

# WHY WOULD I INVITE THE DEVIL TO DINNER?

## Ohio's Melvin Stone LLC and MSHA's Small Mine Consultation Program

by James Reid



*Sam Lansing (left) and Paul Cook review the Melvin Stone's Safety Binder.*

Safety inspection and regulation at aggregate producers nationwide fall exclusively under the auspices of the Mine Safety and Health Administration (MSHA), part of the U.S. Department of Labor. This group is responsible for inspecting mines producing everything from coal to copper to sand and gravel and includes operations ranging from one miner to hundreds of workers, contractors and subcontractors.

In October 2002, MSHA created the Small Mine Office (SMO), now the Small Mine Consultation Program (SMCP), to assist small mining operations to help them improve or develop safety and health programs tailored specifically to the needs of their miners and operations. Small Mine Consultation Program is a bit of a misnomer. The organization is prepared to work with operations typical of all Midwest aggregate producers who are interested in improving safety and compliance, even though the focus is helping small mine operators (less than six miners).

At a recent joint Ohio Aggregates & Industrial Minerals Association (OAIMA) – Indiana Mineral Aggregates Association (IMAA) Washington Fly-In Joe Main, the assistant secretary of labor for MSHA and Neal Merrifield, MSHA's administrator for metal and nonmetal mine safety and health, suggested to attendees that the SMCP would like to reach out to the state aggregate associations. The thought was to use them as a liaison to help promote the compliance assistance arm of MSHA and ultimately improve the relationship while improving mine safety.

Paul Cook, mine safety and health specialist, SMCP contacted Tim Renneker, chair of the OAIMA Safety Committee, safety manager for Melvin Stone Company, introduced himself and asked for a meeting. They agreed to meet at the Wilmington, Ohio operation and discuss what assistance Cook could provide. Melvin Stone superintendent Sam Lansing had serious reservations

when Cook first came in. "Why would I invite the devil to dinner?" was Lansing's comment.

"There is a fear of having anyone from MSHA come on the property," says Cook. He speaks from experience and has been an MSHA inspector – an authorized representative of the Secretary of Labor. Cook explained that while he had once been in that capacity, he gave up that authority when he took his current position with SMCP. "I cannot write citations," Cook emphasized.

Cook agreed to work with Lansing's operation. He helped create a binder that would be available to MSHA inspectors. It contained all the necessary MSHA paperwork in one place, rather than being filed in various places. "We found out we actually had too much information in our files and Cook helped us to eliminate that extraneous material that inspectors didn't need to see." said Lansing.

Melvin Stone, like many other operators, has been fined for paperwork violations: Missing signatures or dates. Cook's assistance in organizing the safety binder has made it easier for them to get those blanks properly filled in. Everyone knows where the material is located in case an MSHA inspector shows up when management is not on the property.

"The contractors we hire to do work at the mine site are typically our biggest problems when it comes to MSHA rules," said Renneker. Most contractors don't understand MSHA rules because they don't often work on mine sites. SMCP offers videos and training information at no cost to the contractor.

Cook spent time doing walk-arounds at the mine site. He made suggestions regarding their HazCom program: Did Melvin Stone know that they needed a MSDS sheet for waste oil in their files? They do and it's there now. Sometimes there were disagreements about whether or not this issue is an MSHA infraction, but they always generated useful conversation. "I'm that extra set of eyes," says Cook, "and I maintain a professional distance from the MSHA inspectors in our field office. "We don't want to jeopardize the trust of the operators."

Lansing's work with MSHA's Cook has proven to be a success story. "We've had several inspections since he worked with us and they've all gone well," he said. Melvin Stone has scheduled appointments with Cook to each of their other 16 mine sites with the objective of having all their operations "on the same page." They want everyone employed by Melvin Stone to go home in the same condition that they started the day. ■



*Sam Lansing (left) and Paul Cook review the Material Safety Data Sheets.*



*Pat Jacomet (from left), Tim Renneker, Sam Lansing and Paul Cook at Melvin Stone's Wilmington, Ohio quarry.*