

Jay Timmons

Executive Vice President

December 7, 2010

U.S. House of Representatives  
Washington, DC 20515

Dear Representatives:

The National Association of Manufacturers (NAM), the largest manufacturing association in the United States, urges you to oppose H.R. 6495, the Robert C. Byrd Miner Safety and Health Act.

Manufacturers wholeheartedly support the legislation's goal of maintaining safe and healthy workplaces for our nation's miners. Improving worker safety can only happen when all parties – employers, employees, and regulatory agencies, including the Mine Safety and Health Administration (MSHA) and the Occupational Safety and Health Administration (OSHA) – work together to achieve better results.

Unfortunately, H.R. 6495 focuses primarily on expanding MSHA's authority, imposing criminal penalties on employers, and exposing companies to more litigation. Specifically, the NAM is concerned with provisions in H.R. 6495 that:

- Bypass normal regulatory procedures by mandating that MSHA issue new standards/regulations without giving advanced notice or sufficient opportunity for employers to provide feedback;
- Impose vague new standards for criminal liability, potentially criminalizing most infractions and subjecting officials to sanctions over which they have no direct control;
- Inject government control over business decisions by expanding MSHA authority over miner training, employee/professional certifications, and recordkeeping at mines;
- Create new language prohibiting "at-will" employment for certain underground coal miners; and
- Broaden the number of conditions that inspectors can consider for more serious citations and orders while limiting the operator's ability to challenge citations.

These provisions would dramatically increase the cost of coal production, driving up energy prices for consumers and for American manufacturers, who use roughly one-third of our nation's energy supply.

The NAM's Key Vote Advisory Committee has indicated that votes on H.R. 6495, including potential procedural motions, merit consideration for designation as Key Manufacturing Votes in the 111th Congress. Thank you for your consideration.

Sincerely,



Jay Timmons