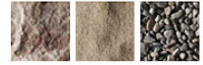


May 2, 2006

National Stone, Sand & Gravel Association



## PMD vice chairman testifies about ACGIH before House subcommittee

PMD Vice Chairman Jim Ruddell (Franklin Industries) testified on behalf of NSSGA and PMD before the House Education and Workforce Committee's Workforce Protections Subcommittee at a hearing on April 27.

### *Hearing focuses on ACGIH activities*

The hearing was called by Subcommittee Chairman Charlie Norwood (R-GA) to examine the use of "nonconsensus standards" by the Occupational Safety and Health Administration (OSHA), the Mine Safety and Health Administration (MSHA), and other federal regulatory agencies.

Norwood focused the hearing in particular on the activities of the American Conference of Government Industrial Hygienists (ACGIH). Over the last year and a half, NSSGA and PMD have led efforts to beat back an ACGIH proposal to lower



PMD Vice Chairman Jim Ruddell (Franklin Industries) (second from the left) prepares to testify before the House Workforce Protections Subcommittee at an April 27 hearing on Capitol Hill.

recommend exposure levels (called threshold limit values or TLVs) for calcium carbonate. Under pressure from PMD and other groups, ACGIH tabled its notice of intended change (NIC) for calcium carbonate in early 2006. NSSGA has also opposed ACGIH's efforts to lower standards for crystalline silica.

The April 27 hearing was prompted in part by a meeting that Ruddell, PMD Chairman Reed Sherar (Columbia River Carbonates), Former PMD Chairman Matt Graves (Oldcastle), and PMD

Facilitator Christian Klein had with House Education and Workforce Committee staff about ACGIH's activities during the PMD Annual Meeting in Washington last October.

### *ACGIH doesn't operate in the 'sunshine'*

Ruddell told the subcommittee that ACGIH has "a rich history of providing quality and useful information concerning the health effects of chemical substances." However, it is not a consensus standard organization as contemplated by federal law because it "does not involve the wider audience or operate in the 'sunshine' like those processes of other recognized consensus standard setting organizations or the federal government."

Ruddell told the subcommittee that despite this fact, ACGIH TLV's are accepted and incorporated by MSHA, OSHA, and other agencies as though they were developed by a consensus standard organization. "In the case of TLVs," Ruddell said, "whenever there is a new TLV adopted, it automatically changes the requirements under OSHA and MSHA Hazard Communication Standards. As a result, the Federal standards are changed and bypass the regulatory processes where input can be provided or it can be challenged as necessary."

Ruddell also raised concerns about potential conflicts of interest involving ACGIH. "Many governmental members work for regulatory agencies such as MSHA and OSHA, the very same ones that write regulations that incorporate the ACGIH TLVs, Ruddell said. "[As such] it may not be possible to differentiate between the work of ACGIH and work for their employer."



Ruddell concluded his remarks by briefing members of the subcommittee about ACGIH's activities with regard to calcium carbonate and crystalline silica. He also urged support for legislation to encourage the development of voluntary consensus standards by industry.

Also testifying at the April 27 hearing were Elizabeth Marcucci, safety director of Gonnella Baking Company in Chicago; Frank Mirer, Ph.D., director of health and safety for the United Auto Workers in Detroit; and Henry Chajet, Esq., a partner with Patton Boggs LLP in Washington, D.C.

A Webcast of the hearing is available at: <http://edworkforce.house.gov/hearings/hrgarchive.htm>.

## **PMD holds annual Technical Meeting in Tampa**

If your feedback survey responses are to be believed, the 2006 PMD Technical Meeting held in Tampa on March 8 was one of the best ever.

### **Mark your calendars . . .**

**PMD's 2006 Annual Meeting will take place in Denver on Sept. 12 in conjunction with NSSGA's annual Environment, Safety & Health Forum. Look for more information shortly.**

In addition to updates by NSSGA staff on regulatory and government affairs issues, attendees heard about new mineral extraction technologies from Caterpillar's Michael Hinrichsen; received a briefing on the use of fines (including calcium carbonate) as filler in concrete from David Fowler, Ph.D., director of the Center for Aggregates Research at the University of Texas in Austin; and listened to a forecast on U.S. economy presented by Stephen Fuller, Ph.D. from George Mason University in Fairfax, Virginia. The meeting also included a discussion moderated by PMD Chairman Reed Sherar (Columbia River Carbonates) about new ways that PMD

can expand its value proposition for its members.

In case you missed it, the guest presentations from the meeting are available on the PMD Web site at:

<http://www.nssga.org/pmddivision/index.cfm>.

## **Update your speed dial: MSHA issues emergency temporary standard on accident notification**

On March 9, the Mine Safety and Health Administration (MSHA) published an emergency temporary standard on emergency mine evacuation in the *Federal Register*.

Although much of the rule applies to coal mines, the temporary standard also modifies 30 CFR Sec. 50.10 to clarify that if an accident occurs, the operator of any type of surface or underground mine must notify the MSHA District Office having jurisdiction over the mine at once without delay and within 15 minutes. (What's new is that the notification must occur within 15 minutes at the latest. Previously a time wasn't specified.)

The new rule is available on MSHA's Web site at: <http://www.msha.gov/REGS/FEDREG/FINAL/2006fin/06-2255.pdf>.

Compliance guides are available at:

<http://www.msha.gov/REGS/COMPLIAN/Guides/MineEvacETS/MineEvacETSComplianceGuide.asp> and  
<http://www.msha.gov/REGS/COMPLIAN/Guides/MineEvacETS/MineEvacETSComplianceGuideV2.asp>

The press release announcing the rule is available at: <http://www.msha.gov/Media/PRESS/2006/NR060307.asp>.

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