



A publication of the  
Oregon Independent Aggregate Association  
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[www.oraaggregate.com](http://www.oraaggregate.com)

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## *Oregon Independent Aggregate Association Newsletter*

**April 2018**

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### **Chairman's Message**

It is finally happening. MSHA published the final Workplace Examination Rule on April 9<sup>th</sup>, which will become effective June 2, 2018. The rule was originally published in January 2017 but has been delayed several times. The rule that will become effective is a revised version, as follows:

- The rule was changed to require “examination of the working place... before work begins or as miners begin work in that place”, rather than strictly before the start of work.
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- The previous rule called for documentation of all hazards and their resolution. The revised rule only requires documentation of adverse conditions that are not corrected promptly and the dates of corrective action for these conditions.

There are still legal challenges floating out there, but with the effective date less than 6 weeks away, we encourage all our members to be ready to comply with the new rule.

The rule publication and a schedule for stakeholder meetings can be reviewed here (The closest meeting is in Reno on May 22<sup>nd</sup>): <https://www.gpo.gov/fdsys/pkg/FR-2018-04-09/pdf/2018-07084.pdf>

***Erick Staley***  
***Chairman***

NIOSH Pilots Silica Monitoring System  
By Adele L. Abrams, Esq., CMSP

Respirable crystalline silica has been recognized as an occupational health hazard since the time of the ancient Greeks, and myriad studies in the United States over the past century have further supported the correlation between exposures to silica in the workplace and the development of respiratory diseases including silicosis, pneumoconiosis, COPD and lung cancer (in addition to suggested correlations with renal and auto-immune diseases). More recently, a study released in February 2018 noted an accelerated development of black lung disease in coal miners, possibly due to increased exposure to silica generated by commonly used mining methods. OSHA reduced its permissible exposure limit (PEL) to 50ug/m<sup>3</sup> as an eight-hour time-weighted average, but MSHA still allows miners to legally be exposed to twice the OSHA PEL, and has tabled for now its own rulemaking that would bring exposures into conformity with OSHA.

The National Institute for Occupational Safety & Health (NIOSH) has now started a pilot project to use a monitoring system at more than 60 minutes that could provide real time silica exposure results at the end of each work shift. This system would alert miners of their potential risk much sooner than the current sampling system, which often involves delays of several weeks before the exposure monitoring results are shared with miners. Real-time data will also allow adjustments to controls to make them more effective, without delaying such changes until the exposure monitoring results are returned by the laboratory.

The new technology uses commercially available instruments to collect dust samples, but the samples could be analyzed on the same day they are collected, and this will allow for quicker adjustments to equipment (or to selection of respiratory protective equipment). If silica exposures are elevated. NIOSH hopes to roll out the system and make it user-friendly by the end of 2018, so that it can be implemented in the mines. While MSHA required “surveys” at metal/nonmetal mines to ensure that miners are not exposed above the current PEL (equivalent to 100ug/m<sup>3</sup>), there are no specified sampling requirements to guide employers on what is required. At present, there would be no legal requirement to implement the new monitoring devices at any mines, coal or metal/nonmetal site.

The NIOSH field-based approach still uses dust sampling cassettes, but the samples could be quickly analyzed in a few minutes on-site using the new instrumentation-which costs between \$10,000 and \$ 25,000 for employers to purchase. However, this would also eliminate the need for laboratory analysis, which would offset some of the initial expense.

At this time, MSHA would not permit the use of this approach as it dictates the type of sampling devices that are permitted under its respirable dust rule (for coal) and this excludes the gravimetric samples used by this system. It could, however, be helpful in gauging the real-time effectiveness of engineering controls, even if it was not used for MSHA compliance purposes. The system also holds promise more immediately in OSHA-regulated workplaces that are already under the agency’s reduced silica PEL and must conduct more frequent sampling to develop effective exposure control plans.

For more information on silica solutions, contact the Law Office’s team at 301-595-3520 or write to [safetylawyer@gmail.com](mailto:safetylawyer@gmail.com).



## OIAA Membership Drive

March starts a Membership drive contest for our members.

Help us keep our membership growing by promoting our association.

We are always striving to keep our member base strong. We organized back in 2009 to help members with MSHA and OSHA issues. We have provided training to over 125 employees from our 48 member companies each year with our Annual Part 46 Refresher Miner Training and other specialty training throughout the year. Most of these are free classes for our members. All our membership fees are used to provide training to our members and to provide two scholarships every year to students pursuing a career in construction, construction management, engineering, geology, architecture, land use planning, forestry, heavy equipment repair and welding. These scholarships are open to our members only, their families and their employee's families.

Who better to help us grow our association than our members? Send us a new Member company reference, when that company becomes a member your name will be entered into a drawing for a \$100 Visa Gift Card. We will continue our membership drive thru July. We will draw the winning entry at our August 8<sup>th</sup> meeting.

