

**FY 2016**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**MINE SAFETY AND HEALTH ADMINISTRATION**

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# MINE SAFETY AND HEALTH ADMINISTRATION

## APPROPRIATION LANGUAGE

### SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, [\$375,887,000] \$394,932,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities [and not less than \$8,441,000 for state assistance grants]: *Provided*, That notwithstanding 31 U.S.C. 3302, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to \$2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: *Provided further*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: *Provided further*, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster[.]: *Provided further*, That the Secretary may reallocate among the items funded under this heading up to \$3,000,000 to support inspections or investigations pursuant to section 103 of the Federal Mine Safety and Health Act of 1977. (Department of Labor Appropriations Act, 2015.)

# MINE SAFETY AND HEALTH ADMINISTRATION

## EXPLANATION OF LANGUAGE CHANGES

*DELETED: "...and not less than \$8,441,000 for state assistance grants; in addition"*

The President's Request fully funds the State Grants Program; therefore, MSHA requests that the language mandating not less than \$8,441,000 for state assistance grants be removed.

*"Provided further, That the Secretary may reallocate among the items funded under this heading up to \$3,000,000 to support inspections or investigations pursuant to section 103 of the Federal Mine Safety and Health Act of 1977."*

This authority provides MSHA with additional flexibility to internally reallocate funding as necessary to ensure the enforcement programs have the necessary resources to effectively conduct mandated inspections or investigations.

# MINE SAFETY AND HEALTH ADMINISTRATION

## ANALYSIS OF APPROPRIATION LANGUAGE

*"...including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work..."*

This authority has been included in the appropriations language of either the Bureau of Mines, the Department of the Interior, the Mining Enforcement and Safety Administration or the Department of Labor since 1932 and allows the Secretary to further increase safety and health through the bestowal of trophies and certificates for accomplishments in the area of mine rescue and first-aid work.

*"... and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major disaster..."*

In the instance of a mine disaster, MSHA provides staff, technical expertise, and specialized equipment in assisting rescue operations at mine sites. Funds are not specifically requested to cover the major costs associated with mine disaster recovery operations. This provision provides the Secretary authority to authorize the use of funds in the event that assistance costs exceed MSHA's funding capacity.

*"... authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization..."*

The Joseph A. Holmes Safety Association, a nonprofit organization, began in 1916 to promote health and safety and mine rescue in the mining industry and consists of representatives from Federal and State Governments, Mining Organizations and Labor. The Association's objectives are to prevent fatalities and injuries, to improve health and safety among officials and employees in all phases of mining, and to promote mine rescue.

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>AMOUNTS AVAILABLE FOR OBLIGATION</b>						
(Dollars in Thousands)						
	2014		2015		2016	
	FTE	Amount	FTE	Amount	FTE	Amount
<b>A. Appropriation</b>	<b>2,366</b>	<b>\$375,887</b>	<b>2,316</b>	<b>\$375,887</b>	<b>2,322</b>	<b>\$394,932</b>
Reduction Pursuant to P.L. 113-6 for FY 2013	0	\$0	0	\$0	0	\$0
Reduction Pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985	0	\$0	0	\$0	0	\$0
<i>Subtotal Appropriation</i>	<i>2,366</i>	<i>\$375,887</i>	<i>2,316</i>	<i>\$375,887</i>	<i>2,322</i>	<i>\$394,932</i>
Offsetting Collections From:						
Reimbursements	0	\$3,249	0	\$3,249	0	\$3,249
Reduction Pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985	0	\$0	0	\$0	0	\$0
<b>B. Gross Budget Authority</b>	<b>2,366</b>	<b>\$379,136</b>	<b>2,316</b>	<b>\$379,136</b>	<b>2,322</b>	<b>\$398,181</b>
Offsetting Collections to:						
Reimbursements	0	-\$3,249	0	-\$3,249	0	-\$3,249
<b>C. Budget Authority Before Committee</b>	<b>2,366</b>	<b>\$375,887</b>	<b>2,316</b>	<b>\$375,887</b>	<b>2,322</b>	<b>\$394,932</b>
Offsetting Collections From:						
Reimbursements	0	\$3,249	0	\$3,249	0	\$3,249
<b>D. Total Budgetary Resources</b>	<b>2,366</b>	<b>\$379,136</b>	<b>2,316</b>	<b>\$379,136</b>	<b>2,322</b>	<b>\$398,181</b>
Unobligated Balance Expiring	-80	-\$253	0	\$0	0	\$0
<b>E. Total, Estimated Obligations</b>	<b>2,286</b>	<b>\$378,883</b>	<b>2,316</b>	<b>\$379,136</b>	<b>2,322</b>	<b>\$398,181</b>

# MINE SAFETY AND HEALTH ADMINISTRATION

## SUMMARY OF CHANGES

(Dollars in Thousands)

	2015	2016	Net Change
<b>Budget Authority</b>			
General Funds	\$375,887	\$394,932	+\$19,045
<b>Total</b>	<b>\$375,887</b>	<b>\$394,932</b>	<b>+\$19,045</b>
<b>Full Time Equivalents</b>			
General Funds	2,316	2,322	6
<b>Total</b>	<b>2,316</b>	<b>2,322</b>	<b>6</b>

### 2016 Change

Explanation of Change	2015 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Increases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Costs of pay adjustments	2,316	\$185,013	0	\$0	0	\$1,572	0	\$1,572
Personnel benefits	0	\$61,032	0	\$0	0	\$752	0	\$752
One day more of pay	0	\$0	0	\$0	0	\$952	0	\$952
Federal Employees' Compensation Act (FECA)	0	\$6,696	0	\$0	0	\$651	0	\$651
Benefits for former personnel	0	\$28	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$12,054	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$6,806	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$17,293	0	\$0	0	\$0	0	\$0
Rental payments to others	0	\$165	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$4,262	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$482	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$137	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$4,660	0	\$0	0	\$100	0	\$100
Working Capital Fund	0	\$31,105	0	\$0	0	\$4,380	0	\$4,380
Other Federal sources (DHS Charges)	0	\$723	0	\$0	0	\$0	0	\$0
Other goods and services from Federal sources	0	\$12,661	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$1,296	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$6,470	0	\$0	0	\$85	0	\$85
Supplies and materials	0	\$4,118	0	\$0	0	\$70	0	\$70
Equipment	0	\$11,390	0	\$0	0	\$192	0	\$192
Grants, subsidies, and contributions	0	\$9,441	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$55	0	\$0	0	\$0	0	\$0

# MINE SAFETY AND HEALTH ADMINISTRATION

Explanation of Change	2016 Change							
	2015 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Land and Structures	0	\$0	0	\$0	0	\$0	0	\$0
<b>Built-Ins Subtotal</b>	<b>2,316</b>	<b>+\$375,887</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$8,754</b>	<b>0</b>	<b>+\$8,754</b>
<b>B. Programs:</b>								
Strengthen the Delivery of Training	144	\$37,007	0	\$0	0	\$3,441	0	\$3,441
Operationalizing the Final Respirable								
Dust Rule	0	\$500	0	\$0	0	\$3,100	0	\$3,100
Enforcement Application								
Improvements	67	\$18,283	0	\$0	0	\$1,500	0	\$1,500
UBB Internal Review								
Recommendations	52	\$7,122	0	\$0	6	\$1,000	6	\$1,000
Strengthening Enhanced Enforcement								
Activities Through Off-Shift Impact								
Inspections	1,151	\$172,019	0	\$0	0	\$650	0	\$650
Regulatory Staff and Contractors	23	\$5,470	0	\$0	0	\$600	0	\$600
<b>Programs Subtotal</b>			<b>0</b>	<b>\$0</b>	<b>6</b>	<b>+\$10,291</b>	<b>6</b>	<b>+\$10,291</b>
<b>Total Increase</b>	<b>2,316</b>	<b>+\$375,887</b>	<b>0</b>	<b>\$0</b>	<b>6</b>	<b>+\$19,045</b>	<b>6</b>	<b>+\$19,045</b>
<b>Decreases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
<b>Built-Ins Subtotal</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>
<b>B. Programs:</b>								
<b>Total Decrease</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>
<b>Total Change</b>	<b>2,316</b>	<b>+\$375,887</b>	<b>0</b>	<b>\$0</b>	<b>6</b>	<b>+\$19,045</b>	<b>6</b>	<b>+\$19,045</b>

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b>								
(Dollars in Thousands)								
	2014		2015		2016		Diff. 2016 / 2015	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Coal Mine Safety and Health</b>	<b>1,147</b>	<b>167,859</b>	<b>1,151</b>	<b>167,859</b>	<b>1,151</b>	<b>175,769</b>	<b>0</b>	<b>7,910</b>
General Funds	1,147	167,859	1,151	167,859	1,151	175,769	0	7,910
<b>Metal and Nonmetal Mine Safety and Health</b>	<b>560</b>	<b>91,697</b>	<b>586</b>	<b>91,697</b>	<b>586</b>	<b>93,841</b>	<b>0</b>	<b>2,144</b>
General Funds	560	91,697	586	91,697	586	93,841	0	2,144
<b>Office of Standards, Regulations, and Variances</b>	<b>27</b>	<b>5,416</b>	<b>23</b>	<b>5,416</b>	<b>23</b>	<b>6,070</b>	<b>0</b>	<b>654</b>
General Funds	27	5,416	23	5,416	23	6,070	0	654
<b>Office of Assessments, Accountability, Special Enforcement and Investigations</b>	<b>53</b>	<b>6,976</b>	<b>52</b>	<b>6,976</b>	<b>58</b>	<b>8,122</b>	<b>6</b>	<b>1,146</b>
General Funds	53	6,976	52	6,976	58	8,122	6	1,146
<b>Educational Policy and Development</b>	<b>147</b>	<b>36,320</b>	<b>144</b>	<b>36,320</b>	<b>144</b>	<b>40,448</b>	<b>0</b>	<b>4,128</b>
General Funds	147	36,320	144	36,320	144	40,448	0	4,128
<b>Technical Support</b>	<b>204</b>	<b>33,791</b>	<b>207</b>	<b>33,791</b>	<b>207</b>	<b>34,583</b>	<b>0</b>	<b>792</b>
General Funds	204	33,791	207	33,791	207	34,583	0	792
<b>Program Evaluation and Information Resources</b>	<b>64</b>	<b>17,990</b>	<b>67</b>	<b>17,990</b>	<b>67</b>	<b>19,783</b>	<b>0</b>	<b>1,793</b>
General Funds	64	17,990	67	17,990	67	19,783	0	1,793
<b>Program Administration</b>	<b>84</b>	<b>15,838</b>	<b>86</b>	<b>15,838</b>	<b>86</b>	<b>16,316</b>	<b>0</b>	<b>478</b>

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b>								
(Dollars in Thousands)								
	2014		2015		2016		Diff. 2016 / 2015	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
General Funds	84	15,838	86	15,838	86	16,316	0	478
<b>Total</b>	<b>2,286</b>	<b>375,887</b>	<b>2,316</b>	<b>375,887</b>	<b>2,322</b>	<b>394,932</b>	<b>6</b>	<b>19,045</b>
<b>General Funds</b>	<b>2,286</b>	<b>375,887</b>	<b>2,316</b>	<b>375,887</b>	<b>2,322</b>	<b>394,932</b>	<b>6</b>	<b>19,045</b>

NOTE: 2014 reflects actual FTE.

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>BUDGET AUTHORITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Diff. 2016 / 2015</b>
	Full-Time Equivalent				
	Full-time Permanent	2,353	2,303	2,309	6
	Other	13	13	13	0
	<b>Total</b>	<b>2,366</b>	<b>2,316</b>	<b>2,322</b>	<b>6</b>
	Average ES Salary	\$171,376	\$173,090	\$174,821	\$1,731
	Average GM/GS Grade	11/5	11/5	11/5	0
	Average GM/GS Salary	\$77,970	\$78,750	\$79,537	\$787
	Average Salary of Ungraded Positions	45,760	46,218	46,680	462
11.1	Full-time permanent	182,585	180,438	184,725	4,287
11.3	Other than full-time permanent	317	566	566	0
11.5	Other personnel compensation	4,139	4,009	4,659	650
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>187,041</b>	<b>185,013</b>	<b>189,950</b>	<b>4,937</b>
12.1	Civilian personnel benefits	67,636	67,728	70,004	2,276
13.0	Benefits for former personnel	3	28	28	0
21.0	Travel and transportation of persons	12,488	12,054	12,147	93
22.0	Transportation of things	7,043	6,806	6,839	33
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	18,267	17,293	17,435	142
23.2	Rental payments to others	165	165	165	0
23.3	Communications, utilities, and miscellaneous charges	4,685	4,262	4,270	8
24.0	Printing and reproduction	552	482	523	41
25.1	Advisory and assistance services	286	137	137	0
25.2	Other services from non-Federal sources	8,690	4,660	6,625	1,965
25.3	Other goods and services from Federal sources 1/	30,676	44,489	48,869	4,380
25.4	Operation and maintenance of facilities	1,081	1,296	1,296	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	12,638	6,470	8,781	2,311
26.0	Supplies and materials	4,228	4,118	4,694	576
31.0	Equipment	10,771	11,390	13,673	2,283
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	9,441	9,441	9,441	0
42.0	Insurance claims and indemnities	196	55	55	0
	<b>Total</b>	<b>375,887</b>	<b>375,887</b>	<b>394,932</b>	<b>19,045</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	24,855	31,105	35,485	4,380
	DHS Services	714	723	723	0
	HHS Services	2,726	3,010	3,010	0
	Services by Other Government Departments	2,381	9,651	9,651	0

# MINE SAFETY AND HEALTH ADMINISTRATION

## AUTHORIZING STATUTES

<b>Public Law / Act</b>	<b>Legislation</b>	<b>Statute No. / US Code</b>	<b>Volume No.</b>	<b>Page No.</b>	<b>Expiration Date</b>
91-173	Federal Mine Safety and Health Act of 1977, As Amended By Public Law 95-164	30 U.S.C., 801 et. seq.	30	823	None
109-236	Mine Improvement and New Emergency Response Act of 2006 (MINER Act)	30 U.S.C., 801 et. seq.	30	823	None

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>APPROPRIATION HISTORY</b>					
(Dollars in Thousands)					
	<b>Budget Estimates to Congress</b>	<b>House Allowance</b>	<b>Senate Allowance</b>	<b>Appropriations</b>	<b>FTE</b>
2006					
Base Appropriation...1/	\$280,490	\$280,490	\$280,490	\$277,687	2,136
2007					
Base Appropriation	\$287,836	\$278,869	\$302,436	\$301,569	2,314
2008					
Base Appropriation...2/	\$313,478	\$313,478	\$340,028	\$333,925	2,306
2009					
Base Appropriation...3/	\$332,061	\$0	\$346,895	\$347,003	2,361
2010					
Base Appropriation...4/	\$353,693	\$353,193	\$357,443	\$357,293	2,425
2011					
Base Appropriation...5/	\$360,780	\$0	\$377,000	\$363,115	2,328
2012					
Base Appropriation...6/	\$384,277	\$379,854	\$384,277	\$373,293	2,365
2013					
Base Appropriation...7/	\$371,896	\$0	\$0	\$353,768	2,388
2014					
Base Appropriation	\$380,721	\$0	\$0	\$375,887	2,366
2015					
Base Appropriation	\$377,234	\$0	\$0	\$375,887	2,316
2016					
Base Appropriation	\$394,932	\$0	\$0	\$0	2,322

1/ Reflects a \$2,805 reduction pursuant to P.L. 109-148.

2/ Reflects a \$5,937 reduction pursuant to P.L. 110-161, and a \$2,078 transfer to the Office of the Solicitor.

3/ This bill was only reported out of Subcommittee and was not passed by the Full House.

4/ Does not include \$7,259 provided to MSHA for the Upper Big Branch mine investigation and the caseload backlog at the Federal Mine Safety and Health Review Commission in the Supplemental Appropriations Act, P.L. 111-212. This amount was transferred from the Departmental Management account via a nonexpenditure transfer.

5/ This bill was only reported out of Subcommittee and was not passed by the Full House. Reflects a \$2,000 transfer to the Office of the Solicitor.

6/ Reflects a \$707 reduction pursuant to P.L. 112-74, and a \$770 transfer to the Office of the Solicitor.

7/ Reflects a 0.2% across the board rescission pursuant to P.L. 113-6 and the sequestration reduction pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

# MINE SAFETY AND HEALTH ADMINISTRATION

## OVERVIEW

### Introduction

The Mine Safety and Health Administration (MSHA) promotes safe and healthful workplaces for the nation's miners by pursuing strategies that prevent death, disease, and injuries from mining. MSHA enforces provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended by the Mine Improvement and New Emergency Response Act of 2006 (MINER Act).

MSHA supports the Secretary's vision of *Promoting and Protecting Opportunity* through the following goals:

- Strategic Goal 2: Improve workplace safety and health.
  - Strategic Objective 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
  - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the nation's miners.
- Strategic Goal 3: Promote fair and high-quality work environments.
  - Strategic Objective 3.2: Protect workers' rights.
  - Performance Goal MSHA 3.2: Protect miners from discrimination.
- Department of Labor (DOL) Priority Goal: Reduce worker fatality rates in mining by five percent per year based on a rolling five-year average.

MSHA's data show that mine safety has been on a steady path of improvement since MSHA began implementing reforms in 2010, including a reduction in the number of chronic violators and better compliance with mine safety and health standards. Most importantly, during this period, the industry achieved the lowest fatality and injury rates in the history of mining in CY 2011 and again in CY 2012; that trend continued through FY 2013. In CY 2014, coal mining deaths dropped to their lowest levels ever, and while the numbers of coal mines and miners have recently declined, the number of deaths in 2014 were about half what the industry experienced in the early 2000's when the number of working coal miners were at comparable levels. In CY 2014, there was an increase in metal and nonmetal mining fatalities, which MSHA has aggressively addressed, as detailed below. FY 2014 had the lowest overall fiscal year injury rate in mining history.

Mine industry compliance has improved---due to MSHA's efforts in its Pattern of Violations (POV) and impact inspection programs; its outreach activities to stakeholders on compliance and other issues; its clarification of its safety and health standards, such as Guarding in Metal and Nonmetal mines; and its rulemaking actions, which include the final Dust rule and the final Examination rule that went into effect in August 2012, requiring operators of underground coal mines to be more proactive in finding and fixing unsafe and unhealthy conditions in their mines-- - as citations and orders issued by MSHA continued to drop from 2010 levels. The number of violations decreased 30 percent from CY 2010 to CY 2013.

