 2007 to 2017. Nearly one in five long-tenured miners in Appalachia have been diagnosed with black lung disease. The most severe form, called Progressive Massive Fibrosis, is now at epidemic levels.

PMF, or complicated black lung, is caused by the inhalation of coal and silica dust. In fact, silica dust is 20 times more toxic than coal dust alone and has been identified as one of the main causes of the spike in black lung. Black lung can be a devastating disease. Miners gradually lose the ability to breathe, causing them to wheeze and gasp for air. For some with PMF, survival requires a lung transplant, but even then, life expectancy does not usually exceed five years. Even more troubling, PMF is now afflicting miners at far earlier ages, with cases being documented in miners in their 30s and 40s. Unfortunately, there is no cure for black lung disease.

The relationship between silica and black lung disease among coal miners is particularly well known, but silica dust is also a significant threat to workers in metal/nonmetal mines, which make up more than 90 percent of active mines in the country. These miners also face the risk of chronic lung disease and cancer.

Recognizing this longstanding danger, the Biden Administration made one of the most significant updates to mine safety standards in decades to protect miners from exposure to silica dust. In 2024, the Biden-era Department of Labor issued a rule to protect workers from serious health threats by lowering the allowable levels of silica exposure in mines and extending operator-funded respiratory screenings to miners.

Now the Trump Administration is reversing course on this progress by refusing to defend this new rule in court. We often hear our colleagues on the other side of the aisle accuse regulatory agencies in Democratic administrations of what they call "sue and settle," but right now this administration appears to be working hand in hand with the mining companies to weaken this important silica rule.

Also, of critical concern is MSHA's ability to hold bad operators accountable for injuring or killing miners. MSHA now has only 654 inspectors. I look forward to hearing more from the Assistant Secretary about his plans to restore the agency to full capacity.

Staffing, ultimately, is the agency's capacity to get its job done to protect miners. I worry that the current status is not serving miners well. In 2025 alone, there was a 21 percent increase in mine fatalities, driven by a 44 percent increase in deaths in metal/nonmetal mines.By firing staff at MSHA and NIOSH, refusing to enforce safety regulations, and closing dozens of regional MSHA offices, the Trump Administration is failing to protect the health and safety of hardworking miners and sabotaging decades of efforts to prevent black lung.

As health care costs skyrocket, miners should not have to worry about workplace exposures forcing them into the hospital. Assistant Secretary Palmer, I look forward to our conversation today, and I hope that we can figure out a way to keep miners safe and prevent future tragedies.

Thank you, Mr. Chairman, and I yield back.

Chairman MACKENZIE. Pursuant to Committee Rule 8(c), all members who wish to insert written statements into the record may do so by submitting them to the Committee Clerk electronically in Microsoft Word format by 5 p.m., 14 days after this hearing. Without objection, the hearing record will remain open for 14 days to allow such statements and other extraneous materials noted during the hearing to be submitted for the official hearing record. I note that some of my colleagues who are not permanent members of the Subcommittee may be waiving on for the purpose of today's hearing.

Now to our witness introductions. Obviously joined by one individual today, who has already been introduced, Mr. Wayne Palmer, the Assistant Secretary of MSHA. We want to thank you for being here today, and we look forward to hearing your testimony. Pursuant to Committee rules, I would ask that you limit your oral testimony to 3-minute summary of your written statement, which you have provided to all of the Committee members.

As Committee members may have many questions for you, the clock will count down from 3 minutes and pursuant to Committee Rule 8(d) and Committee practice, however, we will not cut you off until you reach the 5-minute mark. I would also like to remind you to be aware of your responsibility to provide accurate information to the Subcommittee. With that Assistant Secretary Palmer, you are recognized for your testimony.

STATEMENT OF HON. WAYNE PALMER, ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, MINE SAFETY AND HEALTH ADMINISTRATION, WASHINGTON, D.C.

Mr. PALMER. Thank you, and good morning Chairman Mackenzie, Ranking Member Omar and members of the Subcommittee. Thank you for inviting me to testify here today, and I also want to thank Chairman Walberg and Ranking Member Scott for joining this hearing.

It is an honor to appear before this Subcommittee and to represent President Trump, Secretary Chavez-DeRemer and the Mine Safety and Health Administration. As a descendant of both coal and metal/non-metal miners, it is a privilege to serve as the 12th Assistant Secretary for MSHA, and I can think of no mission more vital than ensuring the day-to-day safety and long-term health of our Nation's 325,000 miners.

Being called to appear this early in my tenure as Assistant Secretary, I thought it would be helpful to share with you my initial vision for how I believe MSHA should fulfill its mission of promoting safe and helpful workplaces for the Nation's miners. In accordance with Executive Order 14219, which directs agencies to focus limited enforcement resources on regulations squarely authorized by statute, MSHA will first prioritize statutorily mandated mine inspections along with accident investigations and mine rescue operations.

In enforcing MSHA's statutes and regulations, we will call balls and strikes, and when mine operators commit errors, we will cite and penalize according to the Mine Act's strict liability standard, evenhandedly, without fear or favor. I also will seek to modernize the agency in two ways. The first is through technological advance-

ments. As Deputy Assistant Secretary in the first Trump administration, we launched an aerial drone program for inspecting high hazard impoundments using 3D imaging, enabling our inspectors to identify structural deficiencies in tailings dams from a safer distance.

We pioneered an artificial intelligence platform capable of predicting real world mine safety risks based on decades of data. As I sit here today, we are further refining this AI platform and will integrate its predictive data into smart helmets that we soon will be field testing in mines.

Second, wherever possible, we will modernize agency regulations. During the first Trump administration, for example, we updated existing rules to accommodate advancements in electronic detonators, which minimize accidental misuse during blasting in a mine.

I take the helm at an especially important dynamic moment for America's mining industry as this administration implements policies to improve American competitiveness and address downstream affordability for consumers of finished goods and energy. As you know, we have grown dependent on non-domestic mineral supply chains, including from countries hostile to our economic and security interests.

This administration is vigorously pursuing policies aimed at reshoring those supply chains. Where the previous administration granted fast 41 permitting status to only a single new mine project, already during its first year in office the Trump administration has granted such status to 14 additional projects, focused all on critical minerals.

Where the outgoing administration imposed a moratorium on coal lease sales, in service of energy security and affordability the Trump administration is moving to increase sales. These are just two examples of actions that will lead to new mines and increased production at existing mines, with the International Energy Agency reporting that strong policy support already boosted domestic demand for coal in 2025.

What does this mean for MSHA as an agency? Well, from a safety perspective, when new mines enter their development phase, MSHA will provide compliance assistance to startups. So far, MSHA has assisted 93 new or reopening mines with regulatory compliance, helping them to avoid thousands in fines and more swiftly commence their operations. How better to ensure safety than to help a new mine prepare for regulatory compliance before MSHA shows up unannounced for that mine's first statutorily mandated inspection?

From an organizational efficiency perspective, it means situating our resources strategically to accommodate future growth. The majority of critical mineral mines in development fall west of the Mississippi and MSHA needs to be resourced accordingly into the future. Again, I appreciate the opportunity to discuss mine safety and health with you. I look forward to answering any questions that members of this Subcommittee may have.

[The prepared statement of Mr. Palmer follows:]

STATEMENT OF

WAYNE D. PALMER

ASSISTANT SECRETARY FOR MINE SAFETY AND HEALTH ADMINISTRATION

U.S. DEPARTMENT OF LABOR

BEFORE THE

SUBCOMMITTEE ON WORKFORCE PROTECTIONS

COMMITTEE ON EDUCATION & WORKFORCE

UNITED STATES HOUSE OF REPRESENTATIVES

January 22, 2026

Good morning/afternoon, Chairman Mackenzie, Ranking Member Omar, and Members of the Subcommittee. Thank you for inviting me to testify here today. It is an honor to appear before this subcommittee and to represent President Trump, Secretary of Labor Chavez-DeRemer, and the Mine Safety and Health Administration. As a descendant of both coal and metal/nonmetal miners, it is a privilege to serve as the twelfth Assistant Secretary for MSHA, and I can think of no mission more vital than ensuring the day-to-day safety and long-term health of our nation's 325,000 miners.

Vision for Mine Safety and Health

Being called to appear this early in my tenure as Assistant Secretary, I thought it would be helpful to share with you my initial vision for how I believe MSHA should fulfill its mission of preventing death, illness, and injuries from mining and promoting safe and healthful workplaces for the Nation's miners.

In accordance with Executive Order 14219, which directs agencies to focus limited enforcement resources on regulations squarely authorized by statute, MSHA will prioritize statutorily mandated mine inspections under the Mine Act—at least two full inspections each year at surface mines and at least four at underground mines annually, our twos and fours as we call them—along with accident investigations and mine rescue operations. I am pleased to report that in 2025, MSHA completed its mandatory inspections, conducting 20,054 such inspections at 12,289 mines. While inspecting those mines, this administration will call balls and strikes, and when mine operators commit errors, we will cite and penalize according to the Mine Act's strict liability standard, evenhandedly, without fear or favor.

