

# **NSSGA's Approach to Workplace Safety and Health**

*Annual Meeting*

*Ohio Aggregates and*

*Industrial Minerals Association*

*November 9, 2017*

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*2014-2016 Strategic Plan*

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# Rocks Build America



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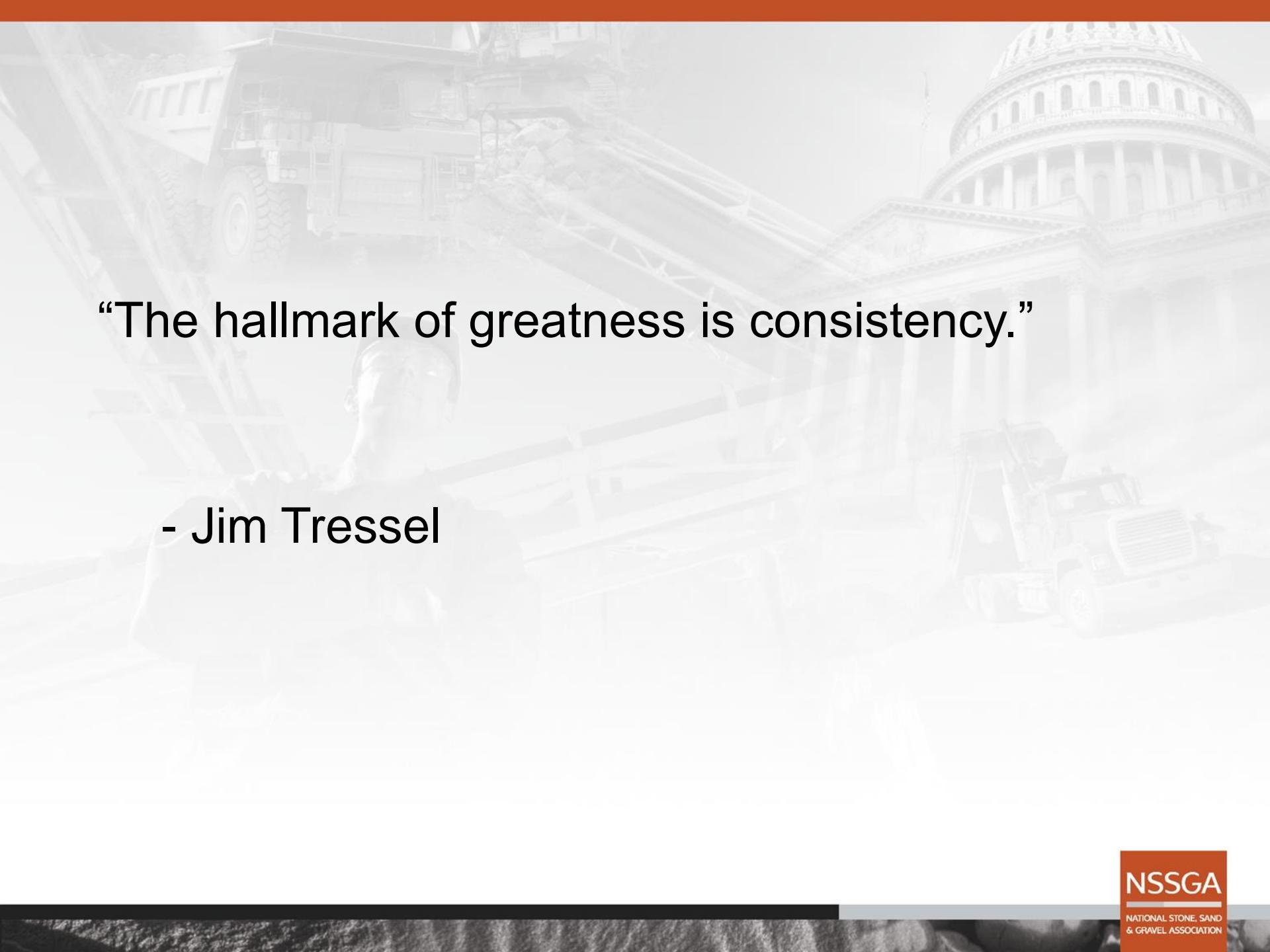
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# Coach Jim Tressel: Coach of the 2002 National Champs



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“The hallmark of greatness is consistency.”

