

U.S. Department of Labor

Mine Safety and Health Administration  
1100 Wilson Boulevard  
Arlington, Virginia 22209-3939



SEP 22 2003

Mr. J. Alton Burks  
President  
doseBusters USA  
200 Smith Drive  
Pittsburgh, PA 15237

Dear Mr. Burks:

This letter is in response to your letter of May 30, 2003, and subsequent discussions the Mine Safety and Health Administration (MSHA) has had with your representative.

The practical reality that confronts the mining industry today is that miners continue to sustain noise-induced hearing loss on the job. As the government agency charged with its prevention, MSHA is committed to full utilization of all available measures that can be deployed to prevent this occupational illness. As you know, the measures that traditionally are deployed include exposure monitoring, engineering and administrative controls, hearing conservation programs, and personal protective equipment. These traditional measures may be required by regulation, may be instituted voluntarily, or may be deployed in some combination.

The doseBuster's Exposure Smart Protector™ ("ESP") system represents a technological innovation that does not fit neatly into any one of the traditional noise control measures mentioned above. For that reason, we believe that miners, the mining industry and MSHA, all would benefit from a thorough scientific evaluation of the ESP system and its potential application in preventing noise-induced hearing loss in the mining environment. To that end, we would like to open a dialogue with your firm, possibly leading to a scientific evaluation of the ESP system compared with MSHA's current noise exposure monitoring regimen.

Miners need not continue to lose their hearing, and MSHA is committed to using the performance-oriented requirements of its noise rule to encourage innovation in methodology and technology to prevent noise-induced hearing loss. We hope that the dialogue we propose with your firm will lead to achieving our mutual goal of preventing noise-induced hearing loss in the mining industry. We look forward to the prospect of working with you and your colleagues in the future to improve miner safety and health.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Lauriski".

Dave D. Lauriski  
Assistant Secretary of Labor for  
Mine Safety and Health