



# THE BIRTH OF PART 46

*A SAFETY TRAINING REGULATION FOR THE  
U.S. AGGREGATES INDUSTRY*

# Background

- MSHA issues training regulations (Part 48) in 1978
- Aggregates & other related surface mine operators file suit
- Court sides with MSHA
- Operators seek Congressional relief
- Rider imposed effective FY 1979
- Renewed every year thereafter for 20 years

## Industry Objections To Part 48

- 24-hour up front training requirement failed to consider high turnover rate among new hires at the time
- Certified MSHA instructor requirement created problems
- Training plan approval requirement was too much bureaucracy
- 30-minute minimum required instruction time was arbitrary
- Written for coal but applied to quarries

Time Passes...



In the mid-1990s...

National Stone Association's Safety  
& Health Committee leadership  
determine the status quo is no longer  
acceptable

# WHY?

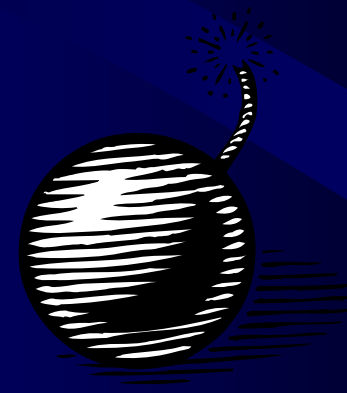
- Some operators weren't training
- Need to level the playing field
- Industry getting a bad name
- Altruism; i.e., doing training and making sure it is done correctly through enforcement is the right thing to do

# Task Force Formed

- **First draft appears about 1997**
- **Drafts shared with MSHA**
- **Sixth and final NSA draft completed April 1998**
- **Preliminary discussions begin with MSHA on a replacement for Part 48**

# Then The Bomb Drops

- *Wall Street Journal* - front page paragraph June '98
- *USA Today* – major article July '98
- *San Antonio* newspaper – major article August '98





# Congressional Oversight Committee Intervenes

- Calls parties together in July 1998
- Directs that a process be worked out to resolve the issue
- CEMT formed in August 1998 to direct industry efforts. Labor orgs. later join.
- Process established in fall 1998:
  - CEMT to submit final draft by Feb. 1, 1999
  - MSHA to use it as substantial basis for new regulation
  - Rider to be removed

# The Process Works

- CEMT meets its Feb. 1, 1999 deadline
- MSHA issues proposed rule on April 14, 1999
- MSHA issues final rule on Sept. 30, 1999
- Industry, labor and government celebrate at the U.S. Department of Labor on Oct. 1, 1999
- Rider disappears