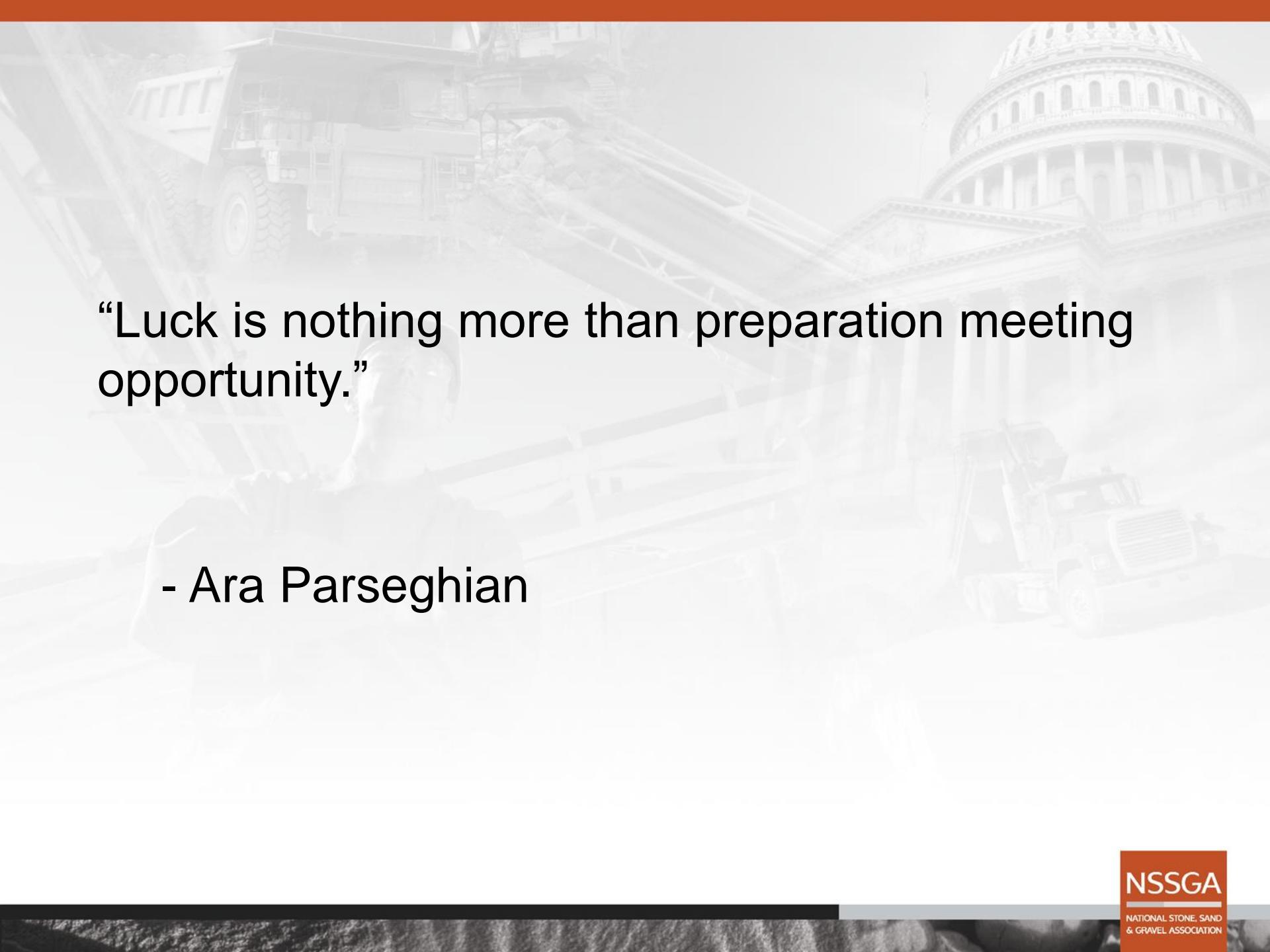
- Jim Tressel

# Coach Ara Parseghian: Coach of 1966 and 1973 National Champs



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A black and white photograph showing a large dump truck in the foreground, positioned as if it has just dumped its load. In the background, the dome of the U.S. Capitol building is visible under a clear sky.

“Luck is nothing more than preparation meeting opportunity.”