The agency's strategic and focused actions, coupled with the reorganization of MSHA and improvements by the mining industry, have resulted in a consistent overall trend of positive

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changes in mine safety as confirmed by year-to-year data, including a decrease from FY 2009 in respirable dust levels in underground coal mines to the lowest levels in the recorded history of mining in FY 2014. In addition, MSHA, working with the Office of the Solicitor (SOL), filed more 105(c) discrimination complaints during CY 2014 on behalf of miners than any time in history. Preliminary data also indicate that in CY 2014, the agency filed the second highest number of temporary reinstatements of miners to their jobs.

Compliance has improved at mines after receiving impact inspections. Since launching the program in 2010 through November 2014, MSHA conducted 851 impact inspections and issued 13,466 citations, 1,219 orders, and 55 safeguards. A review of mines that received impact inspections that have had at least one follow-up inspection shows that overall compliance is improving at these mines:

- Violations per inspection hour decreased 19 percent;
- Significant and substantial (S&S) violation rates decreased 28 percent;
- Rates of Section 104(d) unwarrantable violations for operators' failure to comply with mandatory safety and health standards decreased 55 percent; and
- The lost time injury rate decreased 7 percent compared to the 12 months prior to each mine's first impact inspection.

Evidence from the POV process shows similar compliance improvement by operators. In the first year of screening following the revisions in 2010, 51 mines were identified for review under the POV. Using the same screening criteria, 12 mines were identified in the 2014 screening – a 76 percent reduction in the universe of chronic violators. The most significant reduction was in the coal sector, which accounted for 42 screened mines in 2010, and only 6 in the recent 2014 screening – an 86 percent reduction. Not only are fewer mines being identified, but compliance with health and safety conditions by mines previously identified has improved.

The top 12 of the 51 mines identified in the 2010 screening had been cited for a combined total of 5,431 violations, 2,050 of which were S&S violations. In contrast, the top 12 mines identified in the 2014 screening had been collectively cited for 1,952 total violations, 857 of which were S&S violations. This is a 64 percent reduction in total violations and a 58 percent reduction in S&S violations. A review of mines receiving some kind of POV action shows that compliance is improving:

- Total violation rate among the mines decreased by 38 percent;
- Total S&S rate decreased by 62 percent;
- Rate of unwarrantable failure violations decreased by 81 percent; and
- The lost time injury rate dropped by 48 percent.

# MINE SAFETY AND HEALTH ADMINISTRATION

## Working Smarter

MSHA is working smarter, not just harder. The agency is focusing on the common causes of injuries to miners and developing ways to better understand what injuries and illnesses are occurring and where in the country they are occurring. Using that knowledge, MSHA is strengthening working relationships with stakeholders to understand mining communities' particular needs and to develop specific guidance and outreach to assist them:

- "Rules to Live By": Phase I of this multiphase initiative focused on the most common mining deaths and standards cited in mining death investigations. Phase II focused on preventing catastrophic accidents, and Phase III highlights 14 safety standards chosen because violations related to each have been cited as contributing to at least five mining accidents and at least five deaths during a 10-year period from 2001-2010.
- Streamlining regulations and processes: A key aspect of improving safety through outreach has been MSHA's efforts to improve compliance by clarifying its safety and health standards. A prime example of improvement is the machine guarding standard in metal and nonmetal mines. After clarifying its standard, guarding violations issued at metal and nonmetal mines are down by 45 percent from 2010 levels. MSHA implemented similar clarifications on fall protection, relying on the OSHA standards, and has seen compliance improve by 19 percent from FY 2012 through FY 2014. MSHA also recently clarified its hazard communication standards by relying on the OSHA standard.
- Improving data collection: MSHA is enhancing its data collection efforts to better understand what diseases and injuries miners are experiencing and where by working with the public health community and stakeholders with the goal of improving enforcement and regulatory strategies. In FY 2013, MSHA established an occupational health working group that will provide support on issues across program areas.
- Developing a national mine emergency response structure: During FY 2013, MSHA assisted the Holmes Safety Association in the creation of the Holmes Mine Rescue Association (HMRA). The HMRA's mission is to provide guidance and support for mine rescue training and contests, as well as updated certification criteria for mine rescue teams. MSHA also now recognizes October 30<sup>th</sup> as Mine Rescue Day, honoring the sacrifices made by mine rescue team members and others who have put their lives on the line to respond to miners in need during mine emergencies.

Another area where MSHA has made significant improvement is in the backlog of contested citations pending before the Federal Mine Safety and Health Review Commission (FMSHRC). MSHA and the SOL have reduced the "targeted backlog" of cases, which consists of contests filed between October 1, 2007 and February 28, 2012, by 99 percent as of September 30, 2014.

That success continues as MSHA and SOL work together to reduce the total caseload and keep it at a manageable level. The total caseload has been reduced to approximately 28,000 citations as of the end of FY 2014, from nearly 86,000 at the end of FY 2010.

# MINE SAFETY AND HEALTH ADMINISTRATION

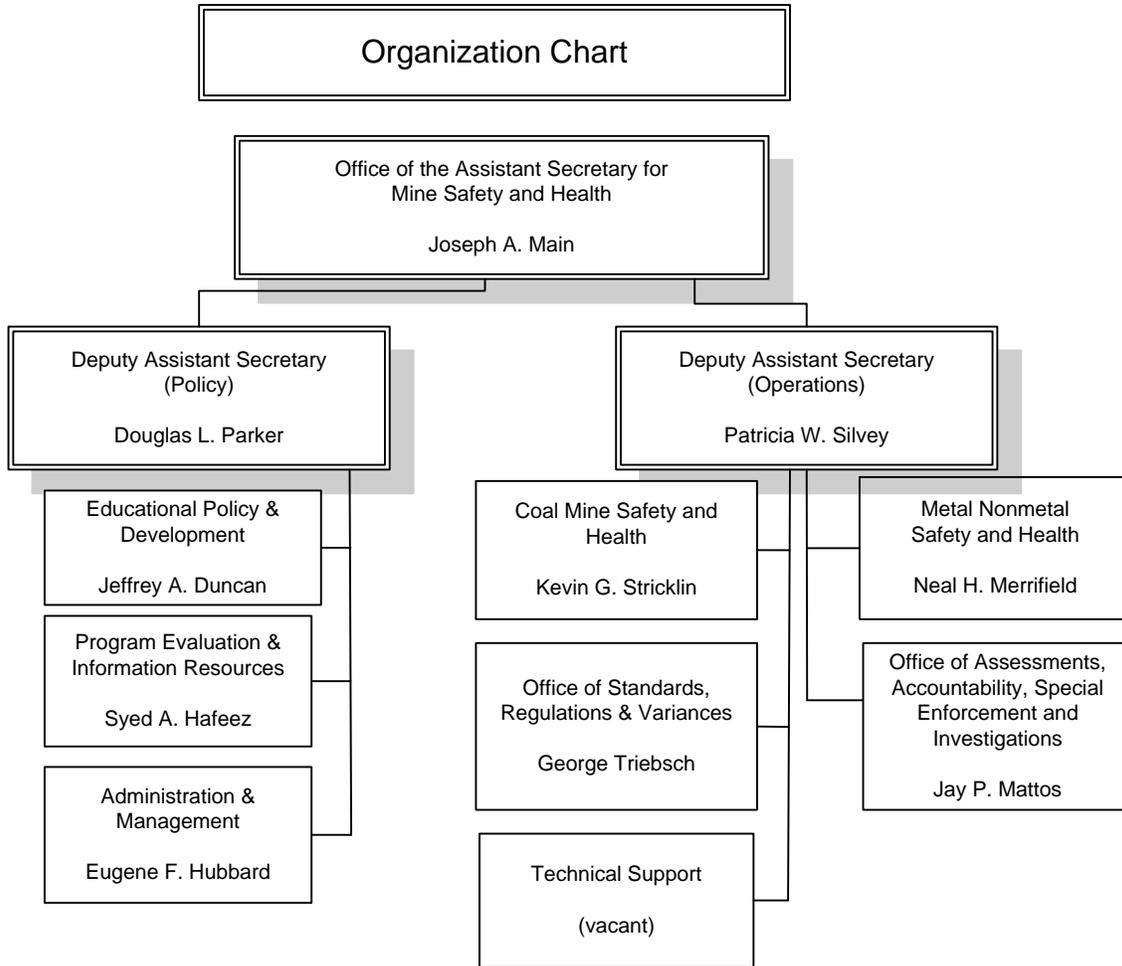
In January 2012, MSHA implemented a pre-contest conferencing process to resolve citations before they become a matter for litigation. As of December 2014, MSHA had conferenced more than 13,500 violations, more than half of which were coal violations. Of those that were conferenced, 54 percent were not contested. In addition to litigation, MSHA has taken other steps to reduce the backlog, such as improving the consistency of enforcement and implementing its examination rule in underground coal mines. In addition, the agency has increased the number of Conference Litigation Representatives to handle these cases.

## Cost Model

MSHA requests a total of \$394,932,000 and 2,322 FTE, an increase of \$19,045,000 over the FY 2015 Enacted level. This funding level will enable MSHA to meet its highest priority performance plan goals and objectives.

- For the **Coal Mine Safety and Health** budget activity, the request includes an increase of \$3,100,000 to purchase 80 Continuous Personal Dust Monitors (CPDMs) to support implementation and enforcement of the final Dust Rule. The request also includes an increase of \$650,000 and 0 FTE to conduct impact inspections during off-shift hours.
- For the **Office of Standards, Regulations, and Variances** budget activity, the request includes an increase of \$600,000 to support increased rulemaking activities.
- For the **Office of Assessments, Accountability, Special Enforcement and Investigations** budget activity, the request proposes an increase of \$1,000,000 and six FTE to continue to improve the timeliness of special assessments and improve special investigations and accountability audits. These items were identified as deficiencies in the UBB Internal Review Report.
- For the **Educational Policy and Development** budget activity, the request includes an increase of \$3,441,000 to strengthen the delivery of training to MSHA and the mining industry.
- For the **Program Evaluation and Information Resources** budget activity, MSHA is requesting an increase of \$1,500,000 for enforcement application improvements. The funding will provide for the Inspection Tracking System, enhanced and modernized applications used by inspectors, and the Special Investigations Tracking System.

# MINE SAFETY AND HEALTH ADMINISTRATION



## COAL MINE SAFETY AND HEALTH

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Diff. 2016 / 2015</b>
<b>Activity Appropriation</b>	<b>167,859</b>	<b>167,859</b>	<b>175,769</b>	<b>7,910</b>
FTE	1,147	1,151	1,151	0

NOTE: FY 2014 reflects actual FTE. Authorized FTE for FY 2014 was 1,171.

### **Introduction**

The Coal Mine Safety and Health (CMSH) budget activity administers the provisions of the Mine Act, as amended by the MINER Act, promotes compliance with regulations to eliminate fatalities, reduces the frequency and severity of accidents, and minimizes health hazards in the nation’s approximately 1,600 coal mines. CMSH inspects all active underground mines four times per year and all surface mines twice per year. These inspections form the core of MSHA’s enforcement, regularly providing a first-hand look at conditions in each of the nation’s coal mines.

Most of the CMSH employees are located across 11 district offices and 44 field offices throughout the United States. The majority of field employees are mine safety and health enforcement personnel who perform inspection activities and investigations of fatal accidents, non-fatal and/or non-injury investigations, verbal and written hazard complaints, and discrimination complaints.

CMSH supports the Secretary’s vision of *Promoting and Protecting Opportunity* through the following:

- Strategic Goal 2: Improve workplace safety and health.
  - Strategic Objective 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
  - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the nation’s miners.
- Strategic Goal 3: Promote fair and high-quality work environments.
  - Strategic Objective 3.2: Protect workers’ rights.
  - Performance Goal MSHA 3.2: Protect miners from discrimination.
- DOL Priority Goal: Reduce worker fatality rates in mining by five percent per year based on a rolling five-year average.

CMSH will continue efforts to improve safety and health conditions in the mining workplace.

# COAL MINE SAFETY AND HEALTH

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2011	\$164,881	1,181
2012	\$163,900	1,187
2013	\$155,327	1,196
2014	\$167,859	1,171
2015	\$167,859	1,151

## FY 2016

In FY 2016, MSHA requests \$175,769,000 and 1,151 FTE for the CMSH activity. This request includes an increase for \$3,100,000 to support the implementation and enforcement of the final Dust Rule and \$650,000 to provide additional funds for off-shift impact inspections.

CMSH will continue to work to improve safety and health in the mining industry through the following activities:

- Conduct all regular mandated inspections.
- Conduct impact inspections.
- Conduct special emphasis inspections.
- Fully implement the Dust Rule.
- Implement the Proximity Detection Rule.
- Perform accident prevention and outreach activities.
- Vigorously pursue accident investigations.
- Promptly investigate discrimination complaints and requests for temporary reinstatement made by miners or their representatives.
- Educate miners to enable them to exercise their rights and protections.

CMSH will conduct approximately 4,100 mandated inspections. This number is subject to change based on the number of operating mines. CMSH will inspect all impoundments classified as high-hazard potential. CMSH will conduct impact and special emphasis inspections. The impact inspections target mines with poor compliance histories. CMSH will conduct a number of these inspections during off-shift hours to ensure that the operators are compliant 24 hours a day. The special emphasis inspections will focus on specific hazards such as roof falls, rock dust sampling, diesel, noise and respirable dust. CMSH will also focus on mine operators that fail to meet the established noise standard.

In August 2014, the final Dust Rule went into effect and will be implemented in phases. By FY 2016, all portions of the Dust Rule will be in effect, including the use of the Continuous Personal Dust Monitor (CPDM). The CPDM is new technology that provides a direct measurement of respirable dust in the miner's work atmosphere on a real-time basis. The device will allow MSHA to immediately identify problems with a mine's dust controls. Mine operators are required to use the CPDM to monitor the exposures of underground coal miners in occupations

## COAL MINE SAFETY AND HEALTH

exposed to the highest respirable coal mine dust concentrations and the exposures of Part 90 miners. Although MSHA will continue to use the gravimetric dust sampling device for compliance, inspectors will use the CPDMs to take samples and compare the sampling results to mine operators' results to verify accuracy and ensure the effectiveness of the operator's dust control system. CMSH will expand its dust program to include tracking and analyzing the data generated by these CPDMs. In FY 2016, CMSH plans to expand its inventory of CPDMs to equip its field and district offices.

In addition, on January 15, 2015, MSHA issued a final rule that will require operators of underground coal mines to equip continuous mining machines with proximity detection systems in order to prevent injuries and fatalities from crushing impacts. These systems can be programmed to send warning signals and stop machines before they injure or kill miners working in the confined space of an underground coal mine. This rule will be implemented in phases, and in FY 2016, CMSH will continue to implement the portions of the rule that have become effective.

CMSH will continue to encourage an industry-wide culture in which mine operators take ownership of health and safety through effective, prevention-oriented health and safety management programs; thorough inspections and robust enforcement; stakeholder outreach, education, and training; and improved regulations. Some of the outreach and education programs planned are Winter Alert, Stay Out Stay Alive (SOSA), and Preventive Roof/Rib Outreach Program (PROP). These activities focus on unsafe conditions that miners and the general population should avoid.

CMSH will target the most common causes of fatal mine accidents and disasters through initiatives such as "Rules to Live By." MSHA will continue to analyze fatal accidents to identify conditions and practices that contribute to injuries and deaths such as safety standards violated, root causes, and abatement practices.

Miners must have a voice in the workplace and be free to exercise their right to identify hazardous conditions and request Agency inspections without retaliation. Empowering miners to report hazards is critical in reducing safety and health risks. CMSH will continue to ensure miners are aware of their right to report hazards without fear of discrimination and promote the use of the MSHA.gov website, MSHA's National Hazard Reporting Page, and the 1-800 "One Call Does It All" phone number.

CMSH will continue its efforts to reduce the contested case backlog at the FMSHRC.

CMSH will continue to monitor its overtime use and manage its vacancies. As the numbers of mines in a specific area changes over time, the enforcement needs will also vary. CMSH will monitor where these changes are occurring and allocate resources based on these trends.

CMSH will continue to conduct training for its employees. Entry level training will be conducted in 8 modules that span a 21-week period. Training will also be conducted for inspectors and supervisors. This training includes, but is not limited to: journeyman retraining,

## COAL MINE SAFETY AND HEALTH

field office supervisor training, district manager training, assistant district manager training, Mine Emergency Response Development (MERD), and supervisor training.

### **FY 2015**

CMSH will continue to promote workplace safety and health for the nation's coal miners through the following:

- **Conduct all regular mandated inspections** - CMSH's projected target for regular mandated underground and surface inspections is approximately 4,100; however, this number may vary depending on the number of operating mines. CMSH will also conduct other enhanced enforcement activities, such as spot inspections, impact inspections, enhanced dust inspections, and follow-up visits. CMSH will focus inspection activities on improved impoundment safety by conducting inspections of all impoundments classified as high-hazard.
- **Implement and enforce final Respirable Dust Rule** - CMSH will continue to enforce the new standards and inspection requirements established by the final Respirable Dust Rule. The final Rule increases the required frequency of dust sampling. In FY 2015, CMSH plans to purchase a limited number of CPDMs to use in areas where it is more difficult to maintain adequate ventilation such as for the evaluation of extended cut plans (40-foot cuts as opposed to the standard 10-foot cuts).
- **Implement final Proximity Detection Rule** - In FY2015, CMSH will implement the portions of the rule that have become effective during this period.
- **Perform accident prevention and outreach activities** - A Combustible Dust Explosibility Meter (CDEM) is a device used to measure the reflectivity of a coal and rock dust mixture to determine if the mixture will explode. In an effort to keep the nation's miners safe, and following its purchase of 11 units in FY 2014 and 40 units in FY 2015 to equip each district and field office, CMSH will expand its use of CDEMs to provide a quick estimate of coal dust sample explosibility to ensure mines are using sufficient rock dust so that inspectors continue to be prepared to implement the policies and procedures in the coal mine inspectors' handbook.
- **Conduct impact inspections** – CMSH will conduct 120 impact inspections targeting mines that could be at risk of explosions due to high methane liberation; mines with high histories of accidents or fatalities; or mines with other warning signs, such as evidence of efforts to cover up violations or anonymous complaints. In addition, CMSH will focus on mines with specific issues such as rock dust sampling, diesel trucks, belt conveyors, roof control, respirable dust, and general compliance issues.
- **Pursue accident investigations** - CMSH will continue to conduct accident investigations, including root cause analysis. These investigations will allow CMSH to analyze fatal accidents to identify conditions and practices that contribute to injuries and deaths such as

## COAL MINE SAFETY AND HEALTH

safety standards violated, root causes, and abatement practices. CMSH will also perform accident prevention and outreach activities such as SOSA and PROP.

