

FY 2023

CONGRESSIONAL BUDGET JUSTIFICATION

MINE SAFETY AND HEALTH ADMINISTRATION

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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, \$423,449,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities and not less than \$10,537,000 for State assistance grants: Provided, That notwithstanding 31 U.S.C. 3302, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: Provided further, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to \$2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: Provided further, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: Provided further, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: Provided further, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: Provided further, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

Note.— A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Continuing Appropriations Act, 2022 (Division A of P.L.117-43, as amended). The amounts included for 2022 reflect the annualized level provided by the continuing resolution.

MINE SAFETY AND HEALTH ADMINISTRATION

AMOUNTS AVAILABLE FOR OBLIGATION						
(Dollars in Thousands)						
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.		FY 2023 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	1,707	\$379,816	1,658	\$379,816	1,832	\$423,449
American Rescue Plan Supplemental Funding (P.L. 117-2)	60	\$13,245	0	\$0	0	\$0
Unexpired Unobligated Balances Carried Forward from Prior Year (P.L. 117-2)	0	\$0	53	\$11,078	0	\$0
Offsetting Collections From:						
Reimbursements	0	\$3,249	0	\$3,249	0	\$3,249
<i>Subtotal</i>	<i>1,767</i>	<i>\$396,310</i>	<i>1,711</i>	<i>\$394,143</i>	<i>1,832</i>	<i>\$426,698</i>
B. Gross Budget Authority	1,767	\$396,310	1,711	\$394,143	1,832	\$426,698
American Rescue Plan Supplemental Funding (P.L. 117-2)	-60	-\$13,245	0	\$0	0	\$0
Unexpired Unobligated Balances Carried Forward from Prior Year (P.L. 117-2)	0	\$0	-53	-\$11,078	0	\$0
IT Consolidation	0	\$0	0	\$0	0	\$0
Offsetting Collections to:						
Reimbursements	0	-\$3,249	0	-\$3,249	0	-\$3,249
<i>Subtotal</i>	<i>1,707</i>	<i>\$379,816</i>	<i>1,658</i>	<i>\$379,816</i>	<i>1,832</i>	<i>\$423,449</i>
C. Budget Authority Before Committee	1,707	\$379,816	1,658	\$379,816	1,832	\$423,449
American Rescue Plan Supplemental Funding (P.L. 117-2)	60	\$13,245	0	\$0	0	\$0
Unexpired Unobligated Balances Carried Forward from Prior Year (P.L. 117-2)	0	\$0	53	\$11,078	0	\$0
Offsetting Collections From:						
Reimbursements	0	\$3,249	0	\$3,249	0	\$3,249
<i>Subtotal</i>	<i>1,767</i>	<i>\$396,310</i>	<i>1,711</i>	<i>\$394,143</i>	<i>1,832</i>	<i>\$426,698</i>
D. Total Budgetary Resources	1,767	\$396,310	1,711	\$394,143	1,832	\$426,698
Unobligated Balance Expiring	-51	-\$950	0	\$0	0	\$0
FTE Lapse and Unobligated Balance Carryover (American Rescue Plan)	-53	-\$11,078	0	\$0	0	\$0
E. Total, Estimated Obligations	1,663	\$384,282	1,711	\$394,143	1,832	\$426,698

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2022 Full Year C.R.	FY 2023 Request	Net Change
Budget Authority			
General Funds	\$379,816	\$423,449	+\$43,633
Total	\$379,816	\$423,449	+\$43,633
Full Time Equivalents			
General Funds	1,658	1,832	174
Total	1,658	1,832	174

Explanation of Change	FY 2023 Change							
	FY 2022 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	1,658	\$164,860	0	\$0	0	\$10,804	0	\$10,804
Personnel benefits	0	\$65,344	0	\$0	0	\$4,753	0	\$4,753
Federal Employees' Compensation Act (FECA)	0	\$0	0	\$0	0	\$0	0	\$0
Benefits for former personnel	0	\$0	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$7,687	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$5,430	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$17,577	0	\$0	0	\$0	0	\$0
Rental payments to others	0	\$27	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$3,018	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$251	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$953	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$4,529	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$53,079	0	\$0	0	\$2,017	0	\$2,017
Other Federal sources (DHS Charges)	0	\$2,446	0	\$0	0	\$0	0	\$0
Other goods and services from Federal sources	0	\$16,197	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$1,096	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$7,265	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$5,219	0	\$0	0	\$0	0	\$0
Equipment	0	\$4,779	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$11,137	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$2	0	\$0	0	\$0	0	\$0

