

A Big Win for Aggregate Producers



By Katie E. Jeremiah

Local aggregate producers had a big win on July 21, 2010 when the House Education and Labor Committee, considering laws designed to overhaul the Mine Safety Health Administration (“MSHA”), voted H.R. 5663 out of committee with a provision that specifically excludes most surface mines from the new Robert C. Byrd Miner Safety and Health Act.

Regulators have been under intense pressure to tighten workplace safety regulations and impose tougher penalties on violators, following several recent and fatal coal mine disasters. Tension has been high between industry and lawmakers, as they seek to strike a balance between addressing workplace safety concerns and imposing costly requirements on contractors in order to encourage workplace safety.

MSHA has broad jurisdiction, ranging from expansive coal mining operations on the East Coast to small, family-owned

gravel quarries in Oregon.

Although coal mining in West Virginia is dramatically different from surface mine aggregate production in Oregon, local aggregate producers have been subject to the same stringent MSHA regulations.

Local operators and industry associations have been working diligently to educate lawmakers on the dramatic differences between surface and underground coal mining operations. The amendments that were voted out of committee proved that lobbying efforts were successful in demonstrating that regulating these two types of mining operations under the same law would not be practical.

If surface mining had not been excluded from this legislation, operators could have faced stiff civil and criminal penalties of up to \$2 million and imprisonment for up to 10 years for violations. This is not to say that legislators will not draft subsequent laws with similar penalties specifically targeting surface mine operations. Local aggregate producers can find some comfort in knowing that for the time being they are excluded from the current draft of the MSHA reform legislation.



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