Remember our association is only as good as you make it. SO GET INVOLVED!!



**THE OREGON INDEPENDENT AGGREGATE ASSOCIATION  
BOB MULLINS SCHOLARSHIP**

Our 2018 OIAA Scholarship is named in the honor of Bob Mullins, owner of Martin Creek Quarry.

Bob Mullins was born in 1950 and raised in Cottage Grove Oregon. He worked at the Weyerhaeuser Mill starting in 1968, when he was a senior in high school. He worked swing shift so he could continue attending High School. He graduated in June 1969, married the love of his life Barbara in August of 1969. He bought his first dump truck "1962 B model Mack" in 1974. He used his tax return money of \$1000.00 for a down payment.

Bob was never a man who sat still and waited for someone else to tell him what to do. His mottos are, "Work hard every day, learn from your mistakes, less talking more listening and you'll learn more. Never use the word "I" use "WE" (we built that road, NOT I built that road) Family always comes first"

During the 80's when our logging industry was in a financial crunch. Bob went to Alaska. He took his 1979 Western Star and worked repairing the Alaska State Highways. He worked in Alaska for 5 years. In 1988 he started building logging roads for Weyerhaeuser. Bob and his crew have built many miles of road, for numerous Timber Companies in Oregon. Most of his employees were class mates that attended school with him. Over the years he has been blessed with a great crew. He purchased his first Rock Quarry in 1989. A rock crusher in 1996. The rock crusher purchase included Kirby Nelson. Kirby is the finest crusher foreman, employee and friend Bob has known. Bob purchased his second Rock Quarry in 2000.

Bob semi-retired in 2015. Which means he now takes the weekends off. He and his bride celebrated their 48th wedding anniversary in 2017. They have two daughters and three grandchildren.

Scholarship applications are available on our website at [www.oraggregate.com](http://www.oraggregate.com) or by contacting our secretary at [memberreply@oraggregate.com](mailto:memberreply@oraggregate.com),



## A Message from Dean Beam of SAFEPRO

Understand the laws and regulations that govern the mining industry are vital to managing your compliance and safety programs. Along with the new changes coming to work place examination the Safepro institute will give you the information and knowledge to not only comply with MSHA law but to combat citations with which you do not agree. The four-day institute covers the 1977 Mine Health and Safety Act as amended by the 2006 Miner's Act and 30 CFR standards. We will go into detail about company's responsibilities under the law. Operator entitlements and inspector's responsibilities pertaining to the law. We will review what constitutes a S&S citation and 104d1 citation. Attendees will be given a law manual which includes The Act, 30 CFR and MSHA program policies. Adele L. Abrams, Esq., CMSP president of The Law Office of Adele L. Abrams PC will be at the Safepro institute for a full day of training and taking questions from our attendees. We will review a number of actual citations that have been issued over the years and how to defend against bad paper using the law manual. The seminar will cover part 46 training requirements and part 50 reporting requirements. By the end of the institute you will be able to understand the two parts of the law that govern the mining industry and use the law manual to prevail against unnecessary enforcement. This class is for Supervision, Owners, Presidents and CEO's the people you trust to run your business. Companies should not be caught off guard when dealing with citations or accidents know the law and company responsibilities. The Safepro Mine Safety and Health Institute being held in Western North Carolina at Harrah's Cherokee Casino. Classes will start at 8:30 a.m. on June 11 – 14, 2018. Spouses are welcome if your company allows you to bring them. Cherokee and Asheville have many attractions including the Biltmore House and Gardens, Blue Ridge Parkway, Down Town Asheville, Harrah's Cherokee Casino and many others. We want you to have a good time as well as a great learning experience.

Yours in Safe production,

Dean Beam

### ***2018 Board Meeting Schedule***

***May 9<sup>th</sup> – August 8<sup>th</sup> – December 12<sup>th</sup>***

***Note: May 9<sup>th</sup> meeting confirmed for 10AM  
KPD Office in Springfield, Or.***

*For location of meetings please contact our secretary at [memberreply@oraggregate.com](mailto:memberreply@oraggregate.com)*

**2018 Board of Directors**

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**APPLICATIONS FOR BOARD MEMBERS ARE NOW BEING ACCEPTEED**

If you have fresh ideas or would like to become more active in our association by becoming a member of the Board of Directors we are currently accepting applications. Our Association is only as good as we each make it. Membership participation is an important part of our mission. If you are interested please e-mail our Secretary Kellie Ramar @ [memberreply@oraggregate.com](mailto:memberreply@oraggregate.com) or call her at (503) 849-5583.

VISIT OUR WEBSITE AT [WWW.ORAGGREGATE.COM](http://WWW.ORAGGREGATE.COM)