- Ara Parseghian

# AGENDA

- Donald Trump's Washington
- NSSGA's Commitment to Safety & Health
- NSSGA's Dialogue with MSHA
- Tips for Managing for Fatality Avoidance
- Get It Right on Regulation

# DONALD TRUMP'S WASHINGTON



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# DoL Secretary Acosta meets NSSGA



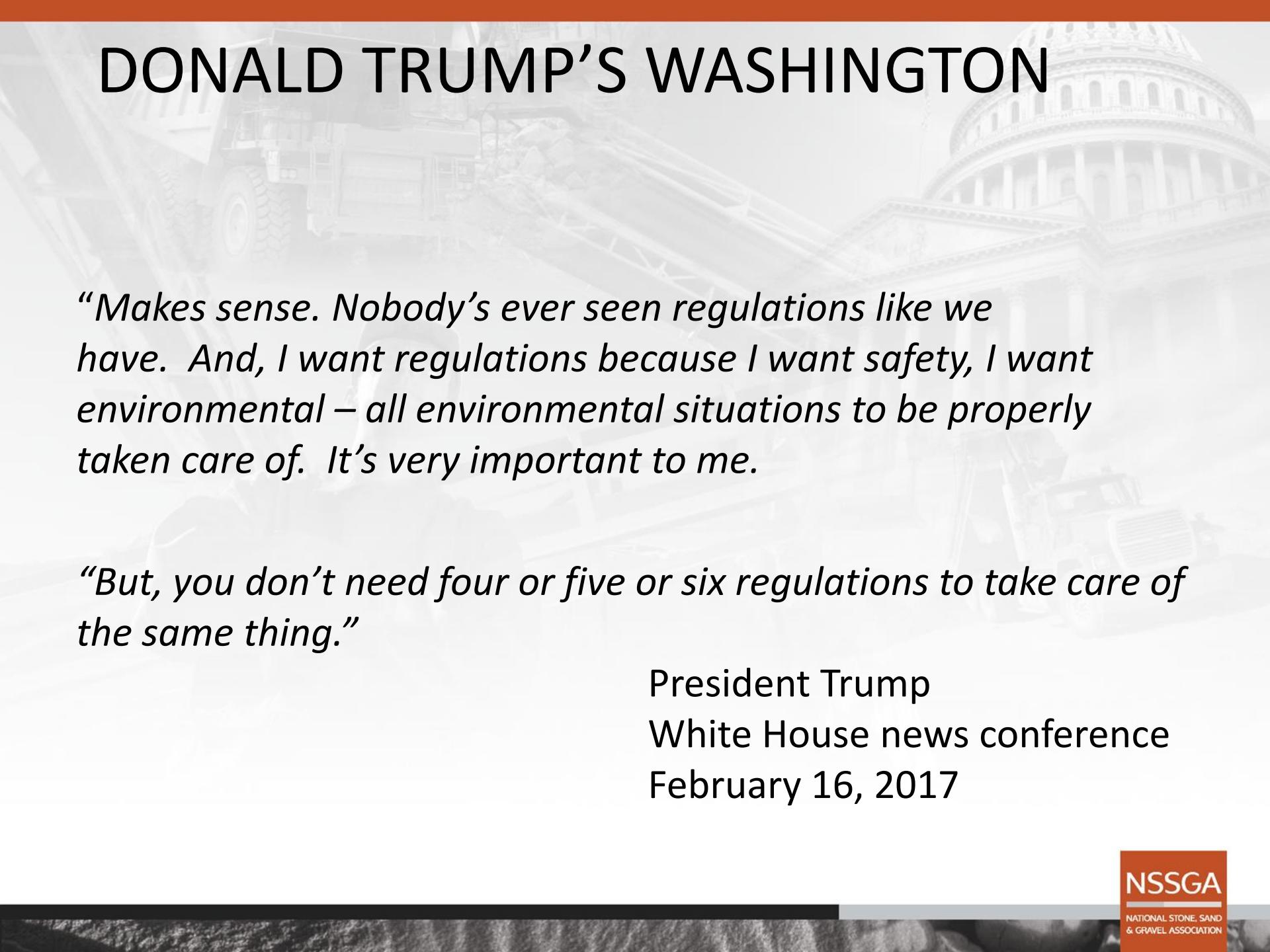
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# DONALD TRUMP'S WASHINGTON

- President Trump was elected, in part, due to his aggressive stance opposing undue regulation of the economy.
- On January 30, the President signed an executive order on regulatory reform (“Reducing Regulation and Controlling Regulatory Costs”) calling for agencies to:
  - drop two regulations for every new regulation proposed, and
  - cap net costs of new regulations at 0.

# DONALD TRUMP'S WASHINGTON



*“Makes sense. Nobody’s ever seen regulations like we have. And, I want regulations because I want safety, I want environmental – all environmental situations to be properly taken care of. It’s very important to me.*

*“But, you don’t need four or five or six regulations to take care of the same thing.”*

President Trump  
White House news conference  
February 16, 2017

# NEW LEADERSHIP TAPPED FOR MSHA

- David Zatezalo



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# NEW LEADERSHIP

- Zatezalo's Experience:
- Working Coal Miner to Coal Company CEO
- Veteran of Tough Enforcement Battles with Agency
  - 2010 / 2011 WV Mine received PPOV Letters / CAP's
  - 2011 KY Mine Advanced Notice Injunction
- “It needs to be less about the bureaucracy and more about boots on the ground for health and safety.”

