

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.