

MSHA's Workplace Exams Rule

MSHA's new rule on workplace examinations replaces the current workplace exams standard (56/57.18002) and imposes significant new burdens on operators. The rule creates new enforcement risks, requires excess and needless paperwork and could threaten the impeccable safety record of aggregates facilities. NSSGA believes the rule should be withdrawn.

Background Information

For the last 16 years, producers of stone, sand and gravel have demonstrated a proactive commitment to safety by consistently achieving lower and lower injury rates each year. Despite this remarkable trend, the new standard mandates that workplace exams be conducted at least once each shift *before work starts* in an area in which work is scheduled. This will force operators to develop entirely new procedures.

The rule requires that hazards be communicated to all workers who could possibly be affected, and this will force operators to develop new processes and procedures for work.

The rule also directs examiners to write reports that include any identified hazards, examiner's name, date of exam, places examined and the date of abatement. This will generate a substantial increase in red tape, and a distraction from resolving safety issues and work.

Talking Points for Operators

- 1) The rule does not improve safety at aggregates operations and should be withdrawn.
- 2) MSHA failed to provide evidence that the current rule inadequately protects workers and requires an updated rule.
- 3) The rule would require small operators alone approximately \$25 million to comply with the unnecessary paperwork requirements.
- 4) The rule shortsightedly focuses on a facility's conditions instead of the behaviors of workers and managers. The National Safety Council reports that about 9 of 10 injuries are a function of behavior – not conditions. In other words, behavior, not conditions, should be the focus of safety improvement efforts.

March 2017