

**FY 2012**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**MINE SAFETY AND HEALTH ADMINISTRATION**



# 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, \$384,277,000 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, in addition, 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, notwithstanding 31 U.S.C. 3302; in addition, the Mine Safety and Health Administration may retain up to \$1,500,000 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; and, in addition, the Secretary of Labor may transfer from amounts provided under this heading up to \$15,000,000 to "Departmental Management" for activities related to the Office of the Solicitor's caseload before the Mine Safety and Health Review Commission; the Secretary of Labor 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; 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; 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; and 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.*

Note -- A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 111-242, as amended). The amounts included for 2011 reflect the annualized level provided by the continuing resolution.

# MINE SAFETY AND HEALTH ADMINISTRATION

## ANALYSIS OF APPROPRIATION LANGUAGE

*“...in addition, the Mine Safety and Health Administration may retain up to \$1,500,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines...”*

This change represents an increase in the retention of fees to match increased MSHA costs associated with the testing of equipment. In FY 2010, MSHA collected \$1,300,000 in fees but the statutory limit only allowed \$1 million to be retained to offset costs.

*“...and, in addition, the Secretary of Labor may transfer from amounts provided under this heading up to \$15,000,000 to “Departmental Management” for activities related to the Office of the Solicitor’s caseload before the Mine Safety and Health Review Commission...”*

This language authorizes MSHA to transfer funding to the Office of the Solicitor for activities related to the caseload before the Federal Mine Safety and Health Review Commission (Commission). This approach is modeled after a provision in the Supplemental Appropriations Act, 2010 (P.L. 111-212), and provides the Department the ability to adjust the allocation of resources based on factors such as the case mix at the Commission or reform of the case processing process.

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

This authority has been included in the 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, the Mine Safety and Health Administration (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

## MINE SAFETY AND HEALTH ADMINISTRATION

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 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 and to improve health and safety among officials and employees in all phases of mining.

# MINE SAFETY AND HEALTH ADMINISTRATION

<b>AMOUNTS AVAILABLE FOR OBLIGATION</b>						
(Dollars in Thousands)						
	FY 2010 Enacted		FY 2011 Full Year C.R.		FY 2012 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
<b>A. Appropriation</b>	<b>2,425</b>	<b>\$357,293</b>	<b>2,385</b>	<b>\$357,293</b>	<b>2,428</b>	<b>\$384,277</b>
Offsetting Collections From: Reimbursements	0	\$1,825	0	\$1,825	0	\$2,325
Nonexpenditure Transfer from DM for FMSHRC Backlog Reduction	15	\$7,259	0	\$0	0	\$0
Unobligated Balance Carried Forward for FMSHRC Backlog Reduction	0	\$0	15	\$5,534	0	\$0
<b>B. Gross Budget Authority</b>	<b>2,440</b>	<b>\$366,377</b>	<b>2,400</b>	<b>\$364,652</b>	<b>2,428</b>	<b>\$386,602</b>
Offsetting Collections to: Reimbursements	0	-\$1,825	0	-\$1,825	0	-\$2,325
Nonexpenditure Transfer from DM for FMSHRC Backlog Reduction	-15	-\$7,259	0	\$0	0	\$0
Unobligated Balance Carried Forward for FMSHRC Backlog Reduction	0	\$0	-15	-\$5,534	0	\$0
<b>C. Budget Authority Before Committee</b>	<b>2,425</b>	<b>\$357,293</b>	<b>2,385</b>	<b>\$357,293</b>	<b>2,428</b>	<b>\$384,277</b>
Offsetting Collections From: Reimbursements	0	\$1,316	0	\$1,825	0	\$2,325
Nonexpenditure Transfer from DM for FMSHRC Backlog Reduction	15	\$7,259	0	\$0	0	\$0
Unobligated Balance Carried Forward for FMSHRC Backlog Reduction	0	\$0	15	\$5,534	0	\$0
<b>D. Total Budgetary Resources</b>	<b>2,440</b>	<b>\$365,868</b>	<b>2,400</b>	<b>\$364,652</b>	<b>2,428</b>	<b>\$386,602</b>
Unobligated Balance Unexpiring	-15	-\$5,534	0	\$0	0	\$0
Unobligated Balance Expiring	-63	-\$1,057	0	\$0	0	\$0
<b>E. Total, Estimated Obligations</b>	<b>2,362</b>	<b>\$359,277</b>	<b>2,400</b>	<b>\$364,652</b>	<b>2,428</b>	<b>\$386,602</b>

# MINE SAFETY AND HEALTH ADMINISTRATION

## SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2011 Full Year C.R.	FY 2012 Request	Net Change
<b>Budget Authority</b>			
General Funds	\$357,293	\$384,277	+\$26,984
Trust Funds	\$0	\$0	\$0
<b>Total</b>	<b>\$357,293</b>	<b>\$384,277</b>	<b>+\$26,984</b>
 <b>Full Time Equivalents</b>			
General Funds	2,385	2,428	43
Trust Funds	0	0	0
<b>Total</b>	<b>2,385</b>	<b>2,428</b>	<b>43</b>

Explanation of Change	FY 2011 Base		Trust Funds		FY 2012 Change 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	2,385	\$192,281	0	\$0	0	\$0	0	\$0
Personnel benefits	0	\$56,598	0	\$0	0	\$0	0	\$0
One day less of Pay	0	\$0	0	\$0	0	\$0	0	\$0
Federal Employees Compensation Act (FECA)	0	\$8,516	0	\$0	0	\$0	0	\$0
Benefits for former personnel	0	\$75	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$13,419	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$6,615	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$15,952	0	\$0	0	\$1,498	0	\$1,498
All Other Rental	0	\$180	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$4,720	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$633	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$1,538	0	\$0	0	\$0	0	\$0
Other services	0	\$7,092	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$18,217	0	\$0	0	\$0	0	\$0
Other government accounts (DHS Charges)	0	\$542	0	\$0	0	\$0	0	\$0
Other purchases of goods and services from Government accounts	0	\$2,982	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$15	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$192	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$8,506	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$5,137	0	\$0	0	\$0	0	\$0
Equipment	0	\$5,082	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$8,941	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$60	0	\$0	0	\$0	0	\$0

# MINE SAFETY AND HEALTH ADMINISTRATION

Explanation of Change	FY 2011 Base		Trust Funds		FY 2012 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Built-Ins Subtotal</b>	<b>2,385</b>	<b>+\$357,293</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$1,498</b>	<b>0</b>	<b>+\$1,498</b>
<b>B. Programs:</b>								
Reduce Backlog at the Federal Mine Safety and Health Review Commission Metal and Nonmetal Enforcement and Support Functions	1,961	\$279,790	0	\$0	15	\$18,293	15	\$18,293
Regulatory Staff and Contractors	612	\$85,463	0	\$0	21	\$2,300	21	\$2,300
Continuous Personal Dust Monitors (CPDM)	84	\$20,345	0	\$0	10	\$2,112	10	\$2,112
Samples Reengineering	1,197	\$158,742	0	\$0	0	\$2,100	0	\$2,100
Mount Hope Lab Expansion and Modernization	67	\$16,862	0	\$0	0	\$2,000	0	\$2,000
Mine Emergency Operations	267	\$47,505	0	\$0	10	\$2,000	10	\$2,000
Part 50 Conversion	267	\$47,505	0	\$0	0	\$1,000	0	\$1,000
Health Specialists	67	\$16,862	0	\$0	0	\$1,000	0	\$1,000
District 4 Split Rent Increase	679	\$102,325	0	\$0	6	\$950	6	\$950
Technical Compliance and Investigations Personnel	205	\$27,321	0	\$0	0	\$634	0	\$634
Maintenance Costs for Mine Emergency Operations Upgrades - Improvements	75	\$18,086	0	\$0	2	\$355	2	\$355
<b>Programs Subtotal</b>			<b>0</b>	<b>\$0</b>	<b>64</b>	<b>+\$33,044</b>	<b>64</b>	<b>+\$33,044</b>
<b>Total Increase</b>	<b>2,385</b>	<b>+\$357,293</b>	<b>0</b>	<b>\$0</b>	<b>64</b>	<b>+\$34,542</b>	<b>64</b>	<b>+\$34,542</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>								
Elimination of UMWA Earmark (FY 2009 and 2010)	85	\$18,723	0	\$0	0	-\$3,258	0	-\$3,258
Elimination of Small Mines Office	158	\$38,638	0	\$0	-21	-\$2,300	-21	-\$2,300
Reduction of One-time Funding for Spot Inspections	1,197	\$158,742	0	\$0	0	-\$2,000	0	-\$2,000
<b>Programs Subtotal</b>			<b>0</b>	<b>\$0</b>	<b>-21</b>	<b>-\$7,558</b>	<b>-21</b>	<b>-\$7,558</b>
<b>Total Decrease</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>-21</b>	<b>-\$7,558</b>	<b>-21</b>	<b>-\$7,558</b>
<b>Total Change</b>	<b>2,385</b>	<b>+\$357,293</b>	<b>0</b>	<b>\$0</b>	<b>43</b>	<b>+\$26,984</b>	<b>43</b>	<b>+\$26,984</b>

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b> (Dollars in Thousands)						
	<b>FY 2010 Enacted</b>		<b>FY 2011 Full Year C.R.</b>		<b>FY 2012 Request</b>	
	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
<b>Coal Mine Safety and Health</b>	<b>1,196</b>	<b>158,662</b>	<b>1,197</b>	<b>158,662</b>	<b>1,203</b>	<b>161,303</b>
General Funds	1,196	158,662	1,197	158,662	1,203	161,303
<b>Metal and Nonmetal Mine Safety and Health</b>	<b>590</b>	<b>85,422</b>	<b>612</b>	<b>85,422</b>	<b>648</b>	<b>89,990</b>
General Funds	590	85,422	612	85,422	648	89,990
<b>Office of Standards, Regulations, and Variances</b>	<b>20</b>	<b>3,481</b>	<b>17</b>	<b>3,481</b>	<b>27</b>	<b>5,550</b>
General Funds	20	3,481	17	3,481	27	5,550
<b>Office of Assessments</b>	<b>45</b>	<b>6,233</b>	<b>49</b>	<b>6,233</b>	<b>51</b>	<b>6,574</b>
General Funds	45	6,233	49	6,233	51	6,574
<b>Educational Policy and Development</b>	<b>144</b>	<b>38,605</b>	<b>158</b>	<b>38,605</b>	<b>137</b>	<b>36,338</b>
General Funds	144	38,605	158	38,605	137	36,338
<b>Technical Support</b>	<b>204</b>	<b>30,642</b>	<b>200</b>	<b>30,642</b>	<b>210</b>	<b>33,403</b>
General Funds	204	30,642	200	30,642	210	33,403
<b>Program Evaluation and Information Resources</b>	<b>60</b>	<b>16,857</b>	<b>67</b>	<b>16,857</b>	<b>67</b>	<b>20,654</b>
General Funds	60	16,857	67	16,857	67	20,654
<b>Program Administration</b>	<b>103</b>	<b>17,391</b>	<b>85</b>	<b>17,391</b>	<b>85</b>	<b>30,465</b>
General Funds	103	17,391	85	17,391	85	30,465
<b>Total</b>	<b>2,362</b>	<b>357,293</b>	<b>2,385</b>	<b>357,293</b>	<b>2,428</b>	<b>384,277</b>
<b>General Funds</b>	<b>2,362</b>	<b>357,293</b>	<b>2,385</b>	<b>357,293</b>	<b>2,428</b>	<b>384,277</b>

NOTE: FY 2010 reflects actual FTE.

FY 2010 Enacted does not include \$7,259,250 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 has been transferred from the Departmental Management account via a non-expenditure transfer. FY 2011 C.R. level also does not include 15 FTE supported through supplemental funds.

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>BUDGET AUTHORITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Change FY 12 Req./ FY 10 Enacted</b>
	Full-Time Equivalent				
	Full-time Permanent	2,409	2,369	2,412	3
	Other	16	16	16	0
	<b>Total</b>	<b>2,425</b>	<b>2,385</b>	<b>2,428</b>	<b>3</b>
	Reimbursable	0	0	0	0
	Total Number of Full-Time Permanent Positions	2,425	2,385	2,428	3
	Average ES Salary	\$168,286	\$168,997	\$168,997	\$168,997
	Average GM/GS Grade	11/3	11/2	11/2	0/2
	Average GM/GS Salary	\$77,217	\$77,072	\$77,072	\$77,072
	Average Salary of Ungraded Positions	51,611	51,611	51,611	51,611
11.1	Full-time permanent	182,183	182,117	185,357	3,174
11.3	Other than full-time permanent	979	449	369	-610
11.5	Other personnel compensation	9,005	9,715	10,172	1,167
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>192,167</b>	<b>192,281</b>	<b>195,898</b>	<b>3,731</b>
12.1	Civilian personnel benefits	62,216	65,114	66,131	3,915
13.0	Benefits for former personnel	75	75	75	0
	Travel and transportation of persons	13,469	13,419	12,875	-594
22.0	Transportation of things	6,295	6,615	6,655	360
23.1	Rental payments to GSA	14,069	15,952	18,423	4,354
23.2	Rental payments to others	80	180	180	100
23.3	Communications, utilities, and miscellaneous charges	3,902	4,720	4,650	748
24.0	Printing and reproduction	653	633	636	-17
25.1	Advisory and assistance services	1,142	1,538	2,046	904
25.2	Other services	9,706	7,092	4,882	-4,824
	Other purchases of goods and services from Government Accounts	21,525	21,741	36,953	15,428
25.4	Operation and maintenance of facilities	932	192	192	-740
25.5	Research and development contracts	0	15	15	15
25.7	Operation and maintenance of equipment	9,041	8,506	11,839	2,798
26.0	Supplies and materials	4,697	5,137	4,722	25
31.0	Equipment	8,323	5,082	9,104	781
41.0	Grants, subsidies, and contributions	8,941	8,941	8,941	0
42.0	Insurance claims and indemnities	60	60	60	0
	<b>Total</b>	<b>357,293</b>	<b>357,293</b>	<b>384,277</b>	<b>26,984</b>

## MINE SAFETY AND HEALTH ADMINISTRATION

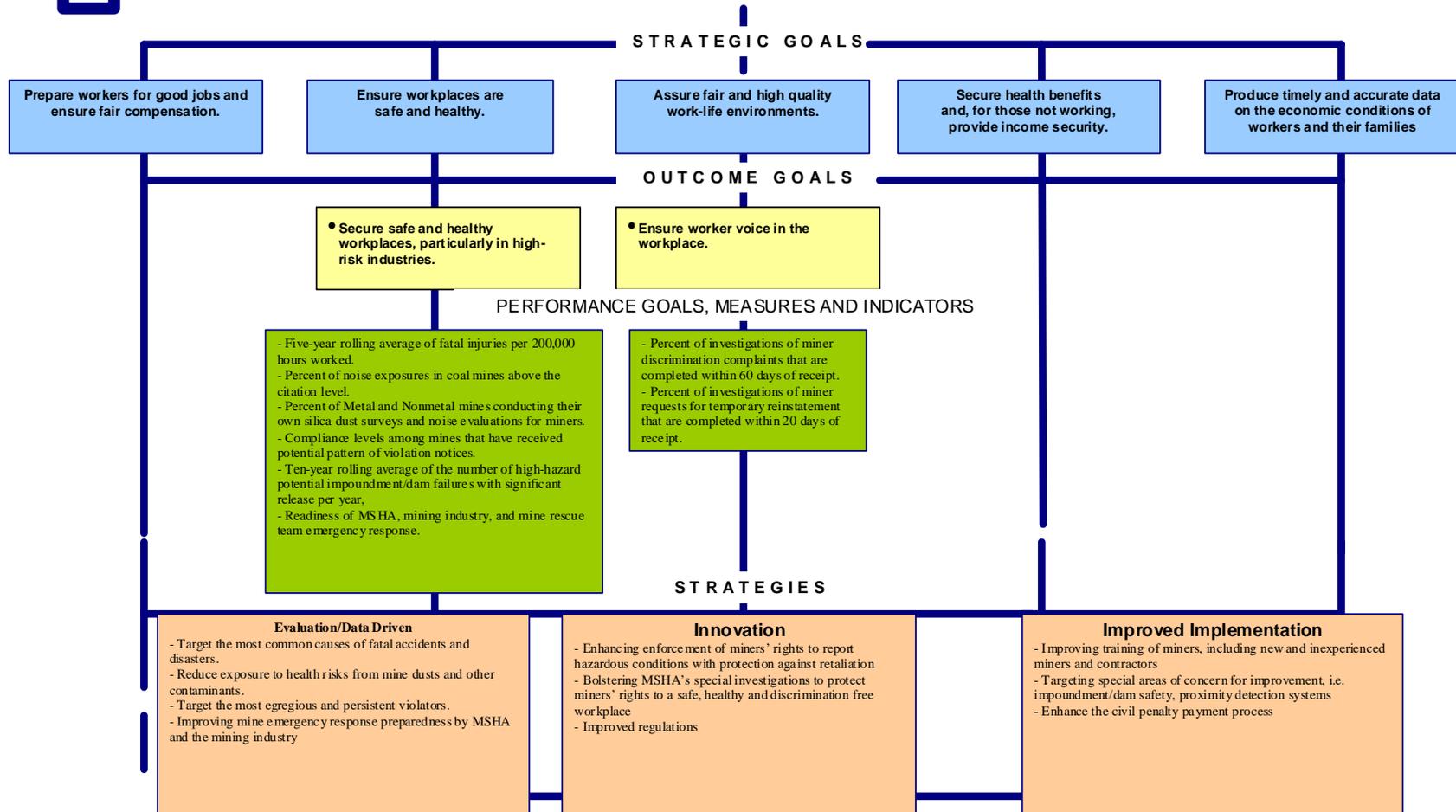
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	18,217	18,217	18,137	-80
	DHS Services	542	542	542	0
	HHS Services	1,915	2,156	2,156	241
	Services by Other Government Departments	0	0	15,292	15,292

NOTE: FY 2010 Enacted does not include \$7,259,250 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 has been transferred from the Departmental Management account via a non-expenditure transfer. FY 2011 C.R. level also does not include 15 FTE supported through supplemental funds.