- **Conduct investigations on claims made by miners or their representatives of safety and discrimination complaints** - CMSH will investigate miner hazard complaints and discrimination complaints in a timely manner. CMSH will continue to educate miners on their rights under the Mine Act through its outreach programs.
- **Ensure proper staffing** - CMSH will continue its efforts to realign resources to meet the demands of the mining activities in all regions. This will be accomplished through various means. MSHA will not replace employees who vacate inspector positions where mining activity has declined, but will shift those positions to regions of the country that are experiencing an increase in mining activity. CMSH will encourage voluntary transfers from areas where mining is decreasing to other program offices or areas in need. Additionally, CMSH will analyze its field offices to see if any can be combined to conserve resources without severely impacting the employees or the mission.
- **Expand the electronic storage of uniform mine files** - CMSH will continue to expand the use of electronic storage to share Uniform Mine Files. The use of electronic storage will allow enforcement personnel remote access to up-to-date and accurate mine information on their laptop computers. This will also reduce the travel time to the MSHA offices to review mine information and it will allow more onsite time to better improve the health and safety of the miners. The availability of the electronic mine files will not only assist enforcement personnel with inspection activities and increase efficiency of the plan review process but will allow for more timely processing of Freedom of Information Act requests as well as the plan review process.

### **FY 2014**

In August 2014, the first phase of the final Respirable Dust Rule went into effect; two other phases will go into effect in February 2016 and August 2016. The Rule was implemented to: eliminate black lung disease and lower coal miners' exposure to respirable coal dust in all underground and surface coal mines; and improve dust sampling, including use of the CPDMs to provide real-time sampling results.

CMSH conducted 127 impact inspections that resulted in 1,437 citations, orders and safeguards being issued. These impact inspections targeted not only mines with compliance issues, but also focused on specific areas of concern such as rock dust sampling, belt conveyors, and roof control. CMSH also issued a Pattern of Violations (POV) to four of these mines. A fifth one was suspended and will be removed based on its recent history.

CMSH continued to reallocate resources from areas in which mining is decreasing. This reallocation was accomplished through attrition, voluntary transfers, and office closures. Some employees transferred within CMSH and to other MSHA programs. Effective July 1, 2014, District 1 in Wilkes Barre, Pennsylvania, was closed and the Frackville Field Office became part of District 2 in New Stanton, Pennsylvania. On April 1, 2014, CMSH closed the District 6

## COAL MINE SAFETY AND HEALTH

Hindman Field Office due to a decrease in mining activity in Eastern Kentucky. The affected field office personnel were reassigned to other offices within District 6. CMSH did not replace employees that vacated inspector positions where mining activity declined; instead they reallocated these resources to regions of the country with resource needs. These efforts were accomplished in accordance with required personnel regulations and with the least impact on affected employees.

In addition to regular mandated inspections, CMSH conducted other enforcement activities, such as investigations of hazard complaints, accident investigations, spot inspections, and follow-up visits. MSHA completed all of the corrective actions from recommendations in the Internal Review Report and an independent panel that also reviewed MSHA's actions at Upper Big Branch during the first quarter of FY 2014. In December 2013, CMSH released a Program Policy Letter "*Examination, Evaluation, and Effectiveness of Bleeder Systems*," a new Roof Control Plan Approval and Review Procedures Handbook, and the redeveloped Health Chapter 1 which covered the changes associated with the Respirable Dust Rule.

CMSH conducted outreach to help promote safety in coal mines and the surrounding communities. Some of these programs were the Winter Alert, which calls attention to cold weather hazards in mining; PROP, which is geared toward prevention of roof falls; and SOSA, which teaches young children the dangers of abandoned mines through outreach at local schools.

## COAL MINE SAFETY AND HEALTH

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>2014</b>		<b>2015</b>	<b>2016</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Coal Mine Safety and Health</b>					
<b>Strategic Goal 2 - Improve workplace safety and health</b>					
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>					
MSHA-PG-01	Five-year rolling average of fatal injuries per 200,000 hours worked	0.0134	0.0141	0.0134	TBD
MSHA-CM-01	Percent of regular mandated coal inspections	96%	95%	100%	100%
MSHA-CM-01.1	Number of regular mandated coal underground inspections	1,874	1,657	1,700	1,700
MSHA-CM-01.2	Number of regular mandated coal surface inspections	2,519	2,519	2,430	2,430
MSHA-CM-02	Number of impact inspections of coal mines	120[p]	127	120[p]	120[p]
MSHA-CM-04	Percent of coal mines surveyed for respirable dust in conjunction with regular mandated inspections	100.0%	99.8%	100.0%	100.0%
MSHA-CM-05	Percent of coal mines surveyed for noise according to published inspection procedures	100%	100%	100%	100%
MSHA-CM-06.1	Percent of new roof control plan reviews completed within 44 days	75%	76%	75%	75%
MSHA-CM-06.2	Percent of roof control plan addenda reviews completed within 22 days	75%	79%	75%	75%

## COAL MINE SAFETY AND HEALTH

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>2014</b>		<b>2015</b>	<b>2016</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
MSHA-CM-07.1	Percent of new ventilation plan reviews completed within 59 days	70%	79%	70%	70%
MSHA-CM-07.2	Percent of ventilation plan addenda reviews completed within 22 days	66%	74%	70%	70%
MSHA-CM-08	Number of special emphasis respirable coal mine dust inspections	20	--	33	33
MSHA-CM-09	Percent of MSHA dust samples in compliance with the standard	--	--	[base]	TBD
MSHA-CM-11	Percent of audited activities not requiring corrective actions	80%	93%	80%	80%
MSHA-03	Number of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%
<b>Strategic Goal 3 - Promote fair and high quality work-life environments</b>					
<b>Strategic Objective 3.2 - Protect workers' rights</b>					
MSHA-01	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	75%	63%	85%	85%
MSHA-02	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	70%	63%	75%	70%

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

# COAL MINE SAFETY AND HEALTH

CMSH will continue its enhanced enforcement strategies and initiatives through the following:

## Strategic Objective 2.1

- *MSHA-CM-01, MSHA-CM-01.1, and MSHA-CM.01.2:* As a result of the government shutdown, CMSH did not complete 100 percent of its regular mandated inspections in FY 2014. CMSH completed 95 percent of mandated underground inspections. During this time CMSH did maintain presence at all underground mines. MSHA conducted spot inspections in lieu of regular inspections to focus on areas of mines where dangers are more likely to exist. These inspections did not constitute a complete inspection.

In FY 2015 and FY 2016, CMSH projects it will complete 100 percent of its regular mandated inspections. These inspections provide a direct overview of mining conditions and play a key role in assuring the safety and health of the nation's miners. In FY 2014, CMSH completed 1,657 regular mandated underground inspections and 2,519 regular mandated surface inspections. The number of surface and underground inspections in FY 2015 and FY 2016 is expected to decrease due to the reduction in coal mining across the nation. The actual number of inspections completed will be dependent on the number of active coal mines in FY 2015 and FY 2016. The projected target for completion of underground and surface mandated inspections in FY 2015 and FY 2016 is approximately 4,100. In conjunction with the mandated inspection activities, CMSH will inspect all existing high-hazard potential impoundments in order to reduce the risk to miners, the general public, and the environment should these impoundments fail.

- *MSHA-CM-02:* In FY 2014, CMSH exceeded its target of 120 impact inspections by completing 127 inspections. CMSH will continue its impact inspection program in FY 2015 and FY 2016 and projects to conduct approximately 120 impact inspections. CMSH expects that year-by-year mines will improve and CMSH will conduct fewer impact inspections. CMSH will also conduct impact inspections that target specific issues, such as noise, dust, rock dust, roof falls, and diesel engines. CMSH will continue to evaluate the progress of this initiative. These targets are data-driven and subject to change dependent on the mining industry and performance. In FY 2016, CMSH plans to complete many of its impact inspections during off-shift hours to ensure compliance during all shifts. The targets for impact inspections are estimates. In this case, not meeting the target would suggest increased compliance, which may reflect increased enforcement effectiveness as fewer mines meet the criteria for impact inspections.
- *MSHA-CM-04:* The respirable dust sampling measure includes both underground mines (quarterly) and surface mines (semi-annually). In FY 2014, MSHA did not meet its target for respirable dust sampling due to lost time from the government shutdown. In FY 2015 and FY 2016, MSHA projects it will complete 100 percent of coal mines surveyed for respirable dust in conjunction with regular mandated inspections. CMSH will ensure all sampling is conducted in accordance with required procedures. CMSH will expand its dust program with the use of the CPDMs in FY 2016.

## COAL MINE SAFETY AND HEALTH

- *MSHA-CM-05*: In order to reduce miners' overexposures to noise, CMSH will continue to work with the mining industry, labor unions, and the states to improve training programs on hearing loss prevention strategies. MSHA will review mining operations' previous year compliance histories, compliance action plans, and other data to identify outstanding compliance issues associated with mining occupations, types of mining equipment, and/or mining environments. In FY 2014, CMSH surveyed 100 percent of the nation's coal mines for noise and projects to continue at this pace in FY 2015 and FY 2016.
- *MSHA-CM-06.1, MSHA-CM-06.2, MSHA-CM-07.1, and MSHA-CM-07.2*: CMSH will continue to take measures to promote the application of proper ventilation and roof control standards in mines. CMSH's approach to reducing the risk of injury and disease among miners includes ensuring that mine plans, particularly roof control and ventilation plans effectively address and control the hazards inherent to the underground mining environment. With prompt turnaround times to approve plans and addenda (e.g., roof, ventilation, emergency response plans), MSHA can quickly take measures to ensure proper ventilation and roof control standards are being applied in the mine. These efforts will help to ensure a safer mining environment. MSHA exceeded its goals for plan reviews in FY 2014. In FY 2015 and FY 2016, CMSH projects to meet the proposed targets for its mine plan reviews.
- *MSHA-CM-08*: CMSH will continue its current special emphasis respirable coal mine dust inspection program to reduce miners' overexposure to respirable coal dust. These efforts support MSHA's Comprehensive Black Lung Reduction strategy, which includes enhanced enforcement, education and training, and health outreach. In FY 2014, CMSH did not meet its goal for special emphasis respirable dust inspections. In FY 2015 and FY 2016, CMSH projects to conduct at least 33 special emphasis respirable coal mine dust inspections. In conjunction with regular inspections, CMSH will review operators' dust monitoring programs and assure that operators are properly calibrating and maintaining dust sampling units. CMSH will continue to work with mining equipment manufacturers to identify the most effective engineering control measures and promote their use. These activities will help promote the respiratory health of the nation's miners.
- *MSHA-CM-09*: In FY 2015, CMSH will track the percent of MSHA dust samples in compliance with the standard to determine a baseline for FY 2016.
- *MSHA-CM-11*: CMSH will ensure all inspection activities are conducted according to established policies, procedures, and handbooks. CMSH will address all discrepancies identified during accountability audits and district reviews. In FY 2014, CMSH exceeded its target on the percentage of audited activities not requiring corrective actions. The target was 80 percent and the result was 93 percent. CMSH plans to continue complete reviews of its auditing functions. In FY 2015 and FY 2016, CMSH projects the percentage of audited activities not requiring corrective actions is 80 percent.
- *MSHA-03*: In 2014, MSHA met its goal of 100 percent of the number of 103(g) imminent danger complaint investigations initiated within 1 day of receipt. In FY 2015

## COAL MINE SAFETY AND HEALTH

and FY 2016, MSHA projects to initiate 100 percent of all 103(g) imminent danger complaint investigations within 1 day of receipt.

### Strategic Objective 3.2

CMSH will strive to ensure that all miner requests for temporary reinstatements, investigations of 105(c) miner discrimination complaints, and 103(g) imminent danger complaints are investigated within the established timeframes. MSHA must *protect workers' rights* by ensuring that they have the freedom to identify hazardous conditions and request inspections without operator retaliation or discrimination. Empowering miners to report hazards is critical to reducing safety and health risks. Timely vindication of the rights of miners discriminated against and the prompt investigation of reported hazardous conditions is of utmost importance in assuring miners that MSHA will protect their rights. These efforts support Strategic Objective: *Protect workers' rights* through the following:

- *MSHA-01*: In FY 2014, the annual result of 63 percent was below the target of 75 percent. In FY 2015 and FY 2016, MSHA projects to complete 85 percent of 105(c) investigations of miner discrimination complaints completed within 60 days of receipt.
- *MSHA-02*: In FY 2014, the annual result of 63 percent was below the target of 70 percent. In FY 2015, CMSH projects to complete 75 percent of investigations of miner requests for temporary reinstatement within 20 days of receipt and 70 percent in FY 2016.

## COAL MINE SAFETY AND HEALTH

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Diff. 2016 / 2015</b>
11.1	Full-time permanent	85,206	85,807	87,722	1,915
11.3	Other than full-time permanent	18	57	57	0
11.5	Other personnel compensation	2,158	2,265	2,915	650
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>87,382</b>	<b>88,129</b>	<b>90,694</b>	<b>2,565</b>
12.1	Civilian personnel benefits	35,160	35,225	36,482	1,257
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	3,257	3,130	3,172	42
22.0	Transportation of things	3,825	3,920	3,953	33
23.1	Rental payments to GSA	10,188	9,560	9,666	106
23.2	Rental payments to others	136	136	136	0
23.3	Communications, utilities, and miscellaneous charges	1,212	872	880	8
24.0	Printing and reproduction	52	80	81	1
25.1	Advisory and assistance services	115	50	50	0
25.2	Other services from non-Federal sources	3,522	556	623	67
25.3	Other goods and services from Federal sources 1/	14,716	19,694	21,840	2,146
25.4	Operation and maintenance of facilities	130	35	35	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	1,435	1,114	1,506	392
26.0	Supplies and materials	2,085	1,829	1,926	97
31.0	Equipment	4,478	3,479	4,675	1,196
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	166	50	50	0
	<b>Total</b>	<b>167,859</b>	<b>167,859</b>	<b>175,769</b>	<b>7,910</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	12,156	15,777	17,923	2,146
	DHS Services	379	385	385	0
	HHS Services	604	613	613	0
	Services by Other Government Departments	1,577	2,919	2,919	0

# COAL MINE SAFETY AND HEALTH

## CHANGES IN 2016

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$601
Personnel benefits	386
One day more of pay	464
Federal Employees' Compensation Act (FECA)	402
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	67
Working Capital Fund	2,146
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	15
Supplies and materials	24
Equipment	55
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$4,160**

**Net Program** **\$3,750**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$172,019</b>	<b>1,151</b>
<b>Program Increase</b>	<b>\$3,750</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## METAL AND NONMETAL MINE SAFETY AND HEALTH

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Diff. 2016 / 2015</b>
<b>Activity Appropriation</b>	<b>91,697</b>	<b>91,697</b>	<b>93,841</b>	<b>2,144</b>
FTE	560	586	586	0

NOTE: FY 2014 reflects actual FTE. Authorized FTE for FY 2014 was 580.

### **Introduction**

The Metal and Nonmetal Mine Safety and Health (MNMSH) budget activity administers the Mine Act as amended by the MINER Act, and promotes compliance with regulations to eliminate fatalities, reduce the frequency and severity of accidents, and minimize health hazards in the nation’s nearly 12,200 metal and nonmetal mines. Most of the MNMSH employees are located across six district offices and 48 field/satellite offices throughout the United States and Puerto Rico. The majority of field employees are mine safety and health professionals who perform inspection activities and investigations, including fatal accident investigations, non-fatal and/or non-injury accident investigations, verbal and written hazard complaint investigations, and discrimination complaint investigations.

MNMSH supports the Secretary’s vision of *Promoting and Protecting Opportunity* through the following:

- Strategic Goal 2: Improve workplace safety and health.
  - Strategic Objective 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
  - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the nation’s miners.
- Strategic Goal 3: Promote fair and high-quality work environments.
  - Strategic Objective 3.2: Protect workers’ rights.
  - Performance Goal MSHA 3.2: Protect miners from discrimination.
- DOL Priority Goal: Reduce worker fatality rates in mining by five percent per year based on a rolling five-year average.

More than 250,000 people work directly in the metal and nonmetal mining sector, including initial mining of raw materials through processing in preparation for commercial distribution. This industry provides essential materials for the nation's transportation infrastructure, construction and housing, communications, medicine, manufacturing, consumer goods, and agricultural industries. The majority of metal and nonmetal mines are small operations, and many have no formal safety programs. However, smaller mines do not mean fewer risks; mine hazards are inherent in the work of moving and processing large volumes of materials. Just as mining is vital to the American economy, a safe and healthy workforce is critical to the successful operation of the mining industry.

As the mining industry continues to expand to meet an increased demand for natural resources, MSHA will endeavor to assist mine operators in maintaining safe and healthful workplaces, and ensure that miners are provided adequate health and safety training.

# METAL AND NONMETAL MINE SAFETY AND HEALTH

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2011	\$85,251	589
2012	\$88,663	597
2013	\$84,025	592
2014	\$91,697	580
2015	\$91,697	586

## FY 2016

MSHA requests \$93,841,000 and 586 FTE for the MNMSH activity. In FY 2016, MNMSH will improve safety and health conditions in the mining workplace through the following strategies:

- **Increase inspection and enforcement effectiveness** - MNMSH will enhance enforcement efforts for violations of the standards associated with fatalities and serious accidents. MNMSH will focus on improved dam safety by continuing inspection activity at the impoundments classified as high-hazard potential.
- **Impact Inspections** - MNMSH will continue to conduct impact inspections. The actual number of inspections will depend on how many mines meet the criteria for needing additional inspections.
- **Promote adoption of prevention-focused health programs** - MNMSH will conduct health sampling activities to ensure that all miners' overexposures to airborne contaminants are cited and conditions promptly corrected by the mine operator. It will increase emphasis on mine operators' responsibility for conducting required health surveys to determine adequate control measures.
- **Continue to reduce the backlog of contested cases before FMSHRC** - MNMSH staff will make use of videoconferencing capability to facilitate collaboration between SOL attorneys and MSHA enforcement personnel in settling or litigating contested violations.
- **Increase efforts to protect miners from discrimination** - MNMSH will process miners' discrimination complaints in a timely manner. During outreach efforts, MNMSH will distribute educational materials to ensure that miners are aware of their rights and responsibilities and that they know MSHA is committed to protecting their rights to report health and safety hazards without fear of retaliation.

MNMSH will inspect all active underground mines four times per year and active surface mines twice per year, as required by the Mine Act. In FY 2016, MNMSH estimates it will conduct approximately 17,000 regular mandated inspections. It will also conduct other inspection activities including investigations of miner hazard complaints, accident investigations, spot

## **METAL AND NONMETAL MINE SAFETY AND HEALTH**

inspections, and follow-up visits. Spot check inspections will be based on reported injuries and occupational illnesses, and investigations of safety and discrimination complaints made by miners or their representatives. MNMSH will also continue to focus on improving dam safety by increasing inspection activity at the dams classified as high-hazard potential.

