



ROCK TALK

KENTUCKY CRUSHED STONE ASSOCIATION NEWSLETTER

- March 2010 -

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Meeting with Joe Main Scheduled for April 22nd

Joe Main, Assistant Secretary of Labor for MSHA, is scheduled to meet with representatives from seven states on April 22nd. The meeting will take place at the Marriott Airport in Hebron, Kentucky. The seven states invited include: Kentucky, Indiana, Ohio, Tennessee, Illinois, Iowa and Missouri. Henry Hinkle, Hinkle Contracting Corp., Jim DeCinque, Vulcan Materials, John Albright, Caldwell Stone, Richard Hamilton, Nally & Gibson – Georgetown, Ed Elliott, Rogers Group, Inc., and Ron Gray, KCSA, will be representing Kentucky at the meeting. Currently, Incidence Rates in Kentucky, Separation of Metal/Non-Metal from Coal, and Consistency of Enforcement are topics we will be addressing at the meeting. If you have issues you would like to have addressed at the meeting, please email those issues to Ron Gray at ron@kycsa.org. We will be meeting in the next two weeks to put our presentation together.

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Court of Appeals Rejects Lawsuit

The U.S. Court of Appeals for the D.C. Circuit rejected arguments brought by the Methane Awareness Resources Group (or MARG) concerning MSHA regulation of diesel particulate matter (DPM). The court upheld the MSHA policy that implemented the permissible exposure limit of 160 micrograms of total carbon per cubic meter of air.

MARG's contention was that the agency decision had been arbitrary and capricious because it was inadequately explained, unsupported by scientific data, contrary to a 2002 settlement and to MSHA's statements to the Appeals Court, and without public notice of opportunity to comment.

MARG had argued that MSHA's DPM rule should be re-opened, and supplemented with the analysis and data from the study undertaken by the National Institute of Occupational Safety and Health (NIOSH) on health effects of DPM. MARG also challenged NIOSH's failure to release the results of its study on health effects of DPM exposure.

MARG is now seeking congressional support for forcing NIOSH to publicly release the results of its DPM study. Direct any questions to Joseph Casper at (703) 526-1074 / jcasper@nssga.org.

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President Signs Health Care Reform Into Law

(Small Business Exemption for Construction Companies in Companion Senate Legislation)

Capping a string of late night weekend and holiday votes that have characterized the path of health care legislation in Congress, the U.S. House of Representatives passed the Senate bill just after 11:00 p.m. Sunday night, March 21, by a vote of 219 – 212. President Obama signed the bill into law on Tuesday, March 23.

A little-noticed provision slipped into the Senate bill just prior to its passage on Christmas Eve by Sen. Jeff Merkley (D-OR) removes the small business exemption to the health care bill for construction companies. Companies with fewer than 50 employees not offering health insurance generally are exempt from the fines and new regulations that apply to larger employers, but under the amendment construction firms employing as few as five people will be subject to fines and regulatory requirements.

As part of a promised fix to this, the reconciliation bill omits this provision in the section where it increases the fines on employers from \$750 per employee to \$2,000 per employee. Most troubling to the aggregates industry is the language of the bill, which states this provision applies to “any employer the substantial annual gross receipts of which are attributable to the construction industry.”

Such a mandate will only further curtail job creation in a sector where the unemployment rate is currently over 27 percent. NSSGA will work with its transportation construction industry partners to ensure that this provision is not implemented.

Source: National Stone, Sand & Gravel Association

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TRANSPORTATION & INFRASTRUCTURE TRANSPARENCY AND ACCOUNTABILITY INFORMATION FOR KENTUCKY UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT (as of February 28, 2010)

OUT TO BID	97.0%
UNDER CONTRACT	92.4%
UNDERWAY	88.3%
AVERAGE	91.5%
AVERAGE RANK	8 TH

HIGHWAY INFRASTRUCTURE INVESTMENT

RECOVERY ACT FUNDS ALLOCATED	\$420,854,991
RECOVERY ACT FUNDS OBLIGATED	\$420,347,654
RECOVERY ACT FUNDS OUTLAYED	\$125,768,120
PROJECTS PUT OUT TO BID	101
RECOVERY ACT FUNDS ASSOCIATED WITH FUNDS PUT OUT TO BID	\$407,780,564
PROJECTS UNDER CONTRACT	46
RECOVERY ACT FUNDS ASSOCIATED WITH PROJECTS UNDER CONTRACT	\$388,818,224
PROJECTS IN WHICH WORK HAS BEGUN	39
RECOVERY ACT FUNDS ASSOCIATED WITH PROJECTS IN WHICH WORK HAS BEGUN	\$371,505,323
COMPLETED PROJECTS	3
RECOVERY ACT FUNDS ASSOCIATED WITH COMPLETED PROJECTS	\$ 13,790,659
DIRECT, ON-PROJECT JOBS CREATED OR SUSTAINED (Full Time-Equivalent Job Months)*	3,947
TOTAL JOB HOURS CREATED OR SUSTAINED	684,209
TOTAL PAYROLL OF JOB HOURS CREATED OR SUSTAINED	\$ 20,538,829

FTE job months are calculated by dividing cumulative job hours created or sustained by 173 hours (40 hours per week times 52 weeks divided by 12 months = 173 hours

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AGC/SIF Members to Receive Dividends

The Kentucky AGC/SIF Board of Trustees approved the release of \$8,673,800 in dividends and Special Fund tax to be paid in March of 2010 at its regularly held meeting on October 27, 2009. This dividend payment marks the 16th consecutive year that the Kentucky AGC/SIF has returned premium dollars to its members, bringing the total dividends and Special Fund tax paid to over \$87.8 million.

