



ROCK TALK

KENTUCKY CRUSHED STONE ASSOCIATION NEWSLETTER

- July 2007 -

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DPM Seminar

Diesel Particulate Matter Controls for Underground MNM Mines

August 14, 2007

Marriott Griffin Gate

Lexington, KY

Download Form: [DIESEL PARTICULATE MATTER SEMINAR REGISTRATION FORM](#)

Brought to you by U.S. Department of Labor, Mine Safety and Health Administration and Kentucky Crushed Stone Association

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CEMEX Completes Multi-Billion Dollar Rinker Take Over

On July 16, CEMEX announced that it had officially completed its multi-billion takeover of Rinker Group. The deal is valued at \$16.8 billion.

The acquisition will bump up CEMEX's annual sales by 28 percent, to more than \$US 23 billion.

As part of the deal, CEMEX has agreed to sell 39 concrete and aggregate plants in southern United States.

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It Is Not Too Late- Act Today

August 6-10 is Take Your Legislator To Work Week

The annual migration of legislators from Washington to their homes takes place on August 3, giving you the perfect opportunity to host your lawmaker the week of August 6-10. During their August sojourn, members of Congress like to meet with their constituents to find out what issues are on their minds. As Joy Wilson discussed at the Board of Directors meeting, there are a number of issues before Congress now that will directly impact our businesses.

This year NSSGA has proclaimed August 6-10 as Take Your Legislator to Work Week. The time is now for you to contact your legislator and ask him or her to stop by for a visit or a tour. Members will fill their appointment books before they get home so it is imperative that you contact them as soon as possible to request they come to your operation for a meeting or tour.

Issues before Congress:

- 1. S-MINER** bill which would increase MSHA penalties, along with a host of other provisions that will directly and negatively impact your business.
- 2. CLEAN WATER AUTHORITY RESTORATION** bill which would redefine 'waters of the United States,' which will mean that any wet area on your property is under CWA jurisdiction.
- 3. HIGHWAY TRUST FUND** solvency is a growing concern as the HTF is expected to be \$4 billion in the red next year and Congress needs to act before the highway program is jeopardized.

The NSSGA Government Affairs Division team is ready to assist you in this initiative. Our government affairs staff has drafted an **invitation** for your use and will provide you briefing papers on the S-Miner bill, Clean Water Authority Restoration Act (which subjects all wet areas of your operation to Section 404 permits), infrastructure spending bills and the outlook for the Highway Trust Fund. Another helpful document is the short **article** "How to Host Your Lawmaker," written by then-Government Affairs Committee chairman Rick Feltes and vice-chairman Mike Agee. We have reserved space in an upcoming edition of the Stone, Sand & Gravel Review to highlight the tours hosted across the country and include your pictures, so please take pictures.

Don't be left out - we have already heard that Elmer Larson LLC, Luck Stone Corporation, American Bin and Conveyor, Inc., Granite Construction, Inc., Iowa Limestone Producers Association, Kolberg-Pioneer, Inc., Martin Marietta Materials, Midwest Minerals, Inc. and Rogers Group, Inc. have extended invitations to their legislators. If you have any questions for the Government Affairs team, please call us at 703-525-8788.

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ATF and OSHA Release Information Collection Requests

The Bureau of Alcohol, Tobacco, Firearms and Explosives seeks comment on the information collection requirements (ICR) of its Limited Permit (Explosives) Form number ATF F 5400.6.

The User-Limited Permit is useful to the person making a one-time purchase of explosives from out-of-state. The contact for submitting comments on or requesting additional information on the ICR is Christopher Reeves at the Federal Explosives Licensing Center in Martinsburg, WV. Comments are due by Sept. 24.

OSHA seeks comment on the paperwork burden of its welding, cutting and brazing standard at 29 CFR 1910.255(e). This section requires that a periodic inspection of resistance welding equipment be made by qualified maintenance personnel, and that a certification record be generated and maintained. Further information is available from Theda Kenney or Todd Owen at 202-693-2222. Comments on the ICR, docket #OSHA-2007-0050, are to be submitted to <http://www.regulations.gov> by Sept. 21. © 2007 Sharpe Media US

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Mining Industry Shakes Up House Hearing on New Mine Legislation

In a coordinated effort, minority members of the House Subcommittee on Workforce Protections expressed their displeasure with the absence of a mining industry witness at a hearing July 26 called to consider sweeping new mine legislation.

The stage was set for the protest on Monday when ranking minority member Rep. Joe Wilson (R-SC) sent a letter to Subcommittee chairwoman Lynn Woolsey (D-CA) complaining about the absence from the lineup of witnesses from MSHA and industry. The hearing was scheduled to consider two House bills collectively known as the Supplemental MINER Act (S-MINER Act).

The bills have come under intense industry criticism ever since their release June 19. A nearly identical measure was also introduced in the Senate. The comprehensive legislation would substantially amend the Mine Act, give MSHA greater authority, increase penalty costs, extend legislative initiatives into the Metal/Non-Metal sector, and mandate tough new workplace exposure limits.

In opening remarks, Wilson made a motion to allow oral testimony from Bruce Watzman of the National Mining Association (NMA), who was in the audience. The move appeared to take a clearly flustered Woolsey by surprise. On a 3-2 roll call vote along strictly party lines, the motion was denied.