# MINE SAFETY AND HEALTH ADMINISTRATION



## Secretary's Vision: "Good Jobs for Everyone"



## MINE SAFETY AND HEALTH ADMINISTRATION

<b>TOTAL BUDGETARY RESOURCES</b>												
FY 2010 - 2012												
(Dollars in Thousands)												
	<b>FY 2010 Enacted</b>				<b>FY 2011 Full Year C.R.</b>				<b>FY 2012 Request</b>			
	Activity Approp.	Other Approp. <sup>1</sup>	Other Resrcs. <sup>2</sup>	Total	Activity Approp.	Other Approp. <sup>1</sup>	Other Resrcs. <sup>2</sup>	Total	Activity Approp.	Other Approp. <sup>1</sup>	Other Resrcs. <sup>2</sup>	Total
<b>Mine Safety and Health Administration</b>	<b>357,293</b>	<b>0</b>	<b>1,825</b>	<b>359,118</b>	<b>357,293</b>	<b>0</b>	<b>1,825</b>	<b>359,118</b>	<b>384,277</b>	<b>0</b>	<b>2,325</b>	<b>386,602</b>
Coal Mine Safety and Health	158,662	14,863	0	173,525	158,662	14,863	0	173,525	161,303	22,498	0	183,801
Metal and Nonmetal Mine Safety and Health	85,422	6,844	0	92,266	85,422	6,844	0	92,266	89,990	10,876	0	100,866
Office of Standards, Regulations, and Variances	3,481	292	0	3,773	3,481	292	0	3,773	5,550	449	0	5,999
Office of Assessments	6,233	1,404	0	7,637	6,233	1,404	0	7,637	6,574	1,917	0	8,491
Educational Policy and Development	38,605	2,896	750	42,251	38,605	2,896	750	42,251	36,338	4,708	750	41,796
Technical Support	30,642	7,949	1,075	39,666	30,642	7,949	1,075	39,666	33,403	10,671	1,575	45,649
Program Evaluation and Information Resources	16,857	- 16,857	0	0	16,857	- 16,857	0	0	20,654	- 20,654	0	0
Program Administration	17,391	- 17,391	0	0	17,391	- 17,391	0	0	30,465	- 30,465	0	0
<b>Total</b>	<b>357,293</b>	<b>0</b>	<b>1,825</b>	<b>359,118</b>	<b>357,293</b>	<b>0</b>	<b>1,825</b>	<b>359,118</b>	<b>384,277</b>	<b>0</b>	<b>2,325</b>	<b>386,602</b>

<sup>1</sup> "Other Appropriation" is comprised of resources appropriated elsewhere, but for which the benefits accrue toward the operation of the budget activities. (Executive Direction and IT Crosscut)

<sup>2</sup> "Other Resources" include funds that are available for a budget activity, but not appropriated, such as reimbursements and fees.

NOTE: FY 2010 Enacted does not include \$7,259,250 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 has been transferred from the Departmental Management account via a nonexpenditure transfer.

# MINE SAFETY AND HEALTH ADMINISTRATION

## PERFORMANCE STRUCTURE

<b>Strategic and Outcome Goals Supporting Secretary Solis' Vision of <i>Good Jobs for Everyone</i></b>	<b>Supporting Budget Activities</b>
<b>Strategic Goal 1 – Prepare Workers for Good Jobs and Ensure Fair Compensation</b>	
1.1 Increase workers' incomes and narrowing wage and income inequality.	
1.2 Assure skills and knowledge that prepare workers to succeed in a knowledge-based economy, including in high-growth and emerging industry sectors like "green" jobs.	
1.3 Help workers who are in low-wage jobs or out of the labor market find a path into middle class jobs.	
1.4 Help middle-class families remain in the middle class.	
1.5 Secure wages and overtime.	
1.6 Foster acceptable work conditions and respect for workers' rights in the global economy to provide workers with a fair share of productivity and protect vulnerable people.	
<b>Strategic Goal 2 – Ensure Workplaces Are Safe and Healthy</b>	
2.1 Secure safe and healthy workplaces, particularly in high-risk industries.	Coal Mine Safety and Health Metal and Nonmetal Safety and Health Office of Assessments Office of Standards, Regulations, and Variances Educational Policy and Development Technical Support Program Evaluation and Information Resources Program Administration
<b>Strategic Goal 3 – Assure Fair and High Quality Work-Life Environments</b>	
3.1 Break down barriers to fair and diverse work places so that every worker's contribution is respected.	
3.2 Provide workplace flexibility for family and personal care-giving.	
3.3 Ensure worker voice in the workplace.	Coal Mine Safety and Health Metal and Nonmetal Safety and Health Office of Assessments Educational Policy and Development
<b>Strategic Goal 4 – Secure Health Benefits and, for Those Not Working, Provide Income Security</b>	
4.1 Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.	
4.2 Ensure income support when work is impossible or unavailable.	
4.3 Improve health benefits and retirement security for all workers.	
<b>Strategic Goal 5 – Assure the Production of Timely and Accurate Data on Social and Economic Conditions of Workers and their Families</b>	
5.1 Provide sound and impartial information on labor market activity, working conditions, and price changes in the economy for decision making, including support for the formulation of economic and social policy affecting virtually all Americans.	

# 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>
2001...1/	\$242,247	\$233,000	\$244,747	\$246,306	2,357
2002...2/	246,306	251,725	256,093	253,143	2,310
2003...3/	254,323	254,323	261,841	263,020	2,299
2004...4/	266,767	266,767	270,711	268,858	2,269
2005...5/	275,567	275,567	280,002	279,135	2,187
2006...6/	280,490	280,490	280,490	303,285	2,314
2007	287,836	278,869	302,436	301,569	2,314
2008...7/	313,478	313,478	340,028	331,847	2,306
2009...8/	332,061	0	346,895	347,003	2,361
2010...9/	353,693	353,193	357,443	357,293	2,425
2011...10/	360,780	0	0	0	2,430
2012	384,277	0	0	0	2,428

1/ Reflects a \$441 reduction pursuant to P.L. 106-554.

2/ Reflects a reduction of \$669 pursuant to P.L. 107-116, and a \$956 reduction pursuant to P.L. 107-206.

3/ Reflects a \$1,786 reduction pursuant to P.L. 108-7 and \$9,935 for Mine Mapping budget activity.

4/ Reflects a \$1,968 reduction pursuant to P.L. 108-199.

5/ Reflects a \$2,400 reduction pursuant to P.L. 108-447.

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

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

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

9/ 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 has been transferred from the Departmental Management account via a nonexpenditure transfer.

10/ A full-year appropriation for this account was not enacted at the time the budget was prepared.

# MINE SAFETY AND HEALTH ADMINISTRATION

## OVERVIEW

### Introduction

The Mine Safety and Health Administration (MSHA) is a worker protection agency focused on prevention of death, disease, and injury from mining and promotion of safe and healthful workplaces for the nation's miners. MSHA is committed to preventing workplace injuries and fatalities and honors the lost lives of miners by doing its job with the utmost integrity and thoroughness. MSHA protects the safety and health of the nation's miners under the 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 directly supports the Secretary's vision *Good Jobs for Everyone* through the following goals:

- Strategic Goal 2: Ensure workplaces are safe and healthy.
  - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments.
  - Outcome Goal 3.3: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce all fatalities in mining by 5 percent per year based on a rolling five-year average.

MSHA contributes directly to the attainment of safe and healthy workplaces by its efforts to reduce mining fatalities and serious injuries and illnesses, which are reflected in its performance indicators below. MSHA's fatality rate reflects the number of fatalities per 200,000 hours worked over a five-year period in the mining industry. MSHA will use the following performance indicators to gauge its success in promoting safer and more healthful mining workplaces in FY 2012:

- Five-year rolling average of fatal injuries per 200,000 hours worked.
- Percent of noise exposures in coal mines above the citation level.
- Percentage of Metal and Nonmetal mines conducting their own silica dust surveys and noise evaluations for miners.
- Part 50 Injury Data Quality.
- Mine injuries per 200,000 hours worked.
- Compliance levels among mines that have received potential pattern of violation (POV) notices.
- Ten-year rolling average of the number of high-hazard potential impoundment/dam failures with significant release per year.
- Readiness of MSHA, the mining industry, and mine rescue team emergency response.
- Percent of investigations of miner discrimination complaints that are completed within 60 days of receipt.
- Percent of investigations of miner requests for temporary reinstatement that are completed within 20 days of receipt.

## MINE SAFETY AND HEALTH ADMINISTRATION

MSHA's comprehensive approach to reducing workplace fatalities and injuries includes: (1) promulgating and enforcing health and safety laws and standards through complete, annual inspections of each mine; (2) targeting the most common causes of fatal mine accidents and disasters through initiatives such as *Rules to Live By* and *Rules to Live By II*; (3) reducing exposure to health risks from mine dusts and other contaminants; (4) improving training of miners, including new and inexperienced miners and contractors; (5) targeting the most egregious and persistent violators for MSHA's most aggressive enforcement measures, such as impact inspections, POV and injunctive actions; (6) improving mine emergency response preparedness by MSHA and the mining industry; (7) enhancing enforcement of miners' rights to report hazardous conditions with protection against retaliation, and (8) fostering and enforcing a focus on prevention.

- *Rules to Live By* is an initiative to strengthen the prevention of fatalities in mining. Through an initial phase of industry outreach and education followed by enhanced enforcement, the focus is on 24 frequently cited standards (11 in coal mining and 13 in metal/nonmetal mining) that cause or contribute to fatal accidents in the mining industry in nine accident categories. MSHA is educating mining companies about the need to eliminate these risk factors and is increasing enforcement specifically in relationship to the identified causes. Special attention, including the largest fines, will go to serious violations of the 24 top identified causes of fatalities.
- *Rules to Live By II: Preventing Catastrophic Accidents* was developed from data gathered by reviewing accidents that resulted in five or more fatalities, as well as from incidents caused by fires or explosions that had the potential to result in more fatalities. The goal of *Rules to Live By II* is to prevent major accidents – from fires to explosions – that could be disasters by having mine operators identify and correct all hazardous conditions.
- *A culture of safety* - MSHA will encourage the development of or reinforce 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.
- *Healthy workplaces* - MSHA will promote the attainment of healthy workplaces through its efforts to control and reduce exposure to respirable coal mine dust, silica, and noise and other health hazards. MSHA will address respirable coal dust through its comprehensive black lung strategy which involves rulemaking, education and training, health outreach, and enhanced enforcement. MSHA will increase the health risk enforcement of the metal and nonmetal mining sector to reinforce a focus on prevention by mine operators.

A good job is safe and secure and gives people a *voice in the workplace*. Miners must have a *voice in the workplace* and be free to exercise their right to identify hazardous conditions and to request Agency inspections without discrimination. Miners must feel free to exercise these rights without fear of reprisal. If miners do suffer discrimination, MSHA must take swift action

## MINE SAFETY AND HEALTH ADMINISTRATION

to vindicate their rights, including seeking temporary reinstatement of miners alleging discrimination while investigations are pending.

Empowering miners to report hazards is critical in reducing safety and health risks. MSHA will implement policy and procedures to ensure miners are aware of their rights to report hazards without fear of discrimination, and ensure these complaints, including those in Spanish, are investigated and resolved in a timely manner.

MSHA is pursuing strategies that align with the Department-wide strategic framework to reform its operations, which will guide efforts to more effectively carry out the Secretary's vision of *Good Jobs for Everyone*. For example, MSHA employs *evaluation/data driven* strategies by regulating to eliminate or reduce hazards with the broadest and most serious consequences; *innovation* strategies by fostering a culture that emphasizes continuous improvement in our regulatory and enforcement programs; and *improved implementation* strategies by preventing and eliminating disabling occupational lung disease in coal miners.

MSHA is implementing a SAVE proposal to discontinue mailing of Form 7000-2s, which includes quarterly employment data and coal production data for coal mines. These submissions are required under 30 CFR, Part 50, Subpart D, Section 50.30. MSHA proposes to discontinue mailing the forms, and instead, mail postcards as a reminder. MSHA will encourage operators and contractors to expand their use of online filing or to download the form from the MSHA web site and mail or fax their submission to MSHA. Currently about 30 percent of the Form 7000-2s are completed online.

In FY 2012, MSHA will support the following Department-wide budget themes:

- Enhancing worker safety
- Fostering compliance through worker education and worker voice
- Strengthening regulatory programs and improving transparency and public disclosure
- Accelerating IT modernization

### Cost Model

MSHA requests a total of \$384,277,000, an increase of \$26,984,000 over the FY 2010 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 budget requests an increase of \$2,100,000 to purchase Continuous Personal Dust Monitors that provide real-time respirable dust concentration exposure data to both MSHA and the coal miner. This budget activity will decrease by \$2,000,000 to eliminate one-time funding provided for additional dust sampling in FY 2010. Also for this budget activity, MSHA requests

## MINE SAFETY AND HEALTH ADMINISTRATION

\$634,000 for increased costs resulting from the split of District 4 into two districts to more effectively provide oversight and manage enforcement activities.

- To continue progress toward reducing the backlog of contested citations at the **Federal Mine Safety and Health Review Commission (Commission)**, MSHA requests \$3,293,000 and 15 FTE for the Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health activities, and an additional \$15,000,000 for the Program Administration activity, with the flexibility to transfer up to \$15,000,000 to the Office of the Solicitor (SOL) for related work. Below is background information related to this request.
  - o As of July, 2010, there existed a backlog of approximately 66,000 MSHA violations pending before the Commission that were contested on or after October 1, 2007 through February 28, 2010. This backlog is the result of the increased contest rate caused substantially by two factors, a 39% increase in the number of violations assessed civil penalties between FY 2008 and FY 2010 compared to FY 2005-2007, and increases in the dollar amount of MSHA's civil penalties implemented in April 2007 under the MINER Act of 2006.
  - o Pursuant to Chapter 7 of Public Law 111-212, the "Supplemental Appropriations Act, 2010," the Department of Labor received an appropriation of \$18,200,000 that is available for one year from the date of enactment (July 29, 2010) for the purpose of reducing the existing case backlog before the Commission, and other purposes related to mine safety. Of the \$18,200,000 provided to the Department of Labor, \$10,940,750 is being utilized by SOL to undertake additional litigation and related legal work to reduce the Commission case backlog. The remaining \$7,259,250 has been transferred to MSHA to be used in the Commission backlog reduction effort (\$4,451,000) and for the investigation of the Upper Big Branch Mine disaster (\$2,808,250). The additional amount of \$3,293,000 and 15 FTE will allow MSHA to continue efforts to reduce the Commission backlog.
  - o Since July, the caseload before the Commission has continued to climb. To ensure progress in addressing the caseload, an additional \$15,000,000 is requested. Appropriations language will permit MSHA will transfer funding from this request to SOL in support of reducing the backlog at the Commission. The resources are necessary to correspond to the increased level of judges in the Commission's request, which will require additional support by both MSHA and SOL. The transfer language will provide the Department with the flexibility necessary to respond to factors such as the case mix before the Commission and any changes in case processing procedures.
- For the **Metal and Nonmetal Mine Safety and Health** budget activity, MSHA is requesting an additional \$950,000 and six FTE to hire health specialists who will help ensure that operators provide adequate protection to miners from exposure to hazardous contaminants. MSHA also requests \$2,300,000 and 21 FTE for this budget activity to bolster enforcement and litigation staff.