We also will seek to modernize the agency, in two ways. The first is through technological advancements. When I served as MSHA's Deputy Assistant Secretary during the first Trump administration, we launched an aerial drone program for inspecting high-hazard impoundments using 3-D imaging, enabling our inspectors to identify structural deficiencies in tailings dams from a safer distance. We also pioneered an artificial intelligence platform capable of predicting real-world mine safety risks based on decades of inspection and investigation data. As I sit here today, we are further refining this AI platform and will integrate its predictive data into inspector-worn smart helmets that we soon will pilot across six mines. When implemented, these technologies will guide MSHA field staff to focus on the most likely risks and hazards when inspecting mines, and for mine operators to identify and mitigate safety and health risks during day-to-day operations between MSHA inspections. Second, wherever possible we will modernize agency regulations. During the first Trump administration, for example, we updated existing rules to accommodate advancements in electronic detonators, which minimize accidental misuse during blasting in a mine. Last June and July, as a part of the President's robust deregulatory agenda, MSHA published 19 Notices of Proposed Rulemaking intended to remove outdated or inconsistent requirements; reduce regulatory burdens without compromising miner health and safety; facilitate compliance; and modernize safety and health practices. Additionally, the administration is committed to safeguarding miners' health and is working on a limited rulemaking to reconsider and seek comments on portions of the 2024 final Silica Rule.

Responding to Trends in the Mining Industry

I take the helm at an especially important, dynamic moment for America's mining industry, as the Trump administration implements policies to improve American competitiveness and address downstream affordability for consumers of finished goods and energy. Through decades of complacency, we as a nation grew dependent on nondomestic mineral supply chains, including from countries hostile to our economic and security interests.

This administration is vigorously pursuing policies aimed at reshoring those supply chains and making America dominant again. Where the previous administration granted FAST-41 expedited permitting status for the coordinated federal environmental review of infrastructure projects under title 41 of the Fixing America's Surface Transportation (FAST) Act to only a single new mining project, the Trump administration has granted such status to 13 additional projects focused on critical minerals already during its first year. Where the outgoing administration imposed a moratorium on coal lease sales, the Trump administration is moving to increase them. A recent Congressional Review Act resolution formally nullified the moratorium, ensuring that a future administration cannot create a permanent moratorium through the rulemaking process.

These are just two examples of actions that will lead to new mines and increased production at existing mines, with the International Energy Agency reporting that strong policy support already boosted domestic demand for coal in 2025. What does this mean for MSHA as an agency?

Last July, MSHA developed the Compliance Assistance in Safety and Health (CASH) Program to provide compliance assistance primarily to new mine operators and inexperienced miners. During 2025, our Educational Field and Small Mine Services (EFSMS) provided nearly 32,000 hours of compliance assistance to mine operators. Such assistance is especially helpful to new mines when they enter their exploration and development phase, and MSHA already has established contact with 22 mining startups assigned FAST-41 status, and others that have not received such status. As of the New Year, MSHA has assisted 93 new or reopening mines with regulatory compliance, helping them avoid thousands in fines and more swiftly commence operations. How better to ensure safety than to help a new mine prepare for regulatory compliance before MSHA shows up unannounced for that mine's first statutorily-mandated inspection? From an organizational efficiency perspective, it means situating our resources strategically to accommodate future growth. The vast majority of mines in development fall west of the Mississippi, and MSHA needs to be resourced accordingly, into the future.

Again, the Trump administration's chief goal, in the spirit of America First, is to reshore mineral production and eliminate our vulnerability to global supply chain disruptions. But it is also important to recognize that such policies will generate stable, well-paying jobs. Mining, of course, occurs mostly in rural areas, oftentimes in communities that rely on a much smaller host of employers and opportunities than urban areas can offer. Wherever new mines arise, or expanded production at existing mines occurs, as an agency MSHA will strive to ensure safe and healthful workplaces for all of America's miners.

Again, I appreciate the opportunity to appear before you today. I look forward to answering any questions that members of this subcommittee may have.

Chairman MACKENZIE. Thank you, Mr. Palmer. Under Committee Rule 9, we will now ask questions of the witnesses under the 5-minute rule. We will recognize the Chairman of the full Committee, Mr. Walberg and then we will move to recess and reconvene after House voting. With that, I turn to Mr. Walberg.

Mr. WALBERG. Well, thank you Mr. Chairman, and thank you Mr. Palmer for being here. I remember when I Chaired this Sub-

committee a number of years ago and the opportunities to go down into underground mines in West Virginia, Pennsylvania, open pit, surface mining out in North Dakota, salt mine under Detroit and then up in the Upper Peninsula of Michigan to see some of the hard rock mines that that went on.

What a valuable resource and endeavor we have and the miners, incredible people willing to do things that most do not think about. As well as the mine operators, providing the resources that we need. Thank you for your attention to all of this. MSHA's mission is to promote safe and helpful workplaces for America's miners, and that demands that robust, compliance assistance efforts accompany the agency's enforcement status.

Can you discuss the agency's compliance assistance and safety and health or the CASH program with us?

Mr. PALMER. Thank you, Mr. Chairman for that question. The CASH program was established last year. It stands for Compliance Assistance in Safety and Health, and it is one of a handful of different abilities that—capabilities that MSHA has to provide compliance assistance.

The CASH program itself is focused mostly on the startups that I was referring to in my testimony. Again, most of those tend to be west of the Mississippi. When a mine is in development, our compliance assistance specialist under this CASH program will establish contact with them. Now if the mine is still in early development and they have not begun to construct the mine, build roads, build buildings, begin to move earth, they may not be ready for a compliance assistance visit.

We are establishing those relationships, and when they are ready we will send a specialist out to walk them through what is referred to as an EO1 inspection, the statutorily mandated twos and fours as we call them, and without issuing citations and violations. Then at some point, unexpectedly, unannounced, because under the Mine Act it would constitute advanced notice, which is prohibited, at some point an MSHA inspector subsequently will show up unannounced and do the full EO1 inspection, including violations and citations.

Again, as I said in my testimony, it is all in service of preparing them to comply, and educating them on how this works, especially if the mine operator, the company is headquartered based in a different country where they have a different system for mine safety and they are not familiar with the Mine Act, the MINER Act and 30 C.F.R.

Mr. WALBERG. Well that side of the ledger is so important, to have clear understanding. The enforcement aspect always has to be there, right? It has to be done in such a way that as a partnership in the process. I appreciate that. We can all agree that vast majority of mine operators want to do the right thing. It costs them significantly if they do not.

They want to take care of their workers and they want to provide them with a safe and healthful workplace. In addition to the CASH program, what are you planning to do at MSHA to promote more outreach to all stakeholders and ensure their views are considered?

Mr. PALMER. Yes. Thank you for that question, Mr. Chairman. I intend, as Assistant Secretary, to be as visible, engaged and re-

sponsive as possible with the industry, the stakeholders. Serving as Deputy Assistant Secretary during the first Trump administration, I spent a great deal of time attending safety conferences and speaking, and just getting to know the operators.

I believe that having those relationships goes a long way toward helping them to comply and keep their mine safe. I am also looking to renew these formal alliance agreements that MSHA has had in place since the year 2000 with numerous trade associations in the mining industry, and they are non-binding. They are more aspirational, but they do commit, softly commit, again non-binding, the two parties, MSHA and the trade association that is party to the agreement, to convening at least twice a year in service of safety, to cover really important safety topics and trends in mine safety. I intend to be fully engaged with the industry along the way.

Mr. WALBERG. Well, I applaud you for your more than 20,000 inspections of 12,000 mines during the course of 2025, and do not have time to ask you about the plans for 2026. I assume you will be aggressive as well and help us in the whole mining situation. I see my time has expired. I yield back.

Chairman MACKENZIE. Thank you, Mr. Chairman. A vote has been called in the House and pursuant to the previous order, the Chair declares the Committee in recess, subject to the call of the Chair. We will plan to reconvene promptly 10 minutes after the last votes in this series have been called. With that, the Committee now stands in recess.

[Recess.]

Chairman MACKENZIE. Appreciate everybody's patience as the House was conducting voting. We will now reconvene our hearing today, and we are going to go back to member questioning for the witness. With that, I will recognize our Ranking Member for 5 minutes of questioning.

Ms. OMAR. Thank you, Chairman. Assistant Secretary Palmer, I want a clear record on your past history with respect to the silica rule. You were previously the Executive Vice President of Essential Minerals Association, a trade association of mining companies; is that correct?

Mr. PALMER. That is correct.

Ms. OMAR. Did EMA comment on the proposed rule?

Mr. PALMER. Yes, EMA did.

Ms. OMAR. Please detail your participation in those comments.

Mr. PALMER. As executive vice President, I oversaw the Safety and Health Committee, which is composed of the industrial hygienists and safety managers from all the member companies.

Ms. OMAR. Did you personally review, edit, approve or direct any part of those comments?

Mr. PALMER. Those comments were the product of a consensus from—that flowed from all of those member companies.

Ms. OMAR. Did you have a direct contact with those comments before they were submitted?

Mr. PALMER. I participated in that process. Our President——

Ms. OMAR. Okay. What was the core objection to the rule by the Essential Mineral Association?

Mr. PALMER. Well Congresswoman, because the silica rule is currently subject to ongoing litigation and rulemaking, I cannot comment in any detail at this time.

