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TO: Bob Mason

LOCATION: \_\_\_\_\_

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FROM: Margie Zalesak

LOCATION: \_\_\_\_\_

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MESSAGE: \_\_\_\_\_

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**U. S. Department of Labor**

Mine Safety and Health Administration  
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Arlington, Virginia 22203-1984



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Dear Mr. Mason:

Robert Aldrige and I have reviewed the revision and have modified the wording. The modified wording is attached. If you have a question, please call Robert at 703-235-1161.

Sincerely,

*Margie E. Zalesak*  
Margie E. Zalesak

Attachment

FEDERAL MINE SAFETY AND HEALTH ACT (Mine Act)

The Mine Act at 30 U.S.C. 802 and 803 provides indirect authority for preventing workers' home contamination. These sections require that an employer, who is also an employee in his/her workplace (i.e., an owner-miner of a mining operation), comply with applicable safety and health rules developed by the Mine Safety and Health Administration (MSHA). For example, if a mine is located on the owner's home/family property, and the owner is the only miner involved in extracting minerals from the mine, the owner must provide himself/herself with the safety and health measures prescribed by the appropriate MSHA rules. Under these circumstances, compliance with the MSHA rules will reduce exposure of the owner-miner's family to mineral dusts and other mining contaminants.

Additional protection against home contamination is provided implicitly by the Mine Act at 30 U.S.C. 877. This section authorizes MSHA to require that employers make sanitary and bathing facilities available at the worksite for use by miners in removing mining-related contaminants; also, these facilities must be adequate for miners to change and store their work clothes between work shifts. In addition, the Mine Act at 30 U.S.C. 811 grants MSHA broad authority to establish rules dealing with the protection of miners from exposure to toxic substances and harmful physical agents and specifically grants MSHA the authority to establish rules addressing suitable protective equipment. This statute, therefore, recognizes the importance of

controlling the release of mining-related contaminants, which protects both the miners and their families.

NIOSH also has authority under the Mine Act at 30 U.S.C. 951 to undertake health hazard evaluations of mining operations upon written request by an employer <sup>or</sup> ~~and~~ an authorized representative of the miners. This section also allows NIOSH to conduct studies and research on the health effects of exposure to mining operations; these studies and research may include both miners and non-miners (with non-miners defined as "persons, who although not miners, work with, or around the products of coal or other mines in areas outside of such mines and under conditions which may adversely affect the health and well-being of such persons.")