# Coalition For Effective Miner Training

**American Portland Cement Alliance**

**Arizona Rock Products Association**

**China Clay Producers Association**

**Construction Materials Association  
of California**

**Dry Branch Kaolin Company**

**Georgia Crushed Stone Association**

**Georgia Mining Association**

**Indiana Mineral Producers  
Association**

**International Brotherhood of  
Boilermakers, Iron Ship  
Builders, Blacksmiths, Forgers  
and Helpers**

**International Brotherhood of  
Teamsters**

**Laborers-AGC Education and  
Training Fund**

**National Industrial Sand  
Association**

**National Lime Association**

**National Stone, Sand and Gravel  
Association (formerly NSA)**

**North Carolina Aggregates  
Association**

**Sorptive Minerals Institute**

**United Metro Materials, Inc.**

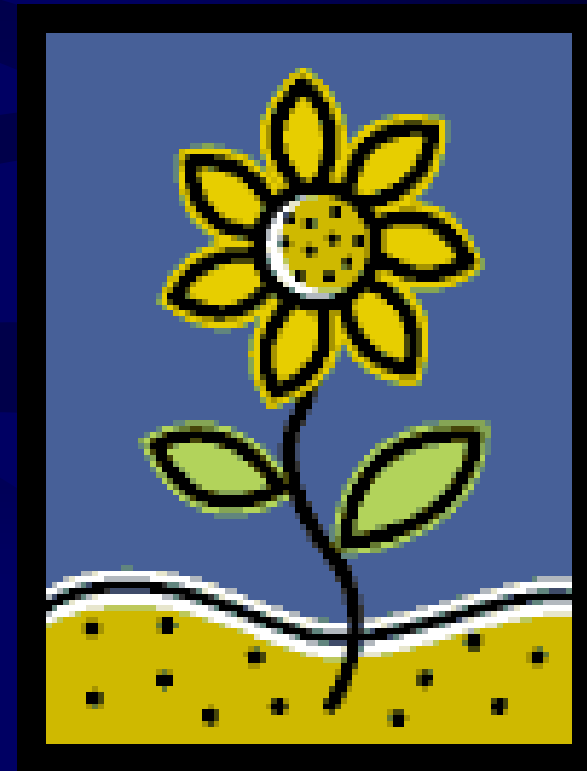
**Virginia Aggregates Association**

# Lessons Learned

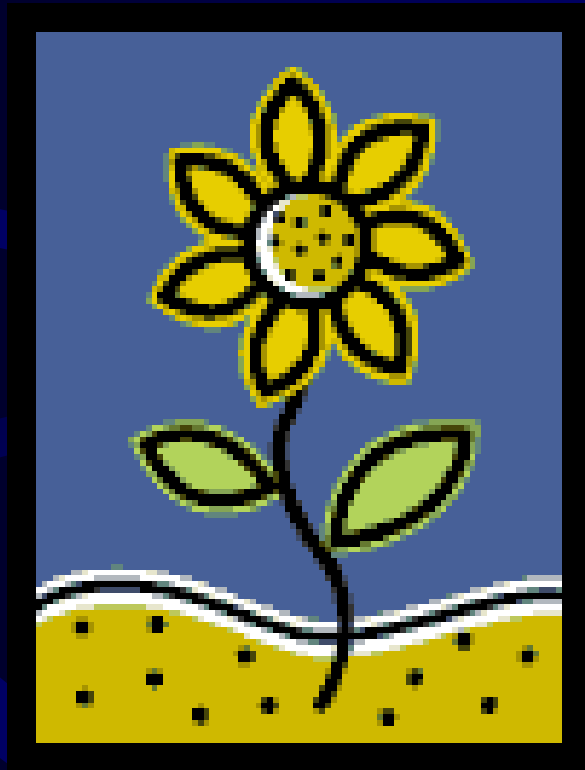
- Collaboration among U.S. industry, labor and government can work.
- The pace of collaboration is enhanced when a draft proposal exists.
- A neutral third party with independent clout can act as an effective broker between the parties.
- Upsetting the integrity of the process risks derailing it.
- Once the ball starts rolling, it becomes hard to stop.

# Birth Of The NSSGA Safety Pledge

- Draft developed by MSHA-NSSGA Alliance Task Force
- Included a stretch goal patterned after the Hard Target Initiative and MSHA's 4-Year Goals
- Careful to cast the stretch goal as applying to the industry, not individual firms



# Birth Of The Safety Pledge (Cont'd)



- Excluded illness goals
- Offered to 200 persons for review
- Set a tight deadline for completion and stuck to it
- Enjoyed support from a well-respected industry leader with a strong commitment to safety

# How Was It Rolled Out?

- Launched at NSSGA Board of Directors meeting (about 80 attendees) with:
  - Support of NSSGA Officers
  - Support of well-respected leader
  - Presentation by leading safety consultant
- Participants asked to sign on the spot – many did

# Promotion

- Regular articles in Association publications
- Promoted in speeches and at Association meetings
- Direct mailers
- Signing CEO to non-signing CEO personal contact
- Encouragement by state associations
- S&H pro (signing firm) to S&H pro (non-signers)
- Calls and mailers from NSSGA to S&H pros of non-signers



# Who Has Signed On?

- 177 NSSGA Producers (58%)
- 13 Non-member Producers
- 4 Firms in Support Industries

*Translating pledge into Spanish and French  
for Caribbean and Canadian firms*

# Non-Signers Speak Out

- My lawyer advises against signing and I'm mad at MSHA.
- How much will it cost me?
- How will signing change the way we do things?
- This is just one more piece of paper that can be used against us.
- “I am committed to my employees by my ethics to give them a safe place to work. This piece of paper means nothing to me.”

# What Is The Commitment By The Industry?

- 20 of the top 25 U.S. producers
- XX% of all U.S. aggregates producers
- About 85% of all NSSGA producer sites
- 20% of all U.S. aggregates mine sites (10,497 sites in 2002)



# NSSGA Safety Pledge

## Lessons Learned

- First, convince of the need
- Deal with the legal hurdles
- Get show of support from respected entity and publicize
- Get up-front buy-in from state associations
- Include other groups
- Separate from MSHA activities
- Plan promotional campaign in advance – involve Public Affairs
- Strictly adhere to confidentiality