Ms. OMAR. That is true because your previous employer, Essential Minerals, is also party to the litigation on the 8th Circuit seeking to vacate the silica rule; is that correct?

Mr. PALMER. That is not correct, Congresswoman. They are not party to that coalition that challenged to the rule.

Ms. OMAR. They are not?

Mr. PALMER. They are not.

Ms. OMAR. Okay. Exactly what role did you play in developing the EMA's position and regulatory agenda in this case?

Mr. PALMER. I have already described the role that I performed. Again, because that rule is subject to ongoing litigation and rulemaking, I cannot comment in detail.

Ms. OMAR. Okay. Well, given your past activities related to the silica rule, have you recused yourself from matters related to this rule? Yes or no?

Mr. PALMER. I follow all recusal directions from the designated agency ethics officer at the Department of Labor.

Ms. OMAR. Is that a yes or a no?

Mr. PALMER. I follow all recusals that the designated agency——

Ms. OMAR. It is not that hard, sir, for you to say you have recused yourself or you have not.

Mr. PALMER. I do not recuse myself. It is that the designated agency ethics officer directs me to recuse myself from certain matters, and I adhere to that strictly.

Ms. OMAR. Okay. I appreciate you finally responding to Committee Democrats' oversight letter from last year on the agencies concerning decisions to proceed with multiple office closures. I want to focus on one decision in particular, which is your plan to close the District 12 office in Pineville, West Virginia. Are you aware of the history behind the creation of that office?

Mr. PALMER. Thank you for that question. I was not sworn in until October 23d of last year, so I did not participate in that process. I appreciate the opportunity to clarify. In your opening statement, you suggested that dozens of offices closed when in fact it was only six, one of which was——

Ms. OMAR. Well, I am asking about a particular one, so let me remind you. District 12 was created after the Upper Big Branch mine disaster in 2010, an explosion that killed 29 miners. After this entirely preventable tragedy, MSHA recognized it needed to do more to protect miners.

It created District 12 to split an overwhelmed district's workload and strengthen oversight capacity in Southern West Virginia. Mr. Palmer, tell us plainly what you are going to do with District 12?

Mr. PALMER. Congresswoman, there were no terminations of inspectors in that process, as I understand it, that occurred last year with the closure of those, all six of those offices. The inspectors who inspected mines are inspecting the same mines going forward. There is—we have the same number of inspectors in that region as we did before.

Ms. OMAR. Seems from your response that you are relocating the offices or reassigning folks. What steps have you taken to ensure

the same problems uncovered in the after-action review of Upper Big Branch will not happen again after the offices have been closed?

Mr. PALMER. The Labor Department made exceptions last year, due to MSHA's safety and health enforcement mission. No inspectors were terminated, including those who were in their probationary period. The Department also did not allow inspectors to opt into the second round of the designated, I am sorry, deferred resignation program. We will be able to complete all of our statutorily required inspections this fiscal year, just as we did last year, including in the region you are referring to.

Ms. OMAR. I yield.

Chairman MACKENZIE. Thank you. Next I will yield to myself for 5 minutes of questioning and I want to discuss, Mr. Palmer, the Trump administration's policies have gone a long way to encourage job growth, particularly in the mining industry, an area of focus of theirs. The President has issued an executive order focusing on growing our domestic critical mineral and coal production. Can you please explain how MSHA fits in with that agenda?

Mr. PALMER. Yes. Thank you for that question Mr. Chairman, and I would be happy to. The administration has several different tracks where they are looking to incentivize more domestic mining, the reshoring of critical minerals, as I referred to earlier.

One is FAST–41 status, where there are now 15 projects that have been assigned that status, which makes more efficient the permitting process for new mines. There are other efforts. I cannot speak to the detail of EPA. It is not part of the Department of Labor, but I know that EPA, in terms of the coal sector, has taken some actions as well. The granting or reviving the right-of-way to the Ambler Metals mine in Alaska is another example. There are all these different policies and actions that are leading to the opening of new mines, reopening of old mines and additional mining at current operations.

MSHA's role in that is wherever mining occurs, whether it is new or preexisting, we are bound by the Mine Act to perform our EO1 inspections at least two times a year at surface mines, and at least four times a year at underground mines, and we will continue to do that. As I alluded to in my opening testimony, we do want to track where those new mines are reopening, and as I said so many of those new critical minerals mines are opening out west.

I want to be sure as a Secretary that we are resourcing the agency so that we have the capabilities, the resources in those places as these new mines come online.

Chairman MACKENZIE. Well, thank you for that answer. As you are well aware, the expansion of critical minerals is an imperative for our country's national security. We have seen our adversaries try to use them as leverage against us, and so making sure that MSHA is keeping pace with that expansion is important in your role. I look forward to hearing from the administration about that expansion, but also how MSHA can continue to maintain worker safety as that expansion occurs.

My next question relates to something you touched on already, so I do not know if there is any more to expand on, but there have been leaps in technology over the past decade that have been pret-

ty astounding. Obviously, the introduction of more AI capable technology. You mentioned drones. Can you just discuss how advancements are changing the mining industry and then also what that means for enforcement of laws under your jurisdiction?

Mr. PALMER. Right. Thank you, Mr. Chairman, for that question. To me, the most exciting opportunity is through artificial intelligence, right? Mine operators themselves are looking to adopt it, but at MSHA, as I said in my opening testimony, we are working on predictive analytics.

Taking decades and decades of very granular data that our inspectors have collected and deposited into our data base, using predictive analytics, we are developing dashboards. Some of those dashboards are intended for internal use and some are for external use. For internal use, when an inspector goes to a mine in the future, they will not just simply have a checklist of things that they need to look at as an inspector, but the predictive analytics will suggest to them that there are certain aspects of that mine that they need to pay particular attention to.

In terms of external uses of these dashboards, ideally at some point we anticipate that a mine operator will be able to go on our website, log in with their credentials and look at a dashboard that predicts for their specific mine based on their inspection history, violation, citations, but broader metrics as well like the type of material mine, the region, the climate, the size of the mine.

They will be able to look at predictive analytics pointing them to the most likely hazards that would occur in their mine. If you are a mine operator, this will be extremely valuable in terms of focusing their internal safety protocols on the places where an accident, an injury is most likely to occur. I am especially excited about the artificial intelligence capabilities we are developing.

Chairman MACKENZIE. Great. Well, thank you for your response there. I do have some other questions about silica, which I think members on both sides are going to be asking about, which is a good topic that we consider moving forward, and also about training of our miners and what we can do to encourage training in that space. With that, I will turn now next to Mr. Fine from Florida for his questions.

Mr. FINE. Thank you Mr. Chairman, and thank you for being here today, Mr. Palmer. Obviously making sure that we can extract fossil fuels from our mines and other rare earth mineral safely is incredibly important for the national security of this country. We can live in a fictional world where we assume windmills and solar panels can make everything work, but those of us who live in the real world understand that that is not a sustainable strategy for the United States.

I have a few questions. Certain parts of the Biden Administration's first rule on respirable silica align with the silica requirements of OSHA, but others do not. This can lead to confusion over what rules need to be followed. If, for example, a construction company is performing work at a mining facility under your leadership how do you envision MSHA working with OSHA to create more clarity and consistency between rules that may deal with similar hazards?

Mr. PALMER. I appreciate that question, Congressman Fine. As I said earlier, I cannot comment at this time on the silica rule, in as much as it is pending in litigation and rulemaking. I can say this. The Assistant Secretary for OSHA, Dave Keeling and I were nominated on the same day, confirmed on the same day, sworn in at the same time, and we have a great now pre-existing relationship.

We do consider OSHA and MSHA to be sister agencies, and so on any number of rules or specific risks or hazards Dave and I talk all the time, and I look forward to collaborating with him routinely throughout our tenures. I appreciate that question.

Mr. FINE. Well, thank you. I want to ask you since you are new, I would like to ask you about any challenges you have encountered as you begin your tenure at MSHA and set priorities. Were there any impediments from the Biden administration that hindered the agency? If so, what were those impediments?

Mr. PALMER. Well I appreciate that question, Congressman. There is one thing that I will highlight. Back in 2021, the Biden administration promulgated an executive order requiring all agencies to further diversify their workforce. At MSHA, what that meant was something called the Bridge program that the Biden administration at MSHA created.

They dispensed with the requirements that were—that are in five preexisting laws going back to the Coal Mine Safety Act of 1941, and including the Mine Act of 1977, requiring MSHA to hire as new inspectors those with 5 years or more of mining experience. They dispensed with that and created what they called this Bridge program.

Well, they hired 54 such individuals and I am pleased to say that 21 of them graduated, so to speak, to become full-blown inspectors performing the EO1 inspections I have been referring to. Unfortunately though, 33 of them did not. That is what, a 61 percent, dropout or attrition rate and were it not for that, that ill-conceived program where they hired individuals with no mining experience, we would have potentially 33 more inspectors to perform our inspections, which would relieve some of the pressure on the rest of the inspector.

Mr. FINE. Right. You are saying, so I understand, that the Biden administration put hiring unqualified DEI hires ahead of making sure miners were safe?

