



DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

[Docket No. MSHA–2023–0001]

RIN 1219-AB36

Lowering Miners’ Exposure to Respirable Crystalline Silica and Improving Respiratory Protection; Delay of Effective Date of Conforming Amendments

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Final rule; delay of effective date.

SUMMARY: MSHA is issuing this notification following a judicial stay of the compliance deadlines established in the 2024 final rule titled “Lowering Miners’ Exposure to Respirable Crystalline Silica and Improving Respiratory Protection” (2024 Silica Rule). The 2024 Silica Rule made conforming amendments for metal and nonmetal (MNM) standards that are scheduled to take effect on April 8, 2026. Since a judicial stay is in effect, this notification delays the conforming amendments indefinitely, pending judicial review.

DATES: As of [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], the effective date of amendments 4, 5, 8, 9, 13, 14, 17, and 18 published at 89 FR 28218, April 18, 2024, is delayed indefinitely, pending judicial review. MSHA will publish a document in the *Federal Register* announcing further action once the court-ordered stay is terminated.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances, MSHA at 202-693-9440 (voice). This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Background

On April 18, 2024, MSHA published the 2024 Silica Rule, which amended MSHA's existing standards for respirable crystalline silica and respiratory protection. The 2024 Silica Rule established 30 CFR part 60, a standalone standard for respirable crystalline silica which lowers the permissible exposure limit (PEL) for respirable crystalline silica at coal and MNM mines. The 2024 Silica Rule also made conforming amendments in 30 CFR parts 56 and 57 to align with the new part 60.

The 2024 Silica Rule established an effective date of April 8, 2026, for the conforming amendments in 30 CFR parts 56 and 57. The preamble in the 2024 Silica Rule explained that the existing standards in 30 CFR parts 56 and 57 would remain in place until April 8, 2026, to ensure that MNM miners would continue to be protected until the conforming amendments were in effect (89 FR 28348).

Following publication of the 2024 Silica Rule, industry groups filed petitions in the United States Court of Appeals for the Eighth Circuit (Court). On April 11, 2025, the Court issued an order staying the 2024 Silica Rule's compliance deadlines until the Court completes a substantive review of the petition. The judicial stay delaying compliance with the 2024 Silica Rule is still in effect. Therefore, the existing standards in 30 CFR 56.5001, 56.5005, 57.5001, and 57.5005 are still in effect and the conforming amendments in 30 CFR 56.5001T, 56.5005T, 57.5001T, and 57.5005T are delayed indefinitely, pending judicial review.

Discussion of Changes to Parts 56 and 57

In the 2024 Final Rule, MSHA provided a specific set of instructions to the Office of the Federal Register for the conforming amendments. The instructions established temporary sections with the new requirements that will replace the existing sections in the CFR on the effective date. This was required for the *Federal Register* to maintain the existing standards in CFR parts 56 and 57 until April 8, 2026. In the 2024 Silica Rule, the conforming amendments were published to temporary sections, designated by the suffix "T" at the end of the section number (e.g., § 56.5001T). These temporary sections indicate how the paragraphs will read on

the effective date for the conforming amendments. On the effective date, the existing sections in parts 56 and 57 will be removed and the temporary sections associated with the conforming amendments will replace the existing sections without the “T” designation (e.g. § 56.5001T will be redesignated § 56.5001). With the redesignation, compliance with the conforming amendments will be required.

This notification ensures the Court’s order staying compliance with the 2024 Silica Rule is carried out by indefinitely delaying the effective date for the conforming amendments to 30 CFR parts 56 and 57. Until the Court’s stay is terminated, MNM mine operators must continue to follow the existing standards in parts 56 and 57.

Indefinite Delay for Conforming Amendments to Parts 56 and 57

In accordance with the Court order, MSHA will continue to enforce the existing standards in 30 CFR 56.5001, 56.5005, 57.5001, and 57.5005 indefinitely, until the Court-ordered stay is terminated and there is a resolution on how to proceed. MSHA will also delay enforcement of the conforming amendments in 30 CFR 56.5001T, 56.5005T, 57.5001T, and 57.5005T until that time.

Procedural Issues and Regulatory Review

This ministerial action delays the effective date for the conforming amendments in 30 CFR parts 56 and 57 in response to the Court-ordered mandate issued on April 11, 2025. This action is not subject to review by the Office of Management and Budget (OMB) under Executive Order (E.O.) 12866, “Regulatory Planning and Review” 58 FR 51735 (Oct. 4, 1993).

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(B)) provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. MSHA has determined that there is good cause for issuing this final rule without the opportunity for notice and comment because this ministerial

action merely reflects the Court’s April 11, 2025, order staying the 2024 Silica Rule’s compliance deadlines. The Agency lacks discretion to depart from the Court’s mandate.

In addition, this action is not subject to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). The RFA applies only to rules subject to notice and comment rulemaking requirements under the APA.

This action imposes no new information collection or recordkeeping requirements that require approval by OMB under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). Accordingly, OMB clearance is not required under the Paperwork Reduction Act.

MSHA has examined this final rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154, “Unleashing American Energy” 90 FR 8353 (Jan. 29, 2025); E.O. 14192, “Unleashing Prosperity Through Deregulation” 90 FR 9065 (Feb. 6, 2025); E.O. 14267, “Reducing Anti-Competitive Regulatory Barriers” 90 FR 15629 (Apr. 9, 2025); and the Presidential Memorandum, “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis” 90 FR 8245 (Jan. 28, 2025).

As required by 5 U.S.C. 801, MSHA will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a “major rule” as defined by 5 U.S.C. 804(2).

Jessica D. Senk,

*Acting Director for the Office of Standards, Regulations, and Variances,
Mine Safety and Health Administration.*

[FR Doc. 2026-06584 Filed: 4/3/2026 8:45 am; Publication Date: 4/6/2026]