



ROCK TALK

KENTUCKY CRUSHED STONE ASSOCIATION NEWSLETTER

- February 2011 -

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The KCSA Office will be closed February 28 – March 4th while Ron and Gaye attend the Kentucky Highway Industry Winter Convention. You can reach Ron by cell: 502-227-0694, or by email: ron@kycsa.org

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KCSA/MSHA Safety Seminar

March 10, 2011-01-31

Holiday Inn Hurstbourne Lane - Louisville, Kentucky

WHO SHOULD ATTEND?

This seminar will be beneficial to all employees, foremen, superintendents, managers and owners who are in any way connected to the aggregates industry. Conference participants will be given four hours credit toward their annual refresher training.

CONFERENCE REGISTRATION—\$75.00

Includes continental breakfast and lunch.

CONFERENCE SCHEDULE

7:30—8:30 a.m. – Registration, Continental Breakfast

8:30 a.m.—Noon - MORNING SESSION:

MSHA—Southeast District

1. Rules to Live By
2. MSHA Training for Truckers Entering Aggregate Operations
3. Elevated Truck Scales
4. Exposure Monitoring of Harmful Airborne Contaminants
5. Examination of Working Places

QUESTIONS AND ANSWERS

1:00—5:00 p.m. - AFTERNOON SESSION:

Adele Abrams, Attorney

“MSHA Enforcement and Defensive Strategies for 2011”

Go to www.kycsa.org and Click on “Meetings” for a Registration Form

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MSHA Rescinds Condition Reporting Requirement In Workplace Exam Directive

February 18, 2011

MSHA has re-issued a Program Policy Letter that does not include a requirement to document hazardous conditions when conducting workplace examinations under 56/57.18002.

[PPL P11-04-01](#), released Thursday, effectively nullifies that portion of a PPL on workplace examinations the Agency issued Nov. 10, 2010. The earlier PPL proved controversial because it included a statement that records to satisfy the workplace examination requirement "should include . . . a description of the condition(s) found which may adversely affect safety or health."

Metal/Non-Metal (M/NM) operators objected because the standard does not specifically mandate the recording of any hazardous conditions found during the examinations, nor does MSHA's policy statement on the standard require such documentation. The Program Policy Manual (PPM) states that the record must only include the workplace examiner's name, examination date and areas examined.

As such, operators contended that MSHA was making a change through policy that could only be made through notice-and-comment rulemaking. Operators also expressed concern that providing inspectors with the actual findings from in-house workplace examinations was tantamount to giving the Agency access to "our dirty laundry if we have not fixed the problem yet or the finding may not have been a problem once it

got investigated," as one operator put it. An attempt by the Agency to make a similar change in the mid-1990s was rebuffed.

In the latest PPL, MSHA encouraged operators to record hazardous conditions without mandating they do it. "Prudent operators should include a description of the conditions found which may adversely affect safety or health in the examination record," the Agency said.

The new PPL also makes clear that to comply with the record retention requirement of 56/57.18002(b), operators must retain workplace examination records for the preceding 12 months. This requirement does away with an alternative mentioned in the PPM. The alternative had allowed operators to discard workplace examination records from the preceding 12 months after MSHA had completed its next regular inspection if the operator provided certification that the examinations had been conducted during that period.

According to the PPL, the purpose of the standard is to require that each working place be examined by a competent person at least once each shift for conditions which adversely affect safety or health and that a record be kept of the effort. Evidence that a previous shift examination was not conducted or that prompt corrective action was not taken constitutes a violation. This evidence may include information which demonstrates that safety or health hazards existed prior to the working shift in which they were found.

The foregoing is a service provided to subscribers of *Sharpe's Point*, The Newsletter on Safety and Health in Mining. *Sharpe's Point* is a publication of Sharpe Media LLC. 4519 34th Street S., Arlington, VA 22206-1914 Tel: 703-379-0652, Fax: 914-840-0716 e-mail:info@sharpespoint.com Copyright 2011, Sharpe Media LLC. All Rights Reserved.

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Environmental Compliance Workshop: Potential to Emit (PTE)

This course will help attendees learn the all-important skill of performing PTE calculations. These calculations are the cornerstone of air permitting and determine the kind of permit that is applicable to your facility, what regulations you have to comply with and the forms you have to submit. The course will teach you what PTE is, how to identify emission sources, calculate those sources and how to use the calculations for permit recordkeeping. Registration begins at 8 a.m.

Date: Thursday, March 10, 2011

Time: 8 a.m.–12 p.m. EST

Location: Dept. for Environmental Protection Training Center, Room 301D
300 Fair Oaks Lane, Frankfort, Ky.

For workshop information, visit DCA's website at <http://dca.ky.gov/Pages/Training.aspx>. Space is limited, so reserve your seat now at <http://dca.ticketleap.com/pte/>.

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JV Resources Safety Seminar

Dear Kentucky AGC/SIF Member:

JV Resources handles the loss control program for your workers' compensation insurance fund. A LOSS CONTROL SEMINAR is scheduled for **March 16, 2011** from 1:00 p.m. to 3:00 p.m. The seminar will be held at the Holiday Inn Express & Suites located at 506 Minton Drive, London, Kentucky.

The topics for the seminar will be: TRENCH SAFETY, LADDER SAFETY, AND FALL PROTECTION, as well as other safety areas of interest.

To enroll in the seminar, contact JV Resources by March 11, 2011 at 502-245-8485.

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Kentucky Geological Survey Annual Seminar

The 51st Kentucky Geological Survey Annual Seminar is scheduled for Friday, May 13, 2011 at the KGS Well Sample and Core Library, 2500 Research Park Dr. in Lexington.

Sign-in starts at 8:00 a.m.; sessions begin at 8:30.

The theme of this year's seminar will be "The future of the geosciences in Kentucky and of KGS."

Speakers will include: Patrick Leahy, formerly with USGS, now executive director of the American Geological Institute; Kentucky State Geologist Jim Cobb; and staff and section heads of KGS.

In addition, a panel of private practice geologists, state government officials, and university geologists will discuss strengthening the geologic profession in Kentucky.

During lunch, the state Board of Registration for Professional Geologists will hold an official meeting and a discussion of the concept of "direct professional knowledge" by geologists practicing in Kentucky.

Lunch will be provided.

More on the event, including RSVP information, will be placed on the KGS Web (www.uky.edu/kgs) site in the coming weeks.

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Natural Resources Conference

(8 hours of CPE)

August 18, 2011
Embassy Suites Hotel
Lexington, Kentucky

Conference Topics:

- Federal Tax Issues

Mine development expenses
Receding face
Retained economic interest for depletion purposes

- State Tax Issues
Exemption for new and expanded industry
Severance tax updates
- Accounting & Auditing Issues
Reclamation
Mine Development Costs
Value of Inventory
Royalty Accounting
Contingency
Internal Capital Projects
- Industry Roundtables

For more information, please contact Suzanne Boone at sboone@kycpa.org or 502-736-1385.

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2011 KHI Winter Convention

February 26 – March 5, 2011
J.W. Marriott Desert Springs Resort & Spa
Palm Desert, California

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Meeting Information

2011 KHI Winter Convention	February 26 – March 5, 2011 J.W. Marriott Desert Springs Resort & Spa Palm Desert, California
2011 KCSA Summer Meeting	July 28-31, 2011 French Lick, Indiana West Baden Springs Hotel

- 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.

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