MOUNTAIN AGGREGATES
INC.

March 25, 2015

U.S. Mine Safety and Health Administration
Office of Standards & Regulations
1100 Wilson Boulevard, Room 2350
Arlington, VA 22209
30 CFR Part 100
RIN: 1219-AB72

To Whom It May Concern:

We are Mountain Aggregates, Inc. and write to raise major concerns over the Mine Safety and Health Administration's proposed Civil Penalties rule, 30 CFR Part 100, RIN: 1219-AB72.

Our company is a member of the National Stone, Sand & Gravel Association, the world's largest mining association by product volume. NSSGA represents the crushed stone, sand and gravel industries and its member companies produce more than 90% of the crushed stone and 70% of the sand and gravel consumed annually in the United States, and the industry employs over 100,000 men and women. Our company, like many others in the industry, produces aggregates utilized for critical infrastructure projects including highways, bridges and mass transit, as well as environmental applications such as wastewater treatment, sewage control and drinking water facilities.

The proposed rule doesn't meet its stated goals. MSHA has stated that the proposed rule will increase consistency and reduce potential areas for dispute, but the proposal contains several key points of confusion that this rule would lead to more areas of dispute.

The proposed rule will likely result in dramatic increases in penalty assessments. Analyses comparing the penalty assessment for the same or similar citations have consistently demonstrated that penalty assessments will be between 50 and 80 percent higher under the proposed rule. Companies are encouraged to analyze the resulting assessment for common citations they receive under both the current and proposed rule.

The proposed rule seeks to change to the scope of Part 100, such that it may purport to apply to both the proposal of penalties by MSHA and the assessment of penalties by the Federal Mine Safety and Health Review Commission. Such a provision is beyond the scope of MSHA's authority, and amounts to unsound policy.

Quarry: Highway 197 South • P.O. Box 737 Elkhorn City, Kentucky 41522 Tel: 606 754 4117 Fax: 606 754.5048
Corporate: P.O. Box 13130 • Lexington, Kentucky 40583-3130 • Tel: 859.299 7001 Fax: 859.299.2385

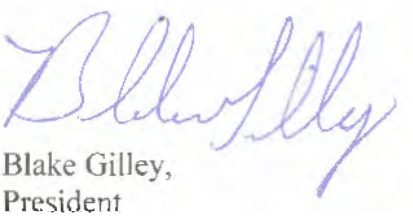
The proposed rule proposes changes to ' Negligence," which may have an adverse effect on the issue of an inspector's designation of unwarrantable failure. Currently, an unwarrantable failure designation is accompanied by a negligence finding of either "high" or "reckless disregard." The proposed rule would eliminate the "high" negligence designation, which would likely lead to an increase in 'reckless disregard" findings in order to support an inspector's declaration of unwarrantable failure. An increase in reckless disregard will increase penalties, increase the number of violations potentially considered for flagrant status, and could have civil liability consequences.

The proposed rule does not include any provision for alternative dispute resolution such as merit-based conferencing.

The proposed rule does not address special assessments. which can be applied without explanation, and result in significantly increased penalties.

In closing, we urge MSHA to withdraw this proposed rule, and work with our industry and other stakeholders to craft a rule that is clear and that does not impede the operator's ability to manage for safety and compliance, impose an undue economic burden on our industry, raise the cost of aggregate products needed for the built environment, or the limit the economic prosperity of the United States.

Sincerely



Blake Gilley,
President
Mountain Aggregates, Inc.
2257 Executive Drive
Lexington, KY 40505
bgilley @mountaincompanies.com/ (859)299-7001