Mr. PALMER. You could view it that way, Congressman.

Mr. FINE. Okay. Miners being killed is less important than having unqualified DEI hires?

Mr. PALMER. Well as I say, they dispensed with that requirement that is in five separate laws going dating back to 1941. I will say that during the first Trump term when we hired, we did require the preexisting experience, the prerequisite.

Mr. FINE. Other than sacrificing miners' lives on the altar of DEI, are there any other internal policies still lingering from the Biden administration that you intend to address?

Mr. PALMER. Congressman, no. Nothing comes to mind apart from that.

Mr. FINE. Well, I certainly appreciate you getting rid of that stupid policy and so I yield back, Mr. Chairman.

Chairman MACKENZIE. Thank you. Next we will go to Ranking Member of the Full Committee, Mr. Scott.

Mr. SCOTT. Thank you. Thank you, Mr. Chairman. Mr. Secretary, there is a thing called impact inspections are important because they complement the mandatory twice-a-year and four-a-year inspections. They are important because they target mines with significant compliance issues for additional inspections. The CNN has reported a 75 percent decrease in impact inspections for the first half of 2025, compared to the same period in 2024. How many impact inspections did MSHA complete in total for 2025?

Mr. PALMER. Congressman, I appreciate the question. I do not have that number close at hand. I will say that we have continued what we call targeted inspections. I think it is really a question of nomenclature that are akin to the impact inspections. I do not have that number offhand, but I could get that for you as followup if you, if you would like.

Mr. SCOTT. Has the number of these—why did the number of impact inspections fall so precipitously?

Mr. PALMER. Again, Congressman, I do not have that number close in hand. We continue to do what we call targeted inspections, which are, are akin to the—what used to be called impact inspections.

Mr. SCOTT. Could you get the number of those that you have performed?

Mr. PALMER. Yep, sure. I can followup with that. I would be happy to.

Mr. SCOTT. Your testimony does not mention impact inspections. If you could kind of talk about that and what you intend to do going forward? Since 2010, MSHA publicly posted notices and results of these kinds of inspections, but the agency appears to have stopped sharing that information publicly. Is that true?

Mr. PALMER. To the best of my knowledge, we do not publish those under the current administration.

Mr. SCOTT. Why is that?

Mr. PALMER. Congressman, I will be happy to look into that. I believe that that predates my confirmation and swearing in last year. I believe they were terminated last year. I will check into that for you.

Mr. SCOTT. Okay. The Silica Enforcement Initiative that was launched in 2022 targets mines with dangerous levels of silica dust. Is MSHA continuing to implement that Initiative?

Mr. PALMER. Congressman as I said earlier, because the silica rule is subject to ongoing litigation and rulemaking, I cannot comment further at this time.

Mr. SCOTT. Well, that is an initiative. That is not a rule.

Mr. PALMER. We continue to inspect mines as we have previously, including sampling for dust, including silica, if that is what you are asking. Yes. We have not suspended our normal inspection protocols.

Mr. SCOTT. Well, do you know how many mines were inspected under the Silica Enforcement Initiative in 2025?

Mr. PALMER. I do not have the number close at hand, but I can get that for you as well.

Mr. SCOTT. Okay. The incidents of progressive massive fibrosis, PMF, is apparently increasing and is a higher proportion of black lung benefit claims. Why is that?

Mr. PALMER. Well Congressman, Black Lung Benefits Act falls under the jurisdiction of the Office of Worker Compensation Policy within the Department of Labor. MSHA has no role in black lung benefits and implementing that law.

Mr. SCOTT. Right. You have a role in preventing black lung disease?

Mr. PALMER. Oh, sure. If that is your question Congressman, the coal dust rule is still fully in effect. We continue to sample for that type of dust, and if there is any concern there on my part, it is that I want to make sure that mine operators have continue to have access to the CPDMs, the Continuous Personal Dust Monitors. There is only one manufacturer, as you may know. They submitted a new model for testing and certification to MSHA.

Our role in that process is to test for permissibility in underground coal mines. Now NIOSH has the responsibility for testing for performance to ensure that the device performs as designed and as it is claimed. I am in routine contact with NIOSH's senior leadership, as you may have seen. I believe it was last week. They got the go-ahead to rehire staff for the division that performs that testing.

Dr. John Howard, who heads NIOSH as you know, he and I together want to make sure that, assuming this new device does, you know, it gets tested and certified and passes the tests, that it is available to the mine operators.

Mr. SCOTT. Can you comment on whether or not the staffing levels are sufficient to fulfill your responsibilities, and whether or not the closures of field offices have had an adverse effect on your ability to get your job done?

Mr. PALMER. Congressman, we completed, as Chairman Walberg said earlier, all of our statutorily mandated inspections in Fiscal Year 1925. We have the ability to do likewise in Fiscal Year 2026.

Every year, and this dates back at least to the first Trump term, every year we do some overtime. We have inspectors travel from different locations to help out other districts to make sure that those districts can fulfill their inspections. It does require overtime, which is cost. It requires travel, which is cost, and it does put more of a burden on some of our inspectors to do that—those additional inspections. We have the ability to fulfill that obligation this fiscal year.

Mr. SCOTT. Thank you, Mr. Chairman.

Chairman MACKENZIE. Thank you. Next, we will turn to Mr. Messmer from Indiana.

Mr. MESSMER. Thank you Mr. Chairman, and thank you Mr. Palmer for being here today. Coal mining is an important part of my home district, where we account for all active coal mines in the State of Indiana. My constituents feel it deeply when onerous Federal restrictions shutter coal mines across the State, raising our energy bills and taking away critical jobs from Hoosiers.

In December, the Trump administration ordered a temporary halt to the plant shutdowns of two coal burning power plants in Indiana. This announcement in President Trump's executive order to

reinvigorate America's clean coal industry, are examples of his administration's commitment to lowering Americans' cost of living and restoring U.S. global energy dominance.

Mr. Palmer, can you tell us just how important domestic coal mining is to the United States?

Mr. PALMER. Thank you for that question, Congressman. It is extremely important, which is why the administration promulgated executive orders last year and has taken other actions to help reinvigorate the American coal industry. I mean when the average American thinks about coal, they think of, I think, one thing, which is power generation.

There are different types of coal used for different purposes. The two main ones, of course, are thermal coal for power generation, but then there is also metallurgical coal, which is used in steelmaking. There is also anthracite coal, which my ancestors mined in northeast Pennsylvania in prior generations. That is used in the electric arc furnace steelmaking, green steelmaking as it is called, and that too is a potential source for critical minerals and rare earth elements.

Between the first Trump term and my current tenure, I participated in something called CORE-CM, which was a department—is still a Department of Energy program for researching ways to extract critical minerals and rare earth elements from coal and anthracite. Some coal out in the Powder River Basin contain a lot of such minerals and elements, from coal, from mine tailings, from slag, from the metal smelting process, fly ash, all sorts of waste materials, acid mine drainage.

Coal is not just, you know, one monolithic commodity that is used for electricity generation. It is important to us for a lot of different reasons and a potential source for some of the critical minerals that the President's trying to reshore back into the United States. I appreciate that question.

Mr. MESSMER. Thank you. In order to keep up with the demands of the coal industry, we must ensure that the health and safety of miners is a top priority. However, the Biden era one-size-fits-all rules like the silica rule, currently being litigated, are not a solution. I appreciate your response to my letter and other members of this Committee, asking for MSHA to consider amending the silica rule and confirming your administration's goal of working with mining operators.

MSHA has a history of providing compliance guidance on final rules, so employers know how regulations—know the regulations on how to protect their employees. Do you expect to issue a compliance document along with any final rules?

Mr. PALMER. Absolutely, Congressman. With any final rule, depending on the magnitude of the rule, we will at least issue guidance documents. In many cases, we will hold public meetings across the country, where operators can come and in person hear from MSHA's Enforcement, our Technical Support Group, all the subject matter experts on how to comply with that given rule. Yes, absolutely. We want to be as forthcoming as possible in helping operators comply with any rule that we might promulgate.

Mr. MESSMER. Thank you. Will MSHA also ensure that inspectors are fully briefed on these guidance documents, so they are well-equipped to help employers protect their employees?

Mr. PALMER. Absolutely, Congressman. As you probably know, we have the Mine Health and Safety Academy in Beckley, West Virginia, and that's where we do our training. It is not just for entry level inspectors and such. We have all sorts of training down there, and that is where we would typically educate our—and a lot of it is virtual as well—educate our inspectorate in terms of any given new rule on how it works and how to help the operators to comply with that rule.

Mr. MESSMER. Okay. Well, thank you. I appreciate your responses, and I yield back the remainder of my time.

Chairman MACKENZIE. Thank you. Next we will go to Mr. Grothman from Wisconsin.

Mr. GROTHMAN. Thank you. I think a lot of people, when you first bring up mining and this coal mining, are immediately reminded of a comment of a person running for presidency in this country. We are going to put a lot of coal miners and coal companies out of business. Do you remember that quote? It was kind of well publicized at the time.

Mr. PALMER. I do, Congressman.

Mr. GROTHMAN. Yes. The thing that scares me about it is she represented a lot of people who apparently are just instinctively anti-coal. Do you feel within your agency that mindset exists among any of the regulators or anybody that puts together regulations? Do you see that of some of the people you work with?

