



July 21, 2010

2010 PMD Annual Meeting to spotlight cost management in uncertain economic times

PMD's 2010 Annual Meeting will take place Sept. 8 and 9 at NSSGA headquarters in Alexandria, Virginia. The theme of this year's meeting is "Navigating Out of the Storm: Managing Costs in an Uncertain Economy." The agenda includes:

- A best practices panel discussion, featuring presentations by senior employees from leading PMD members (Omya, Imerys, J.M. Huber, Columbia River Carbonates, and Pete Lien & Sons) on managing the costs of energy, human capital, transportation, and regulatory compliance;
- Updates by senior NSSGA staff on regulatory and legislative developments (including the new mine safety bill described elsewhere in this issue of *Newsline*) that WILL affect your company's bottom line;
- A presentation about Mine Safety & Health Administration (MSHA) enforcement priorities by a senior agency official;
- A forecast by an experienced industry consultant about the economic outlook for manufacturing markets PMD members serve;
- PMD's Environment & Regulatory Committee meeting;
- PMD's Board of Directors meeting; and
- A member reception at a historic Old Town Alexandria tavern once frequented by George Washington and other founding fathers.

The agenda also includes plenty of time for industry-specific networking. Additionally, given the scale of the legislative threats our industry is facing on Capitol Hill, PMD members attending the Division's 2010 Annual Meeting are strongly encouraged to take advantage of their time in Washington, D.C. to meet personally with their congressional representatives to discuss the new MSHA bill. NSSGA's legislative team can provide guidance on setting up and conducting these meetings. For more information please contact NSSGA Vice President of Government Affairs Pam Whitted at pwhitted@nssga.org or 703.525.8788.

To register and view the complete agenda, go to: http://www.nssga.org/calendar/PMD_0910/Agenda.cfm.

We hope you'll make plans now to join us for the pulverized calcium carbonate industry's premier professional development and networking event.

House committee approves partisan mine safety bill,

At a full House Education and Labor Committee markup of proposed mine safety legislation on July 21, surface and underground aggregates mines were excluded from potentially devastating provisions that were designed to prevent reoccurrences of disasters like the Upper Big Branch coal mine tragedy in West Virginia in April. Thanks to NSSGA lobbying, calcium carbonate mining facilities have also been excluded from coverage.

NSSGA and a coalition of other non-coal mining industries had been fanning out across Capitol Hill for weeks in an effort to avoid being swept up by wide ranging legislation that proposes to increase penalties, criminalize even inadvertent violations of the act, and mandate onerous new reporting requirements. The bill, H.R. 5663 (originally introduced as the Miner Safety and Health Act of 2010, but now known as the Robert C. Byrd Memorial Miner Safety and Health Act of 2010), as introduced applied to all mining sectors.

An early evening meeting on July 20 between representatives of NSSGA (including Vice Chairman Dave Thomey of Maryland Materials and NSSGA President & CEO Joy Wilson) and House Education and Labor Committee Chairman George Miller (D-Calif.) resulted in the exemption from the bill of all surface mines (except for those physically connected to an underground coal mine or other underground mine containing flammable gasses) and all "underground mines which are neither coal mines nor gassy mines."

NSSGA and its members have long recognized the critical importance of worker safety and health, and historically have devoted an enormous amount of effort and resources to ensuring the well-being of our employees. NSSGA appreciates Chairman Miller's recognition that members of the industries NSSGA represents are part of the solution and not the problem.

In lobbying for an exemption from the legislation, NSSGA said that the legislation should be targeted at the areas of highest risk. Our rationale was that:

1. The aggregates industry achieved record safety and health levels in 2009. Our sector does not deserve to be punished for those remarkable achievements.
2. Aggregates operations were not and are not the reason for the legislation. Our risk profile is inherently different from other industries due to the nature of the materials we extract. Our underground stone mines don't contain flammable gases or combustible dust, and our underground stone mines are cavernous and stable.
3. NSSGA members across the country have been hit hard by the recession. Our construction materials relate to the construction industries' markets, and those industries continue to experience depression-level unemployment. Our calcium carbonate producers are subject to the whims of the broader economy, which is still anemic.
4. Member companies that are producing are experiencing dramatically increased penalties despite record safety and health achievements, and are being hurt by inconsistent MSHA enforcement. It would be unfair and unwise to impose new and far-reaching requirements on already heavily-regulated companies so hard hit by recession and regulation, especially when they are achieving great progress in safety and health.