Miners must be free to exercise their right to identify hazardous conditions and request MSHA inspections without retaliation or discrimination. Empowering miners to report hazards through the use of the MSHA.gov website, **MSHA's National Hazard Reporting Page**, and the 1-800 "One Call Does It All" phone number is critical in reducing safety and health risks. MNMSH special investigators will monitor, manage, and reduce the time to process miner discrimination complaints and complete investigations of knowing and willful violations. MSHA will continue to demonstrate to miners its commitment to protect their right to report health and safety hazards without fear of retaliation.

MNMSH will continue its Impact Inspection program. MNMSH estimates that it will conduct 20 impact inspections and will select mines for impact inspections based on several criteria, including compliance and accident and injury history. These targets are data-driven and subject to change dependent on the mining industry data and performance.

MNMSH will conduct health inspections at a minimum of 20 percent of mines under its jurisdiction. Inspections will assess the effectiveness of controls and sampling programs through data collection, observations of mining cycle and work practices, interviews, plan reviews, and sampling. The data it collects forms the basis of appropriate enforcement actions, as well as assuring that mine plans are adequate to protect miners from overexposures of airborne contaminants. MNMSH will continue to explore additional innovative initiatives to target health hazards and more effectively administer the health program.

MSHA will continue to work with SOL to further improve communication and increase efficiency in efforts to reduce the backlog of contested cases before FMSHRC. MNMSH staff will continue to hold conferences with mine operators to resolve issues and reach settlements.

MSHA will provide 21 weeks of entry-level training programs for new MNMSH inspectors, and 48 hours every two years for journeyman inspector retraining. In addition, field office supervisors will attend a two-week training program. All new supervisors will attend appropriate training as required by DOL.

### **FY 2015**

In FY 2015, MNMSH will direct efforts towards support of its enforcement functions. It will continue to make improvements to expedite hiring processes. To ensure the reliability of inspection equipment, the program will continue to replace aged equipment and bring its inventory up-to-date.

MNMSH estimates that it will conduct approximately 17,000 regular mandated inspections. This is the most effective tool that MSHA possesses to secure safe and healthful work environments in the mining industry. It will conduct inspections at mines consistent with MSHA

## **METAL AND NONMETAL MINE SAFETY AND HEALTH**

policy and procedures. Operators must promptly abate citations by correcting unsafe and unhealthful conditions.

In addition to the regular and follow-up inspections mandated by the Mine Act, MNMSH will conduct other important activities to promote the health and safety of miners. These activities include spot inspections of gassy mines such as salt and trona mines at intervals required by the Mine Act, accident investigations (including root cause analysis), spot inspections based on reported injuries and occupational illnesses, and investigations of safety complaints made by miners or their representatives.

MNMSH will develop and implement a detailed training program to ensure inspectors are well versed in the requirements for mine ventilation systems, mine ventilation plans, mine maps, mine escape and evacuation plans, mine escape routes, and refuge areas.

MNMSH will conduct targeted impact inspections and anticipates conducting approximately 20 impact inspections at mines identified following review of relevant factors.

MNMSH will focus on improving dam safety by continuing inspection activity at dams classified as high-hazard potential.

MNMSH will conduct comprehensive health inspections at a minimum of 20 percent of the mines under its jurisdiction. It will conduct education and outreach to clarify health standards, and will explore additional innovative initiatives to target health hazards and more effectively administer the health program.

While the targeted backlog of contested cases before FMSHRC has been reduced significantly, mine operators are still contesting cases and citations. MNMSH will continue to hold conferences with mine operators to resolve issues and reach settlements, and where appropriate, will work with SOL to put measures in place to improve compliance, thus reducing the number of future violations contributing to the backlog. It will conduct video conferencing to facilitate and improve collaboration between SOL attorneys and MSHA enforcement personnel in settling or litigating contested violations. The program will also continue efforts to educate operators on its health and safety standards to improve compliance and reduce citations.

Each year MNMSH receives approximately 1,200 phone calls on MSHA's "One Call Does It All" hotline regarding hazard complaints that demand inspections. MNMSH will continue to investigate all complaints consistent with the agency's statutory and policy timeframes including immediate investigation of imminent danger complaints. MNMSH special investigators will process miner discrimination complaints promptly. MNMSH will continue to demonstrate MSHA's commitment to protect miners' right to report health and safety hazards without fear of retaliation.

MSHA will provide 21 weeks of entry-level training programs for new MNMSH inspectors, and 48 hours of journeyman inspector retraining. In addition, field office supervisors will attend a two-week training program.

# METAL AND NONMETAL MINE SAFETY AND HEALTH

## FY 2014

In FY 2014, MNMSH conducted a total of 16,253 regular mandated safety and health inspections and issued 58,952 citations and orders during these inspections. MNMSH also completed a total of 9,596 other inspection or investigation events at metal and nonmetal mines. These enforcement activities included compliance follow-up inspections, spot inspections, accident investigations, investigations of hazardous condition complaints, and investigations of discrimination complaints made by miners or their representatives. MNMSH continued its focus on improving dam safety by inspecting 186 high-hazard potential dams.

MNMSH participated in MSHA's Impact Inspection program, which began in April 2010 following the explosion at the Upper Big Branch mine. MNMSH conducted impact inspections at 28 metal and nonmetal mines which resulted in 558 citations and 69 orders. MNMSH issued a Pattern of Violations notice to one mine.

MNMSH conducted comprehensive health inspections at 16.8 percent of the mines under its jurisdiction. MNMSH's goal was to conduct health inspections at a minimum of 10 percent of the mines under its jurisdiction and exceeded this goal by 40 percent.

The metal and nonmetal mining sector experienced an increase in fatal accidents in 2014. In an effort to reverse this trend, MNMSH launched a number of prevention-focused activities, including outreach with stakeholders and trainers and utilization of MSHA's training and enforcement tools to counteract the increase in mining deaths. MNMSH also initiated a new alliance agreement with Lime Association and maintained alliances with Portland Cement Association, Iron Workers Union, United Steel Workers, National Stone Sand and Gravel Association, Industrial Minerals Association-North America, and the National Mining Association. MNMSH increased surveillance and strategic enforcement through impact inspections at mines with troubling compliance histories, through enhanced POV actions, and with special initiatives such as "Rules to Live By," which identifies frequently cited safety standards that cause or contribute to mining deaths.

MNMSH continued to utilize support personnel in the districts to assist in reducing the backlog of contested cases. Support personnel drafted documents, printed exhibits, assembled hearing packets, copied inspection files, maintained case files, entered data into the information system, and filed documents and related correspondence.

MNMSH personnel continued to serve as representatives on regulatory committees to share expertise and strengthen health and safety regulations. This more streamlined, robust approach to rulemaking resulted in higher visibility of safety and health issues affecting miners.

In June 2014, MNMSH released an updated Metal/Nonmetal Health Inspection Procedures Handbook. It removed Chapter 6 Mineral Dust – Impinger Method and replaced it with Chapter 6 – Operator Exposure Monitoring. This new chapter is based on the survey requirements emphasis program that began two years ago. MNMSH released safety flyers, hazard alerts, fatality alerts, and various other materials to enhance awareness and reduce future incidents.

## METAL AND NONMETAL MINE SAFETY AND HEALTH

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>2014</b>		<b>2015</b>	<b>2016</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Metal and Nonmetal Mine Safety and Health</b>					
<b>Strategic Goal 2 - Improve workplace safety and health</b>					
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>					
MSHA-PG-01	Five-year rolling average of fatal injuries per 200,000 hours worked	0.0134	0.0141	0.0134	TBD
MSHA-MNM-01	Percent of regular mandated MNM inspections	100%	100%	100%	100%
MSHA-MNM-01.1	Number of regular mandated MNM underground inspections	964	964	862	930
MSHA-MNM-01.2	Number of regular mandated MNM surface inspections	15,289	15,289	16,000	16,100
MSHA-MNM-02	Number of impact inspections of MNM mines	20[p]	28	20[p]	20[p]
MSHA-MNM-05	Percent of MNM mines receiving comprehensive health inspections	10.0%	16.8%	20.0%	20.0%
MSHA-MNM-11	Percent of audited activities not requiring corrective actions	90%	98%	90%	90%
MSHA-03	Number of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%
<b>Strategic Goal 3 - Promote fair and high quality work-life environments</b>					
<b>Strategic Objective 3.2 - Protect workers' rights</b>					

## METAL AND NONMETAL MINE SAFETY AND HEALTH

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>2014</b>		<b>2015</b>	<b>2016</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
MSHA-01	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	75%	63%	85%	85%
MSHA-02	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	70%	63%	75%	70%

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

## METAL AND NONMETAL MINE SAFETY AND HEALTH

*Footnote: MSHA-PG-01. MSHA's fatality rate reflects the number of fatalities per 200,000 hours worked during the prior five-year period.*

*FY 2016 Request Target: The FY 2015 result is required to calculate the five-year average in FY 2016; therefore this budget will not include an FY 2016 target for this measure.*

MNMSH will continue its enhanced enforcement strategies and initiatives through the following:

### Strategic Objective 2.1

- *MSHA-MNM-01, MSHA-MNM-01.1, and MSHA-MNM.01.2:* MNMSH will continue to complete all regular mandated inspections and ensure that inspections are thorough and well-documented. The numbers of inspections it conducts are dependent upon the number of currently active mines. MNMSH will continue to focus on improving dam safety by increasing inspection activity at metal and nonmetal mining dams classified as high-hazard potential. These inspections will occur as part of the mandated inspections. In FY 2014, MNMSH conducted 100 percent of its underground and surface regular mandated inspections. MNMSH launched a number of prevention-focused activities, including outreach with stakeholders and trainers and utilizing MSHA's training and enforcement tools to counteract the spike in mining deaths. In FY 2015 and FY 2016, MNMSH projects to complete 100 percent of its regular mandated inspections.
- *MSHA-MNM-02:* MNMSH will continue its Impact Inspection program. The number of impact inspections MNMSH conducts is dependent on the number of mines that meet specific criteria: poor compliance history, including high numbers of violations or closure orders; indications of operator tactics, such as advance notification of inspections that prevent inspectors from observing violations; frequent hazardous complaints or hotline calls; inadequate workplace examinations; a high number of accidents, injuries or illnesses; fatalities; and adverse conditions such as increased methane liberation, faulty roof conditions, and inadequate ventilation. In FY 2014, MNMSH conducted impact inspections at 28 metal and nonmetal mines which resulted in 558 citations and 69 orders being written. In FY 2015 and FY 2016, MNMSH projects to conduct approximately 20 impact inspections.
- *MSHA-MNM-05:* MNMSH will continue to conduct increased numbers of comprehensive health inspections. These comprehensive health inspections include investigations on health issues at mines to ensure that the operators provide miners adequate protection from exposure to airborne contaminants, noise, and diesel particulate matter, and monitor the adequacy of control measures. In FY 2014, MNMSH conducted comprehensive health inspections at 16.8 percent of the mines under its jurisdiction. MNMSH's goal was to conduct health inspections at a minimum of 10 percent of the mines under its jurisdiction and exceeded the goal by 40 percent. In FY 2015 and FY 2016, MNMSH will conduct health inspections at a minimum of 20 percent of mines under its jurisdiction.
- *MSHA-MNM-11:* MNMSH will conduct all inspection activities according to established policies, procedures, and handbooks. It will address all discrepancies identified during

## METAL AND NONMETAL MINE SAFETY AND HEALTH

accountability audits and district peer reviews. In FY 2014, MNMSH exceeded its target of the percentage of audited activities not requiring corrective actions. The target was 90 percent and the result was 98 percent. MNMSH plans to continue complete reviews of its auditing functions. In FY 2015 and FY 2016, MNMSH projects the percentage of audited activities not requiring corrective actions is 90 percent.

- *MSHA-03*: In 2014, MNMSH met its goal of 100 percent of the number of 103(g) imminent danger complaint investigations initiated within 1 day of receipt. MNMSH received 1,350 hazardous condition complaints. Of the 1,350, only 6 complaints were unresolved as of September 30, 2014. MNMSH will continue to investigate 103(g) imminent danger complaints within one day of receipt. The target for FY 2015 and FY 2016 is 100 percent.
- *MSHA-08*: In FY 2014, the target was not achieved because some petitions for a hearing were filed late. MNMSH will ensure all petitions are filed within the required timeframe of a timely contest. The target for FY 2015 and FY 2016 is 100 percent.

### Strategic Objective 3.2

Miners must have a *Voice in the Workplace* and be free to exercise their rights to identify hazardous conditions and request MSHA inspections without retaliation or discrimination. MNMSH will focus on improving its special investigation program by initiating and completing investigations within the established timeframe. MNMSH investigators will closely monitor, manage, and reduce the time to process miners' discrimination complaints, including temporary reinstatements. It will review special investigation files to ensure no deficiencies exist in the investigation or report writing. These efforts support Strategic Objective: *Protect workers' rights* through the following:

- *MSHA-01*: In FY 2014, the annual result of 63 percent was below the target of 75 percent. In FY 2015 and FY 2016, MSHA projects to complete 85 percent of 105(c) investigations of miner discrimination complaints within 60 days of receipt.
- *MSHA-02*: In FY 2014, the annual result of 63 percent was below the target of 70 percent. In FY 2015, MNMSH projects to complete 75 percent of investigations of miner requests for temporary reinstatement within 20 days of receipt and 70 percent in FY 2016.

## METAL AND NONMETAL MINE SAFETY AND HEALTH

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Diff. 2016 / 2015</b>
11.1	Full-time permanent	44,252	44,701	45,316	615
11.3	Other than full-time permanent	14	25	25	0
11.5	Other personnel compensation	921	948	948	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>45,187</b>	<b>45,674</b>	<b>46,289</b>	<b>615</b>
12.1	Civilian personnel benefits	16,355	17,062	17,429	367
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	7,256	7,193	7,193	0
22.0	Transportation of things	2,526	2,218	2,218	0
23.1	Rental payments to GSA	5,041	4,729	4,729	0
23.2	Rental payments to others	16	16	16	0
23.3	Communications, utilities, and miscellaneous charges	1,126	923	923	0
24.0	Printing and reproduction	31	24	24	0
25.1	Advisory and assistance services	12	18	18	0
25.2	Other services from non-Federal sources	1,228	380	388	8
25.3	Other goods and services from Federal sources 1/	7,084	9,910	10,983	1,073
25.4	Operation and maintenance of facilities	1	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	2,934	555	568	13
26.0	Supplies and materials	988	833	852	19
31.0	Equipment	1,910	2,160	2,209	49
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	2	2	2	0
	<b>Total</b>	<b>91,697</b>	<b>91,697</b>	<b>93,841</b>	<b>2,144</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	6,095	8,061	9,134	1,073
	DHS Services	212	215	215	0
	HHS Services	190	196	196	0
	Services by Other Government Departments	587	1,438	1,438	0

# METAL AND NONMETAL MINE SAFETY AND HEALTH

## CHANGES IN 2016

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$444
Personnel benefits	190
One day more of pay	236
Federal Employees' Compensation Act (FECA)	112
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	8
Working Capital Fund	1,073
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	13
Supplies and materials	19
Equipment	49
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$2,144**

**Net Program** **\$0**

**Direct FTE** **0**

	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>\$93,841</b>	<b>586</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	2014	2015	2016	Diff. 2016 / 2015
<b>Activity Appropriation</b>	<b>5,416</b>	<b>5,416</b>	<b>6,070</b>	<b>654</b>
FTE	27	23	23	0

NOTE: FY 2014 reflects actual FTE. Authorized FTE for FY 2014 was 27.

### Introduction

The Office of Standards, Regulations, and Variances (OSRV), in coordination with the SOL Mine Safety and Health Division and other MSHA program offices, develops standards and regulations for the mining industry that protect the safety and health of miners.

These standards and regulations establish enforcement requirements for compliance in accordance with the Mine Act as amended by the MINER Act. OSRV maintains MSHA’s rulemaking docket and posts public comments and submissions at [www.Regulations.gov](http://www.Regulations.gov).

OSRV also processes and publishes documents related to requests for variances from existing safety standards (Petitions for Modification), the Freedom of Information Act (FOIA) program, and information collection activities under the Paperwork Reduction Act of 1995.

OSRV supports the Secretary’s vision of *Promoting and Protecting Opportunity* through the following:

- Strategic Goal 2: Improve workplace safety and health.
  - Strategic Objective 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
  - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the nation’s miners.
- Strategic Goal 3: Promote fair and high-quality work environments.
  - Strategic Objective 3.2: Protect workers’ rights.
  - Performance Goal MSHA 3.2: Protect miners from discrimination.
- DOL Priority Goal: Reduce worker fatality rates in mining by five percent per year based on a rolling five-year average.

OSRV proposes and promulgates new and improved safety and health standards and regulations on the basis of information submitted to the Secretary by interested parties, representatives of any organization of employers or employees, nationally recognized standards-producing organizations, the Secretary of Health and Human Services (HHS), HHS’s National Institute for Occupational Safety and Health, States or political subdivisions, or on the basis of information developed by the Secretary or otherwise available.

In accordance with Executive Orders (E.O.) 12866 and 13563, MSHA performs an analysis of anticipated benefits and costs of each significant regulatory action, develops and publishes

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

MSHA's Semi-Annual Regulatory Agenda and Regulatory Plan, and reviews existing rules to identify regulations that are inconsistent with E.O. policy directives.

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2011	\$3,474	22
2012	\$4,465	24
2013	\$4,231	27
2014	\$5,416	27
2015	\$5,416	23

### FY 2016

MSHA requests \$6,070,000 and 23 FTE for OSRV. This request includes an increase of \$600,000 to support increased rulemaking activities. Funding supports MSHA's priority to strengthen regulatory efforts by continuing work on:

- A proposed rule that addresses the hazards miners face when working near mobile equipment in underground mines.
- A final rule that would revise the existing civil penalty regulations to improve the efficiency of MSHA's efforts and facilitate the early resolution of enforcement issues.
- A proposed rule that reduces health risks by developing a standard to limit exposure to respirable crystalline silica.

In addition, funding will support MSHA's actions to address comments and data received in response to requests for information on issues related to the Internal Review Report, the Accident Investigation Report, and the Independent Panel Assessment Report on the Upper Big Branch (UBB) coal mine; miners' escape and refuge during underground coal mine emergencies; examination of working places in metal and nonmetal mines; and health risks from exposure of underground miners to diesel exhaust.

In FY 2016, OSRV will also:

- Process 70 requests for variances from existing safety standards (Petitions for Modification).
- Process 1,800 FOIA requests. OSRV will provide oversight for FOIA requests in accordance with the President's Memorandum on Transparency and Open Government that includes identifying and posting agency information in anticipation of potential FOIA requests.

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

- Develop 24 supporting statements for information collection in accordance with the Paperwork Reduction Act of 1995.
- Publish Federal Register notices to notify the public that MSHA is reviewing the agency's information collection requirements and is requesting comments.
- Maintain MSHA's rulemaking docket at [www.Regulations.gov](http://www.Regulations.gov).

