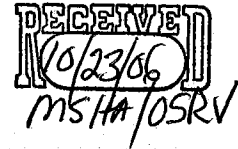




# ELBERTON GRANITE ASSOCIATION, INC.

Post Office Box 640 • Elberton, Georgia 30635  
706.283.2551

October 19, 2006



MSHA  
Office of Standards, Regulations and Variances  
1100 Wilson Blvd Room 2350  
Arlington, VA 22209-3939

Re: Objections to proposed changes to 30CFR Part 100

The Elberton Granite Association, of Elberton, Georgia, is writing to document our objections to MSHA's proposed changes in the criteria and procedures for assessment of fines. This letter represents the concerns of 138 small, family owned and operated businesses, located in five counties in Northeast Georgia. These businesses are directly affected by whatever happens to the area's dimension stone quarries.

Our Understanding is that the proposed regulations would increase the minimum single citation to \$122. This doubles the expense, and to a small business, this is a tremendous increase. Any additional expense at the quarry will be passed on to the manufactures, and, in turn, to consumers.

So, as the proposed change in regulation would necessitate an increase in price, the American granite industry faces a devastating effect from unlimited quantities of cheap imported stone from China. The Chinese government subsidizes their businesses to lower costs, and US Customs data documents a dramatic increase in tonnage of low-priced granite imported from China. In short, we would be forced to raise prices in the face of cheap imports flooding the country.

The dimension stone industry is different from coal, sand and gravel, and presents a different set of risks. While we regret the tragic events that the coal industry has experienced in recent months, we do not feel like we should have to pay for the problems of others.

AB51-COMM-71

The following is our list of specific objections we submit for the record.

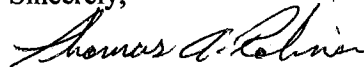
1. We object of any increase in the amount of assessments for dimension stone quarries. This industry has a good safety record.
2. We oppose the reduction in the amount of time for conferencing a citation from 10 to 5 days.
3. We object to the complicated points system to be used in calculating assessments. This system gives the inspector-who may know very little about dimension stone procedures-too much power.
4. We object to the proposed section as to the ability to pay. How is "ability to pay" going to be determined? Man-hours do not determine profitability or cash flow. Is the operator going to have to give MSHA a financial statement? Is this going to penalize the operations that are operating profitably?

We ask that MSHA issue a variance from these proposed changes for the dimension stone industry. If other segments of the mining community need to get a stronger message, deal with them specifically. The CFR already has the industry separated into coal surface, underground, metal and non-metal. The American stone industry does not need more man-made cost escalators. The costs of fuel, labor, health benefits, and state and federal environmental requirements are already competing for that business dollar.

There are many other items in the changes that we find objectionable and excessive when applied to our small family operations. This major change in policy and procedure needs more thought and should have the input of private industry before being adopted. We would be glad to participate in such a discussion if offered the opportunity.

Your consideration of variance for dimension stone quarries will be appreciated. Thank you for receiving these comments and entering them in the record. We would appreciate a reply to our concerns by the close of the comment period. We have asked our Congressmen and Senators to investigate this proposal and call for hearings if necessary.

Sincerely,



Thomas A Robinson, CAE  
Executive Vice President

cc: Rep. Charlie Norwood  
Senator Saxby Chambliss  
Senator Johnny Isakson