Mr. PALMER. No, Congressman, I do not. I, during the first term serving as Deputy Assistant Secretary, developed great relationships with our career staff. Those carry over into this administration. They are extremely professional. We have some of the best subject matter experts on all sorts of aspects of mining, roof control, ventilation control, mine rescue, the construction of impoundments, dams and things.

No. I enjoy working with them. I have great relationships with them, and so I actually do not see that as an impediment.

Mr. GROTHMAN. I am glad to hear it. Could you comment a little bit about what you think the role of coal is in future American energy policy? Do we have the ability to expand the use of coal over say what it's been the last 10 years?

Mr. PALMER. Well Congressman, the potential for future additional coal mining depends on policies across a lot of different agencies. From MSHA's perspective, it really is a matter of responding where through whatever policies and actions the administration takes, to the degree that there is additional coal mining then we must respond and make sure we are inspecting,

Mr. GROTHMAN. I guess I will put it this way. Do you feel we are in a position that if on a national level or a State level, they are going to build more coal-fired plants, that we have the ability to extract more coal out of the coal mines and do it safely?

Mr. PALMER. Oh, we do have the ability to extract more coal. The deposits exist, the technology exists, the operators are there. As long as it is profitable, they will. Yes, I am confident that MSHA has the staffing, the expertise and the will to every fiscal year, ful-

fill our statutory obligations under the Mine Act. Yes, absolutely. I am confident of that.

Mr. GROTHMAN. Okay. I want to flag for you an issue related to EPA's Integrated Risk Information System assessments. Okay. I know IRIS falls squarely under the EPA's guidance, but I am concerned about its impact on the mining operations in Wisconsin, and you are familiar we have some mines in Wisconsin.

The IRIS assessment failed to address unresolved concerns before the final version was released. As the result, it raises questions about its scientific credibility. The contents of this assessment and the resulting actions from it could have an impact on Wisconsin miners. Can you commit to working with my staff and our local stakeholders, to understand how this issue could impact continuing investment or job retention in Wisconsin?

Mr. PALMER. I do, Congressman. I am not intimately familiar with the IRIS study, but I understand it pertains to arsenic and in terms of mine safety and health, if at a mine, a given mine, there is possibly the possibility of an overexposure to arsenic, we would send our specialists, our industrial hygienists out to collect a sample, put it through the lab and if they identify an overexposure, they would go out and assist the mine with remediation.

I will say that there hasn't been an overexposure of arsenic in MSHA's records for at least the last 35 years. At this point, it does not appear to be a hazard in the mines. I do commit to working with your staff on this issue.

Mr. GROTHMAN. Thanks. Your written testimony illustrates ways you seek to modernize MSHA, including modernizing agency regulations. Could you share with us policies that you are considering for potential regulatory or deregulatory action?

Mr. PALMER. Oh yes, Congressman. It predates my tenure, but last year, early last year, the President signed—issued three executive orders that collectively required certain agencies to, a lot of agencies to promulgate deregulatory initiatives. Again, that predates me, but between June and July of last year, MSHA did publish 19 different regulatory items that all of which are classified as deregulatory.

Those are still in the pipeline. We will continue on those 19 initiatives, and in doing so, I pledge to fully adhere to the Administrative Procedure Act of 1946, which lays out that process. That process includes a period of certain duration, 30, 60, 90 days whatever, where there is a public comment period, and any stakeholder can submit a comment to the record.

Then once that comment period ends, the agency is obligated to analyze all of those comments and reflect those comments in the final rule. Those 19 deregulatory items are still in the pipeline. I cannot comment on details because they are ongoing rulemaking, but I can tell you that they are continuing forward.

Mr. GROTHMAN. Well thank you, Mr. Assistant Secretary. I am glad you came over here today, and you are exactly the type of person we need over there to be a fair broker when it comes to mining.

Mr. PALMER. Well thank you, sir.

Chairman MACKENZIE. Thank you. Our final set of questions come from Mr. Moylan of Guam.

Mr. MOYLAN. Mr. Chairman and Ranking Member, thank you for allowing me to waive onto the Subcommittee today and it is good to be back.

Mr. Palmer, thanks for coming today and I want to say congratulations on your confirmation and thank you again for the work you did with me and my team while you were Senior Advisor for congressional Affairs. Thank you so much, and I am looking forward to working with you in your new position as well.

Mr. Palmer, in 2024 a report from the Department of Labor Office of the Inspector General found that MSHA failed to sufficiently identify its own jurisdictions and had never conducted mandatory mine inspections in three U.S. Pacific territories. How are you making sure MSHA completes these inspections and fulfills its mandates?

Mr. PALMER. Thank you, Congressman, for that question. I am familiar with that November 2024 memo to the Biden administration, and I can tell you this, that so last year, MSHA sent an inspector to all three of the territories in the Pacific to inventory the mines that are there.

They inventoried 17 mines, and subsequently senior officials I know met with your office and offices for the other two territories. As I sit here today, our head of Enforcement and our Assistant District Manager from our Birmingham, Alabama office are in the territories. They are meeting with government officials and mine operators to talk about the process going forward.

Next week, we are sending inspectors over and they are going to perform compliance assistance visits. These are the first inspections for your mines, they are going to go out and walk each mine through an EO1 full statutory inspection, but without issuing any citations or violations. At some point in the future, they will return and perform one of the actual EO1 inspections, and it will be the real inspection with actual violations and citations.

The whole idea again is to orient your mine operators and make sure they understand how the process works, so that when MSHA shows up unannounced, they will be prepared to get through an inspection, hopefully with very few citations and violations.

Mr. MOYLAN. That is very helpful taking that approach. I would like to work with you on this, so we can help the island better understand what we need for the safeguard and the protection of the community, and what we need for our Nation as well.

Mr. PALMER. Absolutely Congressman, and if you have any feedback that you get back home, please do share that with us for better or for worse, because we want to make sure this occurs as efficiently and effectively as possible. Thank you for that.

Mr. MOYLAN. You are welcome. Just one other question. Now when many people think about the mining industry and miners, they think about coal mining. Coal mining is just the tip of the iceberg compared to metal/non-metal mines and a variety of above ground mining operations. How are you taking a different approach to strategies for protecting miners in different sectors of the industry? What factors are you taking into account as you develop these strategies?

Mr. PALMER. Yes. Thank you for that followup question. Back during the first Trump administration, the Assistant Secretary

Dave Zatezalo, I think you could call it his signal achievement, was creating something called One MSHA, where previously within the Enforcement Division, there were two separate verticals.

One was for coal safety and health, the other was for metal/non-metal. You are right. For every coal mine, there are a dozen metal/non-metal mines. To your point on surface versus underground, for every underground mine there are two dozen, 24 surface mines. I will give you a good example pertaining to your territory.

As I mentioned that the Assistant District Manager from the Birmingham, Alabama office is with our head of Enforcement in the territories right now. Well the reason he is there is because the inspectors we are going to send to do those compliance assistance visits and the subsequent full inspections are from our Puerto Rico office.

They are most familiar with the most expert in the types of mines, all surface mines in the territories, right, that you have in your territories. We are sending the ones who are most expert. It is a situational thing. It is tailoring our inspections or compliance assistance visits to the type of mine. Yes, surface mines are quite different than underground mines, and we want to acknowledge that even though now the Enforcement Division is one, you know, unified unit.

Mr. MOYLAN. Thank you for the explanation. Welcome aboard. Looking forward to working with you.

Mr. PALMER. Well, thank you.

Mr. MOYLAN. Thank you, Mr. Chairman.

Chairman MACKENZIE. Thank you. That concludes questioning, and we will now move to closing remarks. I would like to recognize the Ranking Member for her closing statement.

Ms. OMAR. Thank you, Mr. Chairman. Once again, thank you Assistant Secretary Palmer for joining us today. The important of the Mine Safety and Health Administration's role as protecting the lives of miners cannot be overstated. Black lung disease caused by inhalation of coal and silica dust is increasingly affecting younger and younger miners.

The Biden administration saw this as an imminent danger and took steps to protect miners from silica exposure through common sense safety standards. Unfortunately, instead of enforcing the Biden era rule, the Trump administration has given mining executives a pass to put miners in harm's way, without proper protection against silica exposure.

The administration's chaotic firing of staff at MSHA and NIOSH, its efforts to close dozens of regional MSHA offices, have undermined decades of work preventing black lung, avoiding workplace disasters and saving workers' lives. MSHA's work quite literally can mean life or death for tens of thousands of miners.

That is why Congress must take action to hold MSHA accountable and ensure its enforcement well-researched safety regulations and conducts regulatory inspections, because miners deserve to come home at the end of the day safe, healthy and well paid.

Thank you once again for joining us today, Assistant Secretary Palmer. I look forward to continuing our conversation and discussing more ways that we can keep miners safe on the job.

I would like to request unanimous consent to enter into the record a regulatory timeline of MSHA's silica standards, a timeline outlining decades of expert recommendations on this respirable crystalline silica, a letter from the National Coalition of Black Lung and Respiratory Disease Clinics, and a letter from Appalachian Citizens Law Center and Appalachian Voices.