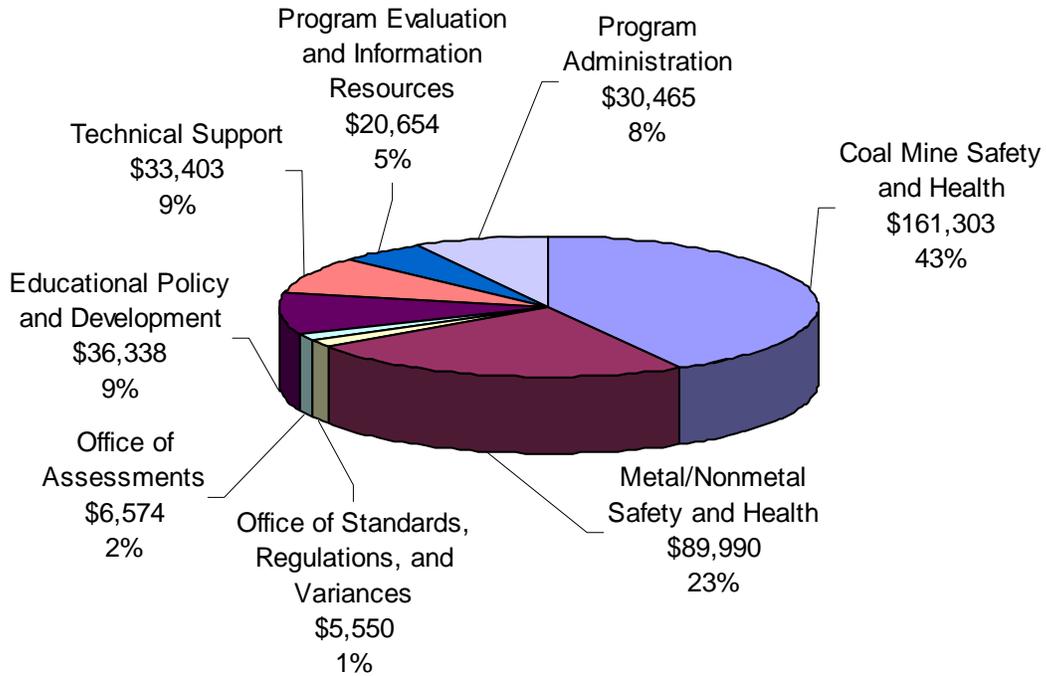
## MINE SAFETY AND HEALTH ADMINISTRATION

- For the **Office of Standards, Regulations, and Variances**, MSHA requests an increase of \$2,112,000 to provide contract support and 10 FTE for increased health rulemaking activities.
- For the **Office of Assessments**, MSHA requests an additional \$355,000 and two FTE for Technical Compliance and Investigations personnel to strengthen oversight through field audits and evaluations, and assure timely processing of civil, criminal, and discrimination cases.
- The **Educational Policy and Development** activity will close the Small Mines Office and integrate its personnel into the Metal and Nonmetal budget activity for a reduction of \$2,300,000 and 21 FTE.
- For the **Technical Support** activity, the budget includes a request of \$550,000 for mine emergency operations and equipment and \$300,000 to provide continued essential maintenance of the mine emergency equipment. MSHA also requests \$2,000,000 and 10 FTE for this budget activity to modernize the Mount Hope Laboratory.
- For the **Program Evaluation and Information Resources (PEIR)** budget activity, MSHA is requesting \$2,000,000 to provide for reengineering of the health samples database. MSHA is also requesting \$450,000 for to upgrade mine emergency operations capabilities. Also for this budget activity, MSHA is requesting \$1,000,000 to increase the functionality of the data system that collects and tracks information on mine accidents, injuries, and employment.
- The **Program Administration** activity request also includes a program reduction of \$3,258,000, which represents \$1,450,000 for the elimination of FY 2010 Earmark for the United Mine Workers of America (UMWA), along with a reduction of \$1,808,000 associated with a predecessor project that remained in the FY 2010 base.

The requested funds by program area are displayed in the following chart.

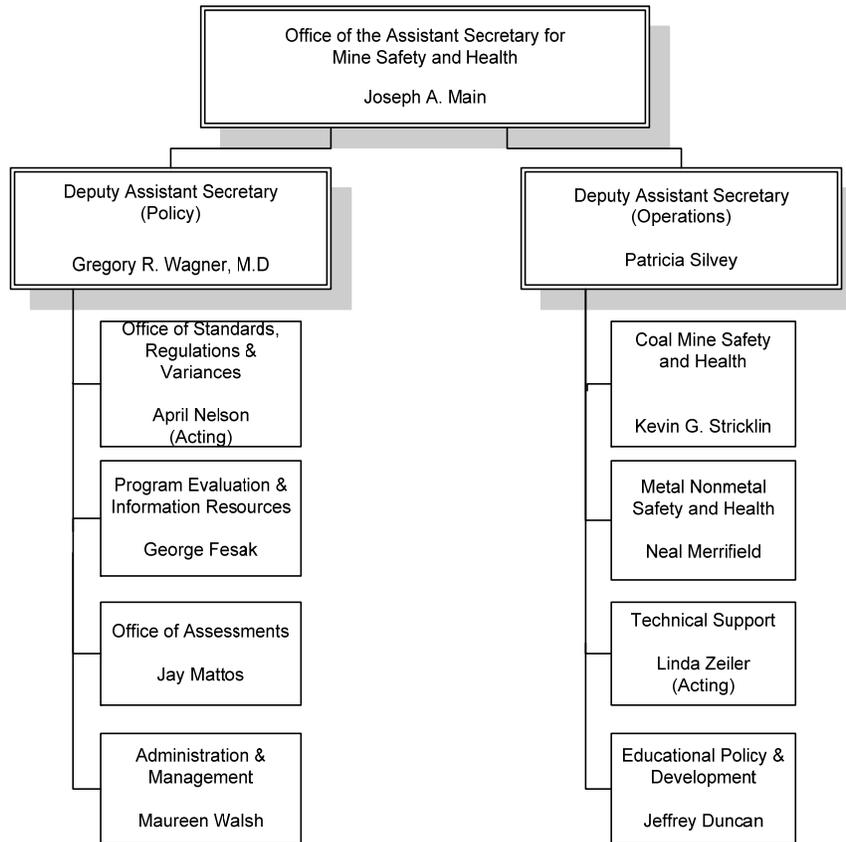
# MINE SAFETY AND HEALTH ADMINISTRATION

## FY 2012 President's Request by Budget Activity Total MSHA Budget Request \$384,277 (Dollars in Thousands)



# MINE SAFETY AND HEALTH ADMINISTRATION

## Organization Chart





## COAL MINE SAFETY AND HEALTH

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Diff. FY 12 Req. / FY 10 Enacted</b>
Budget Authority	158,662	158,662	161,303	2,641
FTE	1,196	1,197	1,203	7

NOTE: FY 2010 reflects actual FTE. Authorized FTE for FY 2010 was 1,217.

### **Introduction**

The Coal Mine Safety and Health (CMSH) budget activity finances administration of the Mine Act, the MINER Act, and the standards outlined in Title 30, Code of Federal Regulations, to protect the safety and health of the Nation’s miners in approximately 2,100 coal mines. The CMSH activity supports coal mine inspectors, technical specialists, and engineers with expertise in critical mine specialties, such as electrical, ventilation, roof control, and health. It carries out its mission across 11 district offices and 45 field offices where enforcement personnel conduct mandated inspections and investigations, including mandated inspections of underground coal mines four times per year and surface mines twice per year. CMSH complements mandated inspections with outreach initiatives, summits, workshops, and meetings to involve miners and industry organizations in the mining workplace to prevent, identify, and remedy violations.

CMSH supports the Secretary’s strategic vision *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
  - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
  - Outcome Goal 3.3: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes in mining by five percent per year based on a rolling five-year average.

In FY 2012, CMSH will support the budget theme of ‘*enhancing worker safety*’ through the following initiatives:

- Continuous Personal Dust Monitors
- District 4 Split
- Continue to reduce the backlog of cases at the Federal Mine Safety and Health Review Commission

CMSH will improve safety and health conditions in the mining workplace through the following key strategies:

- **Increase Inspection and Enforcement Effectiveness** - CMSH will focus on improving miners’ health and enhancing enforcement activity through the *Rules to Live By I* and *Rules to Live By II* initiatives. CMSH will aggressively support its comprehensive black lung campaign. CMSH will evaluate respirable dust controls and monitoring programs in the coal mines to determine if they are providing protection for all miners. CMSH will target mines for special health inspections based on several criteria, including difficulty

## COAL MINE SAFETY AND HEALTH

complying with dust standards and insufficient dust controls. CMSH will place emphasis on regular inspections of all high-hazard potential impoundments. MSHA will continue its impact inspections by targeting mines with specific conditions, problems, or compliance issues that merit increased agency attention and enforcement.

- **Increase Efforts to Protect Miners from Discrimination** – CMSH will expedite investigations of discrimination complaints and enhance miners’ knowledge regarding their rights and responsibilities under the Mine Act.

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2007	\$120,395	1,186
2008	\$150,123	1,186
2009	\$154,491	1,186
2010	\$158,662	1,217
2011	\$0	1,197

Note: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

### FY 2012

MSHA requests \$161,303,000 and 1,203 FTE for the CMSH budget activity to protect the Nation’s coal miners by ensuring safe and healthy workplaces in FY 2012. CMSH will continue to implement an integrated approach that encourages mine operators to prevent serious accidents, injuries and occupational illnesses in the coal mining industry. The primary goal of CMSH is to ensure that the Nation’s miners work in safe and healthy workplaces.

CMSH will conduct 100 percent of the mandated inspections and conduct investigations that are prompted by serious accidents, hazard complaints, discrimination complaints, and willful or knowing violations. CMSH will conduct these investigations in a timely manner and provide valuable information that MSHA, state agencies, industry, and labor organizations will use to develop strategies to prevent similar occurrences and to promote awareness of potential hazards.

Miners must have a *Voice in the Workplace* and be free to exercise their right to identify hazardous conditions and request Agency inspections without discrimination. Empowering miners to report hazards is critical in reducing safety and health risks. CMSH will implement policy and procedures to ensure miners are aware of their right to report hazards without fear of reprimand.

CMSH will continue MSHA’s *Rules to Live By* initiatives through industry outreach and enhanced enforcement that focuses on the 11 frequently cited standards that cause or contribute to fatal accidents in the coal mining industry in nine accident categories.

In FY 2012, CMSH will continue its Quality Impact Inspections initiative, which began in April 2010 after the Upper Big Branch mine disaster. The initiative targets violators of health and safety standards that are above the national average. These inspections will focus on areas such

## COAL MINE SAFETY AND HEALTH

as ventilation controls, bleeder entries, seals, rock-dusting, permissibility, examinations, methane monitors, belt conveyors, and accumulations of combustible material.

CMSH will continue its Dust Emphasis Program inspections and monitor operator sampling equipment in conjunction with regular inspections.

CMSH will strive not only to keep our Nation's miners safe, but also to ensure the safety of the surrounding communities by continuing education and outreach programs, including *Winter Alert, Stay Out – Stay Alive (SOSA)*, and *Preventive Roof/Rib Outreach Program (PROP)*. These activities focus on unsafe conditions to be avoided by miners and the general population.

CMSH specialists will focus increased inspection activity on high-hazard potential impoundments in order to reduce the risk to miners, the general public, and the environment as the result of an impoundment failure.

On April 5, 2010, disaster struck the Upper Big Branch Mine, representing the worst mining disaster in 40 years. MSHA is conducting an accident investigation and internal review. The Departmental Office of Inspector General has also initiated an audit. MSHA will implement any changes or recommendations that arise from these investigations.

The FY 2012 request includes funding for the following initiatives:

- **Continuous Personal Dust Monitors (CPDMs)** - \$2,100,000 to purchase CPDMs for CMSH inspectors. Coal dust is both unsafe and unhealthy, as it can cause deadly explosions and debilitating illness. While considerable progress has been made in reducing dust levels in coal mines, miners continue to develop coal workers' pneumoconiosis (CWP), also known as "black lung" disease, an incurable and potentially fatal occupational lung disease. CWP is entirely preventable through the use of effective dust control measures and new monitoring technology. These monitors provide real-time respirable dust concentration exposure data to both MSHA and the coal miner. MSHA will use this data to ensure the mine operator's dust controls are adequate, and the miner will be able to take action to reduce exposure to respirable dust. This initiative directly supports the budget theme 'enhancing worker safety,' and allows CMSH to continue its aggressive action to reduce miner's overexposure to respirable coal dust.
- **District 4 split** - \$634,000 to cover the increase in costs that will occur with the split of District 4 into two separate districts. The CMSH activity is comprised of 11 districts throughout the United States. Of the 11 districts, District 4 has the most employees and the most significant workload with the smallest ratio of supervisory staff to line employees. It has become too large to effectively manage. During FY 2011, MSHA will divide CMSH District 4 into two distinct districts with separate management and administrative functions:
  - The first district will consist of the Mt. Hope District and Field Office, and will include the Mt. Carbon, Summersville, and Madison Field Offices.

## COAL MINE SAFETY AND HEALTH

- The second district will consist of the Pineville District and Field Office, and will include the Logan and Welch Field Offices.
- **Continued funding for Federal Mine Safety and Health Review Commission (Commission) Backlog Project** - \$1,827,000 and six FTE to continue backlog reduction efforts conducted in conjunction with the Office of the Solicitor (SOL). These additional FTE will function as technical advisors and continue efforts begun under the FY 2010 supplemental. This initiative will support the budget theme '*enhancing worker safety*' by reducing the contested case backlog and encouraging compliance to promote a safe and healthy workplace for miners.

The request also reflects a program decrease of \$2,000,000 from the FY 2010 enacted level in the CMSH activity. This is a reduction of one-time funding provided for increased respirable coal dust spot inspections in FY 2010. The decrease is commensurate with a 10 percent decline in mechanized mining units during Calendar Year (CY) 2009.

CMSH will contribute funding to the Program Administration activity to support the Office of Accountability.

### **FY 2011**

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation has not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

In FY 2011 MSHA and SOL launched efforts to reduce the backlog of contested cases at the Commission, pursuant to the Supplemental Appropriations Act of 2010 which provided funding for this project for 12 months after the July 29, 2010 date of enactment. During the first quarter of FY 2011 CMSH hired six re-employed annuitants and reassigned one current employee to function as technical advisors to SOL for coal cases. MSHA hired/transferred these employees under temporary assignments to cover the supplemental funding period.

### **FY 2010**

For the third year in a row, CMSH completed 100 percent of its mandated inspections and issued a total of over 91,000 citations. It conducted a total of 19,143 inspection events and 44 compliance activities at coal mines. CMSH conducted inspections of all high-hazard potential impoundments. While enforcement was a central component of CMSH's effort to provide safe and healthy environments for our Nation's miners, CMSH also implemented initiatives to ensure miners a voice in their workplace, reduce dust exposures, and prevent fatalities.

During FY 2010, MSHA initiated "Rules to Live By," a fatality and disaster prevention program that targeted the most common causes of fatal accidents. MSHA analyzed accidents that

## COAL MINE SAFETY AND HEALTH

occurred between calendar years 2000 and 2008 to identify conditions and practices that contributed to the fatalities, safety standards violated, root causes, and abatement practices. CSMH developed strategies for outreach, education, and training to improve compliance, and designed ways to intervene to prevent injuries and fatalities and evaluate the outcomes. MSHA rolled out the initiative in two phases:

- *Rules to Live By I: Fatality Prevention* - focused on standards that were frequently cited in fatal accident investigations. In February 2010, MSHA launched the Rules to Live By program in Austin, TX and Charleston, WV. Through enforcement and outreach to the mining community, mine operators are expected to monitor the work environment continually, identify hazardous conditions, correct them, and ensure that they stay corrected. The program included outreach materials including safety target packages, handout materials, and online training for CSMH enforcement personnel.
- *Rules to Live By II: Preventing Catastrophic Accidents* - focused on standards cited most in accidents at underground coal mines that resulted in five or more fatalities, as well as from incidents caused by fires or explosions that had the potential to result in more fatalities. Inspectors carefully evaluate gravity and negligence, consistent with the seriousness of the violation, when citing violations of standards that may cause or contribute to mining fatalities. MSHA inspectors began enhanced enforcement efforts for the second phase on January 1, 2011.

MSHA's Quality Impact Inspections initiative, which began in force during April 2010 following the explosion at Upper Big Branch Mine, involved off-shift inspections of mines that merit increased agency attention and enforcement due to their poor compliance history or particular compliance concerns. During these inspections, CSMH enforcement personnel took steps to ensure they were able to observe actual conditions, such as seizing mine phones to prevent mining personnel working on the surface from providing advance warning to those working underground. Between April and October 2010, CSMH conducted impact inspections at 160 coal mines which resulted in over 3,200 citations, 300 orders, and 11 safeguards.

As part of MSHA's national enforcement, education and training, and outreach campaign to raise awareness of the health risks associated with exposure to respirable coal mine dust and quartz, especially among young and less experienced coal miners, MSHA rolled out its "End Black Lung – Act Now!" campaign in four locations: West Virginia, Pennsylvania, Virginia, and Kentucky. The program included Joint MSHA-National Institute for Occupational Safety and Health (NIOSH) Dust Control Workshops at each of these locations.

During FY 2010, CSMH continued to conduct inspections with the Respirable Dust Emphasis Teams formed in FY 2009.

- The dust teams inspected 47 mines. The majority of the health citations were related to not maintaining proper water sprays in conformance with the mines' approved ventilation plan and not maintaining the approved roof bolter dry dust collection system.

## COAL MINE SAFETY AND HEALTH

- MSHA purchased six CPDMs which provide a real-time display of the respirable dust concentration. MSHA field inspection personnel are using these units to evaluate the effectiveness of dust control measures being used by mine operators.
- Members of the dust team conducted presentations at two regional dust control workshops for mine operators in Evansville, IN and in Grand Junction, CO. Presentations covered the importance of conducting proper examinations of dust controls specified in the mine ventilation plan as performed by the dust teams during their inspections, and how to carry out such examinations. Other topics covered at these workshops included best practices to control respirable dust in coal mining.

CMSH exceeded its FY 2010 targets in efforts toward reducing health risks to miners.

The mining industry workforce continues to evolve from a highly experienced and aged workforce to one with a greater number of new and inexperienced workers. During FY 2010, CMSH used three primary methods to continue to educate miners: Information Bulletins, Safety Alerts, and various targeted outreach campaigns. Alert and bulletin topics included fire hazard, contractor safety, remote control safety, bleeder ventilation, methane ignitions at highwalls, power haulage accidents, and ventilation awareness. CMSH collaborated with the Educational Policy and Development budget activity to evaluate the sufficiency of the new and inexperienced miners' training.