# NEW LEADERSHIP TAPPED FOR MSHA

- Sub-Cabinet is key
  - Treat all operators with respect
  - Implement new management programs to focus MSHA on genuine safety and efficiency (if apt)
  - Change culture so that focus isn't just citations
  - Forge partnerships thru genuine collaboration
  - Develop incentives for excellent compliance
  - Promote innovations in training
  - Boost compliance assistance to small mines

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# NSSGA's COMMITMENT TO SAFETY & HEALTH

- NSSGA's S&H guidelines adopted almost a quarter century ago
- Safety & Health committee consists of 200 professionals involved in safety and health
- Committee delivers programs to enhance worker safety and health, as well as compliance with standards.

# NSSGA's COMMITMENT TO SAFETY & HEALTH



**Hazard Communication Standard Final Rule**

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# Occupational Health Program Example Program



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# NSSGA's COMMITMENT TO SAFETY & HEALTH

NSSGA Occupational Health Program Guideline

1. Management commitment
2. Comprehensive employee comm's & training
3. Exposure monitoring & control
4. Medical monitoring
5. Process for periodic evaluation & auditing
6. Emphasis on smoking cessation

# NSSGA's COMMITMENT TO SAFETY & HEALTH

Develop Training Materials:

Mineral Identification & Management Guide

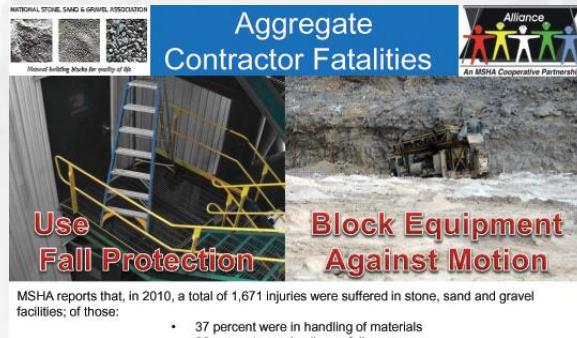
- ✓ Periodic on-site inspections
- ✓ Program for testing settled dust
- ✓ Qualitative geologic survey
- ✓ Further steps

# NSSGA's COMMITMENT TO SAFETY & HEALTH

- Collaborate with NIOSH
  - Participate in meetings re: future training needs
  - Reviewed study on Noise effects
  - Sponsor annual workshop on safety in underground aggregates facilities

