**FINAL SUMMARY**

**MSHA/CKRC Introductory Meeting July 15, 2019**

MSHA PARTICIPANTS/ATTENDEES

In Person

Monique Spruill (Health Division M/NM, Chief)

Ed Elliot (Senior Advisor)

Tim Watkins (Administrator for Mine Safety and Health Enforcement)

David Weaver (Chief, Safety Division)

Brian Goepfert (Deputy Administrator for Enforcement)

Lewis (Harvey) Kirk (Sr. Mine Safety and Health Specialist, M/NM Safety Division)

Sidney Garay (Health Specialist, M/NM)

Via Video Conference/Teleconference

Michelle Santos (Northeastern District M/NM)

Jennifer Garcia (Western District M/NM )

Brian Thompson (Western District/Southeastern District M/NM )

Peter DelDuca (Rocky Mountain District M/NM )

Brad Breland (Rocky Mountain District M/NM)

Mike Treter? (Health Specialist Rocky Mountain District)

Mac Burris (South Central District M/NM )

George Gardner (Tech Support; Safety and Technology Center)

Christine Stalnaker, Dan and Chuck Weaver (Tech Support; Safety Technology Center, Chief)

Terry Phillips (National Mine Academy)

Carl Hutchens (District 8 Coal)

John Hohn (District 8 Coal)

Jonah Pritt

Curt Bacon

Steve Cody

Scott Johnson, Assistant District Manager, North Central District M/NM)

Robert Simms, District Manager, Coal District 10 (and others)

CKRC Participants/Attendees

1. Steve Holt – Giant Cement (CKRC Executive Committee)
2. Curtis Lesslie – Ash Grove Cement (CKRC Executive Committee)
3. Michelle Ferguson – LafargeHolcim (CKRC Executive Committee)
4. Mike Harrell – Ash Grove Cement (CKRC Technical/Regulatory Committee Co-Chair)
5. Talya Mayfield – Continental Cement/Green America Recycling
6. Brad Meyr – Buzzi Unicem
7. Audra Walter – Geocycle
8. Jennifer Smith – Eagle Cement (Central Plains)
9. Alan Gee – Eagle Cement (Central Plains)
10. Steve Minshall – Ash Grove Cement
11. Jason McMillan – Cadence Recycling
12. Michelle Lusk – CKRC
13. Charles Franklin – PCA
14. Brian Hendrix – Husch Blackwell

Summary

# Meeting Purpose (Michelle Lusk, CKRC)

M. Lusk thanked MSHA (and our contact Monique Spruill) for the opportunity to come in and give an introductory presentation. Lusk stated that the purpose of the meeting was for CKRC to introduce itself and its members, educate MSHA about our process of beneficially recovering energy from hazardous wastes for use as fuel in the cement production process, and begin a cooperative dialogue. Lusk reviewed the history of our voluntary efforts to engage with MSHA beginning last year at the South Central District level and the meeting held in Dallas in December 2018 with Mike Davis and his staff when this presentation was first shared with MSHA.

# Introductions *(Group)*

A wide range of MSHA representatives participated in person and on-line via either video or teleconference. The introductions for those participating online were a bit disorganized and no list of MSHA participants was provided. Based on the information provided during the meeting, the approximate attendance list is provided above.

# CKRC Member Presentations

Members gave the presentation we developed in a primarily uninterrupted manner. Members did a really good job presenting the slides as follows:

## CKRC’s Members, Brief Coalition History/Cement Kiln Use of Hazardous Waste Fuels *(Michelle Lusk, CKRC staff) SLIDES 1-4*

## Cement Production, HWC MACT Regulations and Compliance Framework (CKRC Executive Committee Representative) STEVE HOLT -- SLIDES 5-8

## How Regulatory Compliance Enhances Worker Health and Safety Efforts/MSHA Compliance (CKRC Technical/Regulatory Committee Co-Chair) MIKE HARRELL – SLIDES 9-11