Chairman MACKENZIE. Without objection.

[The letters of Ranking Member Omar follows:]

Regulatory Timeline of MSHA Silica Standard

ON THE AGENDA

Once MSHA finally acknowledged that it needed to update its standards to reduce silica exposure, what ensued was more than 20 years of starts, stops, delays, and broken promises. The following is a distillation from years of the semiannual regulatory agendas:[1]

AGENDA	PROMISED ACTION	DEADLINE
Spring 2000	Notice of Proposed Rulemaking (NPRM)	Feb. 2001
Fall 2000	NPRM	Feb. 2001
Spring 2001	NPRM	Aug. 2001
Fall 2001	*Nothing*	-
Spring 2002	*Nothing*	-
Fall 2002	*Nothing*	-
Spring 2003	*Nothing*	-
Fall 2003	Advance Notice of Proposed Rulemaking	May 2004
Spring 2004	Request for Information (RFI)	July 2004
Fall 2004	RFI	Dec. 2004
Spring 2005	RFI	TBD
Fall 2005	RFI	TBD
Spring 2006	RFI	TBD
Fall 2006	RFI	TBD
Spring 2007	RFI	TBD
Fall 2007	RFI	TBD
Spring 2008	RFI	TBD
Fall 2008	RFI	TBD
Spring 2009	NPRM	April 2011
Fall 2009	NPRM	April 2011
Spring 2010	NPRM	April 2011
Fall 2010	NPRM	July 2011
Spring 2011	NPRM	Aug. 2011
Fall 2011	NPRM	May 2012
Combined 2012	NPRM	Aug. 2013
Spring 2013	NPRM	Dec. 2013
Fall 2013	NPRM	June 2014
Spring 2014	NPRM	TBD
Fall 2014	NPRM	Oct. 2015
Spring 2015	NPRM	April 2016
Fall 2015	NPRM	April 2016
Spring 2016	NPRM	Sep. 2016
Fall 2016	NPRM	April 2017
Spring 2017	Next Action Undetermined	TBD
Fall 2017	Next Action Undetermined	TBD
Spring 2018	Next Action Undetermined	TBD

Fall 2018	Next Action Undetermined	TBD
Spring 2019	RFI	July 2019
Fall 2019	Analyze RFI comments	Nov. 2019
Spring 2020	NPRM	Aug. 2020
Fall 2020	NPRM	Nov. 2020
Spring 2021	NPRM	Jan. 2022
Fall 2021	NPRM	May 2022
Spring 2022	NPRM	Sep. 2022
Fall 2022	NPRM	April 2023

THE SLOW PROGRESS OF RULEMAKING AND ITS UNWINDING

- **January 18, 2023:** MSHA finally submitted a draft proposed rule to the Office of Information and Regulatory Affairs (OIRA) in the White House Office of Management and Budget,[2] pursuant to Executive Order 12,866, which requires agencies to submit drafts of significant rules to OIRA before they can be published in the *Federal Register*.[3]
- **April 18, 2023:** The 90-day period for OIRA to complete its review pursuant to section 6(b)(2)(B) of Executive Order 12,866 expired, but the draft rule was not released.
- **May 18, 2023:** The 30-day period that OIRA can extend its review pursuant to the executive order expired, but the draft rule continued to sit at OIRA.
- **June 12, 2023:** Rep. Robert C. "Bobby" Scott, Ranking Member of the House Committee on Education and the Workforce, sent a letter to OIRA probing the delay.
- **June 23, 2023:** A group of coal country senators sent a letter to the White House urging release of the silica rule.
- **June 29, 2023:** OIRA concluded its review of the draft proposed rule.
- **June 30, 2023:** MSHA made an informal copy of the proposed rule available on the agency's website, prior to publication in the *Federal Register*.
- **July 13, 2023:** MSHA published the proposed rule in the *Federal Register* and opened the public comment period.[4]
- **August 3-21, 2023:** MSHA held three public hearings on the proposed rule.
- **August 14, 2023:** MSHA extended the comment period, originally to end on August 28, to September 11.
- **April 18, 2024:** MSHA published the final rule.[5] The effective date was set for June 17, 2024; the compliance deadline for coal mine operators was set for April 8, 2025; and the compliance deadline for MNM operators was set for April 8, 2026.

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[1] *See generally Historical Unified Agenda and Regulatory Plan*, REGINFO.GOV, https://www.reginfo.gov/public/do/eAgendaHistory (last viewed May 9, 2023).
[2] *Pending EO 12866 Regulatory Review: RIN: 1218-AB36*, REGINFO.GOV, https://www.reginfo.gov/public/do/eoDetails?rrid=293066 (last viewed May 9, 2023).
[3] Executive Order 12866 of September 30, 1993, 58 Fed. Reg. 51,735 (Oct. 4, 1993).
[4] Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection, 88 Fed. Reg. 44852 (July 13, 2023).
[5] Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection, 89 Fed. Reg. 28218 (Apr. 18, 2024).

Decades of Expert Recommendations on Respirable Crystalline Silica

Experts in the federal government and private industry have repeatedly stressed the hazard of respirable silica and counseled the Department of Labor (DOL) to adopt more stringent protections for silica exposure over the course of *more than 50 years*:

- **1974:** The National Institute for Occupational Safety and Health (NIOSH) first recommended to DOL that it should slash the Permissible Exposure Limit (PEL) for silica from 100 µg/m^3 to 50 µg/m^3.[1]
- **1987:** The International Agency for Research on Cancer (IARC) concluded that crystalline silica is *probably carcinogenic to humans*.[2]
- **1991:** The U.S. National Toxicology Program (NTP) concluded that silica is *reasonably anticipated to be a human carcinogen*.[3]
- **1995:** NIOSH reiterated its 1974 recommendation.[4]
- **1996:** IARC concluded more definitively that silica is *carcinogenic*.[5]
- **1996:** A DOL advisory committee recommended that MSHA should adopt separate standards for coal dust in general and silica specifically, and it also urged a decrease in allowable exposure to respirable silica.[6]
- **1999:** The NTP concluded that respirable silica is a *known human carcinogen*.[7]
- **2000:** The American Conference of Governmental Industrial Hygienists (ACGIH) listed respirable silica as a *suspected human carcinogen* and lowered its threshold limit value (TLV) to 50 µg/m^3.[8]
- **2006:** ACGIH lowered its TLV to 25 µg/m^3.[9]
- **2011:** NIOSH repeated its 1995 recommendations.[10]
- **2016:** The Occupational Safety and Health Administration (OSHA) adopted a final rule lowering the PEL for respirable silica in non-mine workplaces from 100 µg/m^3 to 50 µg/m^3.[11]
- **2020:** DOL's Inspector General reported that MSHA is not sufficiently protecting coal miners from exposure to respirable silica because its current standards are out of date, its sampling protocols are too infrequent to detect mines creating excessive silica risks for miners, and it lacks a standalone silica standard enabling it to cite silica exposures independent of coal mine dust.[12]

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[1] NAT'L INST. FOR OCC. SAFETY & HEALTH, HEW PUB. NO. (NIOSH) 75-120, CRITERIA FOR A RECOMMENDED STANDARD: OCCUPATIONAL EXPOSURE TO CRYSTALLINE SILICA 19 (1974)
[2] Occupational Exposure to Respirable Crystalline Silica, 81 Fed. Reg. 16286, 16294-16295 (Mar. 25, 2016) [hereinafter OSHA Final Rule].
[3] *Id.* at 16295.
[4] NAT'L INST. FOR OCC. SAFETY & HEALTH, DHSS (NIOSH) PUB. NO. 95-106, CRITERIA FOR A RECOMMENDED STANDARD: OCCUPATIONAL EXPOSURE TO RESPIRABLE SILICA (1995).
[5] OSHA Final Rule, *supra* note 2, at 16295.
[6] REPORT OF THE SECRETARY OF LABOR'S ADVISORY COMMITTEE ON THE ELIMINATION OF PNEUMOCONIOSIS AMONG COAL MINERS (Oct. 1996).
[7] OSHA Final Rule, *supra* note 2, at 16295.
[8] *Id.* at 16295.
[9] *Id.*
[10] OFF. OF INSP. GEN., U.S. DEP'T OF LAB., REP. NO. 05-21-001-06-001, MSHA NEEDS TO IMPROVE EFFORTS TO PROTECT COAL MINERS FROM RESPIRABLE SILICA 5 (Nov. 12, 2020) [hereinafter OIG REPORT].
[11] OSHA Final Rule, *supra* note 2.
[12] OIG REPORT, *supra* note 10.

January 20, 2026

Dear Chairman Mackenzie and Ranking Member Omar:

We thank you and the Members of the Subcommittee on Workforce Protection for the opportunity to provide this letter related to the scheduled hearing "Examining the Policies and Priorities of the Mine Safety and Health Administration." For over 40 years, the National Coalition of Black Lung and Respiratory Disease Clinics (NCBLRDC) has been educating coal miners about early diagnosis, treatment, and prevention of black lung disease along with conducting research to better understand the disease and its impact on miners' lives. We are a coalition of nearly 60 black lung clinic sites in 15 states, serving 13,000 current and former coal miners along with many metal/nonmetal miners annually. Our members are on the front lines of the trends and developments in black lung disease.

