

Received 10/18/06 MSHA/OSRV
--------------------------------

**From:** Chuck Monson [Chuck.Monson@dakgran.com]  
**Sent:** Wednesday, October 18, 2006 10:12 AM  
**To:** zzMSHA-Standards - Comments to Fed Reg Group  
**Subject:** RIN 1219-AB51

I am writing the following message in an effort for you to reconsider many of the changes in regulation governing the dimensional stone business

I also sent the following letters to our Senators in hopes that they may provide you with in put on these changes that could dramatically affect our business:

I am not sure if you are aware of pending changes in the Mine Safety and Health Law that could increase the amount of fines that are issued with citations and reduce the time we have to contest them. These changes could have a dramatic effect on small businesses that already fight to compete fairly in a global market with countries that have little if no regard to employee safety or environmental conditions.

In recent years, the coal industry has experienced some major disasters and I do understand the need for more rigid regulations along with more severe fines in the coal industry for those who violate those regulations. The dimensional stone business, which also must conform to these new standards, has had a very good track record for safety and these proposed changed would have a dramatic effect on our continued economic survival. The reality is, most of the same regulations for coal mines have no bearing and are not reasonable to for the dimensional stone industry, although it is still considered mining and falls under the same regulations.

Mining regulations have a blanket effect on all mining operations, both underground and open pit. The methods and standards are quite different, yet we are expected to fit into "cookie cutter" regulation and fines. We are also being penalized for the coal mining disasters.

I would propose these regulations keep small granite, marble and limestone operations out of the proposed changes.

I oppose the following" 1. reduction of the number of days offered to contest a citation from 10 to 5 days. (2) Reference points systems that increase the assessment from a new minimum of \$122.00 up to 60,000.00. And base these fines on the ability of the business to pay them, not just negligence. The proposed changes state: "The effect of the penalty on the operation's ability to continue in business." Does this means that businesses with poor profit and bad safety are penalized less than those that are profitable and a better safety record? Does it also mean that we should offer financial statements to the agency in an effort for them to determine what we actually CAN pay?

We would like the agency to consider these changes for the coal mining industry only and not the dimensional stone industry.

I am writing to you hoping for your assistance. When we work with the agency, they tell us that we need to contact our Congressmen and Representatives for changes so that's what my attempt is today.

Can you help our industry stay in business with reasonable regulation?

Sincerely,

AB51-COMM-9
-------------

10/19/2006

Chuck Monson  
CEO/General Manager

**Chuck Monson**  
President CEO

**Dakota Granite**  
Ph: 800-843-3333  
Fx: 605-432-6155  
chuck.monson@dakgran.com  
www.dakotagranite.com