CMSH continued to educate miners about their rights to report hazards without fear of discrimination, and to have these complaints, including those in Spanish, investigated and resolved in a timely manner. CMSH personnel assisted with the development of the MSHA Miners' Rights handbook, which includes on-line information for miners to recognize hazards and a toll free telephone number for miners to notify MSHA of hazardous conditions anonymously. CMSH investigated approximately 1,200 hazardous conditions and complaints, and approximately 34% resulted in a positive finding. These efforts supported miners' *Voice in the Workplace*.

CMSH continued to implement the most efficient and effective ways to deploy and organize its personnel and resources to handle its workload. To conduct the Upper Big Branch accident investigation and internal review, CMSH assigned over 40 personnel into various temporary positions, and ensured that enforcement personnel were appropriately assigned so that all mandated inspections would be completed.

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2010 Enacted</b>		<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Coal Mine Safety and Health</b>				
<b>Strategic Goal 2 - Ensure workplaces are safe and healthy</b>				

## COAL MINE SAFETY AND HEALTH

<b>Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>				
MSHA-CM-01 Percent of regular mandated coal inspections	--	100%	100%	100%
MSHA-CM-02 Number of impact inspections of coal mines	--	--	132	132
MSHA-CM-03 Percent of high-hazard potential coal impoundment inspections	--	--	100.00%	100.00%
MSHA-CM-04 Percent of noise exposures in coal mines above the citation level /1	3.94%	3.05%	2.99%	2.93%
MSHA-CM-05 Percent of inspector Designated Occupation samples exceeding the applicable respirable coal mine dust standard /1	7.63%	6.45%	6.32%	6.19%
MSHA-CM-06 Percent of new plan approvals completed within 44 days	--	--	75.00%	75.00%
MSHA-CM-06.1 Percent of roof plan addenda approvals completed within 22 days	--	--	75.00%	75.00%
MSHA-CM-07 Percent of ventilation plan approvals completed within 59 days	--	--	70.00%	70.00%
MSHA-CM-07.1 Percent of ventilation plan addenda approvals completed within 22 days	--	--	66.00%	66.00%
MSHA-HPPG-01 Five-year rolling average of fatal injuries per 200,000 hours worked /2	.0171	.0187	.0178	TBD
Part 50 Injury Data Quality /3	--	--	--	Base
Mine injuries per 200,000 hours worked /4	--	--	--	--
Compliance levels among mines that have received potential pattern of violation notices	--	--	(base)	TBD
Ten-year rolling average of the number of high-hazard potential impoundment/dam failures with significant release per year /5	--	--	1.10	TBD
Readiness of MSHA, mining industry, and mine rescue team emergency response	--	--	(base)	TBD
<b>Strategic Goal 3 - Assure fair and high quality work-life environments</b>				
<b>Outcome Goal 3.3 - Ensure worker voice in the workplace</b>				
MSHA-01 Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	75.00%	78.00%	80.00%	85.00%
MSHA-02 Percent of miner requests for temporary reinstatement that are completed within 20 days of receipt	50.00%	86.00%	85.00%	85.00%
MSHA-03 Percent of 103(g) hazard complaints where the investigation is initiated within 1 day of receipt	--	--	69.00%	69.00%

*/1 FY 2012 targets will be 2% below the FY 2011 target or less..*

*/2MSHA's fatality rate reflects the number of fatalities per 200,000 hours worked during the prior five-year period. The FY 2011 result is required to calculate the five-year average in FY 2012.*

*/3 Measure under development. This measure will precede the mine injuries per 200,000 hours worked as it will address data quality issues for that measure.*

## COAL MINE SAFETY AND HEALTH

*/4 Implementation of this measure is dependent upon the outcome of the Data Quality study/assessment.*

*/5 MSHA's rate for the number of high-hazard potential impoundment/dam failures with significant release per year reflects the prior 10-year period. The FY 2011 result is required to calculate the 10-year rolling average in FY 2012.*

**NOTE:** TBD Targets will be established annually.

The base program strategies of CSMH are designed to reach the targets for performance indicators that support Outcome Goal 2.1: *Secure safe and healthy workplaces, particularly in high-risk industries*, and MSHA's High Priority Performance Goal. To reduce fatalities and health risks to miners, CSMH will conduct all inspections mandated by the Mine Act and MINER Act.

CSMH will conduct special emphasis dust inspections to help reduce miners' exposure to respirable coal dust.

In order to improve impoundment safety, CSMH will increase inspection activity at impoundments classified as high-hazard potential. CSMH will complete plan approvals for items such as impoundments, roof controls and ventilation as necessary to ensure safe work environments in a timely manner.

The base program strategies for CSMH also support Outcome Goal 3.3: *Ensure worker voice in the workplace*. CSMH will protect miners' rights against discrimination by timely investigating all safety and health concerns reported by miners on MSHA's hotlines, thus giving the miner the ability to report concerns without fear of discrimination or repercussions.

## COAL MINE SAFETY AND HEALTH

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Change FY 12 Req. / FY 10 Enacted</b>
11.1	Full-time permanent	86,538	86,538	87,073	535
11.3	Other than full-time permanent	435	185	185	-250
11.5	Other personnel compensation	6,153	6,153	6,398	245
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>93,126</b>	<b>92,876</b>	<b>93,656</b>	<b>530</b>
12.1	Civilian personnel benefits	32,855	33,855	34,026	1,171
13.0	Benefits for former personnel	37	37	37	0
21.0	Travel and transportation of persons	3,055	3,005	2,620	-435
22.0	Transportation of things	3,575	3,575	3,595	20
23.1	Rental payments to GSA	7,849	8,898	9,649	1,800
23.2	Rental payments to others	37	37	37	0
23.3	Communications, utilities, and miscellaneous charges	1,267	1,317	1,320	53
24.0	Printing and reproduction	172	172	173	1
25.1	Advisory and assistance services	180	280	280	100
25.2	Other services	825	222	222	-603
25.3	Other purchases of goods and services from Government Accounts	9,720	9,674	9,720	0
25.4	Operation and maintenance of facilities	66	16	16	-50
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	928	628	678	-250
26.0	Supplies and materials	2,000	2,000	1,556	-444
31.0	Equipment	2,918	2,018	3,666	748
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	52	52	52	0
	<b>Total</b>	<b>158,662</b>	<b>158,662</b>	<b>161,303</b>	<b>2,641</b>
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	8,923	8,923	8,923	0
	DHS Services	294	294	294	0
	HHS Services	412	412	412	0
	Services by Other Government Departments	0	0	46	46

# COAL MINE SAFETY AND HEALTH

## CHANGES IN FY 2012

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
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	80
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$80**

**Net Program** **\$2,561**  
**Direct FTE** **6**

	Estimate	FTE
<b>Base</b>	<b>\$158,742</b>	<b>1,197</b>
<b>Program Decrease</b>	<b>-\$2,000</b>	<b>0</b>
<b>Program Increase</b>	<b>\$4,561</b>	<b>6</b>

## METAL AND NONMETAL MINE SAFETY AND HEALTH

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Diff. FY 12 Req. / FY 10 Enacted</b>
Budget Authority	85,422	85,422	89,990	4,568
FTE	590	612	648	58

NOTE: FY 2010 reflects actual FTE. Authorized FTE for FY 2010 was 620.

### **Introduction**

The Metal and Nonmetal Mine Safety and Health (MNMSH) budget activity administers the Mine Act, the MINER Act, and ensures compliance with regulations to eliminate fatalities, reduce the frequency and severity of accidents, and minimize health hazards in the nation's nearly 13,500 metal and nonmetal mines. Most of the MNMSH employees are located across six district offices and 47 field offices throughout the United States and in 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 *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
  - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
  - Outcome Goal 3.3: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes in mining by 5 percent per year based on a rolling five-year average.

In FY 2012, MNMSH will support the budget theme '*enhancing worker safety*' through the following initiatives:

- Increase health risk enforcement activities with six new health specialists
- Bolster enforcement and litigation staff
- Continue to reduce the contested case backlog at the Federal Mine Safety and Health Review Commission

In FY 2012, MNMSH proposes to improve safety and health conditions in the mining workplace through the following:

- **Increase inspection and enforcement effectiveness** - MNMSH will enhance enforcement for violations of the standards associated with fatalities and will continue to impose penalties that are consistent with the seriousness of the violation and act as effective deterrents through the special investigations of possible Section 110 violations of the Mine Act. MNMSH will initiate elevated enforcement actions to

## METAL AND NONMETAL MINE SAFETY AND HEALTH

mine operators who fail to conduct health surveys. MNMSH will place emphasis on conducting regular inspections of all high-hazard dams.

- **Promote mine operator adoption of prevention-focused, comprehensive health and safety management programs by mine operators** - MNMSH will monitor health sampling activities to assure that all overexposures of contaminants are cited and promptly corrected by the mine operator.
- **Increase efforts to protect miners from discrimination** - MNMSH will distribute training materials during safety talks to enhance miners' knowledge regarding their rights and responsibilities under the Mine Act.
- **Collaborate with the Office of Solicitor to reduce the contested case backlog** - MSHA will decrease the time required for violations to reach final order status, which will impact an operator's history for penalty calculations, improve regulatory compliance, and create a safer workplace.

Currently, more than 227,000 people work directly in the metal and nonmetal mining sector. This sector provides essential raw materials for the nation's transportation infrastructure, construction and housing, communications, medicine, the arts, manufacturing, consumer goods, and agricultural industries. The majority of metal and nonmetal mines are small business operations, and many have no formal safety program. However, smaller mines do not mean fewer risks; mine hazards are inherent in the work of moving and processing extremely large volumes of materials. Just as mining is vital to the American economy, a safe and healthy workforce is critical to the continued 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. New mine operators are at a particular risk of safety and health hazards. Statistics from the National Institute for Occupational Safety and Health (NIOSH) suggest a strong correlation between inexperience and higher injury and fatality rates. ("100 years of Improvement in Aggregate Worker Safety," Anthony Iannacchione, Senior Scientist; and Thomas Mucho, Branch Chief, Pittsburg Research, Sand and Gravel Review, March/April 2003).

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2007	\$72,506	543
2008	\$74,420	543
2009	\$82,427	598
2010	\$85,422	620
2011	\$0	612

Note: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

# METAL AND NONMETAL MINE SAFETY AND HEALTH

## FY 2012

MSHA requests \$89,990,000 and 648 FTE for the MNMSH activity to:

- Conduct 100 percent of its mandated inspections.
- Perform accident prevention and health outreach activities such as *Spring Thaw* and *safety alerts*.
- Vigorously pursue accident investigations (including root cause analysis), and
- Conduct investigations of safety and discrimination complaints made by miners or their representatives.

MNMSH estimates it will conduct 16,300 mandated inspections in FY 2012. MNMSH will also focus on improved impoundment safety by increasing inspection activity at the dams classified as high-hazard potential.

MNMSH will continue to target mine operators who fail to keep hazardous contaminant exposures below established limits. MNMSH will also 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.

The FY 2012 request includes funding for the following initiatives:

- Continued funding of \$1,331,000 and nine FTE to address the backlog of penalty cases before the Federal Mine Safety and Health Review Commission (Commission).
  - Three technical specialists will provide assistance and technical expertise to the Office of Solicitor (SOL), as well as assist in the evaluation of individual cases. This initiative will support the budget theme '*enhancing worker safety*' by eliminating the contested case backlog and encourage compliance to promote a safe and healthy workplace for miners.
  - Six clerical personnel will continue to work in the districts in support of conference litigation work. These employees will draft documents, print exhibits, assemble hearing packets, copy inspection files, maintain case files, enter data into the information system, and file documents and related correspondence. They will continue to provide the same type of work products for conferences and penalty docketed cases.
- \$896,000 and six FTE for health specialists to increase health risk enforcement activities. The promulgation of the proposed silica regulation will also require additional monitoring of samples. This initiative directly supports MSHA's strategy to '*reduce health risks to miners*' and the budget theme '*enhancing worker safety*.' It will allow

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

MNMSH to ensure that the operators provide adequate protection to miners from exposure to hazardous air contaminants and monitor the adequacy of control measures.

- \$2,300,000 and 21 FTE to bolster enforcement and litigation staff. These personnel will be spread across all districts to handle increased workload as a result of increased production and increased litigation of violations. This initiative will encourage compliance to promote a safe and healthy workplace for miners and support the budget theme '*enhancing worker safety.*'

MNMSH will contribute funding to the Program Administration activity to support the Office of Accountability.

### **FY 2011**

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation had not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

In FY 2011 MSHA and SOL launched efforts to reduce the backlog of contested cases at the Commission, pursuant to the Supplemental Appropriations Act of 2010 which provided funding for this project for 12 months after the July 29, 2010 date of enactment. During the first quarter of FY 2011, MSHA hired two re-employed annuitants to function as technical advisors to SOL for metal and nonmetal cases. MSHA hired these employees under temporary assignments to cover the supplemental funding period. To provide effective case processing and litigation support, MNMSH hired six additional clerical temporary employees.

### **FY 2010**

For FY 2010 MSHA reported 14 fatalities in the metal and nonmetal sector, the lowest number ever, surpassing the previous low of 22 in FY 2008 by 36 percent. This reduction in fatal accidents is a significant milestone in MSHA's history.

MNMSH conducted 100 percent of its mandated safety and health inspections and performed a total of 29,067 inspection events and 152 compliance activities at metal and nonmetal mines. Compliance activities included accident investigations, including root cause analysis in reports, and investigations of hazardous conditions complaints and discrimination complaints made by miners or their representatives. Industry used the information at safety talks at the start of the work day to promote awareness, with the goal of preventing similar occurrences.

MNMSH participated in MSHA's Quality Impact Inspections initiative which began in April 2010 following the explosion at the Upper Big Branch coal mine. The impact inspections involved off-shift inspections of mines that merit increased agency attention and enforcement due to their poor compliance history or particular compliance concerns. Between May 2010 and

## METAL AND NONMETAL MINE SAFETY AND HEALTH

October 2010, MNMSH conducted impact inspections at 43 metal and nonmetal mines which resulted in over 862 citations and 85 orders. MNMSH took action against mine operators who violated safety and health standards or who did not comply with the law.

MNMSH personnel served as representatives on the committee for the *Rules to Live By* initiative. This initiative was based on MSHA's analysis of historical data to determine the thirteen safety standards most frequently cited as causing or contributing to fatal mining accidents. Using these findings, MSHA developed online training for all MNMSH inspectors, miners, and operators and posted it on MSHA's web site. MSHA also provided enforcement summaries and monthly supplements to alliance members who requested the information.

In FY 2010, MNMSH developed a policy to enhance enforcement of sampling by mine operators. The standard at 30 Code of Federal Regulations §56/57.5002 – "Exposure monitoring" requires mine operators to conduct surveys for harmful airborne contaminants – including surveys of respirable dust containing crystalline silica, gas, mist, and fumes – to determine the adequacy of control measures. All mines producing the following commodities were sampled during the fiscal year: asbestos, beryl-Beryllium ore, ground silica, vermiculite, cement, lime, crushed and broken quartzite, diatomaceous earth, ground cristobalite, Lead, Lead-Zinc ore, Zinc, Gold, Uranium ore, Uranium-Vanadium ore, and Vanadium ore. MNMSH collected 22,504 health samples. MNMSH inspectors also conducted significant sampling of noise and other contaminants, including chromium VI, diesel particulate matter, noise, alpha radiation, respirable dust, silver, sulfuric acid, talc fiber, and welding fumes.

In the past, dam failures at metal and nonmetal mines have exposed miners to life-threatening hazards. Some dams are not designed, constructed, operated, and maintained to accepted dam safety practices. MNMSH assisted in the development of an Advance Notice of Proposed Rulemaking (ANPRM) that MSHA published in the Federal Register in August 2010. The ANPRM committee goal is to provide a clearer understanding of current practices concerning design, construction, and operation of dams at metal and nonmetal mines. The information solicited from stakeholders will help MSHA review its existing standards for dams and determine how to better address the current problem in the standard. The existing standards for dams at metal and nonmetal mines derived from the Metal and Nonmetallic Mine Safety Act of 1966.

MNMSH reorganized several district and field office boundaries to increase efficiency by reducing inspector travel time from field offices to mines. Many mines that were once remotely located from field offices are now inspected by a closer field office. State line boundaries for field offices have been eliminated. In some cases, all of the mines in certain states have been transferred from one district to another.

MNMSH moved ahead on its plan to make more efficient use of field office space. It opened a new field office in Indianapolis, Indiana. This office services Indiana and Illinois, with the assistance of two satellite field offices. MNMSH reduced the staffing level at the former field office in Vincennes, Indiana, and a new satellite field office will open in FY 2011 in Fairview Heights, Illinois.

## METAL AND NONMETAL MINE SAFETY AND HEALTH

MNMSH contributed funding to the Program Administration activity in support of the Office of Accountability.