### **FY 2015**

In FY 2015, OSRV supports the Secretary's vision of Promoting and Protecting Opportunity by improving safe and healthy workplaces by continuing to work on the following regulatory efforts:

- Developing a final rule that requires underground coal mine operators to equip continuous mining machines with proximity detection systems to prevent crushing and pinning injuries in underground mines.
- Developing a final rule that modifies the fee structure to recover costs associated with testing, evaluating, and approving mining equipment.
- Continuing work on a proposed rule that addresses the hazards miners face when working near mobile equipment in underground mines.
- Reviewing comments received on a proposed rule that would revise the existing civil penalty regulations to improve the efficiency of the agency's efforts and facilitate the early resolution of enforcement issues.
- Reviewing comments received in response to a request for information published on issues and options relevant to miners' escape and refuge during underground coal mine emergencies.
- Continuing work on a proposed rule that reduces miners' exposure to respirable crystalline silica.
- Reviewing comments and data received in response to a request for information on issues related to the Internal Review Report, the Accident Investigation Report, and the Independent Panel Assessment Report on the UBB mine.
- Developing request for information on issues related to: health risks from exposure of underground miners to diesel exhaust and examination of working places in metal and nonmetal mines.

In FY 2015, OSRV will:

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

- Process 70 requests for variances from existing safety standards (Petitions for Modification).
- Process 1,800 FOIA requests in accordance with the President's Memorandum on Transparency and Open Government.
- Process 19 supporting statements to accompany new or revised regulations in accordance with the Paperwork Reduction Act of 1995. Publish Federal Register notices notifying the public that MSHA is reviewing the agency's information collection requirements and is requesting comments.
- Maintain MSHA's rulemaking docket at [www.Regulations.gov](http://www.Regulations.gov).

### **FY 2014**

In FY 2014, OSRV focused on supporting the strategic objective to secure safe and healthy workplaces, particularly in high-risk industries by proposing and promulgating health and safety standards and regulations on MSHA's regulatory agenda.

- MSHA published a final rule to lower miners' exposure to respirable coal mine dust, including continuous personal dust monitors.
- MSHA published a proposed rule that would revise the existing civil penalty regulations to improve the efficiency of the agency's efforts and facilitate the early resolution of enforcement issues.
- MSHA published a proposed rule that would modify the fee structure to recover agency costs associated with testing, evaluating, and approving mining equipment.
- MSHA continued to work on a final rule that requires underground coal mine operators to equip continuous mining machines with proximity detection systems to prevent crushing and pinning injuries in underground coal mines.
- MSHA continued to work on a proposed rule that would address the crushing and pinning hazards that miners face when working near mobile equipment in underground mines.
- MSHA developed a request for information and data on issues related to recommendations in the Internal Review Report, the Accident Investigation Report, and the Independent Panel Assessment Report on the UBB mine.
- MSHA continued to work on a request for information relative to miners' escape and refuge during underground coal mine emergencies.

In FY 2014, OSRV:

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

- Processed 68 requests for variances from existing safety standards (Petitions for Modification).
- Processed 1,545 FOIA requests in accordance with the President's Memorandum on Transparency and Open Government.
- Processed 24 supporting statements to accompany new or revised regulations in accordance with the Paperwork Reduction Act of 1995. Published Federal Register notices notifying the public that MSHA was reviewing the agency's information collection requirements and was requesting comments.
- Maintained MSHA's rulemaking docket at [www.Regulations.gov](http://www.Regulations.gov).

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>2014</b>		<b>2015</b>	<b>2016</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Office of Standards, Regulations, and Variances</b>				
<b>Strategic Goal 2 - Improve workplace safety and health</b>				
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>				
MSHA- OSRV-02	Percent of FOIA requests that are completed within 20 working days of receipt		75%	79%
	75%	79%	75%	75%

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

OSRV supports the Secretary's vision through Strategic Goal 2 *Improve workplace safety and health*.

### Strategic Objective 2.1

- *MSHA-OSRV-02*: In FY 2014, OSRV exceeded its target of 75 percent of the FOIA requests that were completed within 20 working days of receipt. In FY 2015 and FY 2016, OSRV expects to meet the target of 75 percent. OSRV will continue to process and to provide oversight for FOIA requests in accordance with the President's Memorandum on Transparency and Open Government that includes identifying and posting agency information in anticipation of potential FOIA requests. In addition, OSRV will support the strategic objective to secure safe and healthy workplaces, particularly in high-risk industries, by proposing and promulgating health and safety standards and regulations on MSHA's regulatory agenda.
- OSRV will continue its regulatory actions that address comments and data received in response to a Request for Information related to recommendations in the Internal Review Report, the Accident Investigation Report, and the Independent Panel Assessment Report on UBB on health risks from exposure of underground miners to diesel exhaust and examination of working places in metal and nonmetal mines.

In accordance with the Paperwork Reduction Act of 1995, OSRV will (1) develop supporting statements to accompany new or revised regulations; and (2) publish Federal Register notices to notify the public that MSHA is reviewing the agency's information collection requirements and is requesting public comments. As new rules are drafted, additional paperwork packages will be developed.

OSRV will continue to provide transparency in the regulatory process by posting background documents, comments, and transcripts for each rulemaking at [www.Regulations.gov](http://www.Regulations.gov).

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Diff. 2016 / 2015</b>
11.1	Full-time permanent	3,189	2,990	3,378	388
11.3	Other than full-time permanent	0	31	31	0
11.5	Other personnel compensation	46	38	38	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>3,235</b>	<b>3,059</b>	<b>3,447</b>	<b>388</b>
12.1	Civilian personnel benefits	788	725	842	117
13.0	Benefits for former personnel	3	3	3	0
21.0	Travel and transportation of persons	105	20	26	6
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	232	243	271	28
23.2	Rental payments to others	3	3	3	0
23.3	Communications, utilities, and miscellaneous charges	117	18	18	0
24.0	Printing and reproduction	223	147	187	40
25.1	Advisory and assistance services	93	37	37	0
25.2	Other services from non-Federal sources	341	162	163	1
25.3	Other goods and services from Federal sources 1/	66	617	626	9
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	14	26	62	36
26.0	Supplies and materials	40	10	14	4
31.0	Equipment	156	346	371	25
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>5,416</b>	<b>5,416</b>	<b>6,070</b>	<b>654</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	49	518	527	9
	DHS Services	6	6	6	0
	HHS Services	11	18	18	0
	Services by Other Government Departments	0	75	75	0

# OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

## CHANGES IN 2016

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$17
Personnel benefits	9
One day more of pay	15
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	1
Working Capital Fund	9
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	3
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$54**

**Net Program** **\$600**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$5,470</b>	<b>23</b>
<b>Program Increase</b>	<b>\$600</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



**OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL  
ENFORCEMENT AND INVESTIGATIONS**

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	2014	2015	2016	Diff. 2016 / 2015
<b>Activity Appropriation</b>	<b>6,976</b>	<b>6,976</b>	<b>8,122</b>	<b>1,146</b>
FTE	53	52	58	6

NOTE: FY 2014 reflects actual FTE. Authorized FTE for FY 2014 was 57.

**Introduction**

The Office of Assessments, Accountability, Special Enforcement and Investigations (OAASEI) administers the Mine Act, as amended by the MINER Act; regulations pertaining to civil penalty assessments and collections; special investigations of discrimination complaints and possible knowing and willful violations under Sections 105(c) and 110 of the Mine Act; MSHA’s Accountability Program; and the agency’s other special enforcement initiatives, such as the Pattern of Violations (POV) provisions under Section 104(e) of the Mine Act.

OAASEI supports the Secretary’s vision of *Promoting and Protecting Opportunity* through the following:

- Strategic Goal 2: Improve workplace safety and health.
  - Strategic Objective 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
  - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the nation’s miners.
- Strategic Goal 3: Promote fair and high-quality work environments.
  - Strategic Objective 3.2: Protect workers’ rights.
  - Performance Goal MSHA 3.2: Protect miners from discrimination.
- DOL Priority Goal: Reduce worker fatality rates in mining by five percent per year based on a rolling five-year average.

Civil penalties serve to encourage compliance and promote a safe and healthy workplace for miners. OAASEI’s efforts to assess and collect civil penalties directly support the strategic objective to *secure safe and healthy workplaces, particularly in high-risk industries*. The Office of Accountability conducts accountability reviews of MSHA’s enforcement programs to determine whether agency enforcement policies, procedures, and guidance are being complied with consistently and whether certain mission critical enforcement activities are being accomplished effectively. OAASEI provides oversight and support of MSHA’s internal review process. The Technical Compliance and Investigation Office (TCIO) provides oversight of the investigation process involving Section 105(c) miner discrimination complaints and Section 110 knowing and willful civil and criminal violations. The work of TCIO directly supports the strategic goal to *promote fair and high quality work environments*.

# OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT AND INVESTIGATIONS

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2011	\$6,221	46
2012	\$7,103	50
2013	\$6,732	53
2014	\$6,976	57
2015	\$6,976	52

## FY 2016

MSHA requests \$8,122,000 and 58 FTE for the OAASEI budget activity. This request includes an increase of \$1,000,000 and six FTE to continue to improve the timeliness of special assessments and continue efforts to improve special investigations and accountability audits. These items were identified in the Upper Big Branch Internal Review Report as deficiencies, and the Report recommended that OAASEI evaluate implementation of corrective actions resulting from internal reviews during each annual District Review and monitor the resources districts devote to special investigations. This funding will support four additional compliance specialists in the TCIO; one additional employee in the Office of Accountability; and one additional special civil penalty assessor.

In FY 2016, OAASEI will continue the following efforts:

- Assess civil penalties for all violations of the Mine Act consistently, in accordance with statutory criteria, and at levels that encourage compliance.
- Collect and account for penalties paid and account for all penalty cases in litigation before the FMSHRC.
- Coordinate the Office of Accountability activities.
- Coordinate Special Enforcement and Special Investigations programs.

In support of DOL's strategic objective to protect workers' rights, OAASEI will promote MSHA's performance goal to protect miners from discrimination. OAASEI will ensure that MSHA investigates and resolves miner discrimination complaints in a timely manner, with performance measures of completing 85 percent of 105(c) investigations of miner discrimination within 60 days of receipt and completing 70 percent of investigations of miner requests for temporary reinstatement within 20 days of receipt. To ensure that enforcement personnel conduct quality investigations, OAASEI will perform headquarters' reviews of all discrimination investigations conducted by enforcement personnel. This will provide an added level of accountability for the discrimination investigation process and demonstrate MSHA's commitment to protecting a miner's right to report health and safety hazards without fear of

## OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT AND INVESTIGATIONS

retaliation. To this end, MSHA expects that over 80 percent of discrimination investigation reports will be complete and accurate without return for further development.

In support of MSHA's performance goal to prevent death, disease, and injury from mining and promote safe and healthful workplaces for the nation's miners, OAASEI expects to propose 85 percent of regular formula civil penalty assessments for citations of health and safety standards within 60 days of issuance and to propose 80 percent of special assessments within 225 days of issuance.

OAASEI will conduct approximately 15 accountability reviews of the Coal and Metal and Nonmetal enforcement activities. OAASEI also plans to conduct at least one screening to identify mines exhibiting a POV under Section 104 of the Mine Act.

### **FY 2015**

In FY 2015, OAASEI will improve safety and health conditions in the mining workplace through the following efforts:

- **Timely, consistent assessment of civil penalties for all violations of the Mine Act in accordance with statutory criteria.**

OAASEI will propose civil penalty assessments for an estimated 118,000 violations of health and safety standards cited by MSHA inspectors. The office will propose an estimated \$98 million in civil penalties. MSHA projects at least 85 percent of regular formula civil penalties will be assessed within 65 days of issuance. MSHA uses an assessment formula based on these criteria to determine the amount of the civil penalty. The citation, which includes the inspector's evaluation, is the basis for the proposed assessment. MSHA may elect not to use the regular assessment formula depending on the conditions surrounding the violation. MSHA considers special, higher assessments for certain violations -- those which cause death, injury or illness, or result from the operator's unwarrantable failure to comply, or are evaluated as "flagrant violations" as defined in the Mine Act, as amended by the MINER Act. Under the regular and special assessment process, a violation can be assessed a civil penalty up to \$70,000 for each citation or order issued. Flagrant violations can be assessed a maximum penalty of \$242,000. MSHA projects at least 80 percent of civil penalties that merit a special assessment will be assessed within 225 days of issuance.

- **Collect and account for penalties paid by operators.**

OAASEI will process civil penalty payments received from mine operators and account for all payments and delinquencies. MSHA expects to receive approximately 90 percent of the payments owed -- referring payments that have not been made after 180 days in accordance with the Debt Collection Improvement Act to the Treasury Department for collection. OAASEI estimates MSHA will receive 31,000 payments totaling \$81 million. Under its scofflaw program, MSHA works with Treasury and Justice to pursue injunctive actions in federal court against active mines with both delinquent penalties and safety and health issues to ensure that

## **OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT AND INVESTIGATIONS**

penalties have the intended deterrent effect. In the last three years, MSHA brought nine actions in federal district court against eight scofflaw operators, receiving judgments totaling over \$3 million.

- **Account for all penalty cases in litigation before the Federal Mine Safety and Health Review Commission.**

OAASEI will process approximately 5,000 mine operator requests for hearings before FMSHRC, working with FMSHRC to docket the contested cases. OAASEI will record all decisions and orders FMSHRC renders. It estimates recording decisions for approximately 5,800 cases and 26,000 citations and orders.

- **Centralized Receivables Service Project with Treasury.**

OAASEI's Civil Penalty Compliance Office (CPCO) is participating in the Treasury Department's Centralized Receivables Service (CRS) pilot project for debt collection. Treasury's vision is to transform receivables management to increase collections and reduce agency costs by integrating the new CRS and Treasury's Debt Management Service. MSHA will continue to process payments received for civil penalties before the penalties become delinquent, and then, the debt will be referred to Treasury for all collection efforts, well before the 180 day time period.

- **Conduct accountability reviews.**

The Office of Accountability will conduct accountability reviews of approximately ten Coal and Metal and Nonmetal districts to ensure MSHA carries out enforcement policies and procedures effectively. The office will track and review corrective actions implemented as a result of accountability reviews.

- **Conduct 105(c) discrimination complaint investigations.**

OAASEI's TCIO will coordinate and provide oversight of the investigations of approximately 200 discrimination complaints miners file under Section 105(c) of the Mine Act. To ensure quality investigations are conducted, MSHA will perform a review of all discrimination investigations conducted by its enforcement personnel for discrimination complaints received in FY 2015. MSHA's goals are to investigate 85 percent of miners' discrimination complaints within 60 days of receipt and to investigate 70 percent of miners' requests for temporary reinstatement within 20 days of receipt. TCIO will also review approximately 150 knowing and willful violations investigations conducted by the enforcement programs, referring all appropriate cases for civil penalties or criminal prosecution.

- **Conduct Pattern of Violations review.**

The POV rule published in FY 2013 is one of MSHA's highest priority regulatory initiatives. It strengthens MSHA's ability to focus on those mine operators that demonstrate a disregard for the health and safety of miners through a recurring pattern of significant and substantial (S&S)

## OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT AND INVESTIGATIONS

violations. This rule allows MSHA to focus on the most troubling mines and issue withdrawal orders for any S&S violations cited at mines receiving a POV notice. OAASEI will conduct at least one POV review in FY 2015.

- **Improve Enforcement of the Mine Act Against Delinquent and Dangerous Operators.**

OAASEI, in conjunction with the SOL and the enforcement programs, will identify for possible legal action mine operators that are delinquent in civil penalty payments and have troublesome enforcement issues.

### **FY 2014**

In FY 2014, the OAASEI mailed 26,886 Notices of Proposed Civil Penalty Assessments, proposing \$98 million in civil penalties for 118,700 citations and orders. OAASEI received 31,570 payments totaling \$81.5 million in FY 2014 and referred 2,956 unpaid civil penalty cases, totaling \$16.5 million, to the Treasury Department for collection.

OAASEI's CPCO worked with the FMSHRC to docket 5,000 penalty contest cases involving 23,600 citations and orders totaling \$61.1 million in proposed civil penalties. CPCO recorded 5,770 FMSHRC penalty contest decisions and orders, involving 26,440 citations and orders totaling \$80.1 million in proposed civil penalties.

The total contested penalty case backlog peaked at approximately 15,000 cases consisting of 89,000 citations in January 2011. As of September 30, 2014, the total backlog was 5,222 cases with 27,793 citations compared to 6,538 cases with 33,293 citations as of September 30, 2013, reductions of 20 percent and 17 percent, respectively. The "targeted backlog," which consisted of contests filed between October 1, 2007 and February 28, 2010, and was the original focus of the joint backlog project between DOL and FMSHRC, declined 99 percent as of September 30, 2014.

OAASEI proposed special assessments totaling nearly \$22 million. In FY 2014, MSHA's goal was to assess 80 percent of civil penalties under the regular formula within 65 days of issuance and 80 percent of civil penalties proposed under the special assessment process within 225 days of issuance. On average it took 54 days between when regular formula citations and orders were issued and the date they were assessed – 81 percent of regular formula assessments were proposed within 65 days of issuance, exceeding the annual performance target. MSHA proposed special assessed civil penalties for 916 violations, of which 64 percent were assessed within 225 days of issuance. The average number of days from issuance to assessment was 226 days. The processing of special assessments was significantly impacted by the government shutdown in October 2013.

The Office of Accountability conducted reviews of nine districts during FY 2014. These reviews included audits of 22 enforcement activities resulting in corrective actions required. The office conducted root cause analyses to identify the most effective corrective actions to implement. It

## **OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT AND INVESTIGATIONS**

also monitored the corrective actions, including documentation to ensure the actions were completed by the enforcement programs.

OAASEI completed all corrective actions for which it was responsible as a result of the UBB Internal Review Report.

MSHA filed 34 requests for temporary reinstatements during FY 2014 (the second highest total on record) with the FMSHRC on behalf of miners who submitted complaints of discrimination in the form of a suspension, layoff, discharge or other adverse action. Additionally, MSHA filed 42 complaints alleging mine safety discrimination during FY 2014, the second highest number of complaints filed in any previous fiscal year; and at least 49 in CY 2014, the most ever filed.

In FY 2014, MSHA's goal was to complete 75 percent of 105(c) investigations of miner discrimination complaints within 60 days and resolve 70 percent of investigations of miner requests for temporary reinstatements within 20 days of receipt. MSHA completed 216 discrimination case investigations in FY 2014, the second highest ever, completing 63 percent within 60 days and resolved 84 temporary reinstatement requests, completing 63 percent within 20 days. Attaining the performance goals was impacted by the government shutdown. This caused performance to decline to 47 percent and 48 percent, respectively during the first half of the year, but through close coordination with the enforcement programs and SOL, MSHA achieved the goals in the second half of the year – to 76 percent and 68 percent, respectively. In FY 2014, OAASEI reviewed 100 percent of the completed special investigations conducted by enforcement personnel.

