

**STATEMENT OF CHARLES E. HAWKINS, III, CAE
EXECUTIVE VICE PRESIDENT AND COO
NATIONAL STONE, SAND, & GRAVEL ASSOCIATION
TO
SUBCOMMITTEE ON LABOR, HEALTH & HUMAN SERVICES
OF THE
SENATE COMMITTEE ON APPROPRIATIONS
MSHA OVERSIGHT HEARING
January 23, 2006**

Mr. Chairman, the National Stone Sand & Gravel Association (NSSGA) appreciates the opportunity to submit a statement for the record of this oversight hearing on the Mine Safety and Health Administration (MSHA) and its regulatory and enforcement programs.

Based near the nation's capital, NSSGA is the world's largest mining association by product volume. Its member companies represent more than 90 percent of the crushed stone and 70 percent of the sand and gravel produced annually in the U.S. and approximately 115,000 working men and women in the aggregates industry. Sale of natural aggregates (crushed stone, sand and gravel) generates nearly 38 billion dollars annually for the U.S. economy. The estimated output of aggregates produced in the first half of 2005 was 1.3 billion metric tons, a four percent increase over the same period in 2004 (2.85 b MT). According to the U. S. Geological Survey, the significant increases in aggregates production were due to the increase in construction activity, which has risen every year for the past decade. Construction spending amounted to 617.9 billion dollars during the first half of 2005, a nine percent increase over the same period in 2004.

Aggregates are used in nearly all residential, commercial and industrial building construction and in most public works projects, such as roads, highways, bridges, railroad beds, dams, airports, water and sewage treatment plants and tunnels. While the American public pays little attention to these raw natural materials, they go into the manufacture of asphalt, concrete, glass, paper, paint, pharmaceuticals, cosmetics, chewing gum, household cleansers, and many other consumer goods.

The events in the Sago Mine and Aracoma Coal Alma No. 1 Mine disasters are tragic and the loss of even one life, let alone 14 lives, is devastating. Nevertheless, the safety record of the mining industry, and the aggregates industry in particular, has improved due to a heightened level of effort invested by the industry to sustain an improved performance. The improvement in the aggregates industry safety record is attributable to a combination of more effective safety and health programs developed and implemented by the industry over the past decade in response to increased Mine Safety and Health Administration regulation of the mining industry and heightened enforcement.

The first priority for the aggregates industry is and will continue to be the safety and health of its miners. The industry recognizes that its employees are its most valuable asset, an asset that must be protected for the well being of the industry now and in the future. As the workforce ages, it has become increasingly difficult to recruit new miners to the industry. Maintaining an excellent safety record through the implementation of effective safety and health programs is considered a critical element for attracting and keeping a highly skilled workforce.

Members of the National Stone, Sand & Gravel Association have developed and agreed to a set of guiding principles to assist member companies in their efforts to understand the importance of safety to their individual organizations as well as to the industry as a whole. In addition, a safety pledge was developed in 2002 incorporating the safety guiding principles. More than 90 percent of the operations of NSSGA member companies are now covered by this pledge, signifying the importance of safety and a commitment toward ensuring the safety and health of all their employees.

Recent news articles have ascribed some of the responsibility for the Sago incident to the cooperative alliances MSHA has signed with the industries it regulates, implying an inappropriately close relationship. We would argue the opposite. The NSSGA and MSHA formalized the first such alliance in 2002, setting forth a cooperative agreement to develop programs and tools for the improvement of safety and health in the aggregates industry. The resulting reduced incidence rates speak for themselves.

It should also be noted that MSHA has similar alliances with labor organizations, including the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers and the International Union of Operating Engineers. Important alliances also exist with the National Safety Council and the American Society of Safety Engineers. Through these alliances, MSHA has been able to enhance its mission of protecting worker safety and health

Another collaborative effort resulted in the MSHA Part 46 "Training and Retraining of Miners" regulation in 2000. This excellent regulation ensures every miner knows and understands how to perform their job safely by covering the important safety and health information prior to starting work and annually thereafter. This regulation was developed collaboratively, with input from both labor and industry groups, guaranteeing support of the rule by all involved stakeholders and assuring their commitment to the ultimate goal of injury reduction. The Coalition for Effective Miner Training included many industry groups working in a joint industry/labor arrangement in conjunction with MSHA to develop an effective standard for the aggregates industry. The Part 46 regulation resulted from this effort.