## MSHA Topics of Interest (CKRC Member Representatives)

* 1. Hazard Analysis STEVE HOLT LEAD (AND STEVE MINSHALL) – SLIDES 12-19
  2. Engineering Controls for Material Handling Systems BRAD MEYR – SLIDES 20-21
  3. Ventilation Controls and Fixed Gas Detection Equipment -- BRAD MEYR SLIDE 22
  4. Respiratory Protection Program BRAD MEYR — SLIDE 23
  5. PPE and Hazard Communication Training AUDRA WALTER – SLIDE 24
  6. Emergency Response TALYA MAYFIELD – SLIDE 25

# Questions/Discussion *(Group)*

During the question and answer period members effectively responded to questions from a variety of different people including MSHA Headquarters (Enforcement, Health and Safety Chiefs), Industrial Hygiene Specialists, District Representatives, Mine Academy Representatives and Technical staff. Areas of questioning/discussion included:

* How do we know that respirator cartridges are proper for the range of chemical and changed when spent?
* Lots of analysis for BTU and fuel quality, but what about for chemicals with TLVs?
* Need more short term monitoring to know respirator protection requirments.
* What about respirators for truck drivers who stay in their truck while unloading?
* Most handheld organic test units are combustion devices. How do we ensure they are not poisoned by contaminants in the air?
* glove breakthrough times;
* concern about the potential problems associated when processing these wastes into the systems;
* calibration/bump test standard practices; and
* training.

Monique Spruill, the M/NM Health Chief, suggested that operators may have only an 80/20 knowledge of the wastes we are taking. When questioned, she was unable to clearly articulate the basis for this concern. Participants emphasized that they are required to understand the nature of all wastes accepted for use at the kiln.

MSHA said it is important to them to increase the safety and knowledge of their inspectors. MSHA is interested in better understanding how its inspectors can know the proper PPE to bring before they come to the site for an inspection. Monique suggested that one potential next step might be to explore lessons learned from past operations, drawing from both operator and MSHA experiences. She also suggested that in the future, inspectors would be trained chemists or industrial hygienists. She is frustrated that currently, many of the inspectors sent to WDF sites are not properly trained. She also suggested that we should be assessing exposure to benzene for first responders. She expressed an interest in dust monitoring, including monitoring of enclosed spaces for interaction with diesel exhaust and WDF.

# Next Steps *(Group)*

The meeting was very productive and appeared to end positively on both sides. Immediately after the meeting, CKRC representatives reconvened with our MSHA advisor, Brian Hendrix (Husch Blackwell) to review the meeting. Brian indicated that he thought the meeting went very well. He confirmed that members did a great job presenting our association and thoroughly introducing our industry to the Agency. He said it was a positive step to voluntarily come in and offer to educate MSHA and make a connection.

At the close of the meeting, CKRC participants did not have any express “to dos” and were given the impression MSHA would reach out to us regarding any next steps. To date, we have had no requests to provide any follow up information.

In a delayed reaction, Monique Spruill contacted us a few days after the meeting and expressed concern that an outside attorney (Brian Hendrix of Husch Blackwell) had participated in the meeting. Mr. Blackwell was a late addition to the CKRC attendees, following a last minute notification by MSHA that the list of attendees would be significantly larger than previously suggested and would include the head of enforcement, a union representative, and an unknown list of other individuals calling in. CKRC staff and EC officers decided to include Mr. Hendrix in the group’s premeeting after confirming with PCA staff that these late additions appeared to depart from typical MSHA practice.

Following the preparatory meeting, CKRC staff and members agreed that it would be beneficial to bring Mr. Hendrix in a non-participatory/advisory role should we need any assistance responding to follow-up stemming from the meeting. Staff and CKRC EC officers wanted to be sure we had the knowledge base present at the meeting to be fully responsive to any questions posed to us by the wide range of individuals MSHA had attending. Mr. Hendrix had introduced himself at the beginning of the meeting and no concerns were raised at that time. Both CKRC staff and member representatives agreed that his participation had been productive.

Upon learning of Ms. Spruill’s concerns, we apologized and assured her the purpose of having him there in an advisory role (aside from introducing himself, he did not speak) was our sense that we needed more MSHA expertise in the room to bolster our staff/members’ experience with RCRA and CAA compliance requirements and help us with any follow-up stemming from the meeting.