



- August 2011 -

News Articles

- [Aggregates Leaders Meet with MSHA's Joe Main](#)
- [KSCA Letter to Joe Main](#)
- [Possible Relief from Truck Scale Guard Requirement](#)
- [First Report of Injury – Actions Required](#)
- [House GOP Fall Agenda Will Target Repeal of Opposed Regulations](#)
- [Bramco Reorganizes JFT](#)
- [USGS Releases 2nd Quarter Aggregates Production for 2011](#)
- [16th Annual Safety Seminar for Underground Mines](#)
- [Meeting Information](#)
- [Contact Information](#)

MSHA LEADERS MEET WITH AGGREGATES REPRESENTATIVES FROM STATES IN THE HEARTLAND

Source: NSSGA

U.S. Mine Safety and Health Administration head Joe Main and Metal/Non-Metal Administrator Neal Merrifield struck a conciliatory tone in a stakeholder meeting held Aug. 15 in Collinsville, Ill. Arranged in conjunction with aggregates operations tours scheduled for the following day, the MSHA leaders met with operators and executive directors of state aggregates associations of Ohio, Indiana, Illinois, Missouri, Kentucky and Iowa. NSSGA representatives also attended the meeting.

Main opened the meeting by stressing his interest in obtaining operator views of how MSHA is going about its work. The issue of inspector consistency was top of the list, with Main announcing that the year-long program of training supervisors has recently concluded. Merrifield commented that, if current trends hold, there will be a decline from 2010 levels of citations issued and rates of S&S. Merrifield continued saying that contract safety remains an agency concern, given that injuries and fatalities occur disproportionately to contractors, and also emphasized that the agency is looking to ensure that the audit process forces inspectors to be constructive, versus intimidating, in their dealings with operators. Merrifield also said that the agency is developing new guidance on how to comply with guarding standards. When presented with an embarrassing case of an inspector's having misidentified a garage-door opener as a moving machine part requiring guarding, Merrifield asked for additional information in hopes of correcting the inspector.

Key points made by stakeholders were:

- The importance of MSHA training materials, and the requisite need that the materials illustrate compliant vs. non-compliant practices;
- That overly-burdensome regulation by MSHA cannot be tolerated by operators already pinched by the recession;
- That all grant money apportioned to state mine agencies should actually be made available for training;

and

- That more should be done to train inspectors on the aggregates sector.

After the meeting, MSHA began to follow-up on some of the constructive complaints voiced. Direct any questions to Joseph Casper at (703) 526-1074 / jcasper@nssga.org.

[Return to Top](#)

KCSA Letter to Joe Main



August 15, 2011

Mr. Joseph A. Main
Assistant Secretary of Labor for Mine Safety and Health
Mine Safety and Health Administration
1100 Wilson Blvd
Arlington, VA 22209

Mr. Secretary,

Thank you for the opportunity you have provided for us to discuss our concerns as well as our vision for how mine safety and health can be enhanced.

The Kentucky Crushed Stone Association is made up of thirty-one producer members, twenty of which are long time family owned businesses. The members have been fully committed to not only comply with mining laws but continue to strive to insure safety and health is a core value in everything they do. In recent years the productive relationship we have sought to have with MSHA has been sorely tested. New interpretations of regulations, intensified enforcement, increased penalties, and the general atmosphere of adversity between the MSHA inspection force and operators creates conditions that, in our opinion, is not conducive to improved safety and health.

The crushed stone, sand and gravel industry continues to identify and implement new ideas and concepts to protect miners from injury and illness. We have supported training improvements to demonstrate to employees that the knowledge of regulations and the safe way to do their job is critical to achieving zero injuries and illnesses. Together with MSHA, our aggregate operations have supported and developed annual safety seminars for miners, supported Dust and Noise workshops, and supported the development of mine rescue capability for our underground members,

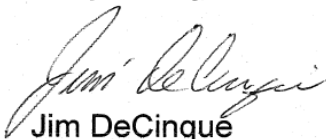
as well as the formation of the Commonwealth of Kentucky's only mine rescue contest. In addition, we have formed a Task Force with MSHA's Lexington Field Office to meet as necessary to discuss issues of mutual concern.

