



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

BOARD OF DIRECTORS:

Erick Staley – Chairman
Jerry Davidson- Vice Chairman
Kellie Ramar - Secretary
Mary McNatt – Treasurer
Dan Kauffman
Bill Ruchi
Melissa Mullins
Andrew Siegmund
Jim Jeffries

Oregon Independent Aggregate Association Newsletter

July 2020

Chairman's Message

The Navigable Waters Protection Rule – which replaces the 2015 Waters of the United States (WOTUS) – was made effective on June 22nd. There has long been a tug-o-war about where the jurisdiction of the Clean Water Act lies by interpretation of what “navigable waters” are, an important part of the Act’s language. The new Rule provides some clarity and identifies four 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

As you have read in this newsletter before, the 2015 WOTUS was a broad interpretation of federal jurisdiction to include some not-very-navigable waters and could have created significant barriers to securing and operating mine sites. As Oregon’s population, communities, and infrastructure grow – like it or not – commercial mine sites will be needed.

The new Rule will have its critics and will face legal challenges. But I was surprised by a statement from the Oregon DEQ opposing this Rule. Not that the DEQ was against the new Rule, but the terms that were used to describe it. Quoted from their statement: *“This is a direct assault on the federal Clean Water Act, one of the most successful environmental laws ever passed by Congress. As such it is also an assault on the public health of Oregonians and people across the U.S. who depend on their states to enforce clean water regulations.”* (<https://www.oregon.gov/newsroom/pages/NewsDetail.aspx?newsid=36829>)

This rather fervent statement is a mischaracterization. The Clean Water Act is intact. The new Rule provides jurisdictional clarity so permittees can make business plans over years without wondering what new interpretation of “navigable” may result in undue permitting complexity through a combination of local and federal requirements. States still have control over their own waters, so Oregon is still empowered to regulate in accordance with local laws.

Erick Staley
Chairman

Safety Topics:



MSHA Response to COVID-19 (information provided from MSHA website)

The Mine Safety and Health Administration's (MSHA) mission is to protect the safety and health of the nation's miners. As long as miners continue to work at a mine, MSHA will continue to perform its statutorily-required essential functions within the parameters of the President's and Department's guidance, as well as that of the Centers for Disease Control and Prevention (CDC).

MSHA has received a high volume of questions regarding the Coronavirus/COVID-19 and both mine operator actions and MSHA actions in response. This information sheet provides practices for operators and miners to minimize the spread of Coronavirus/COVID-19 and actions MSHA is taking to do the same.

What should mine operators and miners do?

Avoid close contact: Put distance between yourself and other people (about 6 feet). This includes not crowding personnel carriers, hoists and elevators, or other means of transportation at the mine.

Clean and disinfect: Wipe down equipment and other frequently touched surfaces.

Wash hands: If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol.

Cover all surfaces of your hands and rub them together until they feel dry. Avoid touching your face, nose, eyes, etc.

Stay at home if you are sick.

See additional guidance on the CDC's Prevention page <https://www.cdc.gov/coronavirus/2019-ncov/prepare/prevention.html>

What actions is MSHA taking?

MSHA is abiding by the [President's Coronavirus Guidelines for America](#), which are based on the [CDC Interim Guidance for Risk Assessment and Public Health Management of Persons with Potential Coronavirus Disease 2019](#).

MSHA will continue to perform its essential functions, including mandatory inspections, serious accident investigations, and investigations of hazard complaints (imminent danger or serious in nature).

For the pendency of the President's national emergency declaration, MSHA has suspended Educational Field and Small Mine Services visits, as well as special safety and fatality initiatives that normally would gather groups of miners on-site to discuss powered haulage, electrocution, and contractor safety.

To the extent feasible, inspectors are maintaining distance from miners while performing inspections.

The Mine Safety and Health Administration will work with mine operators when it comes to the following recertifications:

Annual refresher training certification (30 CFR Part 46)

Surface and underground annual refresher training certification (30 CFR Part 48)

Certified person; sampling (30 CFR §§ 70/71/90.202)

Certified person; maintenance and calibration (30 CFR §§ 70/71/90.203)

Exemptions to recertifications will not be granted; however, their due dates will be extended by at least the time the government is operating under the President's emergency declaration.

Please note: This exception does not apply to new miner training. New miners must be trained before beginning work. Once the Emergency Declaration is lifted, mine operators should work with their respective district offices to ensure that all certifications are conducted in a timely manner.

MSHA supports operators' efforts to minimize the spread of the Coronavirus/COVID-19, including screenings or questionnaires, and will encourage our inspectors to participate on a voluntary basis.

MSHA is following all protocols for identifying MSHA inspectors or other employees exhibiting symptoms or who have had potential exposure, asking them to quarantine at home, and cleaning the relevant offices following CDC guidelines.

MSHA recognizes that some mining operations are not running at full capacity and have limited crews working. If a mine operator alerts MSHA to changes in production at a site, MSHA will, to the extent possible, limit the number of inspectors sent to that mine for a regular inspection proportional with the mine's continuing operations.

If you have questions regarding MSHA requirements, including reporting, certifications, or plan submissions, or updates on the status of your operations and staff on-site, please contact the appropriate MSHA District Office

(<https://www.msha.gov/about/program-areas/metal-and-nonmetal-mine-safety-and-health>; <https://www.msha.gov/about/program-areas/coal-mine-safety-and-health>).

Many state and local governments have issued emergency orders imposing closure and shelter-in-place restrictions for citizens and businesses. MSHA does not have jurisdiction to enforce or implement these emergency orders. If you have concerns regarding state and local emergency orders or compliance with those emergency orders, please contact the appropriate state or local government office.



Quick SAFETY TIPS FROM DOL



Wash your hands.

**Use soap and water –
or a hand sanitizer with
at least 60% alcohol.**

**Cover your entire hands
and rub them together.**

Don't touch your face.

MSHA.GOV

A message from Dean Beam- Safepro

Just a warning about online training for miners under the 1977 mine act. Some of the problems mines and contractors are running into are online companies that are offering training without telling the mines or contractors they need a training plan before training is given, not giving the full training hours, not letting them know they must have a room with a competent person observing or close by to check on the training. Once the training is given and the customer finds out it is not up to the MSHA standards these online companies are not giving refunds.

Some of the problems Mines and contractors run into by using inadequate training if caught by MSHA is withdrawal of the miners or contractors from the site. Also, at least one citation will be issued for 104g withdrawal order plus accompanying citation for what every standard is broken. Some online companies offer this product saying it is fully compliant; this is making a false statement. MSHA does not approve any product; it is up to the operator to ensure that training given is fully compliant with the 30 CFR standards.

Yours in safe production

Safepro inc.

The OIAA sponsored Part 46 Refresher Training is offered every March to all our members in good standing. The dates have already been selected and information will be available after the first of the year.

If anyone has any information they would like to share in next month's newsletter regarding how your business is doing thru these difficult times please let me know. Please send your email to me at memberreply@oraggregate.com

2020 Board of Directors

Erick Staley – Chairman
Jerry Davidson – Vice Chairman
Mary McNatt- Treasurer
Kellie Ramar – Secretary
Melissa Mullins
Bill Ruchti
Andrew Siegmund
Jim Jeffries
Dan Kauffman

Due to the COVID-19 current stay at home orders, we are working on the date and time of the next meeting.

memberreply@oraggregate.com

Stay Safe, Stay Healthy