During FY 2014, MSHA resolved 157 possible knowing and willful investigations. OAASEI proposed 198 civil penalties against 104 individuals with proposed assessments totaling \$701,300; seven cases were referred to the Department of Justice for criminal prosecution; and seven cases resulted in criminal prosecutions.

In FY 2014, OAASEI conducted one POV review. The end result was issuance of a POV notice to one mine and notification to two others that decisions on whether to issue a POV notice would be contingent upon the mine meeting prescribed goals.

**OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL  
ENFORCEMENT AND INVESTIGATIONS**

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
	<b>2014</b>		<b>2015</b>	<b>2016</b>	
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>	
<b>Office of Assessments, Accountability, Special Enforcement and Investigations</b>					
<b>Strategic Goal 2 - Improve workplace safety and health</b>					
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>					
MSHA-AS-01	Percent of civil penalties assessed under the regular formula within 65 days of issuance	80%	81%	85%	85%
MSHA-AS-02	Percent of civil penalties special assessed within 225 days of issuance	80%	64%	80%	80%
<b>Strategic Goal 3 - Promote fair and high quality work-life environments</b>					
<b>Strategic Objective 3.2 - Protect workers' rights</b>					
MSHA-01-Q	Percent of discrimination investigations reviewed by headquarters	100%	100%	100%	100%
MSHA-02-Q	Percent of discrimination cases not returned to investigators for further development	80%	90%	80%	80%

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

## OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT AND INVESTIGATIONS

OAASEI's workload measures help determine the program's success in supporting the Departmental Strategic Goals, Strategic Objectives, and MSHA's Performance Goals through the following:

### Strategic Objective 2.1

The timely assessment of civil penalties is a key component in MSHA's strategy to enforce safety and health standards. Congress intended that the imposition of civil penalties would induce mine operators to be proactive in their approach to mine safety and health and take necessary actions to prevent safety and health hazards before they occur.

- *MSHA-AS-01*: In FY 2015 and FY 2016, OAASEI projects at least 85 percent of regular formula civil penalties will be assessed within 65 days of issuance.
- *MSHA-AS-02*: In FY 2015 and FY 2016, OAASEI projects at least 80 percent of civil penalties that merit a special assessment will be assessed within 225 days of issuance.

### Strategic Objective 3.2

- *MSHA-01-Q*: In FY 2016, OAASEI projects 100 percent of discrimination investigations will be reviewed by headquarters. This will provide an added level of accountability for the discrimination investigation process and will demonstrate MSHA's commitment to protecting a miner's right to report health and safety hazards without fear of retaliation.
- *MSHA-02-Q*: In FY 2016, OAASEI projects 80 percent of discrimination cases will not be returned to investigators for further development. The long-term goal is for the special investigators to conduct exhaustive and complete discrimination investigations with all necessary information so that none will have to be returned for additional information.

**OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL  
ENFORCEMENT AND INVESTIGATIONS**

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Diff. 2016 / 2015</b>
11.1	Full-time permanent	4,287	4,208	4,939	731
11.3	Other than full-time permanent	37	0	0	0
11.5	Other personnel compensation	64	52	52	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>4,388</b>	<b>4,260</b>	<b>4,991</b>	<b>731</b>
12.1	Civilian personnel benefits	1,171	1,274	1,476	202
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	62	53	98	45
22.0	Transportation of things	1	0	0	0
23.1	Rental payments to GSA	565	537	545	8
23.2	Rental payments to others	2	2	2	0
23.3	Communications, utilities, and miscellaneous charges	242	258	258	0
24.0	Printing and reproduction	5	4	4	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	82	51	52	1
25.3	Other goods and services from Federal sources 1/	362	227	284	57
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	47	35	90	55
26.0	Supplies and materials	23	48	49	1
31.0	Equipment	23	224	270	46
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	3	3	3	0
	<b>Total</b>	<b>6,976</b>	<b>6,976</b>	<b>8,122</b>	<b>1,146</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	318	84	141	57
	DHS Services	20	20	20	0
	HHS Services	22	25	25	0
	Services by Other Government Departments	2	98	98	0

**OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL  
ENFORCEMENT AND INVESTIGATIONS**

**CHANGES IN 2016**

(Dollars in Thousands)

**Activity Changes**

**Built-In**

To Provide For:

Costs of pay adjustments	\$37
Personnel benefits	17
One day more of pay	21
Federal Employees' Compensation Act (FECA)	5
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	1
Working Capital Fund	57
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	1
Supplies and materials	1
Equipment	6
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$146**

**Net Program** **\$1,000**

**Direct FTE** **6**

	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>\$7,122</b>	<b>52</b>
<b>Program Increase</b>	<b>\$1,000</b>	<b>6</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>

## EDUCATIONAL POLICY AND DEVELOPMENT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Diff. 2016 / 2015</b>
<b>Activity Appropriation</b>	<b>36,320</b>	<b>36,320</b>	<b>40,448</b>	<b>4,128</b>
FTE	147	144	144	0

NOTE: FY 2014 reflects actual FTE. Authorized FTE for FY 2014 was 154.

### **Introduction**

The Educational Policy and Development (EPD) budget activity provides unified and comprehensive direction on all matters related to MSHA's role in education and training in the mining industry. Under the Mine Act, as amended by the MINER Act, EPD is responsible for developing and implementing educational policy and programs to train government, industry, and labor personnel to recognize, eliminate, and prevent hazardous conditions in the mining environment.

EPD manages and operates the National Mine Health and Safety Academy (Academy) located in Beckley, West Virginia. The Academy trains federal mine inspectors to provide MSHA with a skilled enforcement workforce. The Academy also provides professional education and training services and consultation to all members of MSHA and the mining community.

EPD training specialists review training plans, monitor and assist industry instructors to develop and improve their skills, and assist mine operators with their safety and health programs. EPD specialists also distribute educational materials and provide assistance to the miners to better understand their rights and responsibilities under the Mine Act. On June 29, 2014, MSHA merged the Educational Field Services and Small Mine Consultation Program into one program: Educational Field and Small Mine Services (EFSMS). This program provides assistance to mine operators of all sizes across the country. EPD incorporated new safety and health related training materials such as examination checklists and tools, specifically tailored for use by operators, based on feedback from customers, staff and other safety and health professionals.

MSHA supports the mission of the Joseph A. Holmes Association, a nonprofit organization created in 1916, to promote health and safety in the mining industry. The Association reaches miners throughout the country by providing technical assistance and coordinating efforts through grassroots safety and health programs and activities for the mining community.

EPD also manages the MSHA State Grants Program and the Brookwood-Sago Mine Safety Grants Program. The State Grants Program provides quality training for miners in 49 states and the Navajo Nation. The Brookwood-Sago Mine Safety Grants Program was established through a provision in the MINER Act. These competitive grants provide funds for mine safety and health training and education programs for workers and mine operators, to better identify, avoid, and prevent unsafe working conditions in and around mines.

EPD supports the Secretary's vision of *Promoting and Protecting Opportunity* through the following:

## EDUCATIONAL POLICY AND DEVELOPMENT

- Strategic Goal 2: Improve workplace safety and health.
  - Strategic Objective 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
  - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the Nation’s miners.
- Strategic Goal 3: Promote fair and high-quality work environments.
  - Strategic Objective 3.2: Protect workers’ rights.
  - Performance Goal MSHA 3.2: Protect miners from discrimination.
- DOL Priority Goal: Reduce worker fatality rates in mining by five percent per year based on a rolling five-year average.

Training plays a critical role in preventing deaths, injuries, and illnesses on the job. By providing effective training, miners are able to identify potential hazards and understand which procedures are safe to follow. MSHA will continue to increase visibility and emphasis on training, recognizing its critical role in reducing injuries and fatalities in the mining community.

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2011	\$38,528	136
2012	\$38,325	149
2013	\$36,320	150
2014	\$36,320	154
2015	\$36,320	144

### FY 2016

In FY 2016, MSHA requests \$40,448,000 and 144 FTE for the EPD budget activity. This request includes an increase of \$3,441,000 to strengthen the delivery of training to MSHA and the mining industry to include the expansion of the distance learning program and the development of audiovisual materials. In order to foster a culture of safety and improve safety and health conditions in the mining workplace, EPD will strengthen and modernize training and education through the following:

- Providing technical support to the mining industry through EFSMS, including special attention to small mine operators.
- Continuing to manage MSHA’s State Grants Program in which the grantees provide quality and effective safety and health training and retraining for miners. This request includes \$8,441,000 for this program. At this funding level, EPD anticipates the State Grants Program will train approximately 180,000 miners. EPD also manages the Brookwood-Sago Mine Safety Grants Program. This program provides funds for developing and implementing training and training materials for mine emergency

## EDUCATIONAL POLICY AND DEVELOPMENT

preparedness, as well as mine emergency prevention in underground mines, i.e. fire-fighting programs for mine emergency response and improving communication in the command center during a mine rescue exercise.

- Continuing onsite monitoring of approved instructors to ensure they are providing effective health and safety training to miners. EPD will place special emphasis on evaluation of contract instructors. EPD will also evaluate the quality of training provided through MSHA's State Grants Program.
- Expanding distance learning to include additional online courses developed for use by MSHA's entry-level inspectors.

### **FY 2015**

In FY 2015, consistent with existing statutory requirements, mine operators are required to ensure that employees have access to complete training programs. EPD will develop more of its own training curricula, exercises, and materials to assist mine operators with providing a complete training program to their employees. EPD will raise the quality of training by becoming more involved in the development and delivery of training through the following efforts:

- Host various seminars and conferences at the Academy. These include the Training Resources Applied to Mining conference to advance the best training practices and technologies, a conference that routinely attracts more than 500 attendees annually. EPD will continue its efforts to provide outreach products to the mining industry, which includes new and updated health and safety materials.
- Evaluate the effectiveness of instructor training, training materials, and mine-operator training plans, as required under Title 30 CFR Part 46 and Part 48. EPD will evaluate and monitor approximately 950 instructors to assess the effectiveness of training provided to miners. It will also assess how mine operators and contract trainers address specific mining hazards and other safety issues.
- Manage MSHA's State Grants and Brookwood-Sago Mine Safety Grant Programs.
- Distribute approximately 4,000,000 publications and training materials, including materials on Miners' Rights.
- Develop an additional 14 online courses for use by MSHA's entry-level inspectors, bringing the number of available courses to 124.
- Develop online media compliance information for the mining community.
- Provide professional instruction for MSHA inspectors in support of workforce development and provide additional courses to the mining industry. Based on projected attrition rates within the Coal and Metal and Nonmetal enforcement programs, EPD

## EDUCATIONAL POLICY AND DEVELOPMENT

estimates that 11 entry-level inspector groups will begin their training in FY 2015. EPD will provide professional development courses for managers and supervisors to enhance their supervisory skills. The Academy anticipates conducting 1,350 course days of training to MSHA and the mining industry in FY 2015.

- Continue to make improvements to the Mine Simulation Laboratory (MSL) to provide a more realistic training experience for MSHA enforcement personnel and the Nation's miners. EPD will incorporate virtual reality training to enhance the student experiences in the MSL.

### **FY 2014**

In FY 2014, EPD accomplished the following:

- Developed 15 online courses for MSHA's entry-level inspectors expanding MSHA's distance learning program to 110 courses.
- Produced and distributed approximately 4,000,000 publications and materials.
- Managed MSHA's State Grants Program by training miners in 49 states and the Navajo Nation. In addition, the Brookwood-Sago Mine Safety Grant Programs awarded grants to 7 successful applicants.
- Merged two field components to create EFSMS to provide a single comprehensive program to all mines, regardless of size.
- Developed the MSHA Training Summit, an innovative training program to address the root causes of accidents for trainers in the mining community.
- Assisted with enforcement and participated in special emphasis programs to address safety and health hazards in coal and metal and nonmetal mines.

Assisted with the re-establishment of a national mine rescue organization within the Joseph A. Holmes Safety Association to address gaps in mine emergency response.

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<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>2014</b>		<b>2015</b>	<b>2016</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Educational Policy and Development</b>					
<b>Strategic Goal 2 - Improve workplace safety and health</b>					
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>					
<b>Course days of training</b>					
MSHA-EPD-02	Course days of training provided to MSHA	1,200[p]	970	1,200[p]	1,200[p]
MSHA-EPD-03	Course days of training provided to industry	150[p]	149	150[p]	150[p]
<b>Total</b>		<b>1,350</b>	<b>1,119</b>	<b>1,350</b>	<b>1,350</b>
MSHA-EPD-01	Injury and illness prevention training hours provided	--	--	[base]	--
MSHA-EPD-04	Number of new online courses	14	15	14	16
MSHA-EPD-05	Number trained through State Grants Program	80,000	175,000	180,000	180,000
MSHA-EPD-06	Number of approved instructor evaluations	775	682	800	850

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

## EDUCATIONAL POLICY AND DEVELOPMENT

EPD's performance measures help determine the program's success in supporting the DOL Strategic Goals, Strategic Objectives, and MSHA's Performance Goals through the following:

- *MSHA-EPD-01: Injury and illness prevention training hours provided* performance measure reflects time spent in training mine operators in accident and illness prevention, including helping operations develop or improve safety and health programs tailored specifically to the needs of their miners and operations. EPD specialists conduct training program analysis, review training plans, and provide qualification certification examinations for miners. In FY 2015, EPD will track the number of injury and illness prevention training hours to determine a baseline for FY 2016.
- *MSHA-EPD-02 and MSHA-EPD-03: Course days of training* performance measure indicates time spent training a variety of MSHA and mining industry personnel. This training is critical to maintaining a highly skilled workforce capable of addressing the potential health and safety hazards found in mines. In FY 2014, EPD did not meet the target for course days of training provided to both MSHA enforcement and industry due to the government shutdown in October 2013. Some scheduled classes for the enforcement personnel were cancelled in order to complete mission critical activities. In FY 2015 and FY 2016, EPD projects it will provide 1,350 course days of training to MSHA and mining the industry.
- *MSHA-EPD-04: Number of new online courses* performance measure reflects MSHA's commitment to leveraging technology to enhance training options and capabilities. For FY 2014, EPD expanded its distance learning program by an additional 15 online courses developed for use by MSHA's entry-level inspectors, bringing the number of available courses to 110. In FY 2015, EPD will add 14 online courses developed for use by MSHA's entry-level inspectors, bringing the number of available distant learning courses to 124. In FY 2016, EPD plans to add 16 new online courses.
- *MSHA-EPD-05: Number trained through State Grants Program* performance measure reflects the number of miners trained. In FY 2014, EPD trained approximately 175,000 miners through the State Grants Program. In FY 2015 and FY 2016, EPD estimates approximately 180,000 miners will be trained through the State Grants Program.
- *MSHA-EPD-06: Number of approved instructor evaluations* performance measure pertains to the evaluation of the effectiveness of training instructors, training materials and mine-operator required training plans under Federal Mine Safety Regulations Part 46 and Part 48. EPD did not meet the FY 2014 annual projection for instructor evaluation approvals due to EPD personnel conducting pattern of violations audits, assisting with the Metal and Nonmetal fatal outreach initiative, and participating in two-week training related to the office realignment. In FY 2015, EPD will evaluate and monitor 800 instructors to assess the effectiveness of training provided to miners. EPD will assess how mine operators and contract trainers address specific mining hazards and other safety issues. In FY 2016, EPD estimates it will conduct 850 instructor evaluations.

## EDUCATIONAL POLICY AND DEVELOPMENT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Diff. 2016 / 2015</b>
11.1	Full-time permanent	13,282	12,487	12,683	196
11.3	Other than full-time permanent	35	119	119	0
11.5	Other personnel compensation	164	160	160	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>13,481</b>	<b>12,766</b>	<b>12,962</b>	<b>196</b>
12.1	Civilian personnel benefits	4,268	3,980	4,127	147
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	990	837	837	0
22.0	Transportation of things	473	447	447	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	628	710	710	0
23.2	Rental payments to others	1	1	1	0
23.3	Communications, utilities, and miscellaneous charges	1,007	1,396	1,396	0
24.0	Printing and reproduction	200	191	191	0
25.1	Advisory and assistance services	4	4	4	0
25.2	Other services from non-Federal sources	2,751	2,139	4,007	1,868
25.3	Other goods and services from Federal sources 1/	1,806	2,357	2,655	298
25.4	Operation and maintenance of facilities	176	244	244	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	489	297	565	268
26.0	Supplies and materials	142	492	935	443
31.0	Equipment	463	1,018	1,926	908
41.0	Grants, subsidies, and contributions	9,441	9,441	9,441	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>36,320</b>	<b>36,320</b>	<b>40,448</b>	<b>4,128</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,687	1,977	2,275	298
	DHS Services	28	28	28	0
	HHS Services	28	28	28	0
	Services by Other Government Departments	63	324	324	0

# EDUCATIONAL POLICY AND DEVELOPMENT

## CHANGES IN 2016

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$148
Personnel benefits	43
One day more of pay	63
Federal Employees' Compensation Act (FECA)	89
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	3
Working Capital Fund	298
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	9
Supplies and materials	14
Equipment	20
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$687**

**Net Program** **\$3,441**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$37,007</b>	<b>144</b>
<b>Program Increase</b>	<b>\$3,441</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>

## TECHNICAL SUPPORT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Diff. 2016 / 2015</b>
<b>Activity Appropriation</b>	<b>33,791</b>	<b>33,791</b>	<b>34,583</b>	<b>792</b>
FTE	204	207	207	0

NOTE: FY 2014 reflects actual FTE. Authorized FTE for FY 2014 was 214.

### Introduction

The Technical Support budget activity provides engineering and scientific expertise to MSHA and the mining industry. It conducts field and laboratory forensic investigations to resolve technical problems associated with implementing the Mine Act as amended by the MINER Act; administers a fee program at the Approval and Certification Center (ACC) in Triadelphia, WV, to approve equipment and materials for use in mines; analyzes data relative to the causes, frequency, and circumstances of accidents, injuries, illnesses, and occupational diseases; evaluates new technology for its potential to enhance miners' safety and health; and provides laboratory support for enforcement program areas in the Pittsburgh Safety and Health Technology Center (PSHTC) and the National Air and Dust Laboratory (NADL) in Mt. Hope, WV.