Since the late 1990s, we have witnessed firsthand the progressively worsening toll that black lung disease has taken on our patients, their families, and our communities. It is well-documented that coal workers' pneumoconiosis (CWP) is on the rise in the United States, particularly in the Central Appalachian states of Kentucky, Virginia, and West Virginia. Rates of disease among long-tenured coal miners have trended upward since the late 1990s despite an absence of changes to permissible exposure limits for coal mine dust, particularly in Central Appalachia, as seen in Figure 1.

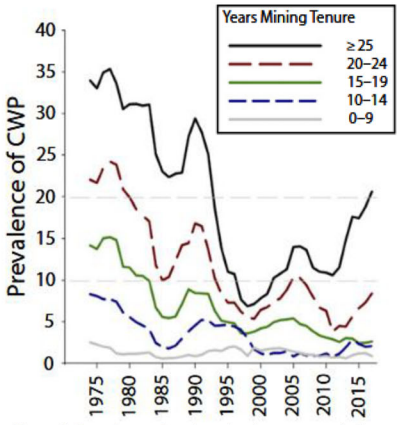

Figure 1. Prevalence of coal workers' pneumoconiosis among those working in Central Appalachia: Coal Workers' Health Surveillance Program, 1970-2017. From Blackley, et al. Am J Pub Health 2018.

Disturbingly, rates of progressive massive fibrosis (PMF), the most severe form of black lung disease, in Central Appalachia today are as high among long-tenured coal miners as they were when regulation of respirable coal mine dust levels were first instituted in the US in 1972 (Figure 2). Certainly, when it comes to severe black lung disease, *we are right back at square*

one. Miners as young as 31 years old are receiving diagnoses of PMF, and miners in their 30s and 40s are undergoing lung transplants due to end-stage black lung disease.

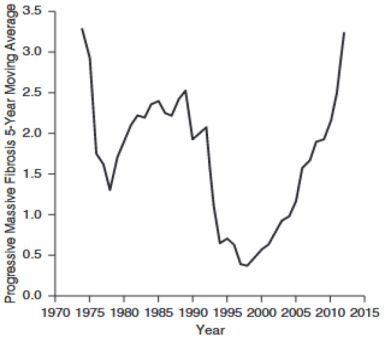

Figure 2. Prevalence of progressive massive fibrosis among working underground coal miners with 25 or more years of underground mining tenure (1974-2012) in Kentucky, Virginia, and West Virginia. Data from the Coal Workers' Health Surveillance Program. From Blackley, et al. Am J Resp Crit Care Med 2014.

Studies comparing differences in characteristics of severe black lung disease between contemporary and historical coal miners in the United States (Figure 3) show, convincingly, the central role of respirable crystalline silica in causing the observed rise in disease. This is highly important, as respirable crystalline silica is not as tightly regulated in the mining industry as it is in other industries, where it is regulated by the Occupational Safety and Health Administration. The 1969 Federal Coal Mine Health and Safety Act, signed by President Richard Nixon, was instrumental in reducing rates of black lung disease in the United States. However, we now know that it had a weakness: there was no direct regulation of respirable crystalline silica. MSHA's respirable dust rule, lowering the permissible exposure limit for respirable coal mine dust, went into effect in 2014, but did not address the absence of direct regulation of respirable crystalline silica. With this knowledge, NCBLRDC has deep concerns about further delays in the enforcement of MSHA's final silica rule, intended to reduce miners' exposure to respirable crystalline silica dust, entitled *Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection*. This rule went into effect in June 2024, with coal mine operators mandated to come into compliance with the rule by April 14, 2025 and metal/non-metal mine operators by April 8, 2026. However, legal challenges brought by large industry trade associations covering various commodities has resulted in delays in enforcement and, to date, miners have not benefitted from necessary improvements in protection from respirable crystalline silica, a highly toxic exposure. **It is disturbing to consider that, absent enforcement of the MSHA Silica Rule as written, cases of severe black lung disease and silicosis will continue to occur well into the future.**

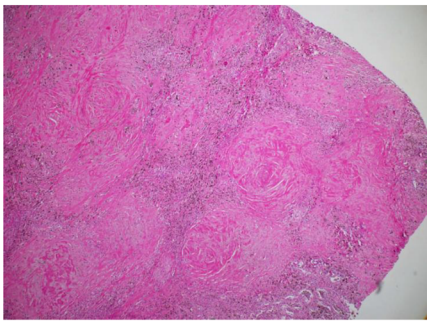

Figure 3. Representative microscopic image of lung tissue from a former underground coal miner who worked in the 1990s-2000s. Lung tissue demosntrates silicotic nodules, with pink whorled appearance, with notable lack of black coal dust pigment. Silicotic nodules have scarred over gas exchange units of the lung.

Congress made its priorities for MSHA clear when they created the agency in 1978. The Mine Safety and Health Administration exists for one core reason: to prioritize and protect the lives and health of our nation's miners. It is imperative that MSHA resist attempts and calls to weaken the silica rule and focus on enforcing the rule instead, lest they consign miners to more unnecessary suffering and death.

Sincerely,

On behalf of the Executive Board of the National Coalition of Black Lung and Respiratory Disease Clinics

January 17, 2026

U.S. House Committee on Education and Workforce
2176 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Mackenzie and Ranking Member Omar,

As organizations and lawyers with decades of experience advocating for and representing coal miners in Central Appalachia on issues of occupational health and mine safety, we write to you today with great concern regarding the efficacy of the Mine Safety and Health Administration's (MSHA) policies and policy enforcement. We outline these areas of concern and ask that you seek responses to the queries we raise below in the hearing to be held in your subcommittee on January 22, 2026, "Examining the Policies and Priorities of the Mine Safety and Health Administration."

Silica Dust Exposure

First and foremost, the delayed implementation of the rule to reduce miners' exposure to crystalline silica is a devastating outcome for miners across the country. The prevalence and severity of black lung disease being observed in coal miners is incomprehensible. Over the past decade, clinics in eastern Kentucky, West Virginia, and southwest Virginia have diagnosed hundreds and hundreds of miners with complicated pneumoconiosis, the most severe form of black lung disease. In fact, an epidemiologist at NIOSH called this region, "the epicenter of one of the largest industrial medicine disasters that the United States has ever seen."[1] In a published study, NIOSH researchers, succinctly described the crisis:

> "Approximately 1 in 20 long-tenured miners in central Appalachia has Coal Workers' Pneumoconiosis that has progressed to Progressive Massive Fibrosis, a condition that is by definition totally disabling. We can think of no other industry or workplace in the United States in which this would be considered acceptable.[2]"

In 2025, just as the rule was coming into effect, MSHA announced the suspension of the rule on its own volition via a posting on MSHA's website. At that time, MSHA issued no formal notice in the Federal Register altering or suspending the rule. Subsequently, litigation placed a stay on the rule. However, MSHA should be closely tracking and assessing instances of overexposure to silica dust to inform the revisions they have proposed making to the rule.

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[1] Berkes, H. 2017. *Government Researchers Plan Response To Rising Rates Of Black Lung Disease*. National Public Radio. Accessed online via: https://www.npr.org/2017/06/30/535059200/government-researchers-plan-response-to-rising-rates-of-black-lung-disease

[2] Blackley, D.J. et al. (2018) Continued Increase in Prevalence of Coal Workers' Pneumoconiosis in the United States, 1970–2017. *Am J Public Health.* 108:1220-1222.

- Can MSHA provide a report on quartz/silica dust violations in Central Appalachian over the past year?
- How does the number of violations compare to the previous five years?
- During the last year how many samples have returned silica dust levels higher than the rule's standard of 50 micrograms per cubic meter of air (µg/m3)?

Silica Enforcement Initiative. In addition, MSHA has the full authority to continue the oversight activities outlined in the Silica Enforcement Initiative (SEI) which was a multifaceted silica dust control program undertaken prior to the publication of the silica rule under existing statutory and regulatory authority. The SEI commenced in 2022 as a means through which to further curb silica dust exposure under then-current regulations. The SEI consists of spot inspections at mines with repeated overexposures to silica, increased oversight of mines making extended cuts, and increased dust sampling for occupations that are at high-risk to silica overexposures.

- During the last year has MSHA continued to implement all of the elements of the SEI?
- Which mines have experienced enforcement actions pursuant to the SEI in 2025?

Impact Inspections

In addition to mandatory inspections, historically MSHA has conducted impact inspections at mines with a history of poor compliance or particular compliance concerns. In June of last year, CNN reported that the number of completed impact inspections had declined by 75% during the first half of 2025 compared to the same time period in 2024 and that the number of inspections were at their lowest level since 2010. In addition, MSHA failed to publicly post the mines where impact inspections were conducted, a practice that had been ongoing since December 2010.

- Can MSHA leadership explain why impact inspections are now being conducted so minimally and why they are no longer posted publicly?

