

What MSHA's 18 Proposed Rules Signal About the Future of Mine Safety

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Takeaways

- MSHA proposes modernizing outdated rules while aligning with a broader deregulatory agenda under the deregulation EO.
- The agency seeks to limit district managers' authority, citing legal concerns.
- Updates would permit modern equipment, like electronic surveying tools, and remove obsolete requirements tied to outdated technology and practices.

Related links

- [Federal Register: Proposed Rules](#)
- ["Unleashing Prosperity Through Deregulation"](#) (EO 14192)

Article

On July 1, 2025, the Mine Safety and Health Administration (MSHA) published [18 Notices of Proposed Rulemaking](#) in the Federal Register, marking a sweeping regulatory initiative by the current administration. The proposals reflect a dual focus: modernizing outdated standards and aligning with the deregulatory framework set by Executive Order 14192, ["Unleashing Prosperity Through Deregulation."](#) MSHA maintains that its proposed rules would preserve "the same level of protection for miners" because of specific requirements in the Federal Mine Safety and Health Act.

Stakeholders have until July 31, 2025, to submit comments on the proposed rules. This is an opportunity to engage with MSHA's evolving regulatory framework and to voice support for, or concerns about, the regulatory changes. This is especially important for employers concerned about how these regulatory changes may impact their specific operations or mine types.

Diesel Particulate Matter Exposure

Among the more consequential proposals is MSHA's effort to streamline compliance requirements related to [diesel particulate matter \(DPM\) exposure](#) in underground metal and nonmetal mines. The agency proposes eliminating outdated and inapplicable provisions that no longer reflect current enforcement practices. The proposal reaffirms the 2008 final permissible exposure limit of 160 micrograms of total carbon per cubic meter of air (160 TC $\mu\text{g}/\text{m}^3$). Similarly, MSHA proposes revising and removing outdated requirements related to DPM requirements for [diesel-powered equipment used in underground coal mines](#), while retaining the existing emissions limit of no more than 2.5 grams per hour of DPM.

Limiting District Manager Authority

Another significant proposal would curtail the broad authority MSHA [district managers](#)

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have to require changes or additions to training and retraining programs for miners beyond criteria set in 30 U.S.C. 825 and 30 CFR 48. The basis for the change is a concern that the rules granting district managers “nearly unlimited discretion” violate statute, the Appointments Clause, and the Administrative Procedure Act. The proposed limitation would apply to both underground and surface mines. Using similar reasoning, MSHA also proposes revising [roof control plan regulations](#) and [ventilation plan approval criteria](#) to eliminate the district manager’s authority to impose additional plan measures or provisions.

Equipment and Technology Updates

MSHA proposes removing outdated effective dates and requirements for [approved conveyor belts](#) in underground coal mines and updating the approval process to reflect current standards and protocols. As conveyor belt technology is used in current mining practices, the agency also seeks to eliminate regulations related to [trolleys](#), which it characterizes as “legacy equipment” no longer in use.

To modernize surveying practices, MSHA proposes allowing the use of [electronic surveying equipment](#) in high-hazard areas of underground coal mines. Currently, mine operators must petition MSHA for permission to use such equipment due to the risk of explosion or fire. The proposed rule would codify technical standards and conditions for use, ending the need for filing petitions for modification with MSHA. A similar proposal would permit the use of non-permissible [Powered Air Purifying Respirators](#) in specified areas of underground mines, provided the equipment meets certain technical specifications and is operated under defined conditions.

Additional Proposed Revisions

MSHA’s deregulatory agenda also includes proposals to:

- Permit [electronic access](#) to all Hazard Communication materials, reducing paperwork burdens on mine operators while ensuring no-cost access to information for miners;
- Eliminate duplicative requirements for specific operations, such as [aerial tramways](#) and [drilling](#), asserting that protections for miners would not be reduced because the regulations are unnecessary or found elsewhere in the existing Code of Federal Regulations;
- Remove outdated requirements for [blacksmith shops located at surface mines](#) to reflect current practices;
- Remove [flame safety lamps](#) from the list of permissible electric face equipment to address outdated technology no longer used in underground coal mining practices;
- Eliminate prescriptive [photometer provisions](#) while maintaining minimum illumination requirements;
- Rescind rules governing [mining of pillars](#) when only one mine opening is available, a practice MSHA states is no longer used due to safety concerns;
- Clarify permissible [electric cap lamp](#) and other electric lamp requirements in underground coal mines by removing duplicative references; and

- Delete references to “[coal seams above the water table](#)” from existing regulations, as all coal mines are considered gassy, regardless of their location in relation to the water table.

Impact on Employers

MSHA’s proposed rulemaking reflects a shift toward modernization that could reduce compliance burdens in some areas. However, employers in the mining industry should not assume these proposals mean fewer obligations. Instead:

- Employer programs may need updates to reflect permitted use of modern technology, including electronic surveying tools and digital access to safety documentation.
- If district managers’ authority is curtailed, training content and approval procedures could shift, potentially simplifying plan approvals.
- Plan approval may also slow or become more automated if it is centralized.
- Operators should review their existing safety policies and equipment use procedures to ensure compatibility with proposed changes.

If you have questions about how these proposed rules could affect your operations, please contact a Jackson Lewis attorney in our Workplace Safety and Health practice group.

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