



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

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Oregon Independent Aggregate Association Newsletter

April 2017

Chairman's Message

Earlier this month OIAA sent out an email to our members about MSHA seeking comments on whether to continue to delay the new workplace exams rule. This rule has been in uncertain status after being released by MSHA on January 17 – and effectively being placed on hold by President Trump's executive order suspending new regulations on January 20 (see the February 2017 newsletter for summary). It is not clear if the executive order alone can hold this off, since the order included a clause allowing new regulations to be published if there are "urgent circumstances relating to health [and] safety". The effective date for the rule was to be May 23. That seems unlikely, but the rule is not yet dead.

We urge our members to send comments on the rule to MSHA before the **deadline on April 26**. Comments should refer to rule **RIN 1219-AB87** and be emailed to zzMSHA-comments@dol.gov or left online at www.regulations.gov.

With the end of the school year fast approaching, I want to remind our members that we offer 2 scholarships each year to people who are pursuing education in a field related to construction, aggregates, or forestry including:

| | |
|-------------------------|------------------------|
| Construction | Land use planning |
| Construction management | Forestry |
| Engineering | Heavy equipment repair |
| Geology | Welding |
| Architecture | |

This year's awards recognize Ken Leahy Construction Inc., which was started 50 years ago by Ken and Donna Leahy in Beaverton, Oregon. Current OIAA members, employees of current members and their families can apply for these scholarships. Details and the application are located at the back of this newsletter.

Erick Staley
OIAA Chairman

MSHA Website Safety Alert

METAL/NONMETAL MINE FATALITY – On March 14, 2017, an independent owner/operator truck driver, walked behind his raised end-dump trailer, while dumping his load and was engulfed by sand.



Best Practices

- Conduct pre-operational checks to identify any defects that may affect the safe operation of equipment before it is placed into service.
- Ensure workers who operate heavy equipment are adequately informed, instructed, trained and supervised.
- Do not position yourself near a truck that is actively dumping, or near a truck while it is raising its bed.
- Ensure that the tailgate is unlocked before elevating the cargo box to the dump position.
- Do not attempt to dump the material if it sticks in the bed. Stuck material can imbalance the load and affect the stability of the truck. Always deflate trailer air springs prior to raising the dump body

This is the 2nd fatality reported in calendar year 2017 in metal and nonmetal mining. As of this date in 2016, there were two fatalities reported in metal and nonmetal mining. This is the 1st Fall of Material fatality in 2017. There was one Fall of Material fatality in the same period in 2016.



OIAA 2018 Part 46 Training

Mark your calendars. Dates have been set for our Annual Part 46 Training. More information will be available later in the year. Registration forms will be available starting January 1st.

Roseburg Class – March 12, 2018
Albany Class – March 13, 2018

Safepro Law Institute coming to Savannah June 5 – 9

By Dean Beam

A federal appeals court decision has rejected MSHA's argument that the Mine Act gave it authority to take enforcement against a manufacturing plant making and repairing mine equipment, saying that instead the shop falls under OSHA jurisdiction. The [decision](#) limits the scope of what is defined as a mine operation under federal law and therefore what types of workplaces MSHA can inspect.

The CRA provides the opportunity for Congress to pass a resolution of disapproval within 60 days of receiving a final copy of a rule or the rule being published in the Federal Register. The President then has the ability to veto Congress' vote of disapproval or sign the resolution, thereby eliminating the rule. This may impact work place examination rule stay tuned.

Proposed budget cuts would cut DOL's budget to \$9.6 Billion – down from the \$12.2 Billion budget for 2017. Unsure at this time what this may lead to for MSHA if anything.

While MSHA continues to issue citations and orders, it is essential that mine operators are aware of their rights. The Mine Act of 1977 governs all mine operators and grants MSHA authority over the industry. It, along with the MINER Act of 2006, also specifically the rights of miners and operators. A better understanding of these powers and authority provides operators the ability to deal with MSHA and when needed exercise their rights during inspections. Safepro covers the 1977 Act in detail along with 30 CFR and program policies which give guidance to how the laws and regulations are to be enforced. The upcoming institute in Savannah June 5 - 9 will give you the knowledge coupled with your mining experience that allows you to be prepared for the imminent MSHA inspection. The Institute 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 attending! Nothing works if your house isn't hazard-free. Time is drawing near with only 11 spots open at the institute make your reservation now.

If you have any questions or wish to register, just contact us at safeproinc.com. We want you to have a good time as well as a good learning experience. I look forward to seeing you Savannah Ga.

