



A publication of the
Oregon Independent Aggregate Association
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www.oraaggregate.com

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Oregon Independent Aggregate Association Newsletter

June 2018

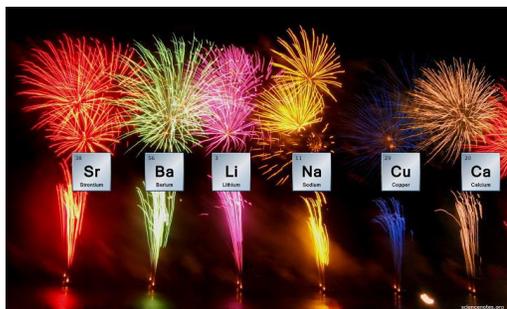
Chairman's Message

DOGAMI leadership is once again in transition. We recently learned that Ian Madin is no longer the head of the Mineral Land Regulation & Reclamation (MLRR) program, after serving less than 2 years. There will be an interim head of the program until the new director – Sarah Lewis from Oregon State University – can assume the role in August. This is the latest in a series of changes in leadership at the agency over the past 3½ years, including 5 different directors (soon to be 6).

We have been assured that any permits currently in the que will not be impacted by this transition, but it's hard to imagine there will not be some delays in permit reviews and agency correspondence. It will be challenging for DOGAMI staff to cope with these changes – again.

Included in this newsletter is an article from Adele Abrams about the new Workplace Examination Rule – which is already in effect. Thanks to Adele for providing this information to our members!

We hope you all have a happy and safe Fourth of July!



**Erick Staley
Chairman**

Courtesy of Adele Abrams

MSHA's New Workplace Exam Rule

On April 9, 2018, the federal Mine Safety and Health Administration (MSHA) released its final rule modifying workplace examination requirements for operators of surface and underground metal and nonmetal mines, and for the contractors and construction companies that provide services at these operations. The revised standard requires each “working place” to be examined at least once each shift for conditions that may adversely affect safety or health of miners, before work begins or as workers begin work in that place.

Employers must promptly notify workers in affected areas of any uncorrected conditions that may adversely affect them, and must promptly initiate appropriate corrective action. A record must be made by the end of the shift, and kept for 12 months, after being updated to reflect the date of corrective action. Virtually all employers who perform work at mines on equipment, or who engage in extraction or production such as earthmoving, screening or crushing of raw materials, or drilling and blasting will be subject to the rule, and their employees are considered “miners” under the Mine Act of 1977.

The rule takes effect on June 2, 2018, but MSHA has indicated it will generally refrain from issuing citations under the new requirements until October 1, 2018. In the interim, mine operators must continue to comply with the original rule's requirements and can be cited for any deficiencies. The final rule retained most of the added requirements from the 2017 version, but clarified that the exam could be done contemporaneously with workers entering the area, and exempted from recording or notifying miners of any conditions “promptly corrected” by the end of the shift on which they were identified. However, it remains unclear whether citations will be issued if workers were exposed to the hazards while working, even if they are corrected later in the shift.

MSHA released fact sheets on the rule and posted the training materials that it is using to prepare its inspectors for implementation of the rule and consistent enforcement. See www.msha.gov.

The following are the key changes between the current rule and the new requirements:

- Documentation of workplace examinations:
 - Old Rule: It requires a record indicating the work area being examined, the date and shift, and the name of the examiner. No record of the hazards found or corrective action taken is required.
 - New Rule: The record must now include a description of all hazards that are not “promptly corrected” by the end of that shift. Ongoing uncorrected hazards need only be recorded on the initial record. The record must also include the date that corrective action was taken, but does not have to indicate what corrective action was taken. There is no specified format for the record, although MSHA plans to make model forms available in the future. All information related to adverse conditions should be in a single shift record.
- Notification of miners:
 - Old Rule: Not required but if an imminent danger is discovered, all affected miners must be withdrawn except for those working on abatement of the hazard.

- New Rule: Workers must be notified of any hazardous conditions that have not been promptly corrected. Notification can be verbal, or through the use of signage or warning devices. The new rule carries over the requirement to withdraw miners where an imminent danger is present.
- Timing of Examination:
 - Old Rule: The exam could be conducted any time during the workshift.
 - New Rule: The exam must be conducted at the start of the shift or before miners begin work in the area. If there are consecutive shifts, MSHA will permit the exam to be performed just before the next shift commences. Other mandated inspections, such as for ground and highwall conditions (30 CFR 56/57.3401) , or for defects on equipment affecting safety (56/57.14100), can be performed and documented at the same time as the workplace exam under 56/57.18002.
- Document retention:
 - Old Rule: Rolling 12 month window, records must be made available to MSHA upon request. However, the MSHA Program Policy Manual had long stated that once an inspection had occurred, the employer could dispose of the previous records as long as the company would certify that the entire 12 months of inspections were performed.
 - New Rule: MSHA retained the 12 month retention period, and said it will rescind the PPM position allowing disposal of records. In addition, records must be made available to both MSHA and to the miners or miner’s representative upon request.
- Key Definitions: MSHA did not alter the definition of “Working Place” or of “Competent Person.”
 - For purposes of the rule, “working place “ is defined as any place “in or about a Mine where work is being performed.” Travelways are included if they must be traveled to get to or from a work area. The agency clarified that working places need only be examined if they are active, not inactive areas or roadways. Moreover, the agency guidance states that the examination requirements in the new rule do not apply to administrative buildings, parking lots, toilet facilities, lunchrooms, and inactive storage areas.
 - Anyone trained and designated by the employer can serve as the competent person to perform examinations, whether salaried or hourly. The competent person must have abilities and experience that fully qualifies him/her to perform the duty assigned. They must be able to recognize hazards and conditions that are expected or known to occur in a specific work area, or which are predictable to someone familiar with the mining industry.

For more information on MSHA compliance or training assistance, or for best practices on workplace examinations, contact the Law Office of Adele L. Abrams PC at www.safety-law.com

Thank you Adele for allowing us to pass this information along to all our members.

LAST MONTH OF OUR 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 8th 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 or by contacting our secretary at memberreply@oraggregate.com,

Our condolences to the family on the passing of Barbara Mullins



2019 Part 46 Training dates have been established. Registration in 2019 will be on a first come first served basis on both classes so remember to register early to get the location you want.

Registration forms will be available beginning in January 2019. No pre-registrations will be taken prior to January 2019.

Watch future newsletters for training updates.

OIAA 2019 Part 46 Refresher Training

Presented by: Adele Abrams, Michael Peelish & Josh Schultz

Roseburg Class – Douglas County Fairgrounds - March 11, 2019

Albany Class – Linn County Fair & Expo – March 12, 2019

\$afepro, inc.

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 \$afepro 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. 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 most 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 \$afepro Mine Safety and Health Institute is being held at the Brice hotel in down town Savannah Ga. Savannah offers more than can possibly be done after class with many tours and great restaurants within walking distance. Classes will start at 8:30 a.m. on November 12 – 15, 2018. This year we will be offering Breakfast starting at 7:30 and lunch in class with Hospitality room open from 5:00 pm until with drinks and light appetizers and a chance to ask questions of instructors. Spouses are welcome if your company allows you to bring them. We want you to have a good time as well as a great learning experience.

Yours in \$afe production,

Dean Beam

2018 Board Meeting Schedule

August 8th – December 12th

For location of meetings please contact our secretary at 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 or call her at (503) 849-5583.

VISIT OUR WEBSITE AT WWW.ORAGGREGATE.COM