

# EXHIBIT 2

**U.S. Department of Labor**

Mine Safety and Health Administration  
201 12th Street South, Suite 401  
Arlington, Virginia 22202-5452



SEP 22 2023

G. Luke Burton, Esq  
Squire Patton Boggs LLP  
201 E. Fourth St.  
Suite 1900  
Cincinnati, OH 45202

Re: Freedom of Information Act Request – Tracking No. 2023-F-13135

Dear Mr. Burton:

This letter is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated August 24, 2023, addressed to U.S. Department of Labor (DOL). Your request has been referred to the Mine Safety and Health Administration (MSHA) and has been assigned Tracking Number 2023-F-13135. Please refer to this number in any future correspondence relative to your FOIA request.

In your request, you asked for the following documents, records, or information:

1. All records related in whole or in part to the Mine Safety and Health Administration's "Heat Ignition Hazard -Safety Alert," which was posted on or about May 17, 2023, and is available at <https://www.msha.gov/heat-ignition-hazard-safety-alert>.
  - a. This request includes, but is not limited to, all documents related in any way to any research, events, reports, test results, incidents, or other factors involved in the Mine Safety and Health Administration's development of and/or its decision to release the "Heat Ignition Hazard -Safety Alert," which was posted on or about May 17, 2023, and is available at <https://www.msha.gov/heat-ignition-hazard-safety-alert>.
  - b. This request further includes, but is not limited to, all documents including without limitation all internal or external communications of the Mine Safety and Health Administration related in any way to the Mine Safety and Health Administration's development of and/or its decision to release the "Heat Ignition Hazard - Safety Alert," which was posted on or about May 17, 2023, and is available at, <https://www.msha.gov/heat-ignition-hazard-safety-alert>.
  - c. This request further includes, but is not limited to, all documents related to the sample image included in the Mine Safety and Health Administration's "Heat Ignition Hazard - Safety Alert," which was posted on or about May 17, 2023, and is available at <https://www.msha.gov/heat-ignition-hazard-safety-alert>, with said image containing the caption "Improper application of a polyurethane based foam production filling a high-volume void," including all documents related in whole or in part to the Mine Safety and Health Administration's decision to include the image in the Safety Alert.
2. All records related in whole or in part to the potential combustibility, flammability,

or ignition hazard presented by polyurethane foam.

- a. This request includes, but is not limited to, all documents related to potential combustibility, flammability, or ignition hazard presented by the use of polyurethane foam in mine roofs or in cavities or voids within a mine.
- b. This request further includes, but is not limited to, all documents related to the potential combustibility, flammability, or ignition hazard presented by polyurethane foam due to exothermic chemical reactions generated by polyurethane foam.
- c. This request further includes, but is not limited to, any documents related in whole or in part to any test results, reports, or other internal or external data pertaining to the potential combustibility, flammability, or ignition hazard presented by polyurethane foam.
- d. This request further includes, but is not limited to, all internal or external communications of the Mine Safety and Health Administration related in any way to the potential combustibility, flammability, or ignition hazard presented by polyurethane foam product.

Due to the unusual circumstances surrounding the records you are seeking, the statutory time limits for processing your request cannot be met. There is a need to consult with another agency or two or more agency components and a need to search for and collect records from separate offices. Based on these unusual circumstances, we estimate that you will receive a response within 60 working days of the date of this letter.

If you have any questions or wish to discuss narrowing the scope of your request or an alternative time frame for the processing of your request, you may contact Meekness S. Williams at 202-693-9485 or [williams.meekness@dol.gov](mailto:williams.meekness@dol.gov) or the DOL FOIA Public Liaison, Thomas Hicks, at (202) 693-5427 or [hicks.thomas@dol.gov](mailto:hicks.thomas@dol.gov). Alternatively, you may contact the Office of Government Information Services (OGIS) within the National Archives and Records Administration (NARA) to inquire about the mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road, College Park, MD 20740-6001  
Phone - (202) 741-5570  
Toll free - (877) 684-6448  
Fax - (202) 741-5769  
Email - [ogis@nara.gov](mailto:ogis@nara.gov)

Please note that FOIA applies to existing records and does not require agencies to conduct research or generate documents based on that research. The FOIA requires that agencies generally disclose records unless agencies are authorized or required to withhold requested records, either in whole or part due to one or more of the nine established exemptions. Pursuant to 29 CFR Section 70.19(e) and 70.40, by filing your initial request, you have agreed to pay up to \$25 in satisfaction of certain fees associated with gathering the information you have

requested. If we estimate that your fees are likely to exceed \$25 or another amount that you have already consented to pay, we will notify you. Reference 29 CFR Section 70.42(c).

For information about FOIA practices and procedures, please visit our website at [www.msha.gov](http://www.msha.gov) or visit the DOL website at [www.dol.gov](http://www.dol.gov).

Sincerely,

A handwritten signature in blue ink that reads "Timothy R. Watkins". The signature is written in a cursive style.

Timothy R. Watkins  
Deputy Administrator for Mine Safety and Health Enforcement  
Mine Safety and Health Administration