We thank everyone in our grassroots who made phone calls, wrote and paid visits to their members of Congress to educate them on this issue. The most powerful messages that we can send to Congress are the ones that they hear from their own constituents. Thank you! Credit for this victory belongs to you as well!

More information about the bill is available on the House Education & Labor Committee Web site:

<http://edlabor.house.gov/blog/2010/07/miner-safety-and-health-act-of.shtml>

To contact your members of Congress about the bill, go to NSSGA's Legislative Action Center:

<http://capwiz.com/nssga/home/>.

Key lawmaker says new study highlights impact of lack of rail competition

PMD members aren't the only ones concerned about a lack of railroad competition. A recent report by the U.S. Departments of Transportation and Agriculture drew a quick response from House Transportation & Infrastructure Committee Chairman James Oberstar (D-MN), who said the report released in April confirmed several areas of concern in the rail industry.

"Many of the issues highlighted in this study relate back to the relative lack of competition in the rail industry, which adversely affects the agriculture industry and other sectors that are vital to a robust economy. The unprecedented consolidation within the rail industry that has occurred since it was deregulated in 1980 has resulted in record profits for railroad companies, but entire states and regions have become captive to a single Class I railroad," Oberstar said.

"We have heard from many shippers who are very frustrated with the decrease in competition among railroads, because shippers now have fewer routing choices, higher rates, and debilitating paper barriers. This study details many of the issues that shippers are concerned about, and it confirms that Congress must reduce impediments to competition that adversely affect rail customers" Oberstar said.

In the 110th Congress, Oberstar introduced the Railroad Competition and Service Improvement Act of 2007 (H.R. 2125). The legislation required the Surface Transportation Board to promote effective competition among rail carriers at origins and destinations, enforce reasonable rates for rail customers in the absence of competition, and ensure efficient and reliable rail transportation service.

"The T&I Committee has held numerous hearings on the future of freight rail, rail competition, and the need for greater intermodalism in the United States. These issues are particularly important to the agricultural sector, which uses trucking, railroads, barges, and ocean vessels to get their products to markets in the U.S. and around the world. These modes of transport must work together as a single flexible network that seamlessly and efficiently moves food products from the farm to American families' dinner tables, or even to foreign markets," Oberstar said. "The DOT-USDA report confirms that Congress must make strategic decisions about the nation's infrastructure in order to meet the needs of rural America today and future generations of farmers."

Oberstar pledged to continue working toward enacting legislation to reauthorize the Surface Transportation Board, increase competition in the rail industry, and expand intermodalism across the nation. "It is vitally important that Congress reauthorize the STB, and I have been working to do just that," Oberstar said.

A summary of the report is available at:

<http://transportation.house.gov/Media/file/Rail/USDA%20Trans%20Study%20Exec%20Sum.pdf>

The full report is available at: <http://www.ams.usda.gov/AMSV1.0/RuralTransportationStudy>.

NSSGA provides model occupational health program, safety training DVDs

NSSGA urges its members to establish programs that will develop a knowledgeable workforce capable of recognizing, analyzing, and avoiding inherent hazards of the work environment. To aid members in achieving that goal, NSSGA has developed a model Occupational Health Program. Members will find it to be a valuable user-friendly tool for safeguarding worker health. To order go to

https://www.nssga.org/commerce/OHP_reqform.cfm.

Additionally, NSSGA has developed a series of user-friendly DVDs on haul truck safety for members to use in training workers. Topics include:

- Disc One: Pre-Shift Inspections: Simple steps making for a good pre-shift check of equipment;
- Disc Two: Runaway Prevention: Key elements helping keep a runaway from occurring;
- Disc Three: Mechanical Profile: Important aspects of haul truck systems needed for efficient and safe operation;
- Disc Four: Operating for Safety: Critical components of a successful approach to safe handling of haul trucks.

To order the DVDs, go to: https://www.nssga.org/commerce/Haul_Truck_Safety_reqform.cfm.