



June 26, 2008

PMD weighs in against dramatic expansion of Clean Water Act

In a letter sent to Capitol Hill earlier this month, PMD Chairman Jim Ruddell (Franklin Industrial Minerals) expressed the Division's concerns about pending legislation that would dramatically expand the Clean Water Act (CWA).

Tomorrow (June 27) is deadline for NSSGA MSHA ACRI training hotel room block!

There's just one day left to get the preferred hotel rate for NSSGA's special Mine Safety and Health Administration (MSHA) Alternative Case Resolution Initiative (ACRI) training class in Denver on July 28, 29, and 30.

The ACRI program is a mechanism for mine operators to dispute certain citations and "litigate" cases against ACRI-trained, non-attorney MSHA personnel. This special ACRI workshop will provide PMD members with the skills necessary to participate in the ACRI process without outside legal representation. You will receive instruction on organizing and presenting legal arguments, the basic principles of MSHA law, legal research techniques, and procedures to be followed during litigation.

The cost to attend is \$495 for PMD/NSSGA members and \$600 for nonmembers. To register for the class and reserve your hotel room, click here: <http://www.nssga.org/calendar/ACRI0708/> (Please note that you can register for the meeting itself until mid-July but that you will have to pay regular hotel room rates, provided that a room is available at the host hotel.)

Currently, federal regulatory authority under the CWA is limited to the navigable waters of the United States. However, the Clean Water Restoration Act (H.R. 2421 and S. 1870), which was introduced last year, would remove the word "navigable" from the law and give the federal government authority over all state waters. As a result, the Environmental Protection Agency (EPA) and the Army Corps of Engineers (the Corps) would effectively have veto power over local land use decisions, increasing costs, permitting delays, and regulatory complexity for PMD members.

The PMD letter, which was sent to Sens. Barbara Boxer (D-CA) and Jim Inhofe (R-OK), respectively the chairman and ranking member of the Senate Environment & Public Works Committee, said that the CWRA would "add another layer of regulation on an already highly regulated industry that will increase mining costs and raise new obstacles to permitting new mines without substantial benefit to the environmental health of the nation."

Ruddell's letter also said that, "because the CWA allows citizens to file lawsuits, those radical groups who oppose our operations

would be given an additional venue to restate their opposition – duplicating their efforts at minimal cost to themselves, but at substantial costs to those seeking permits. The administrative costs and delays will almost certainly result in higher mineral costs and possibly in supply shortages."

The Senate version of the CWRA currently has 20 cosponsors; the House version has 176. Although it's highly unlikely that the bill will become law this year, environmental groups have made the legislation a priority and are expected to continue to do so in the next congress.

NSSGA urges Congress on housing stimulus

As the debate over legislation to stimulate the residential real estate market heated up again on Capitol Hill last week, NSSGA joined with 13 other trade associations to urge Congress to quickly create a temporary home purchase tax credit. Advocates argue that this would stimulate demand in the housing market, thereby helping to eliminate excess inventory, reverse declining home prices, and restore consumer confidence.

The June 18 coalition letter pointed to recent data from the Bureau of Economic Analysis and Office of Federal Housing Enterprise Oversight showing that declines in home purchasing and housing prices had accelerated in recent months. "Put simply," the letter said, "the housing market is getting worse, not better."

NSSGA and its allies said that recent bills passed by the House and Senate containing home purchase tax credit provisions were "important steps in the right direction." However, the letter said that "given the steady parade of negative reports suggesting that the residential real estate market is worsening," Congress should "act on final legislation as quickly as possible to provide maximum stimulus as we enter the summer buying season."

"Products containing pulverized calcium carbonate are widely used in home construction and we know the housing downturn has had a major impact on our members," NSSGA Vice President of Government Affairs Pam Whitted said. "We're hopeful that Congress will take our message to heart and quickly enact legislation to stimulate the residential real estate market."

In addition to NSSGA, the letter was signed by the Air Conditioning Contractors of America, the American Financial Services Association, the American Society of Home Inspectors, the Associated Equipment Distributors, the Associated General Contractors of America, the Association of Equipment Manufacturers, the Independent Community Bankers of America, the Interlocking Concrete Pavement Institute, the National Lumber and Building Material Dealers Association, the National Ready Mixed Concrete Association, the National Utility Contractors Association, the Plumbing-Heating-Cooling Contractors Association, and the Portland Cement Association.

The housing stimulus bill currently being debated by the Senate would provide an \$8,000 tax credit for first-time homebuyers who purchase a home between April 9, 2008 and April 1, 2009. The tax credit would have to be repaid over a 15-year period. The bill also contains a host of other provisions aimed at preventing unnecessary foreclosures, making housing more affordable, modernizing the Federal Housing Administration, and enhancing disclosure by lenders to borrowers.

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Although an early procedural vote suggested that the housing bill had strong bipartisan support, a presidential veto threat and dissent from some Republican senators has called the immediate future of the legislation into question. Stay tuned.

PMD Annual Meeting set for early October

PMD's Annual Meeting will take place on Oct. 8 and 9 at NSSGA headquarters in Alexandria, Virginia. The meeting will kick off with a reception and dinner for attendees on the evening of the 8th. The sessions on the 9th will feature presentations on a range of topics that affect your company's markets and costs of doing business. The agenda for the 9th will also include PMD's annual Board of Directors meeting.

PMD's Executive Committee and staff are in the process of developing the meeting agenda. If you have suggestions for topics and speakers, please send an email to caklein@potomac-law.com.