We reach out to you to renew the attitude of cooperation, instead of confrontation, since we all have the same objective for each and every miner, going home at the end of each workday safe and healthy.

As we all know, our industry and the entire country is experiencing one of the most difficult economic periods in recent history. We all struggle daily to maintain economic viability for ourselves and our employees. With this in mind, we understand you are about to begin a rulemaking effort that if implemented will most assuredly add monumental costs to compliance. We feel this regulatory effort will have a most negative impact on the crushed stone, sand and gravel industries without clear justification for implementation. In short, MSHA's regulatory agenda will have a devastating chill on our industry's future.

As stated earlier, MSHA's proposed increase in regulatory burden upon an already economically stressed industry is unwarranted. We stand ready to work with you but in this rush to rulemaking we cannot. We encourage you to instead focus on fairly and consistently enforcing the current rules and work with industry to find ways for us all to become more efficient in safety and health management, as well as enforcement. We appreciate your efforts to better understand the differences in aggregates mining and hope we can join together to cooperatively enhance safety and health in our nations mines.

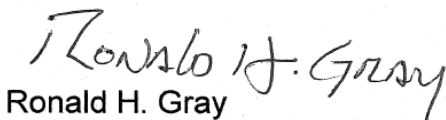
Respectfully,



Jim DeCinque
Vulcan Construction Materials, LP



Richard Hamilton
Nally & Gibson Georgetown, LLC



Ronald H. Gray
Kentucky Crushed Stone Association, Inc.

PETITIONS FOR MODIFICATION MAY BE AVENUE FOR RELIEF FROM TRUCK SCALE GUARD REQUIREMENT

Source: NSSGA

A high-level MSHA official has suggested to NSSGA that aggregates producers may consider filing petitions for modification in the wake of last year's spate of citations for failing to properly guard truck scales. By way of background, MSHA issued in August 2010 a program policy letter declaring a need for operators to place guards onto truck scales that are 16 inches or more off the ground. It is hoped that this option raised last week could serve as a workable solution on this contentious issue.

Further, a review of what is an appropriate way for MSHA to move forward on the matter could well be in the offing. The official conceded that administrative law judges have ruled both in favor of and against, MSHA on the matter. This has been a vexing issue for stone, sand and gravel operators because the PPL announcing this change failed to provide substantiation for the new assertion that a hazard exists for scales 16 inches or more off the ground. Also, the costs of installing the new guarding are considerable. Several months ago, NSSGA provided MSHA with an authoritative report by Rimkus Consulting showing that there is no threat to worker health or safety posed by trucks routinely traversing the scales at a very low rate of speed that would be addressed by additional guarding. NSSGA will continue to closely monitor this situation. Direct questions to [Joseph Casper](#) at (703) 526-1074.

[Return to Top](#)

First Report of Injury – Actions Required

Source: Kentucky AGC/SIF

When a work-related injury or occupational illness occurs, employers are required to take specific actions, some required by law. These actions will not only fulfill an employer's duty to the Kentucky Department of Workers' Claims, but also a duty to the employee, the Fund and the Fund's Third party Administrator, Ladegast & Heffner Claims Service. The following will detail the requirements for employers in the case of a work-related injury or occupational illness.

- Complete Form IA-1 (First Report of Injury) in its entirety (all unshaded areas). A First Report of Injury form can be downloaded or printed directly from the Fund's website (www.kyagcsif.com).
- Have the injured worker read and sign the back of the above listed form.
- Mail, fax (502-245-2850) or e-mail (we.claims@lhclaims.com) the completed form to Ladegast & Heffner Claims Service **within three (3) days of being notified by the injured worker of a claim**.
- Attach, in writing, any additional information regarding the claim (facts, concerns, or any other information that may be relevant to the claim).
- Ladegast & Heffner Claims Service will fulfill the obligation of transmitting the claims information to the Kentucky Department of Workers' Claims, as required by law.