Miners' Rights

Under the previous administration, MSHA launched an initiative called Miner Health Matters. In 2022, MSHA launched the Mine Safety & Health Application to provide miners with a new tool through which to better understand their rights and the protections granted to them by law. Two critical rights granted to miners are the right to Temporary Reinstatement and their Part 90 rights. If a miner who has been discharged from his/her job files a complaint with MSHA regarding operator discrimination, so long as their case is not "frivolously brought", they have the right to be temporarily reinstated to their previous job while the complaint is further investigated. When DOL decides to prosecute the case on the merits (i.e., to seek the permanent reinstatement of the miner), the order of Temporary Reinstatement remains in place until the case is fully litigated. Part 90 rights are intended to protect miners who have documented cases of black lung disease. These miners have the right to continue working for the operator in an occupation with low dust exposure and with no loss of pay. According to MSHA's FY2025 Budget Justification, in 2022, just four coal miners chose to exercise their Part 90 rights for the first time. In 2023, 35 miners exercised their Part 90 rights for the first time – the highest number since 2008. The Part 90 program was compromised in 2025 due to staff reductions at NIOSH. Overall, we are concerned that the ability of MSHA to support these rights may have been reduced in 2025 due to staffing shortages and other issues.

- How many Applications for Temporary Reinstatement were filed in each of the years 2020 - 2025?
- How many Part 90 miners are there currently? How many Part 90 miners gave notice of exercising their transfer rights in each of the years 2020 - 2025?

MSHA Staffing

After years of declines in enforcement staffing, between 2022 - 2024, former Assistant Secretary of MSHA Chris Williamson reported that MSHA hired more than 100 new individuals to serve as part of its enforcement staffing. The agency's FY2025 budget stated, "Hiring additional mine inspectors remains a critically important priority for MSHA to ensure that the Agency can enforce mandatory safety and health standards, continue existing enforcement and compliance assistance initiatives, and initiate new special emphasis programs in targeted areas." By early 2025, due to downsizing driven by DOGE, MSHA lost approximately 200 employees, roughly10% of its staffing. In March of 2025, an individual representing Department of Labor workers for the American Federation of Government Employees shared with a reporter that inspectors were barely keeping up with their mandatory inspections – semi-annual inspections at surface mines and quarterly inspections at underground mines. We are gravely concerned with the functional state of the agency.

- How is MSHA responding to this massive loss in personnel? Has MSHA been able to complete mandatory inspections?
- How has this loss in staffing impacted the areas of concern outlined above – impact inspections, supporting miners' rights, and continuation of the SEI?

We pose these concerns and questions in hope that MSHA's new leadership will work diligently to improve enforcement and health and safety outcomes for our nation's miners.

Respectfully,

/s/ Wes Addington
Wes Addington, Esq.
Appalachian Citizens' Law Center
Whitesburg, Kentucky

/s/ Sam B. Petsonk
Sam B. Petsonk, Esq.
Oak Hill, West Virginia

/s/ Quenton King
Appalachian Voices,
Charleston, West Virginia

Ms. OMAR. Thank you, and I yield back.

Chairman MACKENZIE. Thank you, Mr. Assistant Secretary for joining us today. Your testimony has been very helpful for those of us members of the Committee, and we appreciate you sharing your vision for how MSHA can achieve its goal of keeping America's miners safe and healthy.

With advancements in technology and this administration's emphasis on domestic resource production and energy security, we are very likely at a hinge moment in this industry, and we look forward to seeing mining thrive once again all across our country, to help not only our economy but also national security. By promoting a strong safety culture, MSHA helps mines operate more reliably,

protects workers' rights and reinforces public trust in the mining industry.

We support your efforts as you strive to keep miners safe and productive. Again, I would like to thank you for joining us here today. It has been over 6 years since an Assistant Secretary of MSHA has come before the Committee, and it is an important part of our work on the Workforce Protection Subcommittee.

I would like to thank you again and without objection, there being no further business before the Committee, this Subcommittee stands adjourned.

Mr. PALMER. Thank you, Mr. Chairman.

[Whereupon, at 12:12 p.m., the hearing was adjourned.]

[Questions and responses submitted for the record by Mr. Wayne Palmer follows:]

MAJORITY MEMBERS:

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February 19, 2026

The Honorable Wayne D. Palmer
Assistant Secretary of Labor
Mine Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20001

Dear Assistant Secretary Palmer:

Thank you again for testifying before the Subcommittee on Workforce Protections at the hearing titled "Examining the Policies and Priorities of the Mine Safety and Health Administration." Enclosed are additional questions following the hearing. Please provide a written response no later than March 12, 2026, for inclusion in the hearing record. The response should be sent to Kane Riddell of the Committee staff who can be contacted at (202) 226-3873 or Kane.Riddell@mail.house.gov.

We appreciate your contribution to the work of the Committee

Sincerely,

Ryan Mackenzie
Chairman
Subcommittee on Workforce Protections

Questions for the Record from
REPRESENTATIVE MARK MESSMER (R-IN)

Committee on Education and Workforce
Subcommittee on Workforce Protections Hearing titled: "Examining the Policies and Priorities if the Mine Safety and Health Administration"

Thursday, January 22, 2026
10:15 A.M.

Question(s) for The Honorable Wayne D. Palmer, Assistant Secretary of Labor for Mine Safety and Health Administration

1. Mr. Palmer, we understand that the MSHA silica rule is in legal limbo at the moment, and I hope that we can figure out a workable solution for all our industries covered by this rule. One of the main concerns I am hearing from industry is the extreme difficulty in finding local, qualified health providers for medical monitoring. Of those that businesses can find, there is a lot of confusion or outright naivety in the medical field on the standard and need for quick response to companies in all our Districts. Can you assure us that MSHA, during continued review of this rule, will allow flexibility to our companies who are trying to comply but are confronted with roadblocks outside of their control?

2. Mr. Palmer, as you know, the MSHA silica rule covers a multitude of industries, and the one size fits all approach in government regulations is never an ideal solution. I have heard from brick manufacturers that there is a lot of confusion and frustration with how the current rule dictates when and why you need to take new samples when in the same pit, using the same equipment. When a final rule is promulgated, will you assure us that MSHA will take the tact of working with the brick industry to ensure that their employees are actually safe and healthy and not take the tact of looking to collect as many citations as possible as we have seen under other Administrations?

House Committee on Education and Workforce
Subcommittee on Workforce Protections
"Examining the Policies and Priorities of the Mine Safety and Health Administration"
Thursday, January 22, 2026, 10:15 AM (Eastern Time)

Responses to Questions for the Record for Wayne Palmer, Assistant Secretary of Labor for Mine Safety and Health

Representative Mark Messmer (R – IN)

Question 1:

Mr. Palmer, we understand that the MSHA silica rule is in legal limbo at the moment, and I hope we can figure out a solution for all our industries covered by this rule. One of the main concerns I am hearing from industry is the extreme difficulty in finding local, qualified health providers for medical monitoring. Of those businesses that can find, there is a lot of confusion or outright naivety in the medical field on the standard and need for quick response to all companies in our Districts. Can you assure us that MSHA, during continued review of this rule, will allow flexibly to our companies who are trying to comply but are confronted with roadblocks outside of their control.

RESPONSE:

As noted at the hearing, the 2024 Silica Rule is currently in litigation before the U.S. Court of Appeals for the Eighth Circuit due to an industry challenge. On April 11, 2025, the court issued an order staying the Silica Rule's compliance deadlines. On November 26, 2025, the Secretary notified the court that MSHA will engage in limited rulemaking to reconsider and seek public comments on portions of the Silica Rule impacted by the industry challenge. MSHA will carefully consider the information it receives in accordance with both the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended, 30 U.S.C. § 801 et seq., and the Administrative Procedure Act, 5 U.S.C. §§ 551-559, which governs how federal agencies propose and establish regulations. MSHA is committed to receiving concerns from all interested stakeholders but cannot comment further on the potential subject areas of the new limited rulemaking at this time. However, as with all MSHA rulemakings, the agency will provide extensive outreach and technical assistance to help all stakeholders understand how to comply with the new rule.

Question 2:

Mr. Palmer, as you know, the MSHA silica rule covers a multitude of industries, and the one size fits all approach in government regulations is never an ideal situation. I have heard from brick manufacturers that there is a lot of confusion and frustration with how the current rule dictates, when and why you need to take new samples when in the same pit, using the same equipment. When a final rule is promulgated, will you assure us that MSHA will take the tact of working with the brick industry to ensure that their employees are actually safe and healthy and not take the tact of looking to collect as many citations as possible as we have seen under other Administrations?

RESPONSE:

As noted at the hearing, the 2024 Silica Rule is currently in litigation before the U.S. Court of Appeals for the Eighth Circuit due to an industry challenge. On April 11, 2025, the court issued an order staying the Silica Rule's compliance deadlines. On November 26, 2025, the Secretary notified the court that MSHA will engage in limited rulemaking to reconsider and seek public comments on portions of the Silica Rule impacted by the appeal, in accordance with both the Mine Act and the Administrative Procedure Act. MSHA is committed to receiving and carefully reviewing information and concerns from all interested stakeholders but cannot comment further on the potential subject areas of the new limited rulemaking at this time. However, as with all MSHA rulemakings, the agency will provide extensive outreach and technical assistance to help miners and mine operators, in all sectors of the industry, understand how to comply with the new rule.