Technical Support's responsibilities include the following:

- Approving and certifying equipment, instruments, materials, and personal protective apparatus used in mines and performing audits of previously approved products to ensure they meet the same standards as when MSHA initially granted approval;
- Providing specialized scientific and engineering expertise for MSHA enforcement personnel through mine visits as well as forensic field and laboratory investigations that address technical problems encountered in implementing the Mine Act;
- Providing specialized laboratory support for MSHA enforcement by analyzing airborne dust samples, atmospheric gas samples, mine dust samples, and other industrial hygiene-related samples to determine compliance with health and safety standards;
- Participating in and providing leadership in mine emergency response efforts, including providing and managing on-site analytical equipment, communications links, and other sophisticated equipment essential to critical decisions in rescue/recovery operations;
- Investigating problems of compliance with safety and health standards and recommending solutions to MSHA personnel and stakeholders;
- Providing analyses of existing environmental conditions and projections of future technological developments;
- Conducting in-depth studies to identify root causes of accidents, injuries, and occupational illnesses, determining trends and impact, and recommending improvements and solutions to MSHA;
- Conducting mine plan reviews specific to mine waste impoundments, roof control, seals, ventilation, and review amendments to these mine plans as requested by MSHA's enforcement programs;
- Investigating new communication and tracking technology products and developing programs to deploy products with the potential to improve miners' health and safety; and

## TECHNICAL SUPPORT

- Providing scientific and engineering technical expertise in the development of standards and regulations, and in support of MSHA litigation cases.

Technical Support conducts these activities through cooperative efforts with SOL and MSHA personnel, including: Coal Mine Safety and Health (CMSH) and Metal and Nonmetal Mine Safety and Health (MNMSH) inspectors and specialists; and Program Evaluation and Information Resources, Educational Policy and Development, and Office of Standards, Regulations, and Variances personnel.

Technical Support supports the Secretary's vision of *Promoting and Protecting Opportunity* through the following:

- Strategic Goal 2: Improve workplace safety and health.
  - Strategic Objective 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
  - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the nation's miners.
- Strategic Goal 3: Promote fair and high-quality work environments.
  - Strategic Objective 3.2: Protect workers' rights.
  - Performance Goal MSHA 3.2: Protect miners from discrimination.
- DOL Priority Goal: Reduce worker fatality rates in mining by five percent per year based on a rolling five-year average.

Technical Support will improve safety and health conditions in the mining workplace through the following activities:

- Providing engineering and technical assistance to MSHA and the mining industry.
- Targeting the most common causes of fatal accidents in support of the fatality and disaster prevention programs by continuing to assist CMSH and MNMSH enforcement personnel with accident investigations in the field and by analyzing fatal accident data.
- Conducting field investigations and laboratory analyses and studies to develop solutions to specific problems to assist enforcement personnel and mine operators in achieving compliance with Federal regulations intended to protect the health and safety of miners.
- Continuing mine emergency readiness and improvements.
- Working towards the implementation of proximity/collision avoidance technology to protect miners working near a wide variety of mining equipment, including continuous mining machines, shuttle cars, feeder breakers, and conveyor belts.
- Continuing to improve impoundment/dam safety by conducting inspections of high-hazard potential sites.
- Fostering the development of more advanced communication and tracking and other technologies to be used in underground mines and in mine emergency situations.

# TECHNICAL SUPPORT

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2011	\$30,581	199
2012	\$33,613	204
2013	\$31,855	211
2014	\$33,791	214
2015	\$33,791	207

## FY 2016

MSHA requests \$34,583,000 and 207 FTE for the Technical Support budget activity to support the requirements of the Mine Act as amended by the MINER Act. These activities include responding to mine emergency events and maintaining equipment for deployment in the event of an emergency; testing and evaluating applications for approval of mining equipment, refuge alternatives and post-accident communications and electronic tracking systems, and flame resistant materials; providing technical expertise to MSHA enforcement staff in field investigations and engineering plan reviews; litigation support; and participating in new regulatory initiatives to eliminate or reduce safety and health hazards in mining. Technical Support also provides training to MSHA enforcement personnel on the use of Continuous Personal Dust Monitors (CPDM).

In support of Strategic Goal 2 Technical Support will work to *improve workplace safety and health* through the following:

- Continuing to provide assistance to enforcement personnel in implementing Mine Act and MINER Act requirements for wireless communication and electronic tracking systems, refuge alternatives, and fire resistant conveyor belts in underground mines.
- Approving and certifying mine equipment, materials, and instruments with a focus on reducing backlogs and evaluating the safe design of seals.
- Continuing to provide laboratory support for MSHA enforcement by analyzing airborne dust samples, atmospheric gas samples, mine rock dust samples, and other industrial hygiene-related samples to determine compliance with health and safety standards.
- Provide technical assistance with the implementation of the CPDM as required under the new coal respirable dust rule. Provide assistance with the development of the certification examination and the training of mining industry personnel on the use of the CPDM.
- Conducting reviews of unique mining plans specific to mine waste impoundments, roof control, and ventilation, and review amendments to these mine plans as requested by MSHA's enforcement programs.

## TECHNICAL SUPPORT

- Analyzing fatal accident data in support of the fatality and disaster prevention program with a focus on prevention of surface haulage accidents. Working with enforcement to evaluate safety programs and issuing written reports of findings and recommendations.
- Continue upgrading Building #9 at the ACC to provide proper ventilation. Environmental control equipment and burning operations will be relocated to this building from other buildings to improve employee safety and health and to protect the environment.
- Supporting CMSH and MNMSH enforcement by calibrating sampling equipment, such as noise dosimeters and radiation monitoring devices, to ensure the accuracy and proper functioning of instrumentation to accurately assess miner exposure to hazardous contaminants or hazardous environmental conditions.
- Maintain mine rescue equipment for deployment in the event of an emergency.
- Conduct unique blasting plan reviews and assist in the evaluation and investigation of concerns regarding explosives as requested by MSHA's enforcement programs.
- Conduct fire protection design reviews and assist in the evaluation and investigation of concerns related to fire protection issues.

### **FY 2015**

Technical Support will continue activities to support requirements of the Mine Act. These include approving refuge alternative components and communication and tracking technologies, providing technical and scientific expertise, conducting field evaluations, and supporting rulemaking to eliminate or reduce safety and health hazards in mining.

In FY 2015 Technical Support will:

- Continue to provide support to enforcement programs by deploying scientific and engineering experts to investigate mining accidents and fatalities. Such support includes identifying root causes of accidents and potential corrective actions to reduce the likelihood of future accidents and fatalities.
- Provide technical assistance to enforcement programs and operators by deploying scientific and engineering experts to assist in evaluating mine conditions and compliance with MSHA's mandatory safety and health standards.
- Conduct unique mine plan reviews as requested by MSHA's enforcement programs.

## TECHNICAL SUPPORT

- Continue to approve and certify mine equipment, materials, refuge alternatives components, instruments, explosives and respirators to reduce backlogs and evaluate the safe design of seals.
- Continue to maintain improved turnaround times of enforcement sample analyses at the NADL.
- Continue to provide assistance to enforcement personnel and SOL in litigation associated with citations and orders, acting as expert witnesses and providing consultation in preparation for trials.
- Assist enforcement personnel in the development of requirements for underground wireless communication and electronic tracking systems.
- Continue to provide assistance to enforcement personnel and industry on provisions of the Mine Act and MINER Act as they relate to refuge alternatives.
- Implement plans to renovate Building #9 at the ACC facility to adequately accommodate mandatory flame resistance testing. Currently the ACC uses Building #5 and Building #1 to conduct flammability testing of products such as conveyor belts, electric and signaling cables, splice kits, hose conduit, brattice cloth, ventilation tubing, and hydraulic fluids. These buildings have inadequate ventilation controls to protect employees and the environment from the hazardous products of combustion. Technical Support will relocate testing equipment to Building #9 and provide this space with proper ventilation and environmental controls.

MSHA's Dam Safety Officer will continue to evaluate MSHA's efforts and recommend actions to reduce the likelihood of failure of any impoundment/dam. Technical Support staff will assist MSHA enforcement on impoundment inspections and lead the impoundment specialist training committee.

MSHA currently has four Mine Emergency Rescue Operation (MEO) stations located in Bruceton, PA; Price, UT; Beckley, WV; and Madisonville, KY. It plans to purchase more equipment for the Pittsburgh Communication system to extend its useful range. MSHA will maintain its Mine Emergency Operations fleet by contracting for scheduled maintenance and repairs (e.g., engine repairs and safety inspections), and will continue to replace mine emergency response team consumables (protective gear, oxygen, tubing, filters, etc.). MSHA will conduct training for mine emergency responders and managers who respond to mine emergencies, such as fires and explosions. These improvements will give first responders proper training, keep equipment in good working condition to immediately deploy in the event of a mine emergency, and enhance the likelihood of successful rescue operations in remote areas.

### **FY 2014**

The NADL processes rock dust and mine atmosphere samples collected by enforcement personnel and performs other sample analyses. In FY 2014, the lab achieved accreditation from

## TECHNICAL SUPPORT

the American Association for Laboratory Accreditation. The NADL continued to maintain improved turnaround times for enforcement sample analyses following its expansion and modernization. After reducing average sample processing time from 30 days to 2 days, the NADL maintained this level throughout FY 2014, while processing 48,530 rock dust samples and 14,822 air samples.

During FY 2014, MSHA purchased equipment to establish and equip its four MEO stations. It purchased three remote atmospheric monitoring trucks for the Madisonville, Beckley, and Price/Denver mine rescue stations; a Mine Emergency Unit team truck for Madisonville; two gas chromatograph mobile laboratories for stations at Price/Denver and Beckley, and two communication systems with trucks for Price/Denver and Pittsburgh stations. It purchased an engineering trailer and PEIR surface satellite system and vehicle for the Pittsburgh mine rescue station. It purchased a command center vehicle for the Price/Denver mine rescue station.

Technical Support completed the installation of three new robotic weighing systems at the PSHTC dust laboratory to provide improved weighing systems compatible with new computer operating system upgrades. Training was provided to staff, and the three weighing systems are in full production to handle the increased sample load caused by the implementation of the Final Dust Rule.

Technical Support completed computer software upgrades for the seismic location system and launched the new communication system for underground mine rescue and recovery operations. It purchased an additional communication system to be used for all four of the MEO stations.

Technical Support provided engineering, scientific, and laboratory expertise to reduce miners' exposure to respirable coal mine dust, silica, toxic agents, and noise. It weighed or analyzed approximately 126,000 respirable dust sample cassettes to assess health compliance and made recommendations to MSHA enforcement staff to reduce miner exposure to hazardous conditions.

Technical Support evaluated the safe design of seals, mine ventilation systems, and ground control systems.

Technical Support conducted 358 mining plan reviews specific to mine dams and impoundments, roof control, seal designs, highwall and structural stability, mining under bodies of water, and ventilation. It also reviewed amended plans at the request of MSHA enforcement.

Technical Support's ACC approved and certified mine equipment, materials, instruments, explosives, and respirators. It completed a total of 584 product approvals, 55 % within 120 days.

Technical Support audited rebuilt permissible equipment and machines to ensure conformance with original approval specifications. The ACC conducted 714 field audits in support of these efforts and 933 audits of previously-approved products.

The ACC completed 159 original refuge alternatives component approvals to allow operators to comply with December 31, 2013 implementation date of MSHA's Refuge Alternative Rule.

## **TECHNICAL SUPPORT**

Additionally, it completed 19 approval modifications in order to address National Institute for Occupational Safety and Health recommendations concerning purge procedures.

Technical Support provided technical expertise for accident investigations and other mine conditions. During FY 2014, the PSHTC completed 121 field investigations and assisted with 17 nonfatal accident investigations and 11 fatal accident investigations. Technical Support engineers provided litigation assistance for 31 cases. The ACC conducted 34 accident investigations, 11 technical assistance field investigations, and 46 equipment field modification evaluations.

Technical Support provided engineering and scientific expertise to support rulemaking to address exposure to coal mine dust, respirable crystalline silica, dust monitors, proximity detection for underground coal mines, refuge alternatives, underground wireless communication, and electronic tracking systems.

MSHA's DOL Dam Safety Officer evaluated MSHA's efforts to reduce the likelihood of failure of any high-hazard potential impoundment or dam. Technical Support staff trained MSHA enforcement personnel on impoundment inspections.

## TECHNICAL SUPPORT

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
		<b>2014</b>		<b>2015</b>	<b>2016</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Technical Support</b>					
<b>Strategic Goal 2 - Improve workplace safety and health</b>					
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>					
TS-01	Approval Actions (New and Modifications)	700	696	700	700
TS-02	Samples Analyzed	250,000	191,722	250,000	200,000
MSHA-TS-01	Percent of product approvals (electrical and mechanical equipment, materials, and refuge alternatives) completed within 120 days	55.0%	55.0%	55.0%	55.0%

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

## TECHNICAL SUPPORT

In Support of Strategic Goal 2: *Improve workplace safety and health*, Technical Support will work to reduce fatal accidents and health risks to miners through the following efforts:

### Strategic Objective 2.1

- *TS-01:* Technical Support approves equipment for use in underground mines by miners and mine emergency responders. It conducts testing and quality control auditing of mining equipment and materials to ensure manufacturers' products continue to meet MSHA standards. In FY 2014, Technical Support completed 696 approval actions. In FY 2015 and FY 2016, Technical Support projects it will complete approximately 700 approval actions. The types of equipment Technical Support evaluates and approves include:
  - Advanced communication and tracking systems. These systems assist emergency responders in accurately locating miners in a post-accident environment during rescue and recovery operations.
  - Proximity detection systems in underground coal mines. To prevent fatal and nonfatal injuries, a proximity detection system provides a warning when a miner gets near a machine and stops the machine if a miner is in a dangerous location. The systems protect miners working in the vicinity of mining equipment, including continuous mining machines, shuttle cars, and scoops.
  - Permissible electric equipment including longwall mining machines, continuous mining machines, shuttle cars, tunnel boring machines, and other machinery. These approvals ensure that the equipment taken into potentially gassy areas of a mine does not cause a mine fire or explosion.
  - Refuge alternatives in underground coal mines. In the event of an emergency, refuge alternatives provide a safe haven for miners whose escape may be blocked by a fire, explosion, or roof fall.
  - Underground diesel equipment, including diesel engines, diesel power packages, diesel machines, and dust collector systems. These approvals ensure that the equipment is designed to prevent mine fires, explosions, over-exposure to diesel exhaust emissions and particulates, and over-exposure to dust levels.
  - Flame resistant materials are approved under Title 30 CFR Parts 7 and 14. These products include brattice cloth and ventilation tubing, flame resistant trailing and signal cables, cable splice kits, and conveyor belts.
- *TS-02:* Technical Support's analytical laboratories located in Pittsburgh, PA, are accredited by the American Industrial Hygiene Association. The labs analyze samples for enforcement personnel and the mining industry to assess miner exposure to various contaminants in the mining environment, including respirable dust, silica, metal dusts and fumes, diesel particulate matter, and organic vapors. This ensures that the mine operator

## TECHNICAL SUPPORT

has established compliance with permissible exposure limits. The NADL has received accreditation from the American Association for Laboratory Accreditation. The NADL analyzes mine dust samples to determine compliance with incombustible content requirements to help prevent mine explosions and analyzes mine air samples to determine compliance with methane and oxygen requirements to assist enforcement of air quality standards. In FY 2014, Technical Support analyzed 191,722 samples. The number of samples analyzed in FY 2014 was less than the projected target in part because of decreased coal mining activity. Technical Support projects that it will analyze approximately 250,000 samples in FY 2015. The increase in samples for FY 2015 is due to increased operator sampling requirements under the new coal respirable dust rule. The program projects 200,000 in FY 2016. In FY 2016, underground coal mine operators must use the CPDM to collect and submit respirable dust samples under the new coal respirable dust rule. As a result, the number of respirable dust samples Technical Support will analyze in FY 2016 is expected to decrease.

- *MSHA-TS-01*: In FY 2014, Technical Support revised its method to track product approvals to account for 'in-house' days only. This will result in a more accurate portrayal of MSHA's performance. Technical Support completed 55 percent of product approvals (electrical and mechanical equipment, materials, and refuge alternatives) within 120 days. In FY 2015 and FY 2016, Technical Support projects to complete 55 percent of product approvals within 120 days.

## TECHNICAL SUPPORT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Diff. 2016 / 2015</b>
11.1	Full-time permanent	16,850	16,234	16,480	246
11.3	Other than full-time permanent	97	70	70	0
11.5	Other personnel compensation	480	336	336	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>17,427</b>	<b>16,640</b>	<b>16,886</b>	<b>246</b>
12.1	Civilian personnel benefits	5,518	5,796	5,903	107
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	599	608	608	0
22.0	Transportation of things	199	202	202	0
23.1	Rental payments to GSA	115	108	108	0
23.2	Rental payments to others	2	2	2	0
23.3	Communications, utilities, and miscellaneous charges	561	560	560	0
24.0	Printing and reproduction	18	17	17	0
25.1	Advisory and assistance services	15	15	15	0
25.2	Other services from non-Federal sources	404	987	999	12
25.3	Other goods and services from Federal sources 1/	4,073	5,446	5,845	399
25.4	Operation and maintenance of facilities	772	1,015	1,015	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	386	372	376	4
26.0	Supplies and materials	655	665	673	8
31.0	Equipment	3,047	1,358	1,374	16
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>33,791</b>	<b>33,791</b>	<b>34,583</b>	<b>792</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	2,265	2,683	3,082	399
	DHS Services	6	6	6	0
	HHS Services	1,802	2,060	2,060	0
	Services by Other Government Departments	0	697	697	0

# TECHNICAL SUPPORT

## CHANGES IN 2016

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$184
Personnel benefits	66
One day more of pay	84
Federal Employees' Compensation Act (FECA)	19
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	12
Working Capital Fund	399
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	4
Supplies and materials	8
Equipment	16
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

**Built-Ins Subtotal** **\$792**

**Net Program** **\$0**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$34,583</b>	<b>207</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>

## PROGRAM EVALUATION AND INFORMATION RESOURCES

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Diff. 2016 / 2015</b>
<b>Activity Appropriation</b>	<b>17,990</b>	<b>17,990</b>	<b>19,783</b>	<b>1,793</b>
FTE	64	67	67	0

NOTE: FY 2014 reflects actual FTE. Authorized FTE for FY 2014 was 72.

### **Introduction**

The Directorate of Program Evaluation and Information Resources (PEIR) provides MSHA’s program evaluation and information technology (IT) management services. PEIR ensures ongoing oversight of MSHA program activities by conducting data analyses to alert both internal and external stakeholders of developing trends. PEIR manages MSHA’s directive system and utilizes current and emerging technology to provide enforcement personnel, mine operators, and other stakeholders with continuously updated handbooks, manuals, and related directives. PEIR also conducts evaluations of MSHA programs and supports MSHA program areas in developing process reviews to ensure compliance with agency policies and procedures.

PEIR collects, analyzes, and publishes data obtained from mine operators and contractors on the prevalence of work-related injuries and illnesses in the mining industry. MSHA’s IT resources, including the agency’s website, support the Secretary’s innovation strategies aimed at using openness, transparency, and effective communications as means of ensuring broad-based and continuing compliance. MSHA, the mining community, and the public use this data to assess progress in preventing occupational injuries and illnesses in the mining industry.

