



A publication of the
Oregon Independent Aggregate Association
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Oregon Independent Aggregate Association Newsletter

October 2017

Chairman's Message

Getting to know David Zatezalo – A confirmation hearing was held earlier this month for President Trump's nominee to head MSHA, David Zatezalo, who testified before the Senate Committee on Health, Education, Labor and Pensions. As reported by [The Marietta Times](#), Zatezalo said that the mining industry is safer and healthier now than ever before, though he acknowledged progress in mine safety must still be made.

As reported by [NSSGA](#), Committee member Senator Todd Young (R-IN) noted the effectiveness of the small mines office in reducing fatalities and asked Zatezalo if he would "...make it a priority that technical and educational assistance be available to small operators." Zatezalo said that he would and also noted that small mines are usually more vulnerable to safety hazards, and "...compliance assistance and reductions of accidents are what MSHA is all about."

The Committee approved his nomination on a 12-11 party-line vote. His nomination will advance to a floor vote, which has yet to be scheduled.

EPA to Resist Regulation through Litigation – EPA Administrator Scott Pruitt issued an agency-wide directive on October 17th designed to end "sue and settle" practices within the agency. As reported by [Rock Products News](#), this fulfills a promise by Pruitt to end the practice of regulation through litigation. In his words:

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

The full article provides an informative discussion of the current state of affairs and how this new directive will change EPA's response process. Of the listed actions, one that stood out was that EPA will exclude attorney's fees and litigation costs when settling with those suing the agency.

Erick Staley



OIAA 2018 Part 46 Training

Only two more months until registration will begin for our 2018 Part 46 Refresher training. We will be holding two separate classes back to back, one in Albany and one in Roseburg. The difference this year is that we are limiting the number of attendees in each class. Registration is on a first come first served basis. Once one class is filled you registration will be directed to the other class. Sign up early to ensure that you get the location you are wanting. The registration form will be individually e-mailed out to you the first half of January. It will be listed on the website and in the January newsletter.

Once again this year the class will be taught by the Law office of Adele Abrams. The dates and locations are listed below:

Douglas County Fairgrounds, Roseburg, OR – March 12, 2018
Linn County Fair & Expo, Albany, OR – March 13, 2018

Starting in 2018 this will be a “Refresher Training” class only. If you have new miners they may attend and this course material will count towards the new miner training, but it will not cover all of it. Each company will need to provide the additional training required for their new miners.

The type of membership your company has defines how many employees you can send to the **training at no cost**. Each person on your list must be an employee for your company and receive payroll wages from your company. Hired outside consultants and subcontractors are not considered employees and will need to register as either a Member or Non-Member company.

The different types of memberships are listed below.

Premier Corporate Membership attendance will be free for all YOUR employees.

Corporate Membership attendance will be **free for the first 10 employees**. The cost for each additional employee will be \$100.00. You will be billed for the additional attendees after the training is completed.

Associate Membership attendance will be **free for your first employee**. The cost for each additional employee will be \$ 100.00. You will be billed for the additional attendees after the training is completed

If you have any questions please e-mail memberreply@oraggregate.com. Please include “Part 46 training” in the Subject Line.

Oregon OSHAS Proposed Increase of Certain Minimum and Maximum Penalties for Alleged Violations

When does this happen: Adoption tentatively will be in late December 2017

To get a copy: Go to Oregon OSHA website: www.osha.oregon.gov
Rules and Laws, then, Proposed rules or you can call
(503) 947-7449

To comment: Department of Consumer and Business Services/Oregon OSHA
350 Winter Street NE
Salem, Oregon 97301-3882
e-mail: tech.web@oregon.gov
Fax: (503) 947-7461

Comment period closes: **December 15, 2017**

Oregon OSHA contact: Jeff Wilson, Central Office @ (503) 947-7421 or email at
Jeffrey.r.wilson@oregon.gov

A public hearing is scheduled for:

November 30, 2017

10:00AM

**Oregon OSHA
Durham Plaza
16760 SW Upper Boones Ferry Rd
Suite 200
Tigard, Oregon 97224**

In November of 2015 Congress passed legislation requiring federal OSHA to increase maximum and minimum penalties for alleged violations by up to 78%. Federal OSHA had not raised these penalties since 1990, reducing the effectiveness of penalties as a deterrent for non compliance. In addition the rule will provide a more level “playing field” for employers that strive for compliance with employers who are not following the law. Under federal law OSHA state plans must include effective sanctions for violations. Oregon must adopt similar standards as federal OSHA to maintain state plan authority.

Oregon historically has a high percentage of smaller employers. An additional base penalty reduction for employers with 10 or fewer employees will help maintain a balance between providing an effective deterrent thru penalties and promoting a positive business climate with penalties that are not over burdensome for small businesses.

The proposed rule would increase the maximum penalty for a serious violation from \$7,000 to \$12,471. It would increase the maximum penalty for willful or repeated violations from \$ 70,000 to \$ 124,709. The base penalties set for serious alleged violations would increase similarly. Alleged violations at the lowest level of the penalty structure would not increase. Oregon’s smallest employers (10 or fewer) would see an additional 15% reduction from the base penalty for size, changing the reduction from 60% to 75%.

For more information visit the osha.oregon.gov website. Click on “Rules and laws” in the Topics, rules and guidelines column and view the proposed rules.

Information from SAFEPRO Inc.

MSHA Compliance Consulting

With over 58 years of combined experience working in the mining industry, Safepro Inc. has the knowledge to conduct applicable and resourceful training that allows attendees to become better and more informed employees. The staff at Safepro Inc. not only has the certifications but the hands-on experience of working in the mining industry. These unique experiences give the staff at Safepro Inc the insights for more effective and beneficial training. Safepro's audit program can be used to satisfy industry standards and assist in guarding against future accidents and citations. Our program not only identifies standards that can be cited but gives a percentage grade on where your companies' compliance stands and what areas need improving. Safepro's onsite law seminars help your staff and employees to understand the laws and regulations that govern the mining industry. This is vital to managing your compliance and safety programs. Safepro covers the 1977 Cat in detail along with 30CFR and program policies which give guidance to how the laws and regulations are to be enforced. This knowledge coupled with your mining experience allows you to be prepared for the imminent MSHA inspection. The information will help you avoid bad citations and the knowledge to comply with the law. You will add value to yourself and your company by using effective training, audits and the law seminars. Remember nothing works if your house isn't Hazzard-free.

For additional information on any of the above activities and products, contact Safepro Inc.

E-mail: dbeam@safeproinc.com

Phone: (828) 385-2930

Fax: (828) 537-4736

2017 Board Meeting Schedule

December 13, 2016- 10:00 AM - Offices of KPD Insurance – Springfield, Or
(This is a mandatory closed work session meeting for all Board Members)

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 for more information

VISIT OUR WEBSITE AT WWW.ORAGGREGATE.COM

If you would like to contribute anything to our monthly newsletter, contact Kellie Ramar at memberreply@oraggregate.com. Please put Newsletter Tips in the Subject line.