

First, let me thank the Government Operations Sub-Committee and all others in this room, for allowing me the privilege to speak. I believe that the very existence of this meeting underscores what this great country stands for.....FREEDOM, and the RIGHT to express peaceful opinion or dissention to governmental authorities.

Today, I come before you to testify regarding the Mine Safety and Health Administration (MSHA) reform debate. Most of the mining community would agree that since the inception of the Mine Act, MSHA has had an overall positive impact on miner safety. BUT, they have since become “out-of-balance” under their current leadership, by emphasizing a punitive approach, instead of training and education. We in Western North Carolina believe that these policies have created undue economic hardship on responsible operators, and do very little to improve miner safety.

**THIS IS OUR PETITION TO THE COMMITTEE
AND MSHA:**

- 1) Update the 1977 Mine Act to reflect the safety modernizations and technological advancements made in the past 36 years;**

- 2) MSHA's "discrimination push" needs reviewed from the standpoint of hindering legitimate company applications of disciplinary actions on employees. Accountability IS a critical component of having a sound safety program;**
- 3) The "arbitrary and capricious" citational inspection system lacks due process application and contains a "triple penalty" economic burden (capital exp, the fine and any lawyer fees) on mine operators;**
- 4) Re-configure the "800" number hazard complaint call-in system to ensure frivolous calls are not being made creating confusion, mistrust, and resource drains for MSHA and industry;**
- 5) Fines and penalties, or at least a percentage thereof, should be placed in a "safety escrow account", essentially a beneficial safety project grant program managed by MSHA Small Mines office;**
- 6) MSHA's push to cut state grant program monies and funding for training and education is a step in the WRONG direction for safety. More State resources should be utilized minimizing the growth of MSHA's bureaucracy;**
- 7) MSHA should exercise impartiality on fatal investigation "root cause" evaluations, eliminating automatic blame on mine management;**

- 8) MSHA's "secretive" approach on inspector notes, and the extent and hurdles for industry to obtain them (i.e. Freedom of Information Act barriers days or weeks later) is not furthering safety improvement by preventing TRUST and TRANSPARENCY development between Regulator and the mining community.**
- 9) If MSHA AR's are going to make critical (and many times very costly) engineering calls on mine operators, then they should obtain the proper credentials and credibility to do so;**
- 10) As a matter of appearance and credibility, MSHA should investigate why their own internal injury rates are so high, since the "universal" or "bottom line" goal of any safety regulator or company safety program is injury reduction or prevention.**
- 11) Reduce the overall "out-of-balance" approach by MSHA as it relates to their budget, amount of resources spent, areas where these resources are spent, and policy review and transparency to the US citizenry, and regulated mining community.**

In a recent mining safety conference I attended, the central theme was that an effective safety program must not always use "technospeak" and "tough policy" talk, but more of a personal connection and caring

approach to each and every person. That's the best way to be a parent, spouse, friend, and YES.....regulator. In this way also, MSHA should look more at this approach in how to be a more effective accountability organization for the regulated community.

MINING IS CRITICAL TO OUR ECONOMY AND PROSPERITY. IN FACT, IF IT ISN'T GROWN, IT HAS TO BE MINED! A "SMART" MSHA IS REQUIRED IN THIS.....THE 21st CENTURY.

Jeff Stoll, CMSP

BIOGRAPHICAL INFORMATION

Work Experience

The Quartz Corp – Safety and Health Manager (Spruce Pine, NC)

- ❖ Planning, organizing, managing and evaluation of all aspects of the safety and health program for 4 mines, 2 mineral processing plants, and 100 employees (union and non-union);
- ❖ Training lead for all parties having business in the operations including employees, contractors, vendors and visitors;
- ❖ Serve as main contact for MSHA any related inspections and administrative requirements thereof

Safety Resources, Inc. – Safety Consultant (Zionsville, IN.)

- ❖ Univ. of Louisville (KY.) Flood Restoration – Project Safety Manager;
- ❖ Dynegy Vermilion Power Plant (IL.) 2009 Outage – Contractor Safety Coordinator
- ❖ Alstom Turbomachines Chattanooga (TN.) Manuf. Plant Re-construction - Contractor Safety

ProTrans International – Safety and Security Manager (Indianapolis, IN.)

- ❖ Led all corporate safety and security program functions for 20 ISO 9001 certified, supply chain management (warehouse, dock and logistics services - OSHA 1910) operations located in the US, Canada and Mexico;
- ❖ Initiated a general “re-tooling” of the entire safety program. Re-wrote the corporate safety manual, developed or modified various policies and procedures; installed key performance indicator (KPI) measuring standards and established new “branding” for the program.

