EMAIL MEMORANDUM

August 20, 2018

TO:                  CKRC Executive Committee

FROM:             Michelle Lusk – Executive Director and Mike Harrell – Tech/Reg Committee Co-Chair

Earlier this summer, CKRC Executive Committee leaders and PCA leaders asked Michelle Lusk (CKRC Staff) and Charles Franklin/Steve Robuck (PCA Staff) to contact Mike Davis, the District Manager, Metal and Nonmetal – South Central District (SCD) MSHA, and confirm the scope of his interest in alternative fuels.  During that conversation on June 14th, Mike Davis confirmed that MSHA is interested in a wide range of “alternative fuels and hazardous waste.”An August 1st call followedwith the respective committee chairs of the PCA Health and Safety Committee and CKRC’s Tech/Reg Co-Chairs as a first step to “coordinating” on future interaction with MSHA***.***

Michelle Lusk, Executive Director CKRC, and the CKRC technical co-chairs (Mike Harrell and Steve Reale) participated in an August 1, 2018 call with a small group from PCA in which PCA provided a timeline of MSHA conversations dating back to February 2018. Stephen Robuck, PCA, Senior Director, Government Affairs, contacted MSHA’s Michael Davis, to re-start a regular PCA contact with the District Managers, and the connection leads through a string of communications to PCA with an outstanding request by MSHA to set up an educational meeting, and an MSHA offer of technical assistance.  The group generally agreed that individual companies should decide on the value of asking MSHA for technical assistance at their plants, but that an educational meeting/conference of some sort could be a useful way to be responsive.  However, an important step to such a meeting is that the trade associations reach an INTERNAL common understanding on relevant safety practices.  At the end of the call, Steve Robuck agreed to coordinate with Michelle Lusk and follow up with Mike Davis to get a better idea of what an educational meeting/conference might look like and to assure him we are working on a plan to be responsive.  That call took place last week on August 15th.

During the call, Mike Davis again emphasized the need for the industry and MSHA to educate *one another*.  He seems to think a first meeting would be small (3-4 MSHA people including him), take place in a South Central District City, and he shared available dates from mid-October to Early November.  He said his goal is to be sure Industry knows what MSHA inspectors are looking for, and that MSHA staff become better educated about theuse of alternative fuels, to reduce what seems to be 16 hour inspections to 1.5 hour walk thrus, and assurance that his employees are outfitted with the proper PPE.  During the conversation he reiterated concerns from previous calls, but kept using the words “hazardous waste.”  Michelle reminded him that when asked in June to identify the “scope” of his interest, he had communicated it as broad including “both alternative fuels and hazardous wastes.”  He said that while that is true, he thinks this first meeting should focus on hazardous waste issues because that is the area he/MSHA needs the most education.  The call concluded with him agreeing to send by the end of this week a list of issues of interest/concern that he would like addressed in such a meeting.  Below are some questions/request for EC direction from CKRC staff and committee co-chairs on next steps. Please get back to Michelle Lusk by the end of this week on your thoughts.

**NEXT STEPS/EXECUTIVE COMMITTEE DIRECTION TO CKRC STAFF AND THE TECH/REG COMMITTEE**

1-Would the Executive Committee be supportive of an ***internal*** CKRC exploratory call with both primary tech/reg committee members and those responsible for health and safety at the plants (if they are different individuals) to explain methods?

Issues that have been raised by Mike Davis during phone conversations include (and we will have a very clear idea of his areas of interest once the list mentioned above is shared):

* Miners don’t know what wastes companies ask them to handle.
* Companies don’t know what risks they encounter.
* Inspectors, therefore, do not know what PPE to wear.

During such a call, the technical committee would ask members to share a little of their safety practices, and *if and how* they feel CKRC should collect data?  For example:

* What alternative fuel container(s) type(s) does the company manage?
* What is the material handling systems that transfers the fuel from the container(s) to the burner(s) and its engineering safeguard(s)?
* What engineering safeguard(s) does the material handling system(s) employ to keep risk(s) from the miner(s)?
* When absent the engineering safeguard(s), then what protection(s) do get employed?

2-Does the nature of a first MSHA meeting that Mike Davis is describing (to focus on hazardous waste issues) change how the Executive Committee would like CKRC staff, the tech/reg committee and PCA coordination to proceed?