



A publication of the
Oregon Independent Aggregate Association
PO Box 571
Stayton, Oregon 97383
www.oraaggregate.com

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Oregon Independent Aggregate Association Newsletter

February 2020

Chairman's Message

DOGAMI Fee Increase – DOGAMI is seeking fee increases through the legislature to help support staffing the agency. The legislation is not finalized, but DOGAMI staff informed us they are working on methods to achieve the increases while lessening the impacts to smaller miners. One idea being discussed is keeping the base fee the same and increasing the per-ton fee for permit renewals. This would have a larger impact on high-volume producers than on smaller, lower volume producers. We are not aware of any final amounts being discussed so stay tuned.

WOTUS Update – After withdrawal of the 2015 WOTUS Rule became official in December, the EPA and US Army Corps of Engineers finalized a replacement rule on January 23, 2020. This rule – called the Navigable Waters Protection Rule – identifies four clear categories of waters under federal jurisdiction:

- The territorial seas and traditional navigable waters,
- Perennial and intermittent tributaries to those waters,
- Certain lakes, ponds, and impoundments, and
- Wetlands adjacent to jurisdictional waters

The 2020 Rule specifically excludes dry stream beds, isolated wetlands, and other not-very-navigable waters that were being challenged by states, landowners, miners, farmers, and others. The new rule is explained on the EPA's webpage: <https://www.epa.gov/nwpr/navigable-waters-protection-rule-step-two-revise>. It is likely to face significant legal challenges over the next year (at least).

Erick Staley
Chairman

Fatal U.S. Mining Accidents Dropped in 2019

News Release [January 30, 2020]

Respirable Quartz and Dust Fell to All-Time Low

ARLINGTON, VA – There were 24 mining fatalities in the U.S. in 2019, the U.S. Department of Labor’s Mine Safety and Health Administration (MSHA) reports. This is the fewest annual fatalities ever recorded, and only the fifth year in MSHA’s 43-year history that mining fatalities were below 30. MSHA is still reviewing two cases of possible chargeable fatalities which, if added would make the total in 2019 the second lowest number of fatalities ever recorded.

There were four deaths each in Kentucky and West Virginia; two each in Pennsylvania, Tennessee and Texas; and one each in Georgia, Idaho, Illinois, Louisiana, Minnesota, Mississippi, New Mexico, Oklahoma, South Carolina, and Vermont.

“The low number of mining deaths last year demonstrates that mine operators have become more proactive in eliminating safety hazards. But I believe we can do even better,” said Assistant Secretary for Mine Safety and Health David G. Zatezalo. “A disproportionate number of mining deaths involved contractors, and we saw an uptick in electrocution accidents, with three deaths and another two close calls. In response, the Mine Safety and Health Administration launched a targeted compliance assistance effort, visiting thousands of mines to educate miners, operators and contractors on procedures that could prevent accidents like these.”

After a two-year increase in 2017 and 2018, when about half of all deaths resulted from vehicle-on-vehicle collisions, failure to use a functioning seat belt and conveyor belt accidents, MSHA responded with a multifaceted education campaign and initiated rulemaking. In 2019, the percentage of deaths caused by powered haulage accidents dropped to approximately 25% of all mining deaths.

MSHA collected 147,500 samples from coal and metal/nonmetal mines in 2019, a record high. The data revealed an all-time low for average concentrations of respirable dust and respirable quartz in underground coal mines, and the exposure to dust and quartz for miners at the highest risk of overexposure hit all-time lows as well. Metal/nonmetal mines achieved the second lowest average respirable dust and quartz concentrations since 2009. Metal/nonmetal mines also achieved the second lowest average elemental carbon concentration and average total concentration since 2009.

Approximately 250,000 miners work in around 12,000 metal/nonmetal mines in the U.S., while approximately 83,000 work in around 1,000 coal mines. In 2019, MSHA conducted 37,471 inspections at nearly 13,000 mines employing 330,000 miners, which resulted in 99,663 citations and orders. MSHA inspected all underground mines at least four times in 2019, and it inspected surface mines and facilities at least twice, as required by law.

MSHA works to prevent death, illness and injury from mining and promote safe and healthful workplaces for U.S miners. MSHA carries out the provision of the Federal Mine Safety and Health Act of 1977 as amended by the Mine Improvement and New Emergency Response Act of 2006. The agency develops and enforces safety and health rules for all U.S. mines regardless of size, number of employees, commodity mined or method of extraction. MSHA also provides technical, educational and other types of assistance to mine operators. MSHA works cooperatively with industry, labor, and other federal and state agencies to improve safety and health conditions for all miners in the United States.

The mission of the Department of Labor is to foster, promote and develop the welfare of the wage earners, job seekers and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

Articles courtesy of MSHA website.



Annual Part 46 training is just around the corner. If you registered please make sure you are on time. Registration will begin at 7:30 with coffee service. Class will begin promptly at 8AM.

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Next Board meeting is scheduled for May 13th at 10 AM. Location to be determined.