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2010 Enacted</b>		<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</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 - Ensure workplaces are safe and healthy</b>				
<b>Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>				
MSHA-MNM-01 Percent of Regular Mandated MNM Inspections	--	100%	100%	100%
MSHA-MNM-02 Number of impact inspections of MNM mines	--	--	40	40
MSHA-MNM-03 Percent of high-hazard potential MNM dam inspections	--	--	100.00%	100.00%
MSHA-HPPG-01 Five-year rolling average of fatal injuries per 200,000 hours worked /1	.0171	.0187	.0178	TBD
Percent of Metal and Nonmetal mines conducting their own silica dust surveys and noise evaluations for miners	--	(base)	17%	34%
Part 50 Injury Data Quality /2	--	--	--	Base
Mine injuries per 200,000 hours worked /3	--	--	--	--
Compliance levels among mines that have received potential pattern of violation notices	--	--	(base)	TBD
Ten-year rolling average of the number of high-hazard potential impoundment/dam failures with significant release per year /4	--	--	1.10	TBD
Readiness of MSHA, mining industry, and mine rescue team emergency response	--	--	(base)	TBD
<b>Strategic Goal 3 - Assure fair and high quality work-life environments</b>				
<b>Outcome Goal 3.3 - Ensure worker voice in the workplace</b>				
MSHA-01 Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	75.00%	78.00%	80.00%	85.00%
MSHA-02 Percent of miner requests for temporary reinstatement that are completed within 20 days of receipt	50.00%	86.00%	85.00%	85.00%
MSHA-03 Percent of 103(g) hazard complaints where the investigation is initiated within 1 days of receipt	--	--	69.00%	69.00%

*/1 MSHA's fatality rate reflects the number of fatalities per 200,000 hours worked during the prior five-year period. The FY 2011 result is required to calculate the five-year average in FY 2012.*

*/2 Measure under development. This measure will precede the mine injuries per 200,000 hours worked as it will address data quality issues for that measure.*

## METAL AND NONMETAL MINE SAFETY AND HEALTH

*/3 Implementation of this measure is dependent upon the outcome of the Data Quality study/assessment.*

*/4 MSHA's rate for the number of high-hazard potential impoundment/dam failures with significant release per year reflects the prior 10-year period. The FY 2011 result is required to calculate the 10-year rolling average in FY 2012.*

**NOTE:** TBD Targets will be established annually.

The budget activity will support the Strategic Goals and the Outcome goals listed above through the following efforts.

MNMSH will inspect all underground mines four times per year and all surface mines twice per year, as required by the Mine Act. These inspections form the core of MSHA's enforcement, providing a first-hand look at conditions in each of the nation's mines on a regular basis. Citations resulting from these inspections must be abated promptly, requiring mine operators to ensure that unsafe and unhealthful conditions be corrected. This is the most direct tool that MSHA possesses to secure safe and healthy work environments in the mining industry.

MNMSH will continue to target mine operators who fail to keep hazardous contaminant exposures below established limits. MNMSH is conducting health sampling for 100 percent high risk contaminants and 20 percent of less hazardous contaminants.

MNMSH will also focus on improved impoundment safety by increasing inspection activity at the impoundments classified as high-hazard potential.

MNMSH will continue to provide representation and participation on the agency team conducting comprehensive evaluation of current processes.

MNMSH is closely monitoring, managing, and reducing the time it takes to process miners' discrimination complaints and complete investigations of knowing and willful violations to demonstrate to miners our commitment to protecting their right to report health and safety hazards without fear of retaliation.

## METAL AND NONMETAL MINE SAFETY AND HEALTH

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Change FY 12 Req. / FY 10 Enacted</b>
11.1	Full-time permanent	45,037	45,037	47,552	2,515
11.3	Other than full-time permanent	177	52	52	-125
11.5	Other personnel compensation	1,018	1,343	1,804	786
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>46,232</b>	<b>46,432</b>	<b>49,408</b>	<b>3,176</b>
12.1	Civilian personnel benefits	16,081	16,622	17,365	1,284
13.0	Benefits for former personnel	19	19	19	0
21.0	Travel and transportation of persons	7,910	7,885	7,931	21
22.0	Transportation of things	2,012	2,212	2,232	220
23.1	Rental payments to GSA	3,882	4,402	4,671	789
23.2	Rental payments to others	9	9	9	0
23.3	Communications, utilities, and miscellaneous charges	584	639	659	75
24.0	Printing and reproduction	88	88	92	4
25.1	Advisory and assistance services	75	75	75	0
25.2	Other services	449	172	172	-277
25.3	Other purchases of goods and services from Government Accounts	4,972	4,999	5,114	142
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	273	123	125	-148
26.0	Supplies and materials	939	939	961	22
31.0	Equipment	1,889	798	1,149	-740
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	8	8	8	0
	<b>Total</b>	<b>85,422</b>	<b>85,422</b>	<b>89,990</b>	<b>4,568</b>
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	4,405	4,405	4,405	0
	DHS Services	157	157	157	0
	Services by Other Government Departments	0	0	115	115

# METAL AND NONMETAL MINE SAFETY AND HEALTH

## CHANGES IN FY 2012

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
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	41
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$41**

**Net Program** **\$4,527**

**Direct FTE** **36**

	Estimate	FTE
<b>Base</b>	<b>\$85,463</b>	<b>612</b>
<b>Program Increase</b>	<b>\$4,527</b>	<b>36</b>



## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Diff. FY 12 Req. / FY 10 Enacted</b>
Budget Authority	3,481	3,481	5,550	2,069
FTE	20	17	27	7

NOTE: FY 2010 reflects actual FTE. Authorized FTE for FY 2010 was 17.

### **Introduction**

In coordination with the Office of the Solicitor Mine Safety and Health Division and other MSHA program offices, the Office of Standards, Regulations, and Variances (OSRV) develops compliance standards and regulations for the mining industry that protect the safety and health of miners. These standards and regulations establish enforcement requirements for compliance. OSRV works on safety and health rulemaking activities required under the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response (MINER) Act of 2006. OSRV also administers MSHA's Freedom of Information Act (FOIA) program, and the Information Collection Request function to meet paperwork requirements under the Paperwork Reduction Act of 1995.

OSRV maintains MSHA's rulemaking docket and is responsible for posting public comments and public submissions at [www.Regulations.gov](http://www.Regulations.gov). OSRV is also responsible for processing and publishing petitions from mine operators for variances from safety standards (Petitions for Modification).

OSRV supports the Secretary's vision of "*Good Jobs for Everyone*" through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
  - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
  - Outcome Goal 3.3: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes 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 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 (NIOSH), states or political subdivisions, or on the basis of information developed by the Secretary or otherwise available.

In accordance with Executive Order 12866, MSHA performs an analysis of anticipated benefits and costs of each significant regulatory action, develops and publishes MSHA's Semi-Annual Regulatory Agenda and Regulatory Plan, and reviews existing rules to identify regulations that are inconsistent with Executive Order policy directives.

# OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

In FY 2012, OSRV proposes to improve safety and health conditions in the mining workplace by:

- Reducing health risks through rulemaking by developing standards to reduce exposure to respirable coal mine dust and respirable crystalline silica.
- Addressing hazards in mines by implementing improved technology systems; targeting the most egregious and persistent violators of mandatory safety and health standards; addressing injury and illness in all mines through safety and health management programs; revising the regulations for Metal and Nonmetal Safety and Health dams; and requiring mine operators to examine work areas in underground coal mines.

OSRV's regulatory efforts directly support the budget theme '*strengthening regulatory programs.*'

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2007	\$2,727	17
2008	\$3,180	17
2009	\$3,031	17
2010	\$3,481	17
2011	\$0	17

Note: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

## **FY 2012**

MSHA requests \$5,550,000 and 27 FTE for the OSRV activity. OSRV will support the Secretary's Outcome Goal of '*Securing safe and healthy workplaces, particularly in high-risk industries*' by proposing and promulgating health and safety standards and regulations placed on MSHA's regulatory agenda. In direct support of this Outcome Goal, MSHA developed a regulatory strategy to eliminate or reduce safety and health hazards in mining. As part of this strategy, in FY 2012, OSRV will continue to work on two high-priority, comprehensive health standards to reduce miners' exposure to respirable coal mine dust and respirable crystalline silica.

In FY 2012, OSRV will:

- Continue to develop other regulatory initiatives to implement improved technology requirements, including proximity detection systems to prevent crushing and pinning injuries in underground mines.
- Revise MSHA's Legal Identity, Civil Penalty, and Pattern of Violations requirements to allow the Agency to better target the most egregious and persistent violators.

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

- Address injury and illness prevention through implementation of comprehensive safety and health management programs for all mines.
- Revise regulations for metal and non-metal dams to include requirements for design, construction, and maintenance.
- Develop a standard that will require operators to examine work areas in underground coal mines for violations of mandatory safety or health standards.

Also in FY 2012, OSRV expects to process approximately 90 Petitions for Modification and 14 paperwork packages; respond to approximately 2,100 FOIA requests; maintain MSHA's rulemaking docket in addition to a consistent on-line docket; and timely post public comments and submissions at [www.Regulations.gov](http://www.Regulations.gov).

OSRV requests an increase of \$2,067,000 for 10 FTE and contract support funds. These additional resources will allow OSRV to work on health standards which require complex statistical, technical and scientific analyses, and assess the technological feasibility of new engineering controls in other rulemakings. OSRV will provide electronic dockets consistent with paper dockets. This initiative will support the budget theme '*strengthening regulatory programs*' by allowing OSRV to work on additional regulatory requirements to provide better protection for the safety and health of the Nation's miners.

### **FY 2011**

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation had not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

### **FY 2010**

On October 14, 2009, the Mine Safety and Health Administration (MSHA) published a Request for Information (RFI) related to the use of the Continuous Personal Dust Monitor (CPDM) as a sampling device to measure a miner's exposure to respirable coal mine dust. In the RFI, MSHA also requested information on whether the use of the CPDM would lead to more effective monitoring and control of miners' exposure to respirable coal mine dust during a working shift. MSHA received public comments until December 14, 2009. Issues addressed in the RFI were incorporated into the comprehensive rulemaking on respirable coal mine dust: "Lowering Miners' Exposure to Respirable Coal Mine Dust" (RIN 1219-AB64).

On December 29, 2009, MSHA published a direct final rule and companion proposed rule on Parts 50 and 100 concerning the rule on "Criteria and Procedures for Proposed Assessment of Civil Penalties/Reporting and Recordkeeping: Immediate Notification of Accidents." This direct final rule made non-substantive changes to existing regulations for reporting accidents and

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

determining penalty amounts for failure to report certain accidents. These changes allowed MSHA to automate the assessment process for violations involving immediate notification of an accident. No significant comments were received and the direct final rule became effective March 29, 2010.

On February 1, 2010, MSHA published an RFI regarding proximity detection systems and whether the use of these devices would reduce the risk of accidents where mobile equipment pins, crushes, or strikes miners in underground mines. The comment period on the RFI closed on April 2, 2010. MSHA is developing an Emergency Temporary Standard (ETS) on proximity detection systems.

On April 6, 2010, MSHA published a final rule which updated the approval requirements for the existing coal mine dust personal sampler unit (CMDPSU) and established criteria for approval of the new CPDM. The rule provided for MSHA approval of the CPDM for intrinsic safety and NIOSH approval of the CPDM for performance, and revised design specifications for the existing CMDPSU to reflect voluntary improvements made over the past 15 years.

On April 6, 2010, MSHA published a final rule that revised design requirements for approval of high-voltage continuous mining machines. The final rule also revised electrical safety standards for the installation, use, and maintenance of the high-voltage continuous mining machines in underground coal mines.

On August 13, 2010, MSHA published an Advance Notice of Proposed Rulemaking (ANPRM) to review its existing metal and nonmetal standards for dams. MSHA issued the ANPRM because the Agency was concerned that some dams pose hazards because they are not designed, constructed, operated, and maintained to accepted dam safety practices. In this rulemaking MSHA would consider approaches to better protect miners from the hazards of dam failures, and solicited information to help determine how the Agency should proceed. The comment period closed December 13, 2010.

On September 9, 2010, MSHA published a notice announcing public meetings to gather information about effective, comprehensive safety and health management programs at mines. The public meetings, held in October 2010, included presentations on model programs by representatives from academia, safety and health professionals, industry organizations, worker organizations, and government agencies.

On September 23, 2010, MSHA published an ETS to strengthen protection for miners working in underground bituminous coal mines by reducing the potential for a coal dust explosion, or the severity, if one occurred. The ETS took immediate effect, serves as the proposed rule, and provides an opportunity for notice and comment. Under the Mine Act, a final rule must be issued within nine months.

OSRV continued its work on proposed rules to lower miners' exposure to coal mine dust, including continuous personal dust monitors and reducing exposure to silica in coal and metal and nonmetal mines.

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Additionally, OSRV continued to develop rules to (1) revise its requirements for pre-shift, supplemental, on-shift, and weekly examinations of underground coal mines; (2) revise electrical product approval requirements for electrically operated machines and accessories intended for use in underground gassy mines; (3) revise the process for proposing civil penalties to facilitate the resolution of enforcement issues; (4) simplify the criteria for placing chronic violators on a pattern of violations, consistent with statutory intent.; and (5) expand the information mine operators would be required to submit to the Agency to identify persons who would control or operate the mine (legal identity).

OSRV processed 57 petitions for modification. In accordance with the Paperwork Reduction Act of 1995, OSRV developed supporting statements to accompany new or revised regulations and published 19 Federal Register notices notifying the public that information collection requirements in existing regulations were being reviewed and requesting comments. MSHA processed and closed 1,917 FOIA requests.

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2010 Enacted</b>		<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</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 - Ensure workplaces are safe and healthy</b>				
<b>Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>				
MSHA-OSRV-01 Number of Final Rules	3	4	1	5
MSHA-OSRV-02 Percent of FOIA requests that are completed within 30 days of receipt	--	--	80.00%	80.00%
Number of Pre-proposals		4	0	1
Number of Proposed Rules	5	1	7	2
Variations Processed	70	61	70	70
Paperwork Reduction Packages	17	16	11	11

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

In FY 2012, OSRV will meet DOL Strategic Goal 2 and Outcome Goal 2.1: *Securing safe and healthy workplaces, particularly in high-risk industries*, and MSHA's High Priority Performance Goal. OSRV will work on two high-priority, comprehensive health standards: (1) Lowering miners' exposure to coal mine dust, including continuous personal dust monitors, and (2) reducing miners' (coal and metal and nonmetal) exposure to silica.

OSRV will also continue to work on the following: (1) implementing improved technology requirements, including proximity detection systems to prevent crushing injuries in underground mines; (2) revising the Agency's legal identity, civil penalty and pattern of violations requirements to allow MSHA to better target the most egregious and persistent violators and more effectively deter future violators; (3) addressing injury and illness prevention through

## **OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES**

implementation of comprehensive safety and health management programs; (4) revising the regulations for metal and nonmetal dams to include requirements for design, construction, operation and maintenance; and (5) requiring examinations of work areas in underground coal mines.

OSRV will continue to process all FOIA requests and Petitions for Modification in addition to the required paperwork packages. The data shown on the table are for paperwork packages that are required to be renewed every three years. As rules are developed, additional paperwork packages will be required.

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<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Change FY 12 Req. / FY 10 Enacted</b>
11.1	Full-time permanent	2,240	2,279	3,278	1,038
11.3	Other than full-time permanent	5	0	0	-5
11.5	Other personnel compensation	97	97	119	22
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>2,342</b>	<b>2,376</b>	<b>3,397</b>	<b>1,055</b>
12.1	Civilian personnel benefits	479	499	788	309
13.0	Benefits for former personnel	1	1	1	0
21.0	Travel and transportation of persons	30	15	39	9
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	179	203	267	88
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	9	9	15	6
24.0	Printing and reproduction	1	1	52	51
25.1	Advisory and assistance services	199	205	713	514
25.2	Other services	55	0	0	-55
25.3	Other purchases of goods and services from Government Accounts	155	156	195	40
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	5	5	6	1
26.0	Supplies and materials	1	1	11	10
31.0	Equipment	25	10	66	41
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>3,481</b>	<b>3,481</b>	<b>5,550</b>	<b>2,069</b>
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	139	139	139	0
	DHS Services	6	6	6	0
	Services by Other Government Departments	0	0	39	39

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## CHANGES IN FY 2012

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
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	2
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

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

**Net Program** **\$2,067**  
**Direct FTE** **10**

	Estimate	FTE
<b>Base</b>	<b>\$3,483</b>	<b>17</b>
<b>Program Increase</b>	<b>\$2,067</b>	<b>10</b>

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<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Diff. FY 12 Req. / FY 10 Enacted</b>
Budget Authority	6,233	6,233	6,574	341
FTE	45	49	51	6

NOTE: FY 2010 reflects actual FTE. Authorized FTE for FY 2010 was 51.

### **Introduction**

The Office of Assessments (Office) is responsible for all aspects of MSHA's civil penalty program, including assessment of penalties, processing mine operator hearing requests when operators file civil penalty contests with the Federal Mine Safety and Health Review Commission (Commission), accounting for all penalty cases in litigation before the Commission and the federal courts, and collecting and accounting for penalty payments. The Office administers the Mine Act, MINER Act, mine safety and health standards pertaining to civil penalty assessments, and special investigations. These efforts support the Outcome Goal *secure and healthy workplaces, particularly in high-risk industries*. Civil penalties serve to encourage compliance and promote a safe and healthy workplace for miners. The Technical Compliance and Investigation Office provides oversight of the investigation process involving Section 105(c) miner discrimination complaints and Section 110(c) knowing or willful criminal violations. The Office coordinates MSHA's Pattern of Violations (POV) program which is responsible for identifying mines exhibiting a potential POV as described in Section 104(e) of the Mine Act.

The Office supports the Secretary's strategic vision *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
  - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
  - Outcome Goal 3.3: Ensure worker voice in the workplace.