MINE SAFETY AND HEALTH ADMINISTRATION

FY 2023 Change

Explanation of Change	FY 2022 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Land and Structures	0	\$1,111	0	\$0	0	\$0	0	\$0
Built-Ins Subtotal	1,658	+\$372,007	0	\$0	0	+\$17,574	0	+\$17,574
B. Programs:								
Mine Safety and Health Enforcement Increase	1,202	\$257,190	0	\$0	150	\$25,874	150	\$25,874
Office of Standards, Regulations, and Variances Increase	16	\$5,382	0	\$0	12	\$2,260	12	\$2,260
Technical Support Increase	185	\$35,041	0	\$0	5	\$162	5	\$162
Program Administration Increase	0	\$0	0	\$0	5	\$0	5	\$0
Educational Policy and Development Increase	0	\$0	0	\$0	1	\$0	1	\$0
Program Evaluation and Information Resources Increase	0	\$0	0	\$0	1	\$0	1	\$0
Programs Subtotal			0	\$0	174	+\$28,296	174	+\$28,296
Total Increase	1,658	+\$372,007	0	\$0	174	+\$45,870	174	+\$45,870
Decreases:								
A. Built-Ins:								
To Provide For:								
Federal Employees' Compensation Act (FECA)	0	\$7,809	0	\$0	0	-\$1,205	0	-\$1,205
Built-Ins Subtotal	0	+\$7,809	0	\$0	0	-\$1,205	0	-\$1,205
B. Programs:								
Educational Policy and Development Decrease	131	\$39,320	0	\$0	0	-\$515	0	-\$515
Program Administration Decrease	0	\$0	0	\$0	0	-\$301	0	-\$301
Office of Assessments Decrease	0	\$0	0	\$0	0	-\$179	0	-\$179
Program Evaluation and Information Resources Decrease	0	\$0	0	\$0	0	-\$37	0	-\$37
Programs Subtotal			0	\$0	0	-\$1,032	0	-\$1,032
Total Decrease	0	+\$7,809	0	\$0	0	-\$2,237	0	-\$2,237
Total Change	1,658	+\$379,816	0	\$0	174	+\$43,633	174	+\$43,633

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.		FY 2023 Request		Diff. FY23 Request / FY22 Full Year C.R.	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Mine Safety and Health Enforcement	1,230	257,190	1,202	257,190	1,352	294,236	150	37,046
General Funds	1,230	257,190	1,202	257,190	1,352	294,236	150	37,046
Office of Standards, Regulations, and Variances	18	5,382	16	5,382	28	7,927	12	2,545
General Funds	18	5,382	16	5,382	28	7,927	12	2,545
Office of Assessments	42	7,445	41	7,445	41	7,746	0	301
General Funds	42	7,445	41	7,445	41	7,746	0	301
Educational Policy and Development	120	39,320	131	39,320	132	40,183	1	863
General Funds	120	39,320	131	39,320	132	40,183	1	863
Technical Support	183	35,041	185	35,041	190	37,356	5	2,315
General Funds	183	35,041	185	35,041	190	37,356	5	2,315
Program Evaluation and Information Resources	17	19,083	19	19,083	20	19,309	1	226
General Funds	17	19,083	19	19,083	20	19,309	1	226
Program Administration	46	16,355	64	16,355	69	16,692	5	337
General Funds	46	16,355	64	16,355	69	16,692	5	337
Total	1,656	379,816	1,658	379,816	1,832	423,449	174	43,633

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY

(Dollars in Thousands)

	FY 2021 Revised Enacted		FY 2022 Full Year C.R.		FY 2023 Request		Diff. FY23 Request / FY22 Full Year C.R.	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
	General Funds	1,656	379,816	1,658	379,816	1,832	423,449	174

NOTE: FY 2021 reflects actual FTE. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

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BUDGET AUTHORITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
	Full-Time Equivalent				
	Full-time Permanent	1,707	1,658	1,832	174
	Other	3	2	0	-2
	Total	1,710	1,660	1,832	172
	Average ES Salary	\$186,599	\$192,499	\$201,354	\$8,855
	Average GM/GS Grade	11/6	11/6	11/6	0
	Average GM/GS Salary	\$93,154	\$93,529	\$97,831	\$4,302
	Average Salary of Wage Grade Positions	59,925	59,949	62,707	2,758
11.1	Full-time permanent	156,689	161,509	189,963	28,454
11.3	Other than full-time permanent	309	309	309	0
11.5	Other personnel compensation	3,042	3,042	3,002	-40
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	160,040	164,860	193,274	28,414
12.1	Civilian personnel benefits	71,627	73,153	85,120	11,967
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	7,777	7,687	8,498	811
22.0	Transportation of things	5,430	5,430	6,363	933
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	17,234	17,577	17,577	0
23.2	Rental payments to others	26	27	27	0
23.3	Communications, utilities, and miscellaneous charges	3,569	3,018	3,592	574
24.0	Printing and reproduction	251	251	261	10
25.1	Advisory and assistance services	1,065	953	978	25
25.2	Other services from non-Federal sources	4,629	4,529	4,388	-141
25.3	Other goods and services from Federal sources 1/	71,256	71,722	73,739	2,017
25.4	Operation and maintenance of facilities	1,321	1,096	746	-350
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	7,571	7,265	6,930	-335
26.0	Supplies and materials	5,648	5,219	5,371	152
31.0	Equipment	5,953	4,779	5,333	554
32.0	Land and Structures	5,280	1,111	111	-1,000
41.0	Grants, subsidies, and contributions	11,137	11,137	11,137	0
42.0	Insurance claims and indemnities	2	2	4	2
	Total	379,816	379,816	423,449	43,633
	1/Other goods and services from Federal sources				
	Working Capital Fund	53,079	53,079	55,096	2,017
	DHS Services	1,980	2,446	2,446	0
	HHS Services	831	831	831	0
	Services by Other Government Departments	3,718	3,718	3,718	0

