

Oscar Brugmann

Since 1929

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Mine Safety and Health Administration (MSHA)

I write to you today because as hard as I tried to come to testify I could not get away. I always say this is the time of year we are like the squires gathering nuts getting ready for winter. My name is Joan Brugmann Martin. I am the second generation of a third generation family sand and gravel operation. Our Mom and Dad started in 1929 and we are continuing to serve our customers with a quality product and good service. That probably doesn't sound like much or your wondering why I'm even telling you this. But it's so important to me that I paint you a picture of the only way we make a living and serve our community. I have also enclosed a video to help you see how our process works.

I would like to address the 15 minute phone call. First and for most is the safety of all our employees family or non family since we are above ground getting to the accident assign and applying first aid, our community has an excellent fire rescuer or if need be life flight is very available. Our operation sits on about 200 acres we have CB's, cell phones, I'm not sure how we ever managed in the past without them. But with all these measures put in place no offence you're not going to save my man or women's life. The most important job I feel we have is saving someone who has been injured. I am not saying you should not be notified in a timely fashion. But I really feel this rule was to speed up under ground recovery and this is where I feel you need to separate surface and underground mining. You're not comparing apples to apples. The other problem I have with this rule is it is not clear cut as you may think on our end with a large penalty to go with it. The way I understand I need to call Newark between 7 and 4:00. But what if something happens before or after these hours I call Arlington. I have programmed these phone numbers in my employee's phone with an explanation of the hours, this is starting to not be as clear cut as I think the spirit of this whole unformatted loss of lives in the coal mines was intended. You need one number on call 24 hours to respond to this if you insist on the 15 minutes response. The life and death decision that are being made should be used to save our employees life first. You will receive your call; I'm just not sure 15 minutes is enough time when I play the scenario in my head God forbid we are ever in this situation. Please take my comments into consideration. The fact you may have not heard from a lot of companies does not mean this is not of great concern for them. Growing up in this industry, I have had the opportunity to work with a lot of these companies and the days are spent making sure you stay in business so your employees have a job. The time of season you are having these hearings is our peak of our season

making it difficult to leave your operation. I understand you have no control over that. Please consider looking at our surface mining separate from coal. I encourage anyone who might read this request to come and visit our facility or call me on the phone if you have any questions. I am proud to be a part of something so important as our bumper stickers say If it is not grown it is mined. We are part of your rural America and I always feel like we are the hub that holds the wheel on so we can keep moving into our future. As a small business owner operator I feel we pay our dues there are usually no tax cuts or special favors sent our way. I was raised to work hard and pay my taxes and if you keep losing your small businesses I'm not sure who is going to pay?

For us to pay and be accountable for sending a worker out in an unsafe job or task is unlikely. But as humans with free will it is never impossible someone could do something stupid. Have you considered looking at the record of the company and if there have been no serious violation the fines go with your record. But when things start to go awry with a company that assessments are made to help improve the safety measures it may take the inspectors to a new level. We need to assemble programs to help bring up the awareness of safety in the work place. At the end of the day , we all want to return to our families safely.

Thank you for permitting me to speak my piece, I truly care about our industry and would like to remain in business another 76 years!

Sincerely,

A handwritten signature in cursive script that reads "Joan Brugmann Martin". The signature is written in dark ink and is positioned above the printed name.

Joan Brugmann Martin