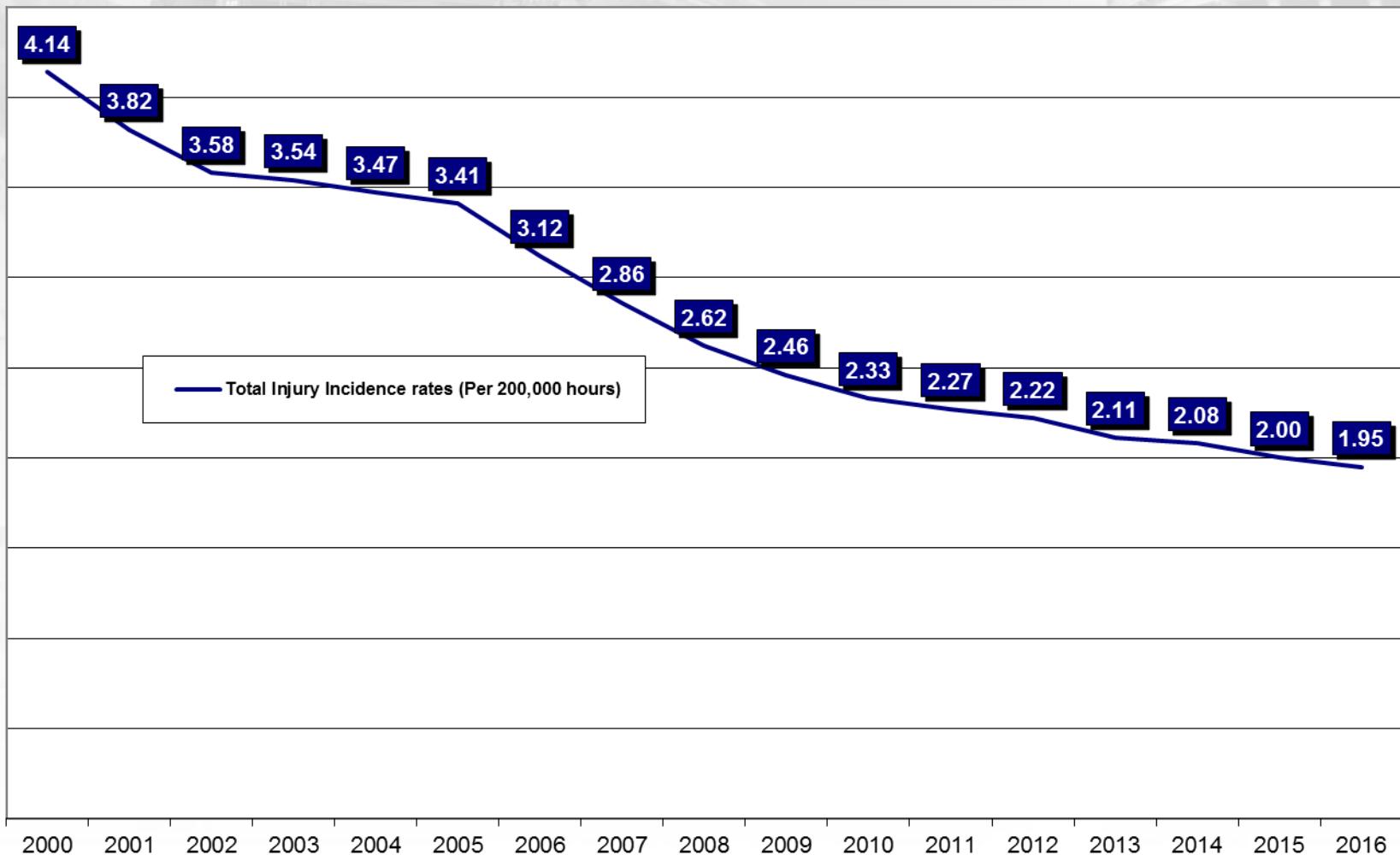
# NSSGA's COMMITMENT TO SAFETY & HEALTH

- Cooperate with MSHA thru initial Alliance:
  - Conduct educational workshops on noise & dust



- Develop training materials like 'Safety Alerts' based on analysis of MSHA injury data

## US AGGREGATES OPERATIONS



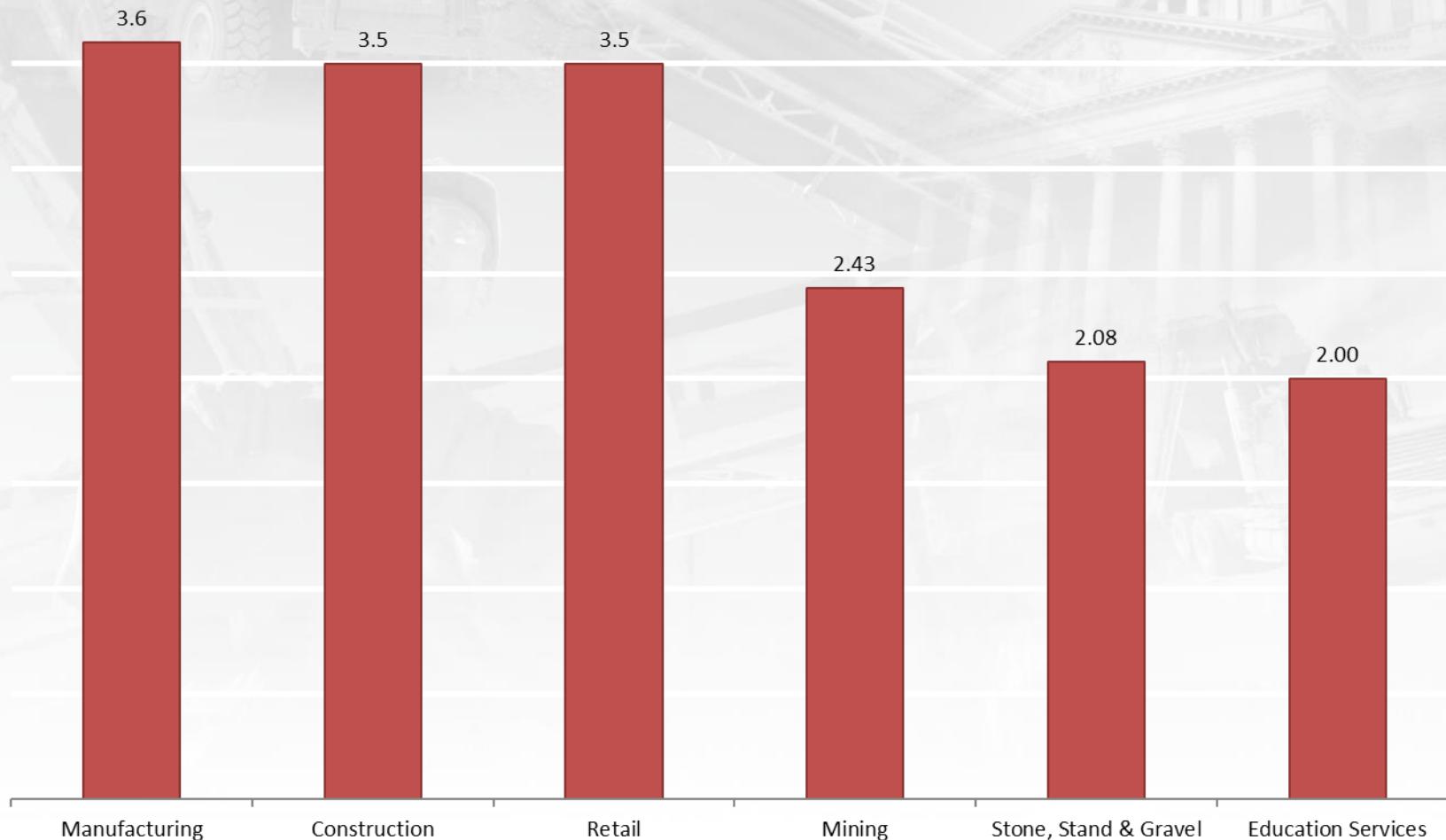
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# Comparison of Industries' Injury Rates