In FY 2012, the Office will support the budget theme '*fostering compliance through worker education and worker voice*' through the following initiative:

- Technical Compliance and Investigations personnel for miner discrimination complaints.

In FY 2012, the Office proposes to improve safety and health conditions in the mining workplace by:

- **Increasing Inspection and Enforcement Effectiveness** – The Office will increase the frequency of its reviews of violators exhibiting a potential POV and incorporate review criteria that identify violators who fail to prevent conditions that contribute to fatal accidents.

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- **Increasing Efforts to Protect Miners from Discrimination** – The Office will expedite investigations of discrimination complaints and enhance miners’ knowledge regarding their rights and responsibilities under the Mine Act. This will include the development of publications and training materials that clearly address miners’ rights.

In proposing civil monetary penalties, MSHA considers the following statutory criteria:

- Size of the mining operation
- History of previous violations
- Degree of operator negligence
- Gravity of the violation
- Good faith effort to achieve rapid compliance

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 severe 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 MINER Act. Under the regular and special assessment formulas, 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 \$220,000.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2007	\$6,556	51
2008	\$6,134	51
2009	\$6,134	51
2010	\$6,233	51
2011	\$0	49

Note: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

### **FY 2012**

MSHA requests \$6,574,000 and 51 FTE for the Office to continue to assess civil monetary penalties for all violations of the Mine Act consistently and in accordance with statutory criteria, timely assess those penalties at a level that will encourage compliance, account for all penalty cases in litigation before the Commission, and collect and account for penalties paid.

The Office will conduct more than the minimum required screening for POVs. MSHA will work with mine operators who are found to have a potential POV to develop and implement ongoing comprehensive safety and health management programs that target the conditions which most frequently contribute to fatal accidents.

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In support of *'Voice in the Workplace,'* the Office will ensure that miner discrimination complaints are timely investigated and resolved, with specific goals to increase the percentage of investigations of miner discrimination that are completed within 60 days of receipt and to increase the percentage of miner requests for temporary reinstatement that are completed within 20 days of receipt.

In FY 2012, the Office requests \$337,000 and two FTE for Technical Compliance and Investigations personnel to improve MSHA's ability to provide oversight through field audits and evaluations, and assure timely processing of civil, criminal, and discrimination cases. This initiative will support the budget theme *'fostering compliance through worker education and worker voice'* by allowing MSHA to demonstrate to miners the Agency's commitment to protecting their right to report a health or safety hazard without fear of retaliation.

The Office receives and processes approximately 8,000 hearing requests annually. The cases are docketed, on average, within seven days of receipt. Upon receipt of a hearing request, the Secretary has 45 days in which to file a petition for assessment of civil penalty with the Commission. Processing a hearing request is a three-part process:

- The Office records the contest action in MSHA's Standardized Information System (MSIS);
- The enforcement district prepares the litigation packet; and
- The Conference Litigation Representative (CLR), together with the Office of the Solicitor (SOL) prepares and files the petition.

The Office receives and processes approximately 20,000 phone calls and pieces of mail each year. These involve inquiries into all aspects of the civil penalty assessment, litigation, and collection process; hearing requests; Treasury disputes; bankruptcy notices; court decisions; and other topics. The Office also receives and processes the following annually:

- Approximately 5,000 decisions on contested violations each year that are currently processed, on average, within 11 days of receipt.
- Approximately 150 Section 105(c) discrimination investigations and Section 110(c) knowing and willful investigation cases per year.
- Approximately 30,000 checks for payment of civil penalties per year. The payments are applied, on average, within seven days of receipt.
- Approximately 8,000 mine legal identity forms per year. The legal identities are used for mine ownership research to ensure that civil penalties are assessed against the party responsible for the cited violations. In FY 2012, the Office will continue to ensure that the legal identities are processed within seven days of receipt.

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### **FY 2011**

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation had not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

### **FY 2010**

The Office assessed 168,400 civil penalties, compared with 181,400 in FY 2009. The dollar amount of assessed penalties decreased from \$161 million in FY 2009 to \$132 million in FY 2010. New regulations that became effective in April 2007 triggered a significant escalation in the rate at which mine operators contested the civil penalties before the Commission. Mine operators historically contested approximately six percent of the violations assessed civil penalties. In FY 2010, mine operators contested 45,000 violations - 27 percent of the violations assessed - representing 66 percent of the dollar amounts assessed.

MSHA continued to improve collection efforts through the timely referral of delinquent debt to the U.S. Department of the Treasury for cross-servicing. These improvements in MSHA debt collection activities helped to ensure that MSHA was in compliance with the provisions of the Debt Collection Improvement Act of 1996. As of December 8, 2010, mine operators had paid \$62.3 million of the \$78.9 million in civil penalties that had become final orders of the Commission in FY 2010. The Treasury Department collected \$2.8 million of delinquent fines in FY 2010.

The Office worked toward the goal of making debt collection and hearing request activities less labor-intensive so that MSHA will be better positioned to handle the increase in workload associated with the higher penalties and contest rates. In addition, the Office finalized requirements for automated payment applications and a new monthly billing statement

The Office conducted one POV screening of all 14,000 mines under MSHA's jurisdiction. This screening resulted in the enforcement branches notifying ten mines that they faced POV sanctions unless they reduced their level of violations. The Office established goals for each operation to achieve and monitored each mine to determine if the mine was making progress in achieving its specific targets of violations. The coal mining operations met their target goals, resulting in a reduction of their serious violation rates by an overall average of 48 percent. Although the single metal non-metal mine failed to meet its target goal, the mine had made adequate improvements in its overall safety program to avoid further POV consideration.

After the FY 2010 POV screening, MSHA developed new screening criteria for the POV enforcement program. The new screening process is designed to identify mines that have been subject to closure orders, including closure orders for serious issues, such as failing to correct violations after MSHA cites them, unwarrantable failures to comply with health or safety standards, failure to provide miners with required training and imminent dangers in the mine. The criteria will better identify mines where these tools have been used, but have not been

## OFFICE OF ASSESSMENTS

sufficient to improve compliance. The criteria also will consider whether a mine has high numbers of significant and substantial (S&S) violations involving elevated negligence, as well as a mine's injury severity rate, targeting operations with an above-average injury severity measure. These new criteria were used to perform the POV screening conducted in the first quarter of FY 2011.

The Office provided oversight of the investigation process involving miner discrimination complaints. These investigations support *voice in the workplace* which protects miners from discrimination when they exercise their right to report health and safety hazards without fear of retaliation. MSHA completed 187 discrimination case investigations in FY 2010 compared to 158 in FY 2009, completing 145 (78 percent) within 60 days. This compares favorably to FY 2009 when MSHA completed 106 investigations (67 percent) within 60 days. The districts resolved 83 temporary reinstatement requests in FY 2010 compared to 43 in FY 2009, completing 71 (86 percent) within 20 days compared to 15 (35 percent) in FY 2009.

The Office also provided oversight of the investigations of knowing or willful violations. MSHA completed 222 investigations in FY 2010.

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2010 Enacted</b>		<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Office of Assessments</b>				
<b>Strategic Goal 2 - Ensure workplaces are safe and healthy</b>				
<b>Outcome Goal 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 60 days of issuance	--	--	85%	85%
MSHA-AS-02 Percent of civil penalties special assessed within 300 days of issuance	--	--	80%	80%
Number of Violations Assessed	175,000	168,400	165,000	163,000
Penalties assessed (\$ in 000s)	\$158,000,000.00	\$132,000,000.00	\$129,000,000.00	\$128,000,000.00

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

In FY 2012, Office of Assessments will work towards DOL Strategic Goal 2 and Outcome Goal 2.1, *Securing safe and healthy workplaces, particularly in high-risk industries*, and MSHA's High Priority Performance Goal. The base program strategy includes:

- Assessment of civil monetary penalties for all violations consistently and in accordance with statutory criteria;
- Timely assess those penalties at a level that will encourage compliance;

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- Account for all penalty cases in litigation before the Federal Mine Safety and Health Review Commission, and
- Collect and account for penalties paid.

MSHA believes that the substantial increase in civil penalties established in FY 2007 will continue to result in mine operators taking additional steps to prevent health and safety conditions that result in violations. The Office of Assessments anticipates the mining industry to react to MSHA program initiatives, inspections, and investigations by preventing the conditions that result in violations of health and safety standards, thereby reducing the number of violations cited and civil penalties assessed. Consequently, MSHA estimates that it will assess 163,000 violations totaling \$128,000,000 in FY 2012, fewer penalties than were assessed in FY 2009 and FY 2010.

To target the most egregious and persistent violators, MSHA is currently revising the regulations governing the Pattern of Violations program. As a result, the number of pattern of violations screenings will be contingent on the outcome of the rulemaking. Additionally, Congressional staff is engaged in drafting legislation that could change the pattern of violations provisions of the Mine Act. The Office will conduct, at a minimum, required screening for Pattern of Violations.

To protect miners' rights in the workplace, the Office of Assessments will improve the timeliness of investigation and resolution of miner discrimination complaints.

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<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Change FY 12 Req. / FY 10 Enacted</b>
11.1	Full-time permanent	3,291	3,791	3,997	706
11.3	Other than full-time permanent	5	0	0	-5
11.5	Other personnel compensation	132	132	137	5
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>3,428</b>	<b>3,923</b>	<b>4,134</b>	<b>706</b>
12.1	Civilian personnel benefits	864	919	981	117
13.0	Benefits for former personnel	2	2	2	0
21.0	Travel and transportation of persons	70	40	53	-17
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	435	493	509	74
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	177	195	202	25
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services	697	159	159	-538
25.3	Other purchases of goods and services from Government Accounts	436	438	453	17
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	21	21	21	0
26.0	Supplies and materials	25	25	27	2
31.0	Equipment	78	18	33	-45
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>6,233</b>	<b>6,233</b>	<b>6,574</b>	<b>341</b>
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	360	360	360	0
	DHS Services	15	15	15	0
	Services by Other Government Departments	0	0	15	15

# OFFICE OF ASSESSMENTS

## CHANGES IN FY 2012

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
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	4
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

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

**Net Program** **\$337**

**Direct FTE** **2**

	Estimate	FTE
<b>Base</b>	<b>\$6,237</b>	<b>49</b>
<b>Program Increase</b>	<b>\$337</b>	<b>2</b>

## EDUCATIONAL POLICY AND DEVELOPMENT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Diff. FY 12 Req. / FY 10 Enacted</b>
Budget Authority	38,605	38,605	36,338	-2,267
FTE	144	158	137	-7

NOTE: FY 2010 reflects actual FTE. Authorized FTE for FY 2010 was 159.

### **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 activities in the mining industry. Under the Mine Act, EPD is responsible for developing and implementing educational policy and programs to train government, industry, and organized 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 the mining industry with a skilled inspection workforce. The Academy also provides professional education and training services and consultation to all members of MSHA and the mining community. The Academy is enhancing its curriculum to include an E-Learning initiative for entry-level inspector training, a new leadership development curriculum, risk assessment for MSHA supervisors and managers, new supervisor curriculum enhancement, and conversion of classroom training to on-line course development for the mining industry and states.

EPD administers MSHA's State Grants Program which provides funds to assist states in mine safety related activities as provided in Section 503 of the Mine Act. This program supports training in 49 states and the Navajo Nation. The grantees provide quality safety and health training and retraining for miners.

MSHA also manages the Brookwood-Sago Mine Safety Grants. This program develops educational and training programs and training materials for mine emergency preparedness by providing funding for education and training programs to help identify, avoid, and prevent unsafe working conditions in and around underground mines, and focuses on training materials and training programs for mine rescue and mine emergency preparedness in underground coal mines.

EPD supports the Secretary's vision *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
  - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
  - Outcome Goal 3.3: Ensure worker voice in the workplace.

## EDUCATIONAL POLICY AND DEVELOPMENT

- High Priority Performance Goal: Reduce fatalities resulting from the most common causes in mining by five percent per year based on a rolling five-year average.

In FY 2012, EPD proposes to improve safety and health conditions in the mining workplace through the following:

- **Increase training and education** - The Academy will develop training and awareness materials that directly address the identified standards and the tragic consequences of noncompliance. The Academy will provide training to inexperienced miners and educate miners of their right to report a health or safety hazard and protect their right to do so.
- **Increased Efforts to Protect Miners from Discrimination** - EPD will develop an initiative to educate miners regarding compliance with regulations and miners' rights. The office will also distribute training materials and stress the importance of compliance during safety talks with miners.

Training plays a critical role in preventing deaths, injuries, and illnesses on the job. Only with effective training can miners recognize possible hazards and know the safe procedures to follow. Because training and education are critically important to making progress in reducing the number of injuries and fatalities, MSHA will continue the increased visibility and emphasis on training. This emphasis includes the development and distribution of materials, as well as targeted safety sweeps to educate and assist miners and operators in ways to improve mine safety.

MSHA assists the Joseph A. Holmes Safety Association, a nonprofit association created in 1926 to promote health and safety in the mining industry, by providing technical assistance in coordinating efforts through grassroots safety and health programs and activities for the mining community. This program recognizes exemplary safety records both corporately and individually and presents nationally recognized awards.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2007	\$35,326	156
2008	\$36,239	148
2009	\$38,605	148
2010	\$38,605	159
2011	\$0	158

Note: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

### **FY 2012**

MSHA requests \$36,338,000 and 137 FTE in FY 2012 for EPD.

In FY 2012, EPD will expand its distance learning program by an additional 10 online courses developed for use by MSHA's entry-level inspectors, bringing the number of courses available to

## **EDUCATIONAL POLICY AND DEVELOPMENT**

57. The Academy will also create additional online journeyman-level inspector classes and new programs designed for the mining industry.

EPD will continue development of its pilot project to identify viable mobile devices and software applications that can improve efficiencies and enhance training services provided by EPD staff. EPD anticipates deploying a mobile application suitable for a variety of functions that will benefit MSHA in FY 2012.

The Academy will continue to provide professional instruction for MSHA inspectors and the mining community. The Academy anticipates conducting in excess of 1,140 course days of training. During FY 2012, it is anticipated that 24 entry-level inspector groups will attend training at the Academy. They also anticipate distributing in excess of 6,000,000 publications and training materials.

EPD will continue to manage MSHA's State Grants Program and the Brookwood-Sago Mine Safety Grant Program.

EPD's training specialists will continue to approve and evaluate all training activities, as well as qualify and certify miners to carry out critical duties required by the Mine Act. They will also participate in special emphasis programs which will address safety and health hazards in coal and metal and nonmetal mines.

The request includes a proposal to close the Small Mines Office (SMO) and to integrate the personnel into the Metal and Nonmetal Mine Safety and Health budget activity. In addition to providing continued assistance to small mine operators, integrating SMO personnel will allow MSHA to use their expertise at larger operations and provide more meaningful compliance assistance, leading to lower overall fatality and accident rates. The funds from this program decrease will be used to partially offset program increases in the Metal and Nonmetal Mine Safety and Health activity.

### **FY 2011**

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation had not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

### **FY 2010**

EPD continued activities to provide unified, comprehensive direction on matters relating to MSHA's role in education and training activities. EPD monitored and evaluated the effectiveness of mine safety and health training programs. EPD continued to manage quality education and training programs and policies, including inspector training programs, mining industry training and outreach.

## EDUCATIONAL POLICY AND DEVELOPMENT

The Academy continued to provide professional instruction and training materials for MSHA inspectors and the mining community. During FY 2010, the Academy accomplished the following:

- Conducted approximately 35,000 student days of training
- Developed 71 courses for mine inspectors, which included a combination of updating existing courses
- Developed new classroom and online courses
- Distributed 6,000,000 publications to the mining industry
- Printed more than 4,000,000 mine health and safety materials for the Agency and mining industry

MSHA completed a number of capital improvements, such as the renovation of the auditorium, paving of the main road at the Academy, and renovations to the exterior of two buildings damaged last winter at the Academy to provide a healthier, safer, and more realistic learning environment.

During FY 2010, MSHA offered its first online journeyman inspector course (Rules to Live By 1). MSHA designed Rules to Live By 1 to refresh the skills and knowledge of inspection personnel and to focus more attention on the standards identified in the “Rules to Live By” initiative. MSHA experienced a 100 percent completion rate for this course. This course was also available to the mining industry.

MSHA made available 14 Metal/Nonmetal and 20 Coal entry-level inspector online courses. This was an increase of 14 online courses from the previous year. MSHA secured additional course developers to support and expand online curriculum.

MSHA continued to develop its inventory of Spanish language training materials to help enhance training opportunities for miners whose first language, and in many cases only language, is Spanish. MSHA also continued updating and improving training materials, such as the *Guide to Miners’ Rights and Responsibilities* pamphlet which is MSHA’s most requested publication.

In FY 2010, MSHA’s State Grants Program provided annual refresher, new miner and first aid training for over 217,000 miners in 49 states and the Navajo Nation.

In FY 2010, EPD managed the Brookwood-Sago Mine Safety Grant Program. This program funded \$500,000 for six grants toward the development of training programs or training materials for mine emergency preparedness or mine rescue training. Some of the programs funded include an enhanced firefighting program for mine emergency response, classroom and simulated computer training for mine rescue teams and improving communication in the command center during a mine rescue exercise to recreate a real situation and all things necessary to have a successful outcome.

