



National Lime Association
L I M E
The Versatile Chemical



NATIONAL STONE, SAND & GRAVEL ASSOCIATION



Natural building blocks for quality of life

PCA
Portland Cement Association



October 29, 2007

The Honorable George Miller
Chairman
House Education & Labor Committee
House of Representatives
2181 Rayburn H.O.B.
Washington, DC 20515

The Honorable Howard "Buck" McKeon
Ranking Minority Member
House Education & Labor Committee
House of Representatives
2101 Rayburn H.O.B.
Washington, DC 20515

Dear Chairman Miller & Ranking Member McKeon:

The House Education and Labor Committee is scheduled to mark up two bills of great concern to the mining industry -- the *Supplemental Mine Improvement and New Emergency Response Act* (H.R. 2768) and the *Miner Health Enhancement Act* (H.R. 2769). The undersigned organizations are writing to express our opposition to these measures which are premature and will interfere with our industries' on-going efforts to implement the requirements of the Mine Improvement and New Emergency Response (MINER) Act of 2006.

The members of our organizations place the safety and health of their workers as their highest priority. We have carefully reviewed the elements of these bills and have determined that they will harm, rather than enhance, our industries' diligent efforts to meet the requirements of the MINER Act which garnered overwhelming bi-partisan support and was endorsed by labor and industry prior to its passage last year. Unlike last year's bi-partisan bill, both measures:

- Add new regulatory requirements that will create confusion and threaten our continued progress in implementing the safety improvements required by the MINER Act;
- Circumvent notice and comment rulemaking, thereby thwarting the development of safety and health standards and policies based upon sound science;
- Change the roles and responsibilities of MSHA and NIOSH in a number of key respects; and

- Impose a one-size-fits-all approach that fails to recognize that mines are unique. If enacted, these bills will result in many mines installing inappropriate or unnecessary technology that could be counterproductive to our shared goal of improving miner safety and health.

We believe the MINER Act should be fully implemented and its effectiveness evaluated before further legislation is considered by Congress. Imposing additional requirements at this time will divert resources and threaten rather than enhance our industries' efforts to further improve miner safety and health. As such, we strongly oppose H.R. 2768 and H.R. 2769.

Sincerely,

Industrial Minerals Association - North America

National Lime Association

National Mining Association

National Stone, Sand & Gravel Association

Portland Cement Association

Salt Institute