In another example, the NSSGA and MSHA developed a cooperative workplace-based sampling training program of noise and dust monitoring workshops. A partnership agreement was signed and the training workshop program launched on December 1, 1997. These workshops have been given to industry representatives using training specialists from the Mine Safety Academy every year since 1997. These workshops have won two awards from Innovations in American Government for this joint venture aimed at reducing hearing loss and silicosis through a program of recognition, evaluation and control of workplace hazards.

The NSSGA/MSHA alliance was further enhanced by an ad hoc coalition consisting of the U.S. aggregates industry (NSSGA and MSHA) and the quarrying industry (Health & Safety Executive and the Quarry Products Association) in the United Kingdom (England). This informal alliance was developed to share best practices between the countries in a similar industry.

Based on the sharing of information about successful programs in the UK, the NSSGA/MSHA Alliance has moved forward with joint efforts to implement programs that will further improve the safety and health of US aggregates miners. The alliance first assembled a Data Mining Task Force to review the incident data (not fatalities) with the hope of elucidating specific areas where efforts could be targeted to reduce injuries. It is this focus on incidents, rather than the focus on fatalities, that offers the best chance of improving the safety performance and at the same time reducing fatalities.

Simultaneously, the alliance began working on a model safety and health program to take the best of industry and develop a model that could be used by both small and large aggregate producers to develop a safety management system. This resulted in the publication in December 2005 of the “Core Principles of a Safety Program” by the Alliance. It is available free on the MSHA and NSSGA websites.

At present, the Alliance is working on promoting safety and health through the publication of “rip & share” safety tools in the bimonthly association magazine and articles on timely safety topics for the industry to use in improving their safety programs. MSHA and NSSGA member company representatives jointly develop these tools. The cooperative relationship has made great strides toward improving the safety of the aggregates industry.

You can see this clearly using the data required to be submitted by mine operators on injuries/illnesses and manhours. The attached chart “Comparison of Aggregate Industry Workhours vs. Incident Rates” shows that even with an increasing number of hours worked at aggregates producers’ sites there has been a significant reduction in the total incidence rate in the industry. The second chart “Aggregate Industry Incident Rates 1989 – 2004” shows this data broken down by aggregates industry sector. More progress has been made since 2002 through the cooperative efforts of the NSSGA/MSHA Alliance.

In no way does the NSSGA/MSHA Alliance interfere with the compliance program of the agency. MSHA has an important role in ensuring that safety at aggregates mines and quarries maintain standards that protect employees. The MSHA enforcement program operates independently of any of the cooperative industry alliances. The Mine Safety Act, unlike any other safety agency, requires complete inspections of every mine property 2 or 4 times per year depending on whether it is surface or underground, respectively.

The mining industry is more heavily regulated and inspected than general industry covered under the Occupational Safety and Health Administration regulations. It is important that caution be exercised before rushing to impose more regulations on the mining sector. Careful study of the programs in place must be made and effective enforcement ensured.

NSSGA believes that the cooperative relationship the aggregates industry has developed with MSHA has led to increased safety for aggregate industry employees. We believe that these relationships rather than being discouraged should be encouraged. They are especially helpful to the small- and medium-sized companies that are unable to afford a staff safety professional by providing the mechanisms necessary for continuous improvement to the safety and health of aggregate workers.

NSSGA appreciates the opportunity to provide comments to this very important hearing.