EFS specialists reviewed 3,244 training plans for Parts 46, 48, 75, and 77. In addition to the field reviews, EFS Specialists reviewed 2,074 instructor applications for approval. They trained

## EDUCATIONAL POLICY AND DEVELOPMENT

and tested 4,123 miners for qualification and certification in respirable dust sampling, calibration of equipment, testing for methane and oxygen deficiency and impoundment inspections. There were 286 presentations conducted for special emphasis programs such as *SLAM*, *Stay Out Stay Alive*, *Rules to Live By*, etc. The specialists trained 901 instructors for training Part 48 & 46 training regulations. There were 48 analysis conducted as part of a job training analysis. EFS monitored 840 instructors for effectiveness.

MSHA continued supporting the Qualifications and Certifications (Q&C) unit which issues qualification and certification credentials for critical safety and health tasks at mines. The Q&C unit handled 5,708 requests for information and services from mining companies, States, training facilities, miners, and MSHA personnel. Q&C handled approximately 1,000 additional requests for information on electronic training plans, policy information, training information, and information on MSHA regulations. The Q&C unit issued more than 35,000 cards to miners and instructors who were qualified and certified in various mining certifications, such as electrical retraining, blasting, hoisting, methane/oxygen, instructor certification and impoundment inspection.

EPD personnel provided assistance to the MSHA investigation at the Upper Big Branch Mine.

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2010 Enacted</b>		<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Educational Policy and Development</b>				
<b>Strategic Goal 2 - Ensure workplaces are safe and healthy</b>				
<b>Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>				
MSHA-EPD-01 Education - Compliance Assistance Hours Provided	--	77,602	65,000	65,000
MSHA-EPD-04 Number of new online courses	--	14	10	10
<b>Course Days of Training:</b>				
MSHA-EPD-02 MSHA	1,150	1,240	1,000	1,000
MSHA-EPD-03 Industry	275	117	140	140
<b>Total</b>	<b>1,425</b>	<b>1,357</b>	<b>1,140</b>	<b>1,140</b>
Publications Distributed	6,000,000	6,000,000	6,000,000	6,000,000

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

EPD's workload measures help determine the program's success in supporting the Strategic Goals and Outcome Goals. The "Academy Course Days of Training" measure indicates the amount of time spent training a great variety of mining and government personnel, including MSHA employees; industry representatives as mine operators, mine supervisors, labor unions, and mining related companies; miners; state mining officials; other Executive Agencies; and

## **EDUCATIONAL POLICY AND DEVELOPMENT**

Congressmen and their staff. The reduction in the number of course days of training from FY 2010 to FY 2011 and FY 2012 is due to the increase of available online courses.

EPD will continue to develop and distribute training materials and publications needed to support MSHA's safety and health goals.

The inspector workforce initially receives training in the necessary skills and abilities to conduct an effective inspection, and annually thereafter to refresh existing skills and knowledge and learn new technologies. This training is critical to maintain a highly skilled workforce capable of addressing the potential health and safety hazards found in mines. EPD conducts training for industry and labor unions on safety issues such as electrical, fire, and geological hazards and mine rescue, and health issues such as dust, ventilation, and noise. Miners receive training in mine rescue. Finally, EPD trains industry instructors in a wide variety of mining disciplines. Even a relative few course days at the Academy can therefore be multiplied throughout the mining industry.

At the Agency request level, EFS will focus on training, education, and developing innovative training techniques and methodologies to enhance and protect the health and safety of our Nation's mines and miners. EFS will provide 65,000 compliance assistance activity hours.

EPD produces and distributes publications throughout the year. These publications advise miners and those who train miners of potential health and safety hazards, miners' rights as workers, and opportunities for training. Formats of these publications may include: DVDs, CDs, slide packages, pamphlets, training manuals, program policy letters, training catalogues, posters, and stickers.

## EDUCATIONAL POLICY AND DEVELOPMENT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Change FY 12 Req. / FY 10 Enacted</b>
11.1	Full-time permanent	13,715	13,715	12,045	-1,670
11.3	Other than full-time permanent	120	60	60	-60
11.5	Other personnel compensation	519	829	791	272
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>14,354</b>	<b>14,604</b>	<b>12,896</b>	<b>-1,458</b>
12.1	Civilian personnel benefits	3,833	4,108	3,675	-158
13.0	Benefits for former personnel	5	5	5	0
21.0	Travel and transportation of persons	1,220	1,170	1,126	-94
22.0	Transportation of things	523	523	523	0
23.1	Rental payments to GSA	483	548	581	98
23.2	Rental payments to others	2	2	2	0
23.3	Communications, utilities, and miscellaneous charges	862	1,212	1,200	338
24.0	Printing and reproduction	161	161	157	-4
25.1	Advisory and assistance services	610	810	810	200
25.2	Other services	4,275	3,468	3,466	-809
25.3	Other purchases of goods and services from Government Accounts	1,245	1,252	1,172	-73
25.4	Operation and maintenance of facilities	756	106	106	-650
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	276	256	256	-20
26.0	Supplies and materials	538	863	848	310
31.0	Equipment	521	576	574	53
41.0	Grants, subsidies, and contributions	8,941	8,941	8,941	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>38,605</b>	<b>38,605</b>	<b>36,338</b>	<b>-2,267</b>
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	1,189	1,189	1,109	-80
	DHS Services	19	19	19	0
	HHS Services	9	9	9	0

# EDUCATIONAL POLICY AND DEVELOPMENT

## CHANGES IN FY 2012

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
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	33
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$33**

**Net Program** **-\$2,300**  
**Direct FTE** **-21**

	Estimate	FTE
<b>Base</b>	<b>\$38,638</b>	<b>158</b>
<b>Program Decrease</b>	<b>-\$2,300</b>	<b>-21</b>

## TECHNICAL SUPPORT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Diff. FY 12 Req. / FY 10 Enacted</b>
Budget Authority	30,642	30,642	33,403	2,761
FTE	204	200	210	6

NOTE: FY 2010 reflects actual FTE. Authorized FTE for FY 2010 was 200.

### **Introduction**

The Technical Support budget activity applies engineering and scientific expertise through field and laboratory forensic investigations to resolve technical problems associated with implementing the Mine Act and MINER Act; administers a fee program to approve equipment, materials, and explosives for use in mines; collects and analyzes data relative to the cause, frequency, and circumstances of accidents, injuries, illnesses, and occupational diseases; and evaluates new technology for potential to enhance miners' safety and health.

Technical Support's responsibilities include the following:

- Approving and certifying equipment, instruments, materials, explosives, and personal protective apparatus that can be used in mines (a fee program covers some of the costs of approval and certification activities) and performing audits of previously approved products to insure they have the same standard as when the initial approval was granted;
- Providing specialized scientific and engineering expertise for enforcement through mine visits as well as forensic field and laboratory investigations that address technical problems encountered in implementing the Mine Act and the MINER Act;
- Participating in and providing leadership in response to mine emergency response efforts, which includes on-site analytical equipment, communications links, and other sophisticated equipment essential to critical decisions in a rescue/recovery operation;
- Investigating problems of compliance with safety and health standards, and recommending solutions to MSHA and stakeholders;
- Providing analysis of existing environmental conditions and projections of future technological developments;
- Conducting in-depth studies to define true causes of accidents, injuries or occupational illnesses, determining trends and impact, and recommending improvements and solutions to MSHA; and
- Investigating new technology products and developing programs to deploy products with potential to improve miners' health and safety.

Technical Support conducts these activities through cooperative efforts with Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health inspectors and specialists, Program Evaluation and Information Resources personnel, and Educational Policy and Development personnel.

Technical Support supports the Secretary's vision *Good Jobs for Everyone* through the following:

## TECHNICAL SUPPORT

- Strategic Goal 2: Ensure workplaces are safe and healthy
  - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
  - Outcome Goal 3.3: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes in mining by five percent per year based on a rolling five-year average.

In FY 2012, Technical Support will support the budget theme ‘*enhancing worker safety*’ through the following initiatives:

- Mount Hope Lab Expansion, Modernization, and Accreditation
- Maintenance Costs of Mine Emergency Operations Upgrades/Improvements
- Mine Emergency Operations and Equipment

Technical Support will improve safety and health conditions in the mining workplace by:

- Targeting the most common causes of fatal accidents by analyzing fatal accident data in support of the fatality and disaster prevention program.
- Improving impoundment/dam safety by conducting inspections of high-hazard potential sites.
- Improving MSHA and mining industry emergency response preparedness by continuing to identify gaps that could impair successful mine emergency response.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2007	\$29,237	200
2008	\$29,476	200
2009	\$30,117	200
2010	\$30,642	200
2011	\$0	200

Note: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

### **FY 2012**

MSHA requests \$33,403,000 and 210 FTE in FY 2012 for the Technical Support budget activity to support further implementation of the requirements of the MINER Act. These include approvals for refuge alternatives and improvements in/approvals for communication and tracking technologies. Technical Support will support new regulatory rulemaking anticipated in FY 2012 to eliminate or reduce safety and health hazards in mining and will provide technical expertise and conduct field evaluations of the Continuous Personal Dust Monitor (CPDM).

In FY 2012, Technical Support will:

## TECHNICAL SUPPORT

- Continue to approve and certify mine equipment, materials, instruments, explosives and respirators with a focus to reducing backlogs and will also evaluate the safe designs of seals, mine ventilation systems, and ground control.
- Provide assistance to the enforcement personnel in the development of MINER Act requirements for the wireless communication and electronic tracking systems used in underground mines. Technical Support personnel will also conduct testing to evaluate radio frequency interference with various mining equipment.
- Continue expansion of the Repair Shop program for audit purposes of permissible machines rebuilt to approval specifications. This program has been expanded to include new original (MSHA approved) equipment manufacturers and new and/or rebuilt equipment at mine sites.
- Expand and repair the existing Approval and Certification Center (Building 5) facility to adequately and permanently establish and operate the testing laboratory to accommodate current and future fire testing (e.g., brattice cloth) needs for approvals, regulatory and forensic support.

MSHA's DOL Dam Safety Officer will continue to evaluate MSHA's efforts to reduce the likelihood of failure of any high-hazard potential impoundment/dam. Technical Support staff will provide training for MSHA and industry personnel.

The FY 2012 request includes additional funding for the following initiatives:

- **Mount Hope Lab Expansion, Modernization, and Accreditation** - \$1,910,000 and 10 FTE is requested to modernize the laboratory located in the District 4 office in Mt. Hope, WV. The lab processes all of MSHA's rock dust and mine atmosphere samples and performs other sample analyses. Workload in the lab has recently increased significantly, and MSHA's analysis indicates that it needs substantial equipment upgrades and staffing changes to meet accreditation criteria. In FY 2011, MSHA will transfer management of the lab from the Coal Mine Safety and Health activity to Technical Support. MSHA proposes to add 10 additional FTE, replace outdated analysis equipment, and supplement existing equipment. This initiative supports the budget theme '*enhancing worker safety*' and will improve the reliability and speed of sample processing, and increase the number of samples processed.
- **Maintenance costs for Mine Emergency Operations (MEO) Upgrades/Improvements** - \$300,000 is requested for ongoing annual expenses for upgrades/improvements to the MEO equipment located throughout the United States. The cost includes additional necessary equipment for consumables and major/minor maintenance (e.g. engine failure, safety inspections) of equipment. Maintenance will prolong the life of the vehicles, improve performance and save MSHA money by preventing costly mechanical repairs. By maintaining the equipment, the first responders have the equipment in good working condition to immediately deploy in the event of a mine emergency. It is critical that MSHA invest in maintenance, targeted improvements and technological upgrades to its mine emergency response capabilities in order to better protect the lives of the miners and mine

## TECHNICAL SUPPORT

rescuers. This initiative will provide for the readiness of mine emergency equipment (e.g. vehicles, mobile laboratory) making them road worthy allowing quicker and more efficient response by the mine emergency rescue team, and support the budget theme '*enhancing worker safety.*'

- **Mine Emergency Operations and Equipment** - \$550,000 is requested to upgrade mine emergency response and rescue capabilities available for rapid response in case of an emergency.

### **FY 2011**

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation had not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

### **FY 2010**

Technical Support provided assistance to support investigation of the Upper Big Branch Mine Disaster, including testing and auditing of hundreds of mining equipment components, MEO coordination, gas analysis, sampling, and recovery.

MSHA continued to upgrade its mine emergency response and rescue capabilities to ensure timely, effective, and appropriate response to mine emergencies. Technical Support evaluated agency and industry capabilities and preparedness to identify gaps and ascertain where changes are needed in plans, training, regulations, and policy. MSHA held meetings for coal and metal nonmetal stakeholders, and conducted a focus group as part of the evaluation.

Technical Support provided engineering, scientific, and laboratory expertise to reduce respirable coal mine dust, silica, and noise exposures. Technical Support performed 153,000 analyses on health samples to determine compliance, and made recommendations to reduce exposure. Technical Support provided engineering and scientific expertise for rulemaking for exposure to coal dust, respirable crystalline silica, dust monitors, and proximity detection for underground mines.

MSHA purchased CPDMs to enhance its capability to effectively identify dust sources and evaluate the adequacy of controls and practices at mines. This enhanced monitoring capability improves MSHA's ability to identify where plan improvements can reduce overexposure and black lung disease. Technical Support calibrated CPDMs and evaluated CPDMs during investigations, and participated in dust initiatives and workshops.

Technical Support evaluated statistical information from fatal accidents and made recommendations for MSHA's FY 2010 "Rules to Live By" initiatives.

## TECHNICAL SUPPORT

Technical Support continued implementation of Part 14 conveyor belt flame testing required by the MINER Act and achieved a 300% increase in completed actions over FY 2009.

MSHA approved revisions for Mine Communications and Tracking (C&T) products (e.g., Argon ST, Inc. Mine Communicator and Becker VHF/UHF Portable Radio). Technical Support had discussions with vendors regarding 198 different proposals for development of C&T systems, purchased a Radio Frequency measurement tool to analyze C&T systems, and implemented an online automated application tool to reduce time providing technical assistance to new applicants.

Technical Support evaluated refuge alternatives (RAs) by providing technical expertise in the areas of structural, chemical, and electrical engineering, thermodynamics, and physiology of RAs. Technical Support observed required tests by seven manufacturers, as these test results are part of submitted applications. Technical Support worked with NIOSH to plan research to facilitate safe use and approvals of RAs, and assisted in investigating state-approved RA performance. Technical Support provided information to advise mine operators on complying with RA rules. It also provided engineering support in the evaluation of the mining operations' Emergency Response Plans.

MSHA's Dam Safety Officer evaluated MSHA's efforts to reduce the likelihood of failure of high hazard potential impoundments under MSHA jurisdiction. MSHA published an Advanced Notice of Proposed Rulemaking in the Federal Register on safety of dams at metal and nonmetal mines. After MSHA receives and evaluates comments from interested parties, it will decide what actions to take to improve protection of miners and others who may be endangered by failure of a mining industry dam.

<b>DETAILED WORKLOAD AND PERFORMANCE</b>				
	<b>FY 2010 Enacted</b>		<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Technical Support</b>				
<b>Strategic Goal 2.1 - Ensure workplaces are safe and healthy</b>				
<b>Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries</b>				
MSHA-TS-01 Percent of field investigation reports completed within 90 days	--	--	75.00%	75.00%
Approval Actions (New and Modifications)	800	817	800	800
Samples Analyzed /1	160,000	180,000	200,000	220,000
Calibrations (photometers, anemometers, noise, radiation)	5,100	5,045	5,400	5,400
Impoundment Plan Reviewed	190	181	180	190
Seal Plan Approvals /2	16	0	10	12

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

1/ Increase in samples analyzed as a result of the Mt. Hope laboratory restructure.

2/ No seal plans were approved in FY 2010 – seal plans were reviewed and returned to vendors for additional information.

## TECHNICAL SUPPORT

In Support of Strategic Goal: *Ensure workplaces are safe and healthy*, Technical Support will utilize resources to reduce fatal accidents and health risks to miners through the following efforts.

- Development of more advanced communication and tracking technologies. The communication and tracking devices assist in accurately locating miners in a post-accident environment.
- Development of proximity/collision avoidance technology. The proximity protection systems can be used to protect miners in a whole wide area of mining activities including continuous miner, shuttle cars, feeder breakers and conveyor belts. These systems are an important tool to reduce fatal and non-fatal injuries in mining operations.
- Review of mine plans, i.e. roof control, ventilation systems, impoundments, design of mine seals, and ground control plans. Through Technical Support's efforts to conduct approval testing and quality control auditing of equipment and materials, MSHA will ensure that the manufacturers continue to make the products according to the MSHA standards to ensure that the miners use the safest products available.
- Upon request of the enforcement programs, review of the engineering plans for impoundments/dams that are of a significant size or hazard potential to prevent failures and protect the most vulnerable population of persons living downstream of the site.
- Participate with MSHA enforcement staff to identify and analyze the occupations area with the highest concentrations of respirable coal mine dust. These efforts will target the most egregious and persistent violators and high-risk health hazards.

