



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

May 28, 2021

The Honorable Marty Walsh
Secretary
U.S. Department of Labor
200 Constitution Ave NW
Washington, DC 20210

Dear Secretary Walsh:

In light of recent positive developments to control the ongoing COVID-19 pandemic, we are writing to, once again, share our concerns with the implementation of an emergency temporary standard by the Occupational Safety and Health Administration (OSHA) or the Mine Safety and Health Administration (MSHA). The National Stone, Sand & Gravel Association (NSSGA) shares your strong desire to protect American workers and we are proud of our partnership with the Department of Labor (DOL) to advance its critical mission.

NSSGA represents aggregates and industrial sand producers and those who manufacture equipment and services that support the construction materials industry. Our members are essential to the work of this country, and we represent more than 90 percent of the crushed stone and 70 percent of the sand and gravel consumed annually in the United States. Our members employ more than 100,000 hard-working men and women who are responsible for the essential raw materials found in every home, building, road, bridge and public works project throughout the U.S.

Since the start of the COVID-19 pandemic aggregates operators have taken aggressive actions to protect workers as they continue to produce America's essential building materials. It is clear that our partnerships across DOL, dedication to health and safety, and persistence in developing and implementing new practices across the industry are working and successfully preventing the spread of COVID-19. To date, we have not seen a community outbreak traced back to quarries and plants under the jurisdiction of MSHA or other production, distribution, sales, and corporate facilities that fall under the jurisdiction of OSHA.

As we have previously stated in the enclosed letters, NSSGA opposes the implementation of a broad ETS that hinders the progress we have made over the past fifteen months to keep employees safe during the pandemic or places an unnecessary burden on employers. Further, we appreciate the opportunity to share our concerns directly with the Office of Management



and Budget (OMB) and DOL representatives during the ongoing OIRA review of the OSHA ETS.

As you know, On May 13, the Centers for Disease Control and Prevention (CDC) released new guidance clarifying that “fully vaccinated people no longer need to wear a mask or physically distance in any setting.” The CDC has also relaxed guidance on outdoor activities, where the majority of the work of quarrying and producing aggregates materials occurs. In light of the guidance and the combined efforts of the Administration to increase vaccine rates to protect our communities and fully reopen our economy , we believe declaring an “emergency” fifteen months into a pandemic would send the wrong message – that their places of employment are not safe – to the men and women responsible for producing the building materials needed to “Build Back Better.” Further, with the CDC lifting mask and other requirements, the industry’s continued success at preventing the spread of the virus, and more than half the U.S. adult population vaccinated, we do not perceive the coronavirus as presenting a “grave danger.”

NSSGA has been working closely with MSHA and NIOSH to help promote vaccinations across the aggregates industry. Instead of pushing an unnecessary ETS, we strongly encourage you to focus on efforts to promote vaccinations as they are most efficient and effective way to keep employees safe from COVID-19.

Thank you for your consideration and we look forward to continuing working with you and your dedicated colleagues throughout the Department of Labor.

Sincerely,



Michael W. Johnson
President and CEO
National Stone, Sand & Gravel Association

Enclosures:
NSSGA January 20 Letter on MSHA ETS
NSSGA March 11 Letter on OSHA ETS