Attachments

NSSGA Safety Pledge

NSSGA Guiding Principles

Core Safety Principles of a Safety Program

CHART 1-Comparison of Aggregates Industry Workhours vs. Incident Rates from 1989 – 2004

CHART 2-Aggregate Industry Incident Rates 1989 - 2004

CHART 1

Comparison of Aggregate Industry Workhours vs. Incident Rates from 1989-2004

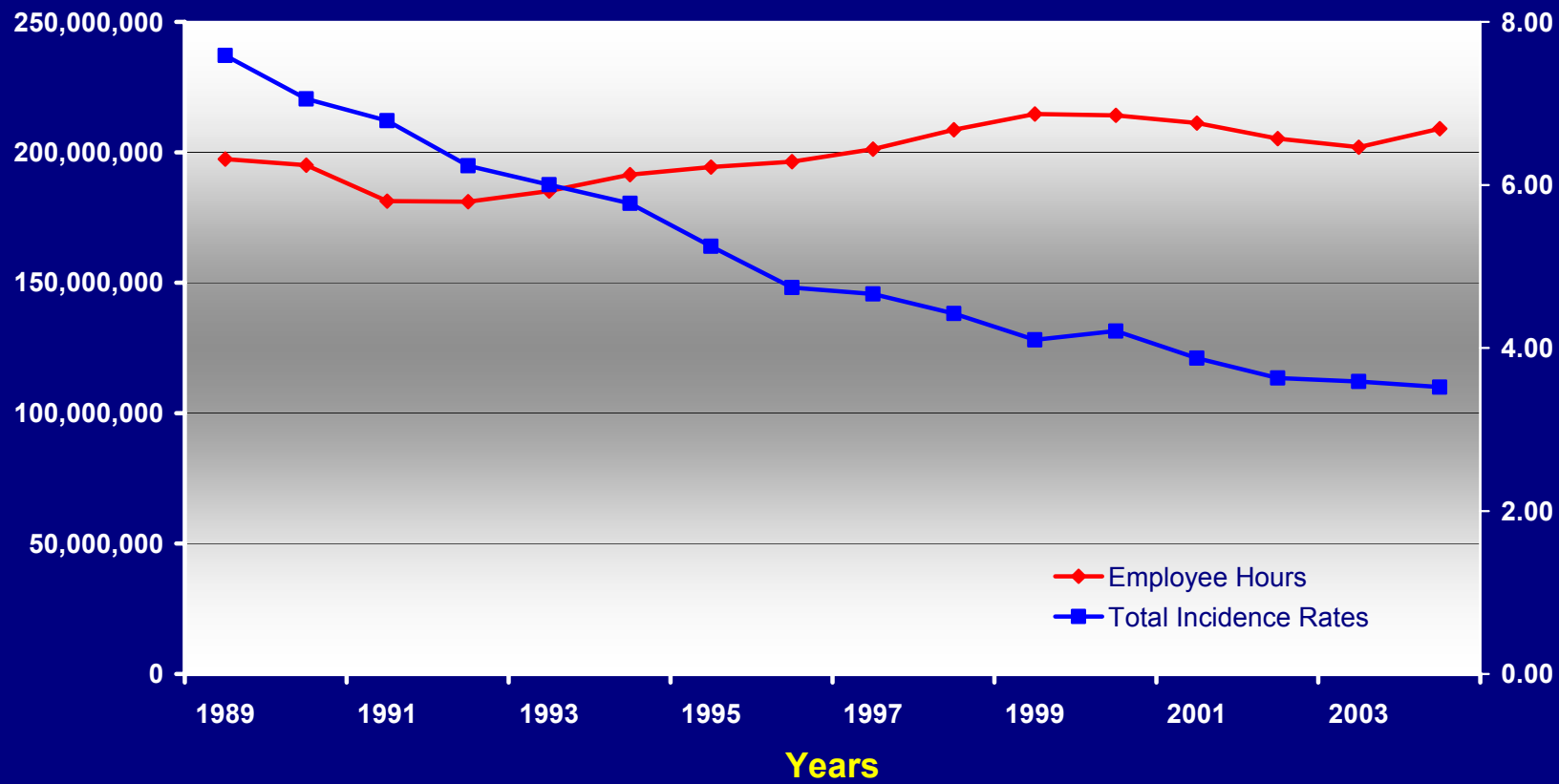


CHART 2

Aggregate Industry Incident Rates from 1989-2004

