From: Harman, Thomas [mailto:tharman@cement.org]
Sent: Friday, December 17, 2010 12:55 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: RIN 1219-AB71

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Please see attached comment for the subject information collection.

Best regards,

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AB71-COMM-11

PCA

Portland Cement Association

December 17, 2010

Mine Safety and Health Administration
Office of Standards, Regulations, and Variances
1100 Wilson Boulevard
Room 2350
Arlington, Virginia 22209-3939

Dear Sir or Madam:

Re: RIN 1219-AB71

The Portland Cement Association (PCA) is a trade association representing companies that produce portland cement in the United States and Canada. PCA's U.S. membership consists of twenty-five (25) companies operating ninety-seven (97) plants in thirty-six (36) states and distribution centers in all fifty (50) states servicing nearly every Congressional district. PCA members account for slightly more than ninety-seven percent (97.1%) of cement-making capacity in the United States and one hundred percent (100%) in Canada. PCA's members employ more than thirteen thousand (13,000) individuals at cement plants, and the industry is interested in the subject collection of information and its potential impact on cement company operations. PCA and its members appreciate the opportunity to share our information.

Portland cement is an essential construction material and a basic component of our nation's infrastructure. It is utilized in numerous markets, including the construction of highways, streets, bridges, airports, mass transit systems, commercial and residential buildings, dams, and water resource systems and facilities. The universal availability of portland cement ensures that concrete remains one of the world's most essential and widely used construction materials.

The association and its members strive to make employee safety and health protection our top priority. Some of the methods we use to prevent accidents include measures that have a proven record of success, while other processes may be considered as relatively newer model frameworks. Also, safety and health management programs have been discussed as part of the MSHA – PCA Alliance.

Through an initiative to provide transparent benchmarking of accident statistics within the cement industry, PCA collects and distributes cement plant accident data from the MSHA Data Retrieval System. All accident data from cement plants in the U.S. are included in the data collection and distribution. Members of PCA's Occupational Health and Safety Committee (OHS) share the results of their respective accident prevention programs, and there has been a positive trend in recent years resulting from this effort. By comparing individual company programs through these types of initiatives, the industry learns which safety and health management tools are effective in preventing accidents and protecting employees' health.

There are a variety of elements that may be included in safety and health management programs, and prescribing a single list for all mine operators to use is not likely to be as effective in preventing accidents and maintaining standards' compliance as allowing individual operations to select discrete program elements from a range of alternatives based on the operators' individual needs.

For example, accident investigation is likely a component of all mine operators' safety and health management programs, but safety observation may not be an element in all plans. Safety training is required by Mine Safety and Health Administration (MSHA) standards, but cement plant operators generally provide significantly more employee safety and health education for employees. The focus of an effective safety and health management program should be based on some type of a structured framework, but the framework should allow mine operators the flexibility to address individual plant challenges and to quickly change focus when an evaluation indicates a new direction is necessary.

Choosing from a variety of safety and health program elements that have been shown to be effective in initiating and maintaining accident prevention programs can provide a framework for mine operators to work to formulate management systems to create a safe and healthy workplace for employees. Starting with broad categories of safety and health management control systems and further subdividing the groups into more specific functional elements, operators can formulate comprehensive programs that lead to fewer injuries and illnesses in the workplace; ideally, the most effective programs help individual employees adopt safe practices in their homes as well. Functional program elements detail the roles and responsibilities of individuals at all levels of the organization, and outlining expectations about how to achieve an accident-free workplace is necessary for the program's success.

Define management commitment to employee safety and health protections, and actively engage employees in making decisions about safety and health activities.

Mine operators can formally state their commitment to employee safety and health protections, and plant employees can actively engage in safety and health communication and activities. A written pledge by the company to engage in substantial efforts to prevent accidents illustrates a fundamental value as significant as any other management function. Management commitment and employee participation can work together to achieve a complementary balance.

Communication The organizational philosophy to protect employees' safety and health can be communicated to all levels within the organization, and all employees can understand that safety is a non-negotiable standard. Evaluations can be done periodically to review the effectiveness of the communication. Employee participation in safety and health committees should be promoted.

Allow mine operators to choose from a variety of accident prevention elements when formulating safety and health management programs.

Incident investigation and trend analysis The accident investigation allows operators to determine the causes of accidents and how to prevent reoccurrence. Analyzing the contributing factors to accidents over

a defined time period, for example short-term such as one year or long-term over five years, provides important information about how to prevent accidents from occurring.

Safety education and training MSHA mandates employee training, but many operators provide additional safety and health instruction for their employees. The value that safety education provides to employees both on and off-the-job cannot be overstated, and the value can be quantified by measuring the savings in both compliance and compensation costs.

Inspections, risk assessments and audits Inspection checklists prepare mine operators for compliance with mandatory standards, and audits address unsafe practices and hazardous conditions that may not otherwise be addressed in standards. Inspections and audits can be tailored to meet MSHA inspection protocol, and company and industry guidelines, and can provide a forum to find creative solutions to unique challenges.

Job hazard analysis and safety observation Unsafe work practices contribute to accident causes. Employees are sometimes unaware of how to work safely, and at other times they disregard safe work procedures. When companies develop step by step guidelines of how to do a job safely, and point out critical steps when accidents are likely to occur, employees can be educated in the safe way to do a job, and also observed while doing a job.

Disciplinary measures Managers, supervisors and employees can be responsible for individual safety, especially as their individual and/or collective actions relate to following both informal and formal operators' policies, rules and procedures. Accountability for safety rests with everyone in the workplace.

Emergency response and first aid Through appropriate planning and resource allocation, mine operators can establish response procedures to emergency situations in the workplace. Formal emergency response and first aid education and training programs help to ensure that operations are prepared when an event occurs.

Employee health assessments Mine operators can develop protocol for assessing employee health exposures in the workplace, and for adjusting management controls to lower the exposures when surveys indicate the need.

<u>PCA and its members support safety and health management programs as voluntary guidelines for mine operators to use in developing systems that promote continuous improvement.</u>

MSHA and its regulated community have an opportunity to add a new dimension to protecting miner's safety and health by adopting voluntary guidelines from which mine operators can choose elements to develop effective safety and health management programs. Adopting a standard that prohibits employers from choosing specific and appropriate program fundamentals to address individual operations' needs would be counterproductive, in our opinion. For example, an operation with five employees requires different initiatives than a facility with two hundred employees; similarly, a company with five operations has different needs and resources than a company with twenty operations.

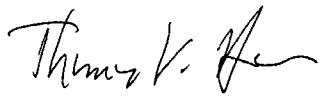
The maximum benefit of a safety and health management system is likely achieved after thoughtfully considering what is available and then rationally choosing which program elements most appropriately address an individual mine operators' needs. Moving forward, companies can set target benchmarks in terms of injury and illness reduction and mandatory health and safety standards' compliance. Periodical evaluation is necessary to determine if program elements need to be revised, and operators can make appropriate revisions.

In summary, PCA makes these key recommendations.

1. MSHA should develop voluntary guidelines to assist mine operators in formulating safety and health management programs.
2. MSHA should supplement its technical assistance, possibly working in conjunction with the National Institute of Occupational Safety and Health, to provide support for mine operators in implementing safety and health management programs.

Thank you for the opportunity to provide information about safety and health management programs. Please do not hesitate to contact me at 202-408-9494 or email tharman@cement.org if you have questions.

Very truly yours,



Thomas V. Harman
Portland Cement Association