
From: Michael Hunt <michael.hunt@martinmarietta.com>
Sent: Tuesday, March 31, 2015 11:26 AM
To: zzMSHA-Standards - Comments to Fed Reg Group
Cc: Ward Nye; Donald McCunniff
Subject: MSHA proposed Civil Penalties Rule, 30CFR Part 100, RIN: 1219-AB72
Attachments: 201503311106.pdf

MAR 31 2015

Importance: High
Sensitivity: Confidential

The enclosed comments are submitted on behalf of Martin Marietta regarding the above-referenced proposed rule. If questions arise or if additional information is needed, please let me know. Original will be sent via overnight mail. Thank you.

Michael A. Hunt
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Michael A. Hunt
Vice President, Safety & Health

March 31, 2015

U.S. Mine Safety and Health Administration
Office of Standards & Regulations
1100 Wilson Boulevard, Room 12350
Arlington, VA 22209

Re: 30 CFR Part 100
RIN: 1219-AB72

To Whom It May Concern:

On behalf of the more than 7,000 employees of Martin Marietta, I would like to express our concerns over the Mine Safety and Health Administration's proposed Civil Penalties rule (30 CFR Part 100, RIN: 1219-AB72). After careful review, it is our belief that instead of meeting its stated goals of increasing consistency and reducing potential areas for dispute, the proposed rule would actually lead to *more* areas of dispute.

The proposed rule will likely result in dramatic increases (between 50 and 80 percent) in penalty assessments. Moreover, the proposed rule seeks to change to the scope of Part 100 to make it apply to both the *proposal* of penalties by MSHA and the *assessment* of penalties by the Federal Mine Safety and Health Review Commission. We believe such a provision is beyond the scope of MSHA's authority and amounts to unsound policy.

Additionally, by eliminating the "high" negligence designation of unwarrantable failure, the frequency of "reckless disregard" findings will increase. This too will increase penalties, increase the number of violations potentially considered for flagrant status, and could have civil liability consequences. None of which we view as advancing mine safety.

Lastly, the proposed rule does not include any provision for alternative dispute resolution, such as merit-based conferencing, and does not address special assessments, which can be applied without explanation and could 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 does not (1) impede an operator's ability to manage safety and compliance, (2) impose an undue economic burden on our industry, (3) raise the cost of aggregate products and (4) limit the economic prosperity of the United States.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Michael A. Hunt', written over a horizontal line.

Copy: C. Howard Nye – Chairman, President and Chief Executive Officer, Martin Marietta
Donald A. McCunniff, Sr. Vice President, Human Resources, Martin Marietta

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About Martin Marietta

An American-based company and a member of the S&P 500 Index, Martin Marietta is a leading supplier of aggregates and heavy building materials, with more than 7,000 employees and operations spanning 32 states, Canada and the Caribbean. Dedicated teams at Martin Marietta supply the resources for the roads, sidewalks and foundations on which we live. Our Magnesia Specialties business provides a full range of magnesium oxide, magnesium hydroxide and dolomitic lime products.

Safety is a core value at Martin Marietta and we are proud of our outstanding safety record. At Martin Marietta, safety is a shared responsibility and everyone must do their part if we are to be successful. To this end, employees are continually engaged in efforts to identify and address potential workplace hazards. Our Code of Ethics encourages employees to keep a watchful eye out for potential hazards and immediately report *anything* that could put someone's safety at risk. Our goal has been, and continues to be, **zero incidents**.

Our company is a member of the National Stone, Sand & Gravel Association (NSSGA), the world's largest mining association by product volume. The NSSGA represents the crushed stone, sand and gravel industries and its member companies produce more than 90 percent of the crushed stone and 70 percent of the sand and gravel consumed annually in the United States.