

# **NSSGA Update VTCA Safety Seminar December 10, 2025**

**NSSGA**

NATIONAL STONE, SAND  
& GRAVEL ASSOCIATION

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# Roadmap of Today's Discussion

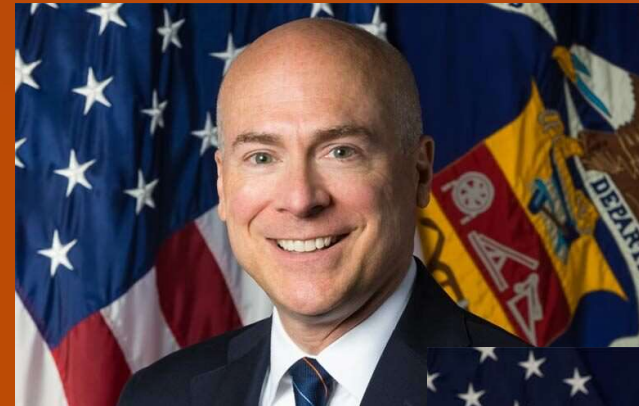
- Introduction
- Post Shutdown Updates
- WOTUS
- MSHA Leadership and Staffing
- Programs and Priorities
- Regulatory/Deregulatory Activities

# Waters of the United States (WOTUS)

- WOTUS was undefined in Clean Water Act, which lead to multiple rules & court cases resulting in confusion and slow & costly permitting
- In November, EPA announced a new definition of WOTUS
  - January comment due date is likely
  - NSSGA will have form on website for member comment submission with main points
  - Final rule likely in Spring-Summer
- Emily Coyner for questions [Ecoyner@NSSGA.org](mailto:Ecoyner@NSSGA.org)

# MSHA Leadership Update

- Wayne Palmer – Assistant Secretary
- Jim McHugh - Principal Deputy Assistant Secretary



# MSHA Leadership Update

- Melanie Calhoun – Acting Deputy Assistant Secretary for Operations
- Tim Watkins – Acting Administrator for Enforcement
- Dustan Crelly – Regional Administrator



# Priorities and Programs

- Focusing on Data
- MSHA Information Hub
- Compliance Assistance (CASH)
- The Blur is here to stay
- TBD

# Regulatory Updates

- 10 for 1- EO 14192
  - For each new regulation, at least 10 prior regulations must be identified for elimination.
  - Collected public input on regulations that could be rescinded or revised with particular focus on rules deemed “unnecessary, unlawful, unduly burdensome, or outdated.”

# Proposed (De)Regulations

- MSHA Crashing the Deregulatory Party – What Mine Operators Need to Know About Latest Rulemaking | Fisher Phillips
- Comment period relatively short
  - July 31
  - September 2
- Currently considering comments and may or may not take further actions



# Silica Recap

- Published April 2024
- Establishes a PEL of 50 ug/m<sup>3</sup> as a TWA exposure, an approximate 50% reduction from the existing limit; sets AL of 25 ug/m<sup>3</sup>
- Sets exposure assessment (sampling) requirements
- Requires that medical surveillance be offered to all miners



# Legal Challenge Overview

- Coalition filed suit in the Eighth Circuit Court of Appeals
  - NSSGA, ACA, NMA, AEMA, AISI and TACA
- In April 2025, MSHA voluntarily delayed the coal implementation date to August 18, 2025.
- The Court granted Motion to Stay implementation pending decision on the merits.
- Parties continued to discuss settlement

# Current Status of Silica

- MSHA status update announces the Agency is going to reconsider portions of the rule
- MSHA will publish another proposed rule and there will be another opportunity to comment.
- Not an entirely new rule:
  - 50/25 not going to change
  - Hopeful that revisions will provide additional methods to comply/demonstrate compliance
    - Sampling processes
    - Respirator use
    - Risk based med surveillance

# OSHA Heat Rule

- OSHA published a Notice of Proposed Rulemaking for Heat Injury and Illness Prevention on August 30, 2024.
- Public hearing from June 16 to July 2 to gather additional input from the public. They are now reviewing that testimony and will take post hearing comments.
- What's next?
- National Emphasis Program (NEP) - Outdoor and indoor Heat-Related Hazards has been extended until April 8, 2026.



# Updates to OSHA Penalty Guidelines - July 14, 2025

- Expanded definition of small businesses eligible for penalty reductions.
  - Employers with up to 25 employees can now qualify for a 70% penalty reduction. Previously 10 employees.
  - “Size” of an employer is calculated based on the maximum number of employees at all workplaces nationwide at any one time during the previous 12 months.
- Employers who take immediate action to correct identified hazards can receive a 15% penalty reduction.
- Clean inspection history discount for employers who have never been inspected by OSHA or have no serious, wilful, or failure-to-abate violations in the past 5 years can receive a 20% penalty reduction

# Questions?

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