BLS Data

(per 200,000 hours worked)



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# DIALOGUE

- NSSGA advocated for continued improvement in consistency.
- NSSGA advocated for clarification of what's needed for compliance. This resulted in shared training materials and heads-ups on new enforcement.
- Alliance created a Technical Task Force to secure operator-friendly clarifications

# DIALOGUE

- NSSGA advocated for fully funding the State Grants program for safety training.
- NSSGA urged that MSHA develop a Pattern of Compliance program affording enforcement credit to outstanding operators.
- NSSGA advocated for an independent Small Mines Office.



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# DIALOGUE

- NSSGA submitted robust comments on OSHA crystalline silica rule proposal aiming to:
  - Reduce permissible exposure limit to 50 µg/m<sup>3</sup>
  - Establish action level of just 25 µg/m<sup>3</sup>
  - Trigger complicated ancillary provisions
- Proposal would cost \$billions annually

# DIALOGUE – Pattern of Violations

U.S. Court of Appeals for the Sixth Circuit

Kentucky, Michigan, Ohio and Tennessee

- NSSGA & other plaintiffs went to US Court of Appeals for the Sixth Circuit to fight MSHA's final rule on Pattern of Violations (POV). Court ruled it had no jurisdiction.
- NSSGA took the fight to District Court in Ohio, which agreed to hear the case. Case is now delayed due to Settlement discussions.

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# Fatality Avoidance - Hazard Recognition

## A. Workplace exams done thoroughly

Employers and employees should examine their workplaces to detect any unsafe or unhealthful conditions, practices, or equipment and take the necessary steps to correct them.

# Fatality Avoidance - Hazard Recognition

## B. Pre-shift exams done thoroughly

Self-propelled mobile equipment to be used during a shift shall be inspected by the equipment operator before being placed in operation on that shift.

# Fatality Avoidance - Training

- A. Aim for quality training of adults.
- B. Utilize 'best practices' information provided by NSSGA or MSHA, e.g., a fatalgram:  
*could this kind of fatality occur at our facility?*

