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National Stone, Sand & Gravel Association



PMD Spring Meeting agenda takes shape: MSHA, green building, and asbestos in the spotlight

With the industry facing the challenges of a new presidential administration, increased regulatory enforcement activity, and pending legislation to ban the use of asbestos-containing calcium carbonate, PMD's 2009 Spring Meeting is shaping up to be one of the most important in years. The meeting, which will take place March 9 in Orlando in conjunction with NSSGA's Annual Convention and AGG1 Forum & Expo, will provide PMD members with critical business intelligence to navigate in the ever-changing political, regulatory, and economic environment.

Speakers already confirmed for the PMD Spring Meeting include:

- Paul Savage, LEED AP, with the law firm of Greenberg-Traurig, who will discuss the "green building" movement and what it could mean for you and your customers;
- Margo Lopez and Bill Doran, attorneys with the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., who will present an "MSHA 101 for Supervisors" class that will provide insights about the types of citations and orders that Mine Safety & Health Administration (MSHA) field inspectors can issue, suggest best practices for handling visits, and discuss immediate follow-up actions to take after an enforcement action has been initiated; and,
- Gary Tomaino of Specialty Minerals, who will discuss asbestos in the context of pending legislation to ban the use of calcium carbonate containing even trace levels of asbestos (see related story below).

Other topics planned for the meeting include the use of PMD products to control flue gas desulfurization and the state of the housing market. The Spring Meeting agenda will also include plenty of time for industry networking, meetings of PMD's standing committees, and updates about on-going NSSGA advocacy activities on behalf of the industry.

Look for registration information in your email in-box in early January.

Proposed bill would ban the use of asbestos in products in the U.S.

A major legislative threat to the pulverized calcium carbonate industry emerged during the waning days of the 110th Congress. On Sept. 15, Rep. Gene Green (D-TX) and eight other members of the U.S. House of Representatives introduced the Bruce Vento Ban Asbestos and Prevent Mesothelioma Act of 2008 (H.R. 6903). The legislation would generally prevent the distribution of asbestos-containing products (ACPs) in commerce. Given the presence of low concentrations of ambient asbestos in the environment,

(Asbestiform Fibers: Non-occupational Health Risks, National Academy of Sciences, 1984), a major flaw in the legislation is establishing in law arbitrary standards for asbestos which are not based on scientifically established health risks.

The bill would affect calcium carbonate producers by:

- Extending the ban on ACPs to calcium carbonate, olivine, talc, vermiculite, and wollastonite (and any product containing those minerals), and other minerals determined to be associated with asbestos, with an asbestos content of 0.001 percent or more or a lower content level established by the Environmental Protection Agency (EPA) administrator;
- Prohibiting the use of calcium carbonate and the other listed minerals containing asbestos (even at levels below the permissible threshold) imported, manufactured, processed, or distributed in commerce for use in, or for processing:
 - Food that is intended for human consumption;
 - Products used by individuals for personal health or cosmetic reasons, including soaps and shampoos;
 - Drugs for use with respect to humans;
 - Consumer garden products;
 - Cosmetics;
 - Products designed or intended primarily for use by children 12 years of age or younger (i.e., toys); or
 - Any product with respect to which the EPA administrator has determined the presence of asbestos containing calcium carbonate or the other listed minerals endangers human health or the environment.
- Directing the EPA administrator to establish a test method to determine the asbestos content of calcium carbonate and the other listed minerals and review (and, if necessary, revise) the test method every three years;
- Prohibiting the importation or distribution in commerce of calcium carbonate and any of the other listed minerals unless they have been tested in accordance with the established test method;
- Requiring the EPA administrator to review the asbestos content level for calcium carbonate and the other listed minerals every three years and lower the content level if it is “not protective of human health and the environment”;
- Requiring importers, manufacturers, processors, or distributors of calcium carbonate and the other listed minerals that are exempt from the ban (i.e., with asbestos content below the permissible level) to provide recipients of covered mineral products with a receipt that indicates:
 - The quantity of the mineral provided to the recipient;
 - The date the mineral products were provided; and
 - A certification that the mineral products have been tested in accordance with the established test method and found to have an asbestos content level below the maximum allowable content level and showing the specific asbestos content level in the provided product.
- Requiring the disposal of asbestos-containing products within three years enactment of the bill; and
- Imposing penalties of up to \$25,000 for each day of a violation of the law and imprisonment of up to five years.