PEIR supports the Open Government initiative by publishing comprehensive data regarding safety and health records of the nation’s mines. The data sets contain MSHA’s data from calendar year 2000 to the present regarding mine locations, accidents, injuries, production, violations and inspections.

PEIR manages MSHA’s Enterprise Architecture (EA) governance process and operates and maintains all agency information technology applications, its General Support System (local and wide area networks), and the agency’s internet and intranet sites. PEIR uses the principles of the EA to collaborate with stakeholders to develop a slate of projects that are customer driven and support MSHA’s mission to protect the safety and health of miners. PEIR also establishes standards and controls for computer and networking hardware and software.

Among its other responsibilities, PEIR also serves as liaison between MSHA and the Office of the Inspector General (OIG) and the Government Accountability Office (GAO).

PEIR supports the Secretary’s vision of *Promoting and Protecting Opportunity* through the following:

- Strategic Goal 2: Improve workplace safety and health.
  - Strategic Objective 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.

## PROGRAM EVALUATION AND INFORMATION RESOURCES

- Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the nation's miners.
- Strategic Goal 3: Promote fair and high-quality work environments.
  - Strategic Objective 3.2: Protect workers' rights.
  - Performance Goal MSHA 3.2: Protect miners from discrimination.
- DOL Priority Goal: Reduce worker fatality rates in mining by five percent per year based on a rolling five-year average.

In FY 2016, PEIR will support MSHA's efforts to improve safety and health conditions in the mining workplace through the following strategies:

- Enforcing mandatory health and safety standards;
- Targeting the most common causes of fatal mine accidents and disasters;
- Focusing on prevention and improving mine emergency response preparedness by MSHA and the mining industry through stakeholder outreach, education, and training;
- Targeting the most egregious and persistent violators through enhanced enforcement programs; and
- Enforcing miners' rights to report hazardous conditions through protection against retaliation.

### **Five-Year Budget Activity History**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2011	\$16,823	61
2012	\$18,157	62
2013	\$17,207	66
2014	\$17,990	72
2015	\$17,990	67

### **FY 2016**

MSHA requests \$19,783,000 and 67 FTE for the PEIR budget activity. This request includes an increase of \$1,500,000 for enforcement application improvements. The funding will provide for the Inspection Tracking System, enhanced and modernized applications used by inspectors, and the Special Investigations Tracking System.

PEIR will continue to support MSHA's mission to improve the safety and health of the nation's miners by:

- Continuing efforts for Service Oriented Architecture (SOA) that provides a basis/foundation for all MSHA's infrastructure.
- Improving MSHA's current intranet and internet sites. MSHA's websites are complex and require an extraordinary amount of resources to maintain. Furthermore, MSHA's

## PROGRAM EVALUATION AND INFORMATION RESOURCES

websites are not Section 508 compliant. In an effort to make the websites compliant and more resource efficient, MSHA will be moving toward a Content Management System based on DRUPAL (a free content management platform).

- Enhancing Enterprise Network Services for a satellite solution to support the mine emergency operations. The technical solution will provide direct satellite connection rather than using land transmission which significantly causes delays during mine emergencies. The result of direct site-to-site connectivity will significantly improve connectivity and quality of data and voice transfer.
- Continuing to make enhancements to the MSHA Standardized Information System (MSIS), with maintenance releases. In addition, staff will initiate planning for MSIS replacement with assistance from Enterprise Architects.
- Managing the cost of IT infrastructure and services in accordance with an agreement between the Office of the Chief Information Officer (OCIO) and MSHA. This initiative supports DOL's IT Modernization program by consolidating and optimizing MSHA's IT infrastructure into a unified and standardized IT infrastructure under the OCIO. This will create a robust and scalable shared services infrastructure for DOL.
- Providing support for the evaluation of the *MSHA Inspectors' Use of Innovative Mobile Technologies Demonstration* that will modernize a suite of mobile applications used by enforcement personnel.
- Operating and maintaining a state-of-the-art Video Teleconference presence throughout the agency.
- Providing information technology solutions to improve mine emergency operations.
- Improving MSHA's centralized directives system by continuing thorough reviews of directives and eliminating contradictory, outdated, and redundant information.
- Evaluating the effectiveness of the agency policies and program operations and supporting other agency programs in developing processes that review and ensure compliance with these policies and procedures.
- Collecting, analyzing, and publishing data obtained from mine operators on the prevalence of work-related injuries and illnesses in the mining industry.

PEIR will also continue to maintain and enhance MSHA's Inspection Tracking System, Inspectors' Portable Application for Laptops (IPAL) system, and the Special Enforcement and Investigation System.

# **PROGRAM EVALUATION AND INFORMATION RESOURCES**

## **FY 2015**

In FY 2015, PEIR will also continue its efforts by:

- Improving MSHA's Inspection Tracking System to allow multiple inspectors to access inspection documents simultaneously.
- Enhancing and modernizing MSHA's IPAL system to allow inspectors more time at the mine site and less time performing administrative functions.
- Enhancing MSHA's Special Enforcement and Investigation System to centralize the Special Investigations Tracking Enterprise Data System, thereby increasing security, efficiency, and data confidentiality. Currently, the data is stored on stand-alone ACCESS databases and Excel spreadsheets. This improvement will provide a workflow and tracking mechanism in a central location.
- Enhancing and modernizing the Bi-Query platform to provide a more robust tool that improves business process efficiencies; performs predictive and advanced analytics; improves user efficiencies, and provides better data. In addition, the platform strategically aligns with MSHA's target architecture. This will assist MSHA in focusing on critical issues to better assist miners with data.
- Implementing a SOA that will be the major platform where IPAL, BI-QUERY, and all future enhancements will reside.
- Enhancing Enterprise Network Services for a satellite solution to support the mine emergency operations.
- Enhancing MSIS with maintenance releases.

PEIR will also continue to improve MSHA's current intranet and internet sites and make enhancements to MSIS and MSHA's potential flagrant violations process.

## **FY 2014**

PEIR supported MSHA's efforts through the implementation of the corrective actions in the Upper Big Branch (UBB) Internal Review Report. As a result of these efforts, improvements were made to the following:

- Collecting and analyzing the rock dust sampling process into MSHA's enterprise system. This integration enhanced enforcement of MSHA's rock dust standard, allowing MSHA to more effectively enforce the statutory provision to maintain proper incombustible content of rock and coal dust to prevent propagation of an explosion. This upgrade also allowed a faster turnaround of rock dust sample results to inspectors, expanding MSHA's ability to identify unsafe mine conditions that unnecessarily put miners' lives at risk.

## **PROGRAM EVALUATION AND INFORMATION RESOURCES**

- Enhancing MSHA's IPAL system, which allows inspectors to employ their time more effectively by limiting the administrative time necessary for inputting information into the data entry forms. The forms are prefilled with available information such as mine identification number, mine name, operator name, etc. This information is now uploaded into MSHA's Enterprise system for standard oversight reports.
- Improving MSHA's Inspection Tracking System by eliminating the manual uploading and downloading of mine inspection documents and replacing them with real-time data synchronization with MSHA's enterprise system. Enhancing and modernizing MSHA's IPAL system to increase system efficiencies by providing more timely and accurate data.
- Reviewing of the potential flagrant violations process to automate the entire workflow for the review and evaluation of potentially flagrant violations and increase processing of violators identified from 50 percent to 80 percent. This is primarily a manual process for the mine inspectors to identify a possible flagrant violation (two or more related incidences).
- Converting the Coal Mine Safety and Health Respirable Dust Samples System from Common Business Oriented Language (COBOL) to a Windows /.net platform. The reengineered system utilizes sample processing rules employed as Oracle database procedures. This approach reduces the long-term cost of maintenance and supports faster deployment of system fixes and enhancements when needed. This design greatly simplifies making changes to processing rules and does not require a separate deployment. This also significantly reduces cost of maintenance.
- Reengineering and migrating MSHA's Part 50 legacy system (MAIES) with a web-based solution fully integrated into MSIS. Functions are related to collecting, tracking, and modifying of Accident, Injury, and Illness and Return-to-Work (Form 7000-1) and Quarterly Mine Employment and Coal Production (Form 7000-2) reports filed by mine operators and contractors under Part 50. The reengineering of Part 50 allow MSHA to vacate the IBM SunGard mainframe and more effectively utilize and prioritize enforcement activities improving regulatory, training, accident incidence rates, trend analysis, reporting, and enforcement interventions. Part 50 is MSHA's primary means of measuring performance in reducing accidents, injuries, and illnesses in the mining industry and is the most reliable database in the world providing transparency of MSHA's effectiveness.
- Working on MSIS Maintenance releases, for which MSHA adjusted development schedules for the FY 2014 Maintenance Release One (M1) and the Part 50 project after the government shutdown, and combining the releases to reduce the overhead needed to complete regression testing and deployment activities. MSIS M1 incorporated automation of docket number assignments received from the Federal Mine Safety and Health Review Commission and completed testing and deployment of the WebLogic upgrade. Additionally, enhancements were made to the MSIS application to include improvements to quarter and year-end close processing. These enhancements allowed

## **PROGRAM EVALUATION AND INFORMATION RESOURCES**

the Office of Injury and Employment Information (OIEI) to continue to meet and exceed their quarter/year-end close processing deadlines.

- Providing assistance to OCIO for the DOL IT infrastructure integration.
- Completing enhancements to MSHA's IT network and replacing the current tape back-up solution.

PEIR also began efforts to support the evaluation of *MSHA Inspectors' Use of Innovative Mobile Technologies Demonstration*.

**PROGRAM EVALUATION AND INFORMATION RESOURCES**

<b>DETAILED WORKLOAD AND PERFORMANCE</b>					
	<b>2014</b>		<b>2015</b>	<b>2016</b>	
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>	
<b>Program Evaluation and Information Resources</b>					
<b>Strategic Goal 2 - Improve workplace safety and health</b>					
<b>Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>					
MSHA-13	Major program evaluations conducted	--	--	3	TBD

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

## **PROGRAM EVALUATION AND INFORMATION RESOURCES**

In FY 2015, PEIR will conduct three major program evaluations. The FY 2016 target will be contingent on the number of audits conducted by the Office of the Inspector General in FY 2015. These evaluations may include a review of the special investigations process, the accountability program, information security, and others identified by the Office of the Assistant Secretary.

## PROGRAM EVALUATION AND INFORMATION RESOURCES

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Diff. 2016 / 2015</b>
11.1	Full-time permanent	6,603	5,474	5,554	80
11.3	Other than full-time permanent	0	5	5	0
11.5	Other personnel compensation	131	86	86	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>6,734</b>	<b>5,565</b>	<b>5,645</b>	<b>80</b>
12.1	Civilian personnel benefits	1,985	1,628	1,665	37
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	66	58	58	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	656	616	616	0
23.2	Rental payments to others	2	2	2	0
23.3	Communications, utilities, and miscellaneous charges	101	83	83	0
24.0	Printing and reproduction	8	8	8	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	24	84	85	1
25.3	Other goods and services from Federal sources 1/	729	4,432	4,550	118
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	7,038	3,968	5,509	1,541
26.0	Supplies and materials	45	45	45	0
31.0	Equipment	602	1,501	1,517	16
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>17,990</b>	<b>17,990</b>	<b>19,783</b>	<b>1,793</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	683	855	973	118
	DHS Services	30	30	30	0
	HHS Services	14	14	14	0
	Services by Other Government Departments	2	3,533	3,533	0

# PROGRAM EVALUATION AND INFORMATION RESOURCES

## CHANGES IN 2016

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$59
Personnel benefits	17
One day more of pay	27
Federal Employees' Compensation Act (FECA)	14
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	1
Working Capital Fund	118
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	41
Supplies and materials	0
Equipment	16
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$293**

**Net Program** **\$1,500**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$18,283</b>	<b>67</b>
<b>Program Increase</b>	<b>\$1,500</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>

## PROGRAM ADMINISTRATION

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	2014	2015	2016	Diff. 2016 / 2015
<b>Activity Appropriation</b>	<b>15,838</b>	<b>15,838</b>	<b>16,316</b>	<b>478</b>
FTE	84	86	86	0

NOTE: FY 2014 reflects actual FTE. Authorized FTE for FY 2014 was 91.

### **Introduction**

Program Administration (PA) provides administrative and management advice, products, and services to assist the Office of the Assistant Secretary in implementing the Mine Act, as amended by the MINER Act. The program’s director and staff members serve as the principal advisors to the Assistant Secretary on Federal laws, regulations, standards, policies, procedures and related matters concerning the planning, acquisition, utilization, evaluation, and management of MSHA’s human, financial, and property resources.

PA supports the Secretary’s vision of *Promoting and Protecting Opportunity* through the following:

- Strategic Goal 2: Improve workplace safety and health.
  - Strategic Objective 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
  - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the nation’s miners.
- Strategic Goal 3: Promote fair and high-quality work environments.
  - Strategic Objective 3.2: Protect workers’ rights.
  - Performance Goal MSHA 3.2: Protect miners from discrimination.
- DOL Priority Goal: Reduce worker fatality rates in mining by five percent per year based on a rolling five-year average.

PA plans and directs the full range of administrative management within MSHA, ensuring that, through effective utilization of resources, MSHA remains a viable and efficient organization responsive to the changing policy and program needs of MSHA and the mining industry. Support services include personnel management; financial management; procurement and contracting; employee training; and safety, health, and diversity programs for MSHA employees. PA supports and strengthens all of MSHA’s program activities by providing leadership, policy direction, and administrative support services, enabling the agency to meet or exceed annual safety and health performance goals and objectives.

# PROGRAM ADMINISTRATION

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2011	\$17,356	94
2012	\$19,067	92
2013	\$18,071	93
2014	\$15,838	91
2015	\$15,838	86

### FY 2016

In FY 2016, MSHA requests \$16,316,000 and 86 FTE for the PA activity. PA will continue to implement its comprehensive human capital plan with the aim of significantly reducing mission-critical skill gaps. PA will support DOL's Priority Goal, as well as the Departmental strategic goals and objectives, while promoting a safe and healthful work environment for the MSHA employees. PA will support MSHA's program activities to improve safety and health conditions in the mining workplace.

### FY 2015

PA will continue to implement its comprehensive human capital plan and improve the timeliness of enforcement hiring practices.

PA will continue to provide safety and health services for MSHA employees to include emergency medical equipment and training for field employees; periodic, pre-placement mine rescue physical and fitness for duty exams for mine inspectors; and on-site health and fitness services for headquarters personnel.

Safety and health services will remain a top priority for MSHA employee well-being. PA will also continue to research and initiate projects that improve efficiency and effectiveness of support in the areas of financial management, facility and management services, acquisition, and human capital management.

PA's Management Services Division (MSD) will complete the Arlington headquarters move, expected to occur in May, 2015. MSD will also complete the following renovation projects in FY 2015: Pineville, WV; Green River, WV; Mesa, AZ; Dallas TX; Barbourville, KY; Martin KY; Morganfield KY; Lexington KY; Sanford, NC; Bryan, TX; Logan, WV; and Norman, OK.

In FY 2015, PA will support MSHA's program activities to improve safety and health conditions in the mining workplace.

### FY 2014

## **PROGRAM ADMINISTRATION**

PA supported MSHA's FY 2014 Operating Plan, Departmental Strategic Goals and Outcome Goals.

PA implemented its comprehensive human capital plan with the aim of significantly reducing mission-critical skill gaps. The Human Resources Division (HRD) led MSHA through a transition to a new human resources service provider and time-keeping system. These initiatives improved accuracy and processing times for personnel and payroll actions, as well as supported strategic objectives supporting interagency partnerships and efficiencies. HRD also hired over 150 new employees using an aggressive hiring program and working with OASAM and the OASAM Regions.

MSD led the transition from paper to electronic record keeping and digitization of official records in accordance with Executive Order 13589 and the Paperwork Reduction Act of 1995 (44 U.S. C. 3501-3520). This system streamlined and consolidated manual processes, allowing immediate nationwide access to mine safety records, ensured authorized user access, reduced storage costs and eliminated duplicative processes resulting in long-term savings.

In FY 2014, MSHA procured and renovated new office space for many existing regional sites, including: Franklin, TN; Birmingham, AL; Vincennes, IN; Carlsbad, NM; Indianapolis, IN; Lansing, MI; and Fort Dodge, IA. MSD also began preparations for the Arlington headquarters move, including the acquisition, design, and build-out of the new space; procurement of furniture; planning for information technology infrastructure and voiceover internet protocol; and planning for records storage.

In order to streamline and modernize acquisition processes, DOL implemented a new enterprise Acquisition Management System that replaced the current E-Procurement System. This upgrade provided MSHA with an efficient, secure, and transparent means of acquiring goods and services to effectively support the entire acquisition life cycle, from initial planning and requisitioning through award and closeout.

PA also exceeded all of DOL's socioeconomic acquisition goals and improved overall effectiveness by providing comprehensive training to employees and customers. The Acquisition Division also increased its sign award capacity by obtaining additional warrants to increase flexibility for managing MSHA's procurement workload.

## PROGRAM ADMINISTRATION

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Diff. 2016 / 2015</b>
11.1	Full-time permanent	8,916	8,537	8,653	116
11.3	Other than full-time permanent	116	259	259	0
11.5	Other personnel compensation	175	124	124	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>9,207</b>	<b>8,920</b>	<b>9,036</b>	<b>116</b>
12.1	Civilian personnel benefits	2,391	2,038	2,080	42
13.0	Benefits for former personnel	0	25	25	0
21.0	Travel and transportation of persons	153	155	155	0
22.0	Transportation of things	19	19	19	0
23.1	Rental payments to GSA	842	790	790	0
23.2	Rental payments to others	3	3	3	0
23.3	Communications, utilities, and miscellaneous charges	319	152	152	0
24.0	Printing and reproduction	15	11	11	0
25.1	Advisory and assistance services	47	13	13	0
25.2	Other services from non-Federal sources	338	301	308	7
25.3	Other goods and services from Federal sources 1/	1,840	1,806	2,086	280
25.4	Operation and maintenance of facilities	2	2	2	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	295	103	105	2
26.0	Supplies and materials	250	196	200	4
31.0	Equipment	92	1,304	1,331	27
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	25	0	0	0
	<b>Total</b>	<b>15,838</b>	<b>15,838</b>	<b>16,316</b>	<b>478</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,602	1,150	1,430	280
	DHS Services	33	33	33	0
	HHS Services	55	56	56	0
	Services by Other Government Departments	150	567	567	0

# PROGRAM ADMINISTRATION

## CHANGES IN 2016

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$82
Personnel benefits	24
One day more of pay	42
Federal Employees' Compensation Act (FECA)	10
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	7
Working Capital Fund	280
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	2
Supplies and materials	4
Equipment	27
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$478**

**Net Program** **\$0**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$16,316</b>	<b>86</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>