Total premium being returned to Fund members from the 2005 year is \$7,957,615 and the Special Fund Tax being returned is \$716,185, bringing the total being returned back to Fund members to \$8,673,800.

Dividends being released at the end of this month represent a 12.4% return of total premiums paid in for the 2005 Fund year as of February 28, 2010.

Historically, 94-95% of members have qualified for a dividend check. As of February 28, 2010, 96% of members who were in the Fund in 2005 and who remain in the Fund are eligible for a 2010 dividend check. How do you know if you will receive a dividend check? You must meet the following:

- Have a loss ratio of less than 100% for the year in which the dividend is being paid (2005 year).
- Were a member in the year for which the dividend is being paid (2005 year).
- Be a CURRENT member at the time of the dividend payment (2010 year).
- Be current in ALL payment obligations to the Fund and the Trade Association of which you are a member.

Currently available on the Kentucky AGC/SIF's website (www.kyagcsif.com), members and agents can access **ESTIMATED** dividend returns that will be issued later this month. Registered users can log in, go to the reports menu and select "Estimated Dividend Report." If you are not currently a registered user, simply go to the website home page and click on "Need to Register?" in the upper right hand corner. Again, please note that the amounts shown are **ESTIMATES** only.

If you have any questions whether your company may be eligible for a dividend paid in 2010, please contact the Fund Office at (502) 245-2007 or (800) 928-7135.

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KCSA Welcomes New Staff

Gaye Horton has been hired as the new office manager for the Kentucky Crushed Stone Association. Gaye lives in Woodford County and comes to us with 15 years of non-profit association management experience. She is working to learn about KCSA, our programs, and colleagues as quickly as possible. Please feel free to contact Gaye if she can be of service to you.

Stephanie Nelson has moved on to the Kentucky Association of Manufacturers in Frankfort and we wish her much success in the future. KCSA would like to thank Stephanie for her five years of outstanding service. She has been a terrific office manager and we will miss her.

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KCSA Needs You!

Members are requested for service on KCSA committees. Committee work requires time and commitment on behalf of all members. If members of your firm are interested in serving on one or more of the standing committees listed below, please download and complete the Committee Volunteer Form. In appreciation of the time required by committee work, we request that a company official sign the completed form.

KCSA STANDING COMMITTEES

Administrative – An industry discussion group providing a forum through which useful information can be shared by those in administrative positions.

Associate – Made up of associate members who will bring pertinent issues to the Board of Directors for consideration.

Environmental – Monitor developments in the environmental agencies which regulate the aggregate industry. Develop policy on changes which impact the industry and meet with each agency at least annually.

Legislative – Monitor bills on the state and federal level which could impact the industry and develop policy and recommended action on those bills. Work closely with the Kentucky Highway Industry Task Force and KHIPAC.

Marketing – Develop recommendations on methods of promoting aggregate products. Work with KAHC, KRMCA & PAIKY Associations to further the use of aggregate.

Public Relations – Develop and recommend policies and programs that will improve the image of the aggregate producer in the communities where they operate and in the state as a whole.

Safety – Monitor MSHA and KDMM activities and recommend appropriate responses to those agencies. Meet with MSHA and KDMM personnel at least annually for mutually beneficial discussions.

Scholarship – Evaluate and select students to receive annual scholarship grants.

Technical – Maintain close contact with the Kentucky Transportation Cabinet's Division of Materials and Division of Design so as to promote dialogue leading to mutually beneficial results.

Underground – Monitor all issues that specifically impact underground mining and develop policy to respond to those issues when appropriate.

Download Form: [Committee Volunteer Form](#)

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Save the Date

Southeast Central Kentucky Mine Rescue Contest

Dates: May 18-20, 2010

Location: Maysville, Kentucky

Contact: greg.black@carmeusena.com or Sammy Linville at sammylinville@yahoo.com

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Meeting Information

2010 KCSA Summer Meeting

July 7-11, 2010

Nashville, TN

Gaylord Opryland Resort

- If you would like for an employee to receive this newsletter, please forward the email address to info@kycsa.org.
- Let us know if your company has news to be included in the KCSA newsletter, info@kycsa.org.

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MAILING ADDRESS

KENTUCKY CRUSHED STONE ASSOCIATION
P.O. BOX 326
FRANKFORT, KY 40602

RONALD H. GRAY

EXECUTIVE DIRECTOR

GAYE HORTON

OFFICE MANAGER

CONTACT INFORMATION

TOLL FREE: (888) 234-5272

FAX: (502) 223-2370

EMAIL: info@kycsa.org