## TECHNICAL SUPPORT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Change FY 12 Req. / FY 10 Enacted</b>
11.1	Full-time permanent	17,118	17,118	17,773	655
11.3	Other than full-time permanent	30	15	15	-15
11.5	Other personnel compensation	485	600	612	127
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>17,633</b>	<b>17,733</b>	<b>18,400</b>	<b>767</b>
12.1	Civilian personnel benefits	4,547	4,797	4,982	435
13.0	Benefits for former personnel	6	6	6	0
21.0	Travel and transportation of persons	744	904	906	162
22.0	Transportation of things	179	299	299	120
23.1	Rental payments to GSA	88	100	101	13
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	504	729	735	231
24.0	Printing and reproduction	37	17	18	-19
25.1	Advisory and assistance services	68	168	168	100
25.2	Other services	789	467	467	-322
25.3	Other purchases of goods and services from Government Accounts	3,147	3,357	3,434	287
25.4	Operation and maintenance of facilities	107	57	57	-50
25.5	Research and development contracts	0	15	15	15
25.7	Operation and maintenance of equipment	328	328	328	0
26.0	Supplies and materials	696	896	1,146	450
31.0	Equipment	1,769	769	2,341	572
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>30,642</b>	<b>30,642</b>	<b>33,403</b>	<b>2,761</b>
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	1,600	1,600	1,600	0
	DHS Services	3	3	3	0
	HHS Services	1,488	1,729	1,729	241
	Services by Other Government Departments	0	0	77	77

# TECHNICAL SUPPORT

## CHANGES IN FY 2012

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
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	1
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$1**

**Net Program** **\$2,760**  
**Direct FTE** **10**

	Estimate	FTE
<b>Base</b>	<b>\$30,643</b>	<b>200</b>
<b>Program Increase</b>	<b>\$2,760</b>	<b>10</b>

## PROGRAM EVALUATION AND INFORMATION RESOURCES

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Diff. FY 12 Req. / FY 10 Enacted</b>
Budget Authority	16,857	16,857	20,654	3,797
FTE	60	67	67	7

NOTE: FY 2010 reflects actual FTE. Authorized FTE for FY 2010 was 75.

### **Introduction**

The Directorate of Program Evaluation and Information Resources (PEIR) provides MSHA’s program evaluation and information technology management services. PEIR ensures ongoing oversight of MSHA program activities by conducting internal reviews and data analyses to alert both internal and external stakeholders of developing trends.

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

Among its other duties and responsibilities, PEIR also: (1) serves as liaison between MSHA and Office of the Inspector General (OIG) and Government Accountability Office (GAO); (2) ensures transparency across MSHA by disclosing relevant information to the public; (3) evaluates methods to reduce, even further, the time to process accident and injury data and provide the information to interested parties as quickly as possible; (4) continues development of a single integrated database application system for managing and utilizing MSHA data in a web-based environment through accelerated IT modernization; (5) improves the performance and reliability of MSHA’s wide area network; (6) continues implementation of the MSHA Enterprise Architecture (EA); (7) expands MSHA’s web services to further reduce the reporting burden on businesses and the public, share information more quickly, and automate internal processes; (8) ensures continuation of an active enterprise-wide security program that achieves cost-effective security; and (9) ensures risks are mitigated and contingency plans are in place and up-to-date.

PEIR supports the Secretary’s vision *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
  - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
  - Outcome Goal 3.3: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes by 5 percent in mining sites per year.

In FY 2012, PEIR will support the budget themes ‘*Accelerated IT modernization and Strengthening regulatory programs and improving transparency and public disclosure*’ through the following initiatives:

## PROGRAM EVALUATION AND INFORMATION RESOURCES

- Part 50 Conversion
- Re-engineering health samples database
- Upgrade mine emergency operations capabilities

PEIR supports the SAVE proposal to discontinue mailing of the Form 7000-2 to mine operators and will implement this proposal in FY 2011. Mine operators are required to submit accident and injury data and production data to MSHA, as required by Title 30 CFR, Part 50. For many years PEIR has mailed multi-part forms to mine operators and contractors in which the pertinent data could be filled in and mailed to MSHA in a return envelope. The proposal suggests that MSHA discontinue mailing the multi-part forms, but instead mail postcards as reminders. The multi-part forms require first class postage, which is currently \$0.44 each. Postcards can be mailed for \$0.28 each. This proposal would result in savings of \$27,000 in 2012.

In FY 2012, PEIR proposes to improve safety and health conditions in the mining workplace through the following strategies:

- **Increase Inspection and Enforcement Effectiveness** - PEIR provides data support by modifying the Inspector's Portable Application for Laptops (IPAL) to notify inspectors when they have cited a standard that is linked to a high incidence of fatal injuries. Additionally, PEIR will post listings of engineering controls and other resources for eliminating hazardous conditions and practices that most frequently contribute to fatal accidents and share best practices for improved methods for preventing fatalities and disasters on MSHA's website.
- **Promote Mine Operator Adoption of Prevention-focused, Comprehensive Health and Safety Management Programs by Mine Operators** - PEIR will participate with the rulemaking committees to identify requirements for potential changes to the respirable dust systems. PEIR will also participate in the field tests of the Continuous Personal Dust Monitor (CPDM) and identify potential requirements for processing CPDM data. PEIR will publish best practices for improved methods for controlling exposures to respirable coal mine dust, silica, and noise on the MSHA website.
- **Improve Mine Emergency Response Preparedness** - PEIR will assist Technical Support in conducting a comprehensive evaluation of MSHA, mining industry, and mine rescue team emergency response preparedness.
- **Increase Efforts to Protect Miners from Discrimination** - PEIR will implement enhancements to the Hazardous Conditions Complaints (HCC) computer system as identified by the HCC program evaluation. PEIR will also monitor program area corrective actions resulting from the evaluation and will develop new Key Indicator Reports to allow better monitoring of HCC evaluations. PEIR will revise the online HCC system to accept complaints from miners in Spanish. PEIR will examine the feasibility of using a survey instrument to ascertain miners' (including Spanish-speaking miners) understanding of their rights under Section 103(g) to identify hazardous conditions and Section 105(c) to request Agency inspections without discrimination and the degree to which they believe they are protected should discrimination occur.

## PROGRAM EVALUATION AND INFORMATION RESOURCES

PEIR manages MSHA's 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.

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.

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2007	\$21,185	75
2008	\$15,936	75
2009	\$16,514	75
2010	\$16,857	75
2011	\$0	67

Note: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

### FY 2012

MSHA requests \$20,654,000 and 67 FTE for the PEIR budget activity. This program will advance MSHA's mission by operating and managing the Agency's transmission of information infrastructure, including a Wide Area Network (WAN) supporting 99 field locations and three data centers. PEIR will also operate and maintain MSHA's major application systems; support and maintain the Agency's on-line electronic government filing application; develop new software systems for the Agency's evolving technology needs; and provide technology training for the Agency's computer user community. Additionally, during FY 2012 PEIR will focus on the following new initiatives. These initiatives support the budget themes '*Accelerating IT modernization*' and '*Strengthening regulatory programs and improving transparency and public disclosure.*' MSHA is requesting an additional:

- \$1,000,000 to migrate the functionality of MSHA's system used to collect and track mine accident, injury and employment data to run within MSHA's Standardized Information System (MSIS). This redesign will enable MSHA to accelerate IT modernization by providing more accurate injury and illness information to inspectors through improved inspection capabilities. Improved reporting of incidence will have a direct, positive impact in securing safe and healthy workplaces as the information is used to prevent and reduce future accidents, injuries, fatalities and illnesses associated with mining.

## **PROGRAM EVALUATION AND INFORMATION RESOURCES**

- \$2,000,000 to develop and implement software to support the efforts of the Department of Labor and MSHA to protect the health of our nations miners by eliminating “Black Lung” by reengineering health samples and transforming the current outdated health database system to a modernized and stable system compatible with MSHA’s enterprise data system to ensure the integrity of the samples data and to support compliance reporting.
- \$450,000 to upgrade Mine Emergency Operations (MEO) capabilities by purchasing two MEO vehicles, a second satellite dish, and wireless mesh access points. This will enable MSHA to rapidly deploy to both western and eastern MEO events (or to two simultaneous MEO events).

### **FY 2011**

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation had not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

### **FY 2010**

In FY 2010, PEIR developed strategies to achieve improvements to the network infrastructure with the goal of providing a communication platform that accommodates change resulting from new technologies. PEIR also maintained and enhanced the existing management information systems to provide efficient and timely access to critical information. PEIR continued the use of Enterprise Architecture principles to collaborate with stakeholders to develop a slate of projects that were customer driven and supported the agency’s mission to protect the safety and health of miners.

During FY 2010, PEIR accomplished the following:

- Enhanced the IPAL system to notify inspectors when a standard is cited that is linked to a high incidence of fatal injuries.
- Deployed a web-based application that assists the mining community in locating mine rescue teams, equipment, and materials needed to respond to mine emergencies.
- Collected requirements for processing CPDM data.
- Developed a testing strategy that will comprehensively evaluate the mine readiness and full range of the CPDM capabilities.
- Participated in the CPDM field tests.
- Implemented changes to the Coal sample legacy system which allows the inspection personnel to void operator samples if invalid.
- Deployed a Spanish-language version of the Hazardous Condition Complaint application on the MSHA website.

## PROGRAM EVALUATION AND INFORMATION RESOURCES

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Change FY 12 Req. / FY 10 Enacted</b>
11.1	Full-time permanent	5,440	5,440	5,440	0
11.3	Other than full-time permanent	73	38	38	-35
11.5	Other personnel compensation	187	222	222	35
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>5,700</b>	<b>5,700</b>	<b>5,700</b>	<b>0</b>
12.1	Civilian personnel benefits	1,468	1,660	1,660	192
13.0	Benefits for former personnel	2	2	2	0
21.0	Travel and transportation of persons	91	71	71	-20
22.0	Transportation of things	1	1	1	0
23.1	Rental payments to GSA	505	573	578	73
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	288	308	308	20
24.0	Printing and reproduction	68	68	68	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services	126	63	63	-63
25.3	Other purchases of goods and services from Government Accounts	565	568	568	3
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	7,025	6,975	10,305	3,280
26.0	Supplies and materials	79	129	129	50
31.0	Equipment	939	739	1,201	262
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>16,857</b>	<b>16,857</b>	<b>20,654</b>	<b>3,797</b>
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	483	483	483	0
	DHS Services	21	21	21	0

# PROGRAM EVALUATION AND INFORMATION RESOURCES

## CHANGES IN FY 2012

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
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	5
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$5**

**Net Program** **\$3,792**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$16,862</b>	<b>67</b>
<b>Program Increase</b>	<b>\$3,792</b>	<b>0</b>

## PROGRAM ADMINISTRATION

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Diff. FY 12 Req. / FY 10 Enacted</b>
Budget Authority	17,391	17,391	30,465	13,074
FTE	103	85	85	-18

NOTE: FY 2010 reflects actual FTE. Authorized FTE for FY 2010 was 86.

### **Introduction**

Program Administration (PA) provides administrative and management advice, products, and services to assist the Office of the Assistant Secretary in implementing the Mine and 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 *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
  - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
  - Outcome Goal 3.3: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes in mining by five percent per year based on a rolling five-year average.

In FY 2012, PA will support MSHA’s program activities to improve safety and health conditions in the mining workplace.

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. Activity support services include personnel management, financial management, procurement and contracting, employee training, safety, health, and diversity programs for MSHA employees, property management, and management analysis. By providing leadership, policy direction, and administrative support services, PA supports and strengthens all of MSHA’s program activities enabling MSHA 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>
2007	\$13,637	86
2008	\$16,339	86
2009	\$15,684	86
2010	\$17,391	86
2011	\$0	85

Note: A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared.

## FY 2012

MSHA requests \$30,465,000 and 85 FTE for PA to continue to implement its comprehensive human capital plan with the aim of significantly reducing mission-critical skill gaps. PA will seek recruitment strategies and improvement of the assessment process to replace the Federal Career Intern Program to ensure that qualified candidates are available for timely replacement as separations occur. PA will continue its partnership with the Department of Labor's (DOL) Civil Rights Center and the Assistant Secretary for Administration and Management to recruit a qualified, diverse workforce through continued participation in career fairs, diversity conferences, and professional associations.

PA will support MSHA's High Priority Performance Goal and the Departmental Strategic Goals and Outcome Goals. The office will support the MSHA's Strategic Plan, program assessments, and Annual Performance Report, while promoting a safe and healthful work environment for the MSHA employees.

Accountability reviews will be conducted to ensure that management controls are in place and effective enforcement levels adhere to MSHA's policies and procedures. The reviews will ensure that guidance is being complied with consistently and that the agency is accomplishing its mission-critical activities.

This request includes \$15,000,000 to continue progress toward reducing the backlog of contested violations at the Federal Mine Safety and Health Review Commission (Commission). Appropriations language will permit MSHA will transfer funding from this request to the Office of the Solicitor (SOL) in support of reducing the backlog at the Commission. The resources are necessary to correspond to the increased level of judges in the Commission's request, which will require additional support by both MSHA and SOL. MSHA requests the funding in PA to provide the flexibility necessary to respond to the case mix before the Commission, any changes in case processing procedures, and the impact of these factors on the funding needs between MSHA's programs and SOL to provide effective litigation support and case management.

This request also includes a program reduction of \$3,258,000, which represents \$1,450,000 for the elimination of FY 2010 Earmark for the United Mine Workers of America (UMWA), along with a reduction of \$1,808,000 associated with a predecessor project that remained in the FY 2010 base.

## **PROGRAM ADMINISTRATION**

PA will receive funding assistance from Coal Mine Safety and Health and Metal and Nonmetal Safety and Health program activities to support the Office of Accountability.

### **FY 2011**

Figures shown for FY 2011 reflect the annualized Continuing Resolution level as a full-year appropriation had not been enacted at the time the budget was produced. Since this level is based on the FY 2010 enacted level, operations under a full-year Continuing Resolution would be consistent with those described in the FY 2010 section.

### **FY 2010**

PA worked with MSHA's enforcement program activities to ensure that its administrative resource programs work cooperatively to ensure these program areas maximize their finite resources.

In FY 2010, MSHA targeted specific geographic areas with a diverse qualified workforce from which to recruit. MSHA continued its ongoing partnership with DOL's Civil Rights Center and Office of the Assistant Secretary for Administration and Management (OASAM) begun in FY 2009 to implement its diversity hiring plan. MSHA chartered a 15-member cross-functional task force to develop a comprehensive plan to improve diversity. PA also developed a Campus Executive Program which resulted in establishing formal partnerships with six historically black colleges and universities, significantly contributing to recruitment efforts for professional positions.

MSHA targeted its recruitment efforts to ensure a qualified and diverse health and safety professional applicant pool through continued active participation in career fairs, diversity conferences, and professional associations. In partnership with OASAM, MSHA explored the use of novel recruitment efforts to attract a qualified diverse talent pool specific to MSHA's diversity hiring strategies, goals and challenges. During FY 2010, MSHA conducted approximately 15 career fairs. The job fair recruiting process was revised to significantly expand the recruiting pool and associated 'pipelines' to increase diversity within the inspectorate. MSHA exceeded its goal to achieve at least 80 percent of the monthly hiring targets – the actual was 87 percent.

MSHA continued to conduct accountability audits to ensure enforcement consistency and uniformity nationwide. Approximately 18 audits were conducted during FY 2010.

PA supported the DOL Emergency Management Center, in conjunction with the Dallas Emergency Operations Center, the DOL Emergency Management Working Group, and the National Mine Health and Safety Academy staff organized and planned the Department's participation in the National Level Exercise (NLE) / Eagle Horizon (EH) 2010 exercise which

## **PROGRAM ADMINISTRATION**

occurred May 17 - 19, 2010. NLE/EH 2010 was a White House mandated, government-wide exercise requiring external evaluation of all Federal continuity programs.

MSHA awarded \$1,450,000 to the United Mine Workers of America for the continuation of the Mine Rescue Training Program.

## PROGRAM ADMINISTRATION

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2010 Enacted</b>	<b>FY 2011 Full Year C.R.</b>	<b>FY 2012 Request</b>	<b>Change FY 12 Req. / FY 10 Enacted</b>
11.1	Full-time permanent	8,804	8,199	8,199	-605
11.3	Other than full-time permanent	134	99	19	-115
11.5	Other personnel compensation	414	339	89	-325
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>9,352</b>	<b>8,637</b>	<b>8,307</b>	<b>-1,045</b>
12.1	Civilian personnel benefits	2,089	2,654	2,654	565
13.0	Benefits for former personnel	3	3	3	0
21.0	Travel and transportation of persons	349	329	129	-220
22.0	Transportation of things	5	5	5	0
23.1	Rental payments to GSA	648	735	2,067	1,419
23.2	Rental payments to others	32	132	132	100
23.3	Communications, utilities, and miscellaneous charges	211	311	211	0
24.0	Printing and reproduction	126	126	76	-50
25.1	Advisory and assistance services	10	0	0	-10
25.2	Other services	2,490	2,541	333	-2,157
25.3	Other purchases of goods and services from Government Accounts	1,285	1,297	16,297	15,012
25.4	Operation and maintenance of facilities	3	13	13	10
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	185	170	120	-65
26.0	Supplies and materials	419	284	44	-375
31.0	Equipment	184	154	74	-110
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>17,391</b>	<b>17,391</b>	<b>30,465</b>	<b>13,074</b>
1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	1,118	1,118	1,118	0
	DHS Services	27	27	27	0
	HHS Services	6	6	6	0
	Services by Other Government Departments	0	0	15,000	15,000

# PROGRAM ADMINISTRATION

## CHANGES IN FY 2012

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
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	1,332
All Other Rental	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services	0
Working Capital Fund	0
Other government accounts (DHS Charges)	0
Other purchases of goods and services from Government accounts	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$1,332**

**Net Program** **\$11,742**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$18,723</b>	<b>85</b>
<b>Program Decrease</b>	<b>-\$3,258</b>	<b>0</b>
<b>Program Increase</b>	<b>\$15,000</b>	<b>0</b>