Please note that a **penalty** or **fine** can be imposed by the Kentucky Department of Workers' Claims for the untimely **reporting of a claim to their office**. These penalties or fines could ultimately be charged to you, as the employer, if it is found that the First Report of Injury was not received by Ladegast & Heffner Claims Service within the required three (3) day time frame afforded to the employer by law.

Coming soon! Online filing of First Reports of Injury on the Fund's website (www.kyagcsif.com).

If you have any questions or concerns regarding this information, please contact Dina Green at Ladegast & Heffner Claims Service (502) 245-8395.

[Return to Top](#)

HOUSE GOP FALL AGENDA WILL TARGET REPEAL OF OPPOSED REGULATIONS

Source: NSSGA

House Republicans are poised to take on the Obama administration's "job-destroying regulations" when Congress reconvenes shortly after Labor Day, House Majority Leader Eric Cantor (R-Va.) announced on Aug. 29. In a memo to GOP members, Cantor outlined what he and other Republican leaders consider the "top 10 most harmful" administration regulations. Citing recommendations from committee chairmen, Cantor called for the repeal of those regulations and offered a "selective calendar" timeframe for doing so. These Obama regulations have the potential to greatly impact the aggregates and transportation construction industries.

Additionally, the House will work to pursue tax relief that Cantor said would help employers immediately unlock capital and create middle-class jobs. First, the House will vote on legislation (H.R. 674) to repeal a law that requires federal, state and local governments to withhold 3% from payments for goods and services. The second tax measure it will vote on is one that will allow small businesses to take a deduction equal to 20% of their income—a long-time priority of the House GOP Conference.

On the regulatory side, Cantor noted that votes would focus on the repeal of specific regulations and fundamental and structural reform of the rule-making system through bills such as the Regulatory Flexibility Improvement Act.

Other U.S. Environmental Protection Agency regulations Cantor attacked include soon-to-be-introduced ozone standard readjustments, revised standards for particulate matter or "farm dust" levels and new rules on greenhouse gas levels. Cantor also sniped at new regulations on "grandfathered health plans," those plans people had before the president's health care law took effect. Cantor notes Obama's promise that Americans who liked their existing health care plans could keep them.

During the week of Sept. 12, the House will vote on H.R. 2587, which would limit the National Labor Relations Board's power to remedy employer unfair labor practices and would apply to an ongoing unfair labor practice proceeding against Boeing Co. The following week, the House will vote on the Transparency in Regulatory Analysis of Impacts on the Nation Act (H.R. 2401), which would set up an interagency panel to study the cumulative costs of nearly a dozen EPA rules, mostly addressing air pollution.

Both the House and the Senate are scheduled to be out the week of Sept. 26 for the Jewish High Holidays, but the House will return the week of Oct. 3 to vote on the EPA Regulatory Relief Act (H.R. 2250), provide EPA with an additional 15 months to propose new emissions standards for industrial boilers, process heaters and incinerators. Also that week, the House will vote on the Cement Sector Regulatory Relief Act (H.R. 2681), which would force EPA to set aside a series of regulations covering hazardous air pollutants and other byproducts of cement production and instead develop less burdensome regulations that would not go into effect for at least five years. Later in the fall and into the winter session, the House will vote on several other regulations, including the Farm Dust Regulation Prevention Act (H.R. 1633) and forthcoming legislation related to greenhouse gases, among others.

Obama is set to unveil his own jobs plan in early September. While little has been revealed about the plan, it reportedly includes a "national infrastructure bank" whose role would be to stimulate the economy through government spending on construction projects.

[Return to Top](#)

Bramco Announces Reorganization of *JFT*

A year after having acquired *JFT*, Bramco, Inc. is now reorganizing all its business units participating in the material handling and processing industries. The reorganization will combine the lifting, processing and fabrication divisions under common leadership and thereby ease facilitation of referral of services for common customers without lessening the internal expertise necessary to give superior customer service. The new organization is the only company in its trade area that offers loading, lifting, processing, design, conveying and fabrication services.