MINE SAFETY AND HEALTH ADMINISTRATION

AUTHORIZING STATUTES

Public Law / Act	Legislation	Statute No. / US Code	Volume No.	Page No.	Expiration Date
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

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APPROPRIATION HISTORY					
(Dollars in Thousands)					
	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
2013					
Base Appropriation...1/	\$371,896			\$353,768	2,388
2014					
Base Appropriation	\$380,721			\$375,887	2,366
2015					
Base Appropriation	\$377,234			\$375,887	2,316
2016					
Base Appropriation	\$394,932	\$371,000	\$356,878	\$375,887	2,271
2017					
Base Appropriation	\$397,372			\$373,816	2,152
2018					
Base Appropriation	\$375,172	\$359,975		\$373,816	2,023
2019					
Base Appropriation...2/	\$375,906		\$373,816	\$373,816	1,984
2020					
Base Appropriation...3/4/	\$376,043	\$417,290		\$379,816	1,826
2021					
Base Appropriation...4/	\$381,587			\$379,816	1,707
2022					
Base Appropriation...5/ 6/	\$447,201	\$404,816			0
2023					
Base Appropriation	\$423,449				1,832

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

2/ This bill was passed by the Senate. It was passed out of the House Subcommittee but was not reported out of the House Committee or by the full House.

3/ This bill was passed by the House. It was not taken up by the Senate Appropriations Subcommittee or full Appropriations Committee.

4/ FTE for FY 2020 and FY 2021 reflect the Shared Services Realignment.

5/ This bill was passed by the House. It was not taken up by the Senate Appropriations Subcommittee or the full Senate Appropriations Committee.

6/ The full-year FY 2022 appropriation was not enacted at the time the budget was prepared.

MINE SAFETY AND HEALTH ADMINISTRATION

OVERVIEW

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

More than 300,000 people work directly in the mining sector, including initial mining of raw materials through processing in preparation for commercial distribution. This industry provides essential materials for the nation's energy, power, transportation infrastructure, construction and housing, communications, medicine, manufacturing, consumer goods, and agricultural industries.

MSHA is committed to its mission and promotes safety and health through inspections and enforcement, stakeholder outreach, compliance and technical assistance, education and training, and improved safety and health standards. Effective approaches to reducing the risk of injury and disease to miners include workplace examinations, hazard recognition and elimination, and continual monitoring of the work environment to protect against new hazards and to ensure compliance with safety and health standards. MSHA also protects the rights of miners. The Mine Act gives miners the right to have a role in their safety and health by participating in the inspection process through a representative of their choosing, speaking out about hazards, refusing to work in dangerous conditions, and exercising other rights.

Although MSHA's historical data trends indicate that work-related accidents at coal and metal and nonmetal mines have declined since FY 2010, health and safety challenges remain. MSHA will use FY 2023 resources to reduce accidents by increasing the inspectorate workforce; enforcing safety and health standards; initiating special emphasis programs in targeted areas; issuing improved safety and health standards; providing compliance and technical assistance; and training miners and mine operators on hazard recognition and mitigation to decrease fatality, illness and injury rates.

In recent years, MSHA has focused its compliance and technical assistance efforts on reducing accidents caused by powered haulage equipment, which continue to be a leading cause of mining fatalities and serious injuries and increased the Agency's emphasis on reducing health hazards in mines, such as respirable coal dust in coal mines, silica/quartz in mines, diesel particulate matter, and noise. MSHA also created special emphasis outreach initiatives to focus on contractors, electrocutions and falls in mines. MSHA continues to devote resources toward a competitive grant activity for effective training devoted to emergency response, powered haulage, electrocutions, falls from heights, new miner training and hazard recognition in various types of mine conditions. MSHA also increased focus on its Scofflaw Program, and used innovative tools to ensure that operators who fail to pay penalties are appropriately addressed. MSHA made effective and efficient use of the Agency's cadre of experienced personnel to align their skills to address evolving mission needs. With respect to mining operations, MSHA continues to review the placement of office locations to ensure district and field offices are located in areas that maximize effective and efficient use of MSHA's resources. MSHA continues to modernize its legacy IT applications that are integral to the Agency's enforcement of safety and health standards.