# Fatality Avoidance - Training

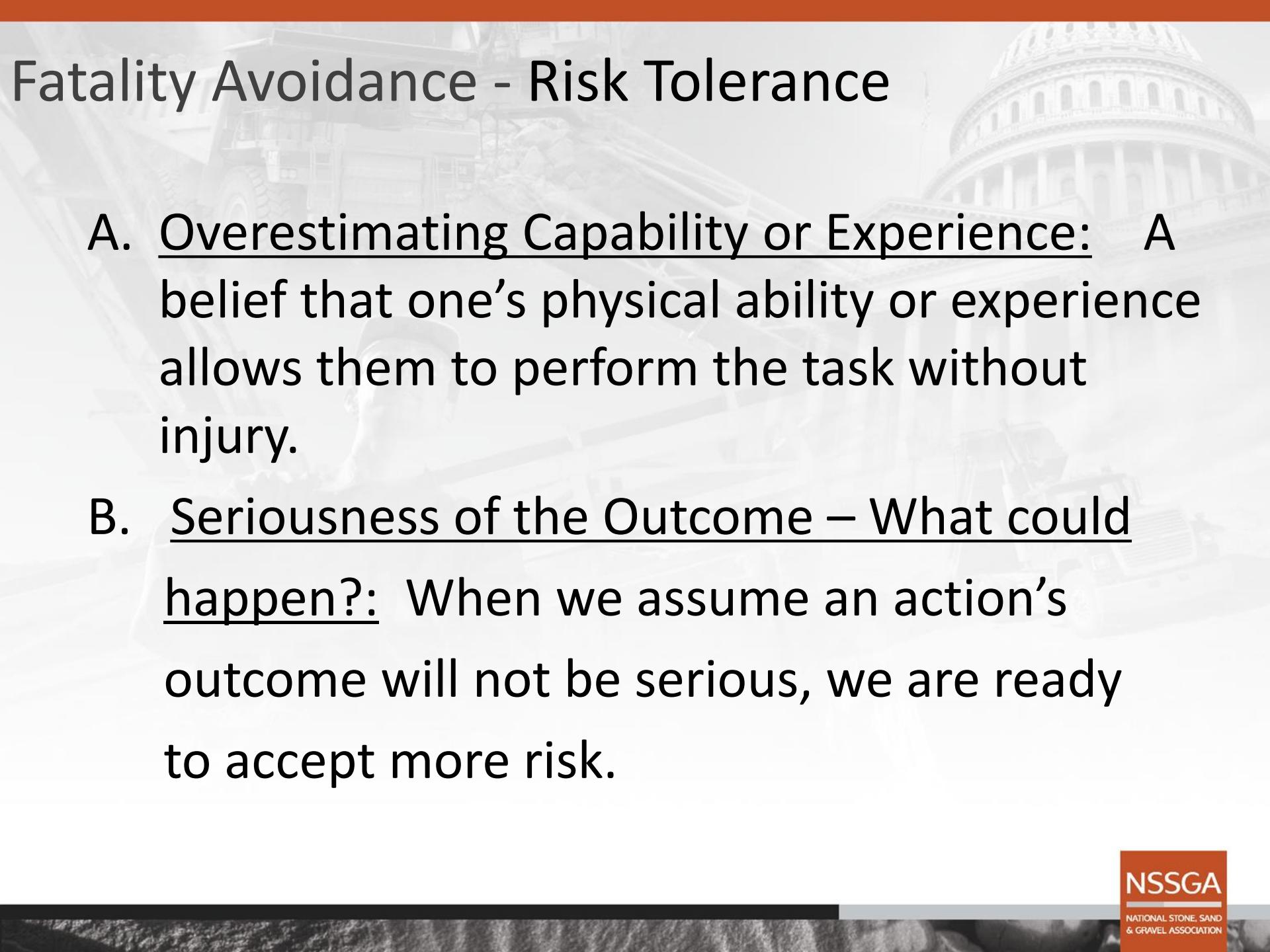
C. Make it interesting/interactive - If you want to teach a miner, you have to make it compelling. After all, this is:

- part lecture
- part demonstration
- part entertainment.

# Fatality Avoidance - Training

D. Evaluation - There must be a method of evaluation to ensure that the participants have genuinely learned.

# Fatality Avoidance - Risk Tolerance

- 
- A. Overestimating Capability or Experience: A belief that one's physical ability or experience allows them to perform the task without injury.
  - B. Seriousness of the Outcome – What could happen?: When we assume an action's outcome will not be serious, we are ready to accept more risk.

# Fatality Avoidance - Risk Tolerance

## C. Familiarity with the Task – Complacency:

“When I’m in charge...the risk is (somehow) lower.”

## D. Potential Profit/Gain from Actions: A person or corporation may accept a higher level of risk if there is substantial profit or gain for the risk action (e.g., short-cuts).

# Fatality Avoidance - Risk Tolerance

E. Role Models Accepting Risk: The level of risk accepted by role models/mentors will impact our own levels of risk acceptance.

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# RESCIND WORKPLACE EXAMS RULE

- NSSGA is pleased that the Labor Dep't made reduced the stringency via its re-proposed rule. However, NSSGA remains concerned that – *even with the revisions* - the rule will force operators to:
  - conduct exams before work, leading to big changes; and
  - document all unabated hazards.