Under House precedent, the majority typically grants itself three witnesses while the minority gets one. The Republicans chose to fill their slot with Kevin Stricklin, Administrator of Coal at MSHA. For the Democrats, three labor representatives testified. They were Dennis O'Dell of the United Mine Workers (UMW), Mike Wright, Steelworkers; and Dr. James Weeks, a consultant who said he was there on behalf of the UMW.

Although Republicans failed to get their witness, they were successful in having Watzman's testimony entered into the record. Also entered were written remarks from a host of industry sources, including but not limited to, the Salt Institute (SI), Portland Cement Association (PCA), National Stone, Sand & Gravel Association (NSSGA), Industrial Minerals Association-North America (IMA-NA), and Iron Mining Association of Minnesota.

Additional comments added to the hearing docket included a recently-published opinion editorial (OpEd) written by Dr. Larry Grayson of Penn State University's mining program, joint correspondence from Grayson and a number of other academicians at mining schools from around the country, and a letter co-signed by NMA, SI, PCA, NSSGA, IMA-NA, and the National Lime Association.

The communications voiced a common theme. That is, progress on mine safety is being made under the MINER Act, but any new initiatives at this time - to lift descriptors from the joint industry letter - would be "premature," "unnecessary," and "counterproductive." Grayson's opEd piece, which was titled "Mine Mania," described "chaos" in the coalfields just over efforts to comply with the MINER Act.

At one point during the 97-minute session, Woolsey remarked that there would be an opportunity for additional hearings, implying that the minority's choice of witnesses would be heard at that time. In closing remarks, Wilson pointedly reminded her of her promise.

Sharpe's Point will provide a summary of witnesses remarks in its August issue.

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HTF \$4 Billion Short in 2009

Administration Ups Fiscal 2009 Shortfall For Highway Fund to 'Dramatic' \$4 Billion

The administration announced July 11 that it expects the highway trust fund, which is financed by gas tax revenues, to go insolvent by about \$4 billion in fiscal year 2009--increasing its previous estimate of a \$700 million shortfall in FY 2009.

In its mid-session budget review updating data included in the president's February budget proposal, the Office of Management and Budget said that highway trust fund finances "have deteriorated since February, with spending exceeding income in 2007 and 2008 and the highway account going insolvent by approximately \$4 billion in 2009."

John Horsley, executive director of the American Association of State Highway and Transportation Officials, said the shortfall could trigger substantial cuts in the federal-aid highway program across the nation.

"The impact of these shortfalls will be dramatic," Horsley said. "If this massive deficit were to be offset by obligation limitation reductions, it would require reducing the distribution of federal funding to the states by as much as \$16.5 billion in FY 2009. It takes four dollars in obligation reductions to save one dollar in spending."

He said that would equate into a cut of federal highway aid from a planned obligation level of \$43.2 billion in FY 2009 to \$26.7 billion.

"Clearly, states cannot meet transportation demands in the face of such dramatic cuts," Horsley said.

37 Percent Spending Cut Looms

Stephen E. Sandherr, chief executive officer of the Associated General Contractors of America (AGC), said the FY 2009 cuts would result in a 37 percent reduction in spending on the nation's infrastructure.

"Neglecting our transportation infrastructure will only make it more difficult for America to compete in the world market," Sandherr said.

If the deficit is not patched, Sandherr, said it is estimated that in 2009, California would lose about \$1.35 billion, Texas would lose about \$1.1 billion, Florida would lose about \$673 million, and New York would lose about \$634 million.

The mid-session review also increased the forecast shortfall to \$9 billion in 2010 and to \$15 billion in 2011, Sandherr said.

"This budget news comes at a critical juncture for the highway program, and federal, state and local governments will all feel the pinch," Sandherr said.

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Minerals Definition Meetings Continue

Staff Negotiations on Bill Language Ongoing

While congressional staff negotiations on asbestos ban legislation continue, NSSGA and its ad hoc coalition of interests concerned about this bill are continuing to meet with senators on the Environment and Public Works Committee to share concerns regarding the Murray ban bill (S-742). NSSGA President Joy Wilson was part of a small group that met with Sen. Tom Carper (D-Del.) on July 19 to discuss the pending legislation. The ad hoc coalition will meet with Sen. Larry Craig (Idaho), ranking Republican on the Environment and Public Works Subcommittee on Superfund and Environmental Health, to discuss the pending bill and the necessity to ensure that the ban be done in such a way as to not include non-asbestiform minerals.

A July 31 mark-up of the bill by the Senate Environment and Public Works Committee appears likely. NSSGA will continue efforts to ensure that any legislation to ban asbestos does not adversely impact the aggregates industry, and hopes to support the ban asbestos bill if the language on definitions clearly applies only to asbestos and asbestiform minerals.

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Meeting Information

Letting Date	July 27, 2007
	August 24, 2007
KCSA Summer Meeting	August 2-5, 2007
	French Lick Resort and Casino
	French Lick Springs, IN
DPM Seminar	August 14, 2007
	Marriott Griffin Gate
	Lexington, KY
NIOSH 12 TH Annual Seminar	December 4-5, 2007
	Executive Inn
	Louisville, KY

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Kentucky Crushed Stone Association

- If you would like for another employee to receive this newsletter, please forward the email address to info@kycsa.org.
- Let us know if your company has news to be included in the KCSA newsletter, info@kycsa.org .

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