If enacted, this bill would have a dramatic impact on the calcium carbonate industry. The legislation would drive up costs on PMD members and affect the availability of calcium carbonate for a variety of consumer products.

H.R. 6903 is an outgrowth of ongoing legislative efforts to ban the use of asbestos. For more than a year, NSSGA has been spearheading a lobbying campaign to ensure that whatever emerges from the bill-writing process contains accurate definitions, science-based test protocols, and does not inappropriately identify nonasbestiform minerals. NSSGA succeeded in tempering the bill that passed the Senate; however, House proponents of asbestos legislation have thus far been less willing to compromise.

The ban asbestos bill and PMD's efforts to prevent its enactment will be primary topics of discussion at the PMD Spring Meeting in Orlando on March 9 (see related story above). The full bill is available at <http://thomas.loc.gov> (search "H.R. 6903").

NSSGA creates greenhouse gas protocol for pulverized minerals and aggregates facilities: Tool will Help PMD members measure carbon footprint

Amid growing state efforts, and in anticipation of the Environmental Protection Agency's proposal to establish mandatory greenhouse gas (GHG) registries, NSSGA's Environmental Committee has developed a GHG calculator to help pulverized mineral and aggregates producers calculate emissions of GHGs in an accurate, consistent and verifiable manner. Using this spreadsheet-type protocol, NSSGA member companies can determine if their emissions are above prospective regulatory and congressional thresholds and can participate in voluntary emission registry programs. Attendees at 2008 PMD Annual Meeting got a sneak peak at the new tool and one PMD member company participated in the beta-test.

"The GHG emissions data compiled based on this inventory protocol will help NSSGA member companies inform stockholders, public stakeholders and neighboring communities concerning GHG emissions and emission reduction programs," NSSGA Environmental Committee Chairman Steve Whitt (Martin Marietta Materials) said.

In announcing the new industry tool, NSSGA President and CEO Joy Wilson said, "The extraordinary work of NSSGA's Environmental Committee in developing this valuable member tool relevant to one of the dominant policy debates of our time, demonstrates the creative value of NSSGA membership."

"This tool is an example of the incredible value that PMD members derive from our affiliation with NSSGA," PMD Chairman Jim Ruddell (Franklin Industrial Minerals) said. "The GHG protocol will potentially save our individual companies tens of thousands of dollars that we would have incurred trying to develop it ourselves."

Another important objective of the new system is to help NSSGA member companies establish logical procedures for GHG emission calculation, record keeping, verification and reporting. Wilson noted NSSGA member companies can refine these GHG-related procedures when regulatory agencies and standards-setting organizations establish programs for GHG emission trading and credits.

NSSGA's GHG spreadsheet protocol can evaluate, based on fuel-type, usage and power generation source, emissions from aggregate sources, ready-mix concrete operations, asphalt plants and pulverized minerals processing sources. It is based on GHG inventory procedures developed by leading organizations such as the World Resources Institute and the California Climate Action registry.

The GHC calculator tool and Users Guide are available exclusively to NSSGA and PMD members. For more information, contact NSSGA Vice President of Environment, Safety & Health John Hayden at jhayden@nssga.org or 703.526.1065.

Clark takes reins of PMD E&R Committee, is appointed to NSSGA-MSHA Alliance

At PMD's Annual Meeting on Oct. 9, the Division's Board formally elected Mike Clark, regional environment, safety, and health manager at J.M. Huber, to serve as PMD's Environment and Regulatory Committee chairman. "The E&R Committee has been a hotbed of activity in recent years," PMD Chairman Jim Ruddell (Franklin Industrial Minerals) said. "Mike has an outstanding background that will be invaluable as the Division confronts a new administration and new regulatory challenges in the coming year."

Clark will also serve on the NSSGA-MSHA Alliance team. The alliance began in 2003 to provide a forum for industry and government to work together to promote a national dialogue on mine safety and health by sharing information on best practices or effective approaches to eliminating mining hazards. Alliance Co-Chair Louis Griesemer (Springfield Underground) enthusiastically accepted Clark's nomination and appointed him to the Alliance, saying that "If the PMD has any perspectives different than the main body of NSSGA on MSHA regulation, this will allow them a forum to express those differences."