Effective immediately the new organization will be referred to as **Bramco-MPS** (“Material Processing Solutions”), with headquarters remaining in Shepherdsville, Kentucky. Bramco-MPS will be led by Gary Hirsch as Vice President & General Manager. Hirsch has been with Bramco for three years serving in the same capacity in the Crane & Material Handling Division. Prior to joining Bramco, Hirsch had a distinguished career with Ingersoll-Rand.

The existing Material Handling Machines Division will remain intact and continue to sell its products in association with its affiliates and Bramco distribution subsidiaries; Brandeis Machinery & Supply Company and Power Equipment Company and their fourteen branches throughout Kentucky, Indiana and Tennessee and northern Mississippi.

Improved customer focus will be achieved through three newly formed divisions. The crushed stone, sand and gravel industries will be the focus of Lee Heffley, Vice President – Sales of the Aggregates Division. With focused responsibilities, Heffley will have greater participation in industry associations in Kentucky, Indiana and Tennessee.

Building upon the design and fabrication expertise of the former *JFT*, John Thornton will lead the company into new markets concentrating on the coal, energy, waterway load outs and scrap and recycling industries. This new initiative will be known as Bramco-MPS, Strategic Markets Division and Thornton will serve as the Vice President-Sales.

Bramco-MPS Fabrication Division’s fifteen years of expertise will continue to serve and supply products to the other divisions as well as continue its focus on quality, efficiency and innovation. The division is now referred to as the Fabrication Division and will be led by Bill Corrie.

Bramco, Inc. is one of the largest construction, mining and industrial equipment sales, rental and service networks in the country. The organization is headquartered in Louisville, Kentucky and is the parent company of Brandeis Machinery & Supply Company, Power Equipment Company and Bramco-MPS.

[Return to Top](#)

USGS RELEASES AGGREGATES PRODUCTION FOR 2nd QUARTER 2011

Source: NSSGA

A preliminary report from the U.S. Geological Survey reported that an estimated 307 million metric tons of crushed stone were sold or used in the second quarter of 2011, compared to 345 mmt in the same period last year, an 11% decline. Year-to-date production was 512 mmt for 2011 compared to 546 mmt in 2010, a 6% decrease.

The estimated output of construction sand and gravel produced in the second quarter of 2011 was 229 mmt, compared to 233 mmt in the same period last year, a modest 2% decline. Year-to-date production was 356, a 2% decline from 364 mmt in 2010.

[Return to Top](#)

SAVE THE DATE

The 16th Annual Safety Seminar for Underground Stone Mines

Fern Valley Hotel and Convention Center • Louisville, KY

December 6-7, 2011



This safety seminar will once again provide an update on issues and research relevant to the health and safety of underground stone miners. Regulatory developments will be included among the topics discussed as well as the impact on the underground aggregates industry.

Still the only national meeting primarily focused on underground stone mining.

The meeting begins December 6th, 2011 at 4:00 pm with a two hour earlybird workshop.

On December 7th the meeting continues, starting at 7:30 am with 10 presentations on a variety of health and safety subjects.

The seminar adjourns at 4:15 pm.

**You will receive a seminar registration brochure by mid-October.
There is no fee for this seminar but you must register to attend.**

For more information contact Lou Prosser
phone: 412-386-4423 email: lprosser@cdc.gov



[Return to Top](#)

Meeting Information

2012 KHI Winter Convention

February 11-18, 2012

Grand Cayman, Cayman Islands

The Westin Casuarina Resort

- If you would like for an 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.

[Return to Top](#)

MAILING ADDRESS
KENTUCKY CRUSHED STONE ASSOCIATION
P.O. BOX 326
FRANKFORT, KY 40602

RONALD H. GRAY
EXECUTIVE DIRECTOR
GAYE HORTON
OFFICE MANAGER

CONTACT INFORMATION
TOLL FREE: (888) 234-5272
FAX: (502) 223-2370
EMAIL: info@kycsa.org