# RE-WORK THE RULE ON WORKPLACE EXAMS

- The change in timing is difficult to accept. Now, exams could be conducted either before work begins, or “as work begins.” Hazards can be borne throughout production. Also, many hazards cannot be seen “as work begins.”
  - This may be an opportunity for more citations for workers allegedly exposed to hazards early in shift.

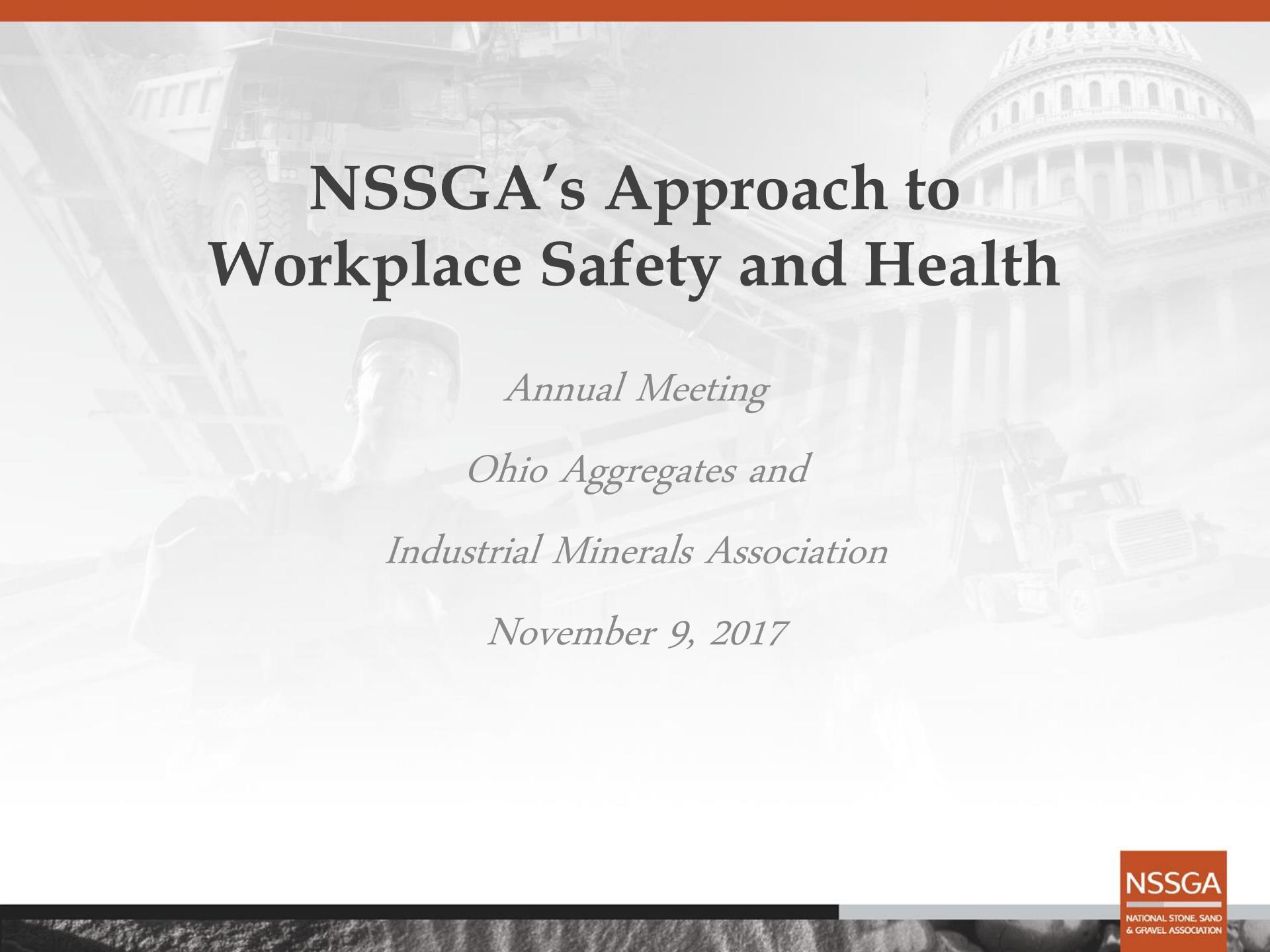
# RE-WORK THE RULE ON WORKPLACE EXAMS

That documentation still needs to be performed for any hazards is a serious burden. Earlier, NSSGA estimated that small operators faced a \$25 million cost to document all hazards. Even with this change, the cost would still exceed \$12.5 million.

- Also, this mandate would aid inspectors looking to write more paper (roadmap).

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