Lafarge North America – Safety/Environmental Manager (Cleveland, OH.)

- ❖ Daily safety management duties for the Great Lakes Division (22 aggregate/mining plants, rail yards and dock locations in 3 states and one Canadian province):
 - Led vigorous safety/environmental auditing program at all locations;
 - Monitored regulatory compliance for OSHA (1926), MSHA, Ministry of Labor (Ontario), Ministry of Environment (Ontario) and EPA (including state-based EPA agencies);
 - Accident/injury investigation and reporting;
 - Provided key performance indicator (KPI) reports to executive management and line managers;
 - Conducted safety training for approximately 480 Great Lakes employees and contractors;
 - Was effective in building trust and respect among the union/non-union employee ranks;
 - Presided over successive years of record-setting injury rates and WC cost reductions.

Stoll Consulting – (Sylvania, OH.)

- ❖ Michigan Aggregates Association (Lansing, MI.): safety trainer and coordinator, performing safety consulting services for MAA member and non-member companies;
- ❖ Sun Oil Refinery (Toledo, OH.): facilitated various tasks related to hazardous waste removal project; manifesting responsibility; plant hazard training and consequent process evaluation; writing waste handling and removal procedures for manager as requested; Title V air permit inspections;
- ❖ Shelly Materials/Oldcastle (Thornville, OH.): performed targeted environmental auditing and gathered information for water permit submittals for quarries, sand and gravel and asphalt plants throughout Ohio.

Hanson Aggregates Midwest, Inc. - Environmental Engineer (Toledo, OH.)

- ❖ Daily management (permitting, auditing, etc.) of environmental and geology affairs in Northern Region, including twelve active quarries, one sand and gravel plant, and two rail yards in Indiana, Michigan and Ohio;
- ❖ Assisted with and co-supervised acquisitions, including all aspects of environmental and geologic evaluations and report generations.

CSR American Aggregates - Environmental and Safety Specialist (Indianapolis, IN.)

- ❖ Daily management of EHS issues for quarries, sand and gravel plants, asphalt plants, ready mix, block, pre-stress and trucking in multi-state locations;
- ❖ Safety (OSHA 1910 and 1926) and environmental auditing, including training facilitation, and performing industrial health sampling where needed;
- ❖ Managed and processed all permits including air, water, etc;
- ❖ Maintained contacts with various agencies including the Indiana Department of Environmental Management.

Education

- ❖ B.A. Geology, Indiana University, Bloomington, IN.
- ❖ Ibero-Americana University – Mexico City, Mexico
- ❖ Vincennes University, Vincennes, IN.

Professional Training/Certifications

- ❖ Certified Mine Safety Professional (CMSP);
- ❖ Certified Mine Safety and Health Administration (MSHA) training instructor;
- ❖ Certified American Red Cross Instructor;
- ❖ Certified Radiation Safety Officer (RSO)
- ❖ TWIC – Transportation Worker Identification credentialed;
- ❖ Knowledgeable of 29 CFR (OSHA) 1910 and 1926 regulations
- ❖ Root cause safety incident investigation training;
- ❖ Intensive confined space, working at height and scaffold training;
- ❖ Proficient in Lotus Notes, Microsoft Word, Excel, Access, Outlook, PowerPoint, AutoCAD and other popular computer database applications

Special Projects

- ❖ Assigned to exclusive US/Canadian team to modify safety auditing applications for all North American operations including quarries, sand and gravel, ready mix, asphalt, marine docks, and road construction (Lafarge);
- ❖ Worked with the Wildlife Habitat Council (WHC) in taking surplus/buffer properties and developing into functional habitat for wildlife. Prepared renewal applications when due (Lafarge);
- ❖ Facilitated, developed and helped produce several winning safety and environmental entries for the National Stone, Sand, and Gravel Association, and the National Slag Association (Hanson and Lafarge);
- ❖ Lead man on warehouse/dock relocation projects for related safety and security applications (ProTrans);
- ❖ Wrote policy and training procedures for specialized powered industrial trucks (ProTrans);
- ❖ Was awarded, “Environmental Eagle” award for proactive environmental stewardship (CSR)

Committee on Oversight and Government Reform
Witness Disclosure Requirement - "Truth in Testimony"
Required by House Rule XI, Clause 2(g)(5)

Name:

JEFF STOLL (MARION, N.C. 28752)

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2010. Include the source and amount of each grant or contract.

N/A

2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

The Quartz Corp
797 Altapass Rd.
Spruce Pine, NC. 28777
* My relationship is: Safety and Health Manager

3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2010, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

N/A

I certify that the above information is true and correct.

Signature:

Jeffrey T. Stoll

Date:

6/18/13