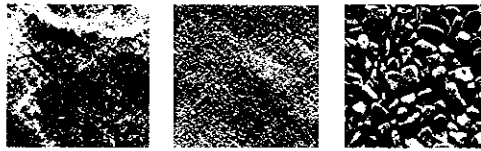


NATIONAL STONE, SAND & GRAVEL ASSOCIATION



Natural building blocks for quality of life

April 23, 2010

The Honorable Joseph A. Main
Assistant Secretary
U.S. Mine Safety & Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209

Dear Mr. Secretary:

As a second follow-up to the recent NSSGA CEO delegation meeting with you, I wanted to relay the following response to another question you posed for our members' feedback concerning the value of work performed by the Small Mine Office (SMO).

We respectfully urge that the Administration change course on plans to shut down the SMO: we believe the provision of quality compliance assistance geared to smaller operations adds significantly to the safety and health of our workforce.

SMO compliance assistance has helped operators 1) provide safer and healthier work environments, 2) boost compliance and 3) experience smoother inspections because the operation and workforce were better prepared. Moreover, we're pleased that SMO works on a key priority of yours: the development of a written safety and health plan for every operator. As illustrated at www.msha.gov, SMO's compliance assistance correlates to more rapid reductions in injury/illness incidence rates than for those of the overall aggregates industry.

NSSGA and our state aggregate association partners find SMO's work to be critically important to continuing improvements in safety and health amongst aggregates industry workers.

This guidance was considered most useful when it could be provided without "coordination" or immediate follow-on by an inspector. Operators are concerned that, if compliance assistance visits are followed immediately by enforcement action, inspections will target the very issues focused upon in the compliance assistance visit before adequate time allows for resolution of deficiencies. Presently, it is our understanding that SMO provides compliance assistance without specific knowledge of when an inspection may be forthcoming. This allows the development of greater trust that the assistance is offered for the safety and health benefit of the workers, and with the purpose of enhancing compliance.

SMO's work has enabled companies to more readily comply with pertinent regulations and standards, the enforcement of which has dramatically increased since enactment of the MINER Act. This is critical. Given that many NSSGA member companies – replete with strong staffs involved in safety and health training and compliance – are themselves facing increased compliance pressures. One can only imagine the burdens weighing on small operators.

Additionally, NSSGA has an interest – given that many of our smaller companies have adopted the NSSGA Safety Pledge to help reduce the national incidence rate and eliminate fatal accidents – in this valuable MSHA program being broadened, not withdrawn, in order to help these smaller companies reach their safety and health goals.

NSSGA is in receipt of more than one hundred stories of SMO personnel having delivered effective compliance assistance. Outlined below are just a few testimonials from around the country:

- Small mines officer helped us quickly bring our operations up to speed on safety.
- Assistance on training plans made for a thorough understanding; for instance: he delivered easy-to-understand explanations.
- Officer conducted a thorough examination via a courtesy walk-through on the range of things inspectors would be checking for.
- Because of our visit with the SMO representative, we had a zero citation inspection.
- The SMO representative provided guidance on updating records and training materials.
- The instruction was so helpful that our contractors have called to express thanks.
- One inspector took the trouble to make a second visit to our facility because the first day's provision of information had been so overwhelming.
- Officer helped us organize all of our training information.
- Officer made my safety training work much more efficient.
- Officer streamlined our paperwork organization so that there will be fewer headaches in the future.

These testimonials describe the qualities of SMO representatives, reflecting favorably on the agency and its mission:

- Very professional, and business-like and added a measure of personal concern.
- Helped us realize that our full compliance was possible.
- Helped us solve our safety problems on numerous occasions.
- After our meeting, I feel really good about spreading the good news.
- I feel that you could not put a monetary value on the small mine program because it does what it is designed for, to save lives, reduce accidents, and help improve operator awareness.
- I can feel comfortable calling this person, instead of an inspector; he was genuinely interested in helping.
- Materials he provided are my new best friends.

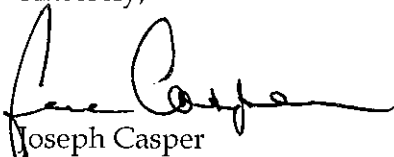
- Don't know what small miners would do without you.
- [on courtesy walk-through] It's not easy being picky and polite at the same time, but the SMO representative did.

While we applaud your interest in efficient government operations, one stated rationale for closing the SMO - disagreements between district and SMO staff - seems incongruous with efforts to achieve the safest and healthiest results in stakeholder operations. Given your assurances that MSHA is working hard to train and upgrade inspector performance, and that your enforcement goal is that deserved (versus ground-less) citations be written, we believe that any disconnects between compliance assistance and inspections will be rectified under your leadership.

In closing, we respectfully urge you to continue the SMO's necessary work to boost compliance in smaller operations that are unlikely otherwise have the staff complement sufficient to oversee in-house compliance assistance with the same level of expertise. Most importantly, SMO's continued existence will help us continue our nine consecutive years of improvements in the aggregates industry's injury-illness incidence rates.

Please let us know if you have any questions or need additional substantiation concerning the valuable work performed by MSHA's Small Mine Office. I can be reached at (703) 526-1074 / jcasper@nssga.org.

Sincerely,



Joseph Casper
NSSGA VP, Safety Services

cc: Gregory Wagner, M.D., MSHA Deputy Assistant Secretary for Policy
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