Summer is almost here so get the word out about our Scholarship Program



OIAA Scholarship for 2017

OIAA is pleased to once again this year offer two \$ 2,500.00 scholarships. This year's scholarship is named the Oregon Independent Aggregate Association- Ken Leahy Construction Inc. Scholarship. Ken Leahy Construction is a family owned Excavation and utility Contractor in Cornelius, Oregon. The company was started 50 years ago by Ken & Donna Leahy in Beaverton. Both Ken & Donna remain very active in the company along with their two sons.

A Scholarship application will be attached to the end of this newsletter and available on our website. Deadline for 2017 scholarship applications is August 15, 2017

2017 Board Meeting Schedule

May 10th 2017- Location to be announced

August 9th 2017- Location to be announced

December 13, 2016- Location to be announced

Our new website was launched earlier this month. Check it out at

www.oregonaggregate.com



***THE OREGON INDEPENDENT AGGREGATE ASSOCIATION 2017 SCHOLARSHIP
HONORING KEN LEAHY OF KEN LEAHY CONSTRUCTION, INC.***

Oregon Independent Aggregate Association (OIAA) is proud to offer two annual Scholarships to any deserving students pursuing a career related to the construction, aggregate and forestry industry. Areas of study are to include construction, construction management, engineering, geology, architecture, land use planning, forestry, heavy equipment repair and welding. This year's scholarship is named in honor Ken Leahy founder of Ken Leahy Construction, Inc. located in Cornelius, Oregon

Who May Apply?

The OIAA Scholarship is open to all current members, employees of current members and their families studying in the required fields as indicated above.

The academic institution may be a university, community college, private college or a trade school with recognized related courses of study. Scholarships will be applied toward full or part-time tuition and or educational material costs within one calendar year.

Your Personal Statement is the most important part of your application! When you prepare your Personal Statement, it's very helpful to tell the OIAA scholarship selection committee about your career goals in the required industries, personal goals, reasons for applying for this particular scholarship, and personal financial circumstances that pertain to your financial need. Your statement should be a minimum of one page and not more than two pages.

The OIAA Selection and Award Process

Applications will be directed to the scholarship selection committee. Scholarship recipients will be notified in writing by the OIAA and the recipient's name will be listed on the OIAA website. Those who do not receive scholarships will also be notified by mail.

Unless otherwise noted, the scholarships shall be in the amount of \$ 2,500.00 each as a onetime award.

All recipients will be required to write a short letter of thanks to the OIAA and present it in person at a designated Board Meeting. By attending such meeting you indicate your acceptance of the award and the terms of the scholarship.

Scholarships shall be awarded in compliance with applicable Oregon laws and OIAA policies related to non-discrimination on the basis of sex, race, age, color, national or ethnic origin, marital status, disability, religion, sexual orientation or veteran status.



Scholarship Application (2017)

(Office Use Only) Application Number _____

PERSONAL INFORMATION: (PLEASE PRINT OR TYPE)

Applicant's Name: _____

Date of Birth: _____

Address: _____

City: _____ State: _____ Zip code: _____

Phone: (____) _____ Alternate phone number (____) _____

E-mail address: _____

I. ACADEMIC INFORMATION: (PLEASE PRINT OR TYPE)

Name of High School: _____

Year of High School Graduation: _____

Current University, College or Trade School: _____

Address: _____

City: _____ State: _____ Zip Code _____

Phone (____) _____

Overall GPA: _____ Major: _____ Minor: _____

When do you expect to graduate? _____

II. Extracurricular and or Community Information:

List honors, awards, prizes or recognition you have received: _____

List school and or group activities (sports, clubs, committees, offices) that you have participated in:

List and describe your hobbies and interests: _____

III. WORK EXPERIENCE (INCLUDE ON A SEPARATE SHEET OF PAPER IF NEEDED)

What work experience have you had? _____

Would you be interested in work with a construction, aggregate projects or forestry company?

YES _____ NO _____ PART-TIME _____ SUMMER _____

IV. Remember to attach the following:

- 1, A transcript of grades through the last grading period prior to the date of application.
2. A letter of recommendation from a teacher, employer or other relevant acquaintance.
3. Your Personal Statement as required in the Scholarship Guidelines.

I certify that the information on this application is complete and accurate to the best of my knowledge and belief.

Signature: _____ Date: _____

Please return you application to the attention of the application committee

Oregon Independent Aggregate Association

P.O. Box 571

Stayton, Oregon 97383

Application Deadline: August 15, 2017

Applicant will be selected for the school term starting September 2017