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Resources, Priorities, and Performance

In FY 2023, MSHA is requesting \$423,449,000 and 1,832 FTE for Enforcement, other support functions, and Standards development. This is an increase of \$43,633,000 over the FY 2022 Continuing Resolution (CR) level. Significant increases include: \$37,046,000 in the Mine Safety and Enforcement budget activity to increase enforcement personnel to administer the provisions of the Mine Act based on the projected increased workload from the Bipartisan Infrastructure Law (BIL); \$2,545,000 increase to the Office of Standards, Variances, and Regulations to support rulemaking activities; and a \$2,315,000 to the Technical Support budget activity increase in laboratory capacities to allow MSHA to handle an increase in regulatory and enforcement activities due to the new respirable silica regulatory standard and samples collected as result of increased mining to meet the workload impacts of BIL.

Along with advancing the Administration's and Secretary's priorities, this request reflects MSHA's commitment to the mission and the implementation and execution of the Mine Act.

BIL is a historic investment that will bring modernization to roads, bridges, ports, airports, and transit, all of which require an increase in mining activity, particularly in metal and nonmetal mining, for items such as gravel, sand, and stone. Based on the projected workload from the BIL, the Department anticipates an increase in production at, or expansion of, existing mines and facilities, particularly metal and non-metal mines. Additionally, the number of fatalities increased in calendar year (CY) 2021 with the majority occurring in the metal and non-metal industries. It is clear the effects of the BIL will be dynamic resulting in the critical need for a larger MSHA inspectorate to ensure the health and safety miners.

BIL will also impact the number of mandated inspections and other related inspections MSHA is required to execute. MSHA projects around 1,800 mine expansions and a minimum of 600 new mines and anticipates the projected growth would be mainly in the Southern and Southwestern states. Mine operations in these geographical locations will experience expansion compared to current operation levels because of a longer mining season due to warmer weather. It is important to note that the Southwestern states also have the lowest inspector to miner ratio. MSHA's current staffing levels are too low to effectively and efficiently address the projected expansion in mining. To compound matters further, MSHA's attrition rate is relatively high (8% average over the past 5-years). Mine Safety and Health Inspectors must go through significant training, to include class training, on-the-job training. The minimum timeframe required to adequately train Enforcement personnel to independently inspect mines is two years. Individuals in the newly created Enforcement Inspector position (occupational series 1801), most without mining experience, will have approximately one year of additional training before starting the training curriculum for Mine Safety and Health Inspectors, for a total of up to three years of intensive training.

In FY 2021, the Administration announced ambitious environmental targets; by CY 2030 half of the passenger vehicle sales in the U.S. will have zero emissions and U.S. will reach zero net emissions by CY 2050. Meeting these targets will require increases in mining activity for cobalt, copper, lithium, and other clean energy resources. After several years of coal production decreases, the United States saw an increase in the production of coal as an economical energy

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source in CY 2021. U.S. Energy Information Administration (EIA) projects a 4% increase in coal production in CY 2022 and 1% increase in CY 2023.

The FY 2023 request reflects MSHA's strong commitment for targeted enforcement, compliance assistance, training, and innovative technologies to protect the safety and health of the nation's miners.

The American Rescue Plan Act of 2021, P.L. 117-2, Title II, Subtitle B, Sec. 2101, provides \$200,000,000 to the Secretary of Labor, for fiscal year 2021 to remain available until September 30, 2023, to carry out COVID-19 related worker protection activities and oversight of the Secretary's activities to prevent, prepare for, and respond to COVID-19. Of the \$200 million appropriation, MSHA received \$13,244,975. The planned usage of MSHA's allocation of these funds in FY 2023 is \$5,083,000.

MSHA will continue to:

- Meet the Agency's statutory obligations under the Mine Act to include completing its mandatory mine inspections, four inspections per year in underground mines and two inspections per year in surface mines, and additional inspections for methane and other hazards, as well as enforcing mandatory health and safety standards to protect the safety and health of the nation's miners.
- Place increased emphasis on health hazards, including respirable coal mine dust, silica/quartz at coal and metal and nonmetal mines, diesel particulate matter and noise.
- Identify ways to improve efficiency, effectiveness and accountability by aligning the Agency's organizational structure with its core mission and operating plan, and focusing on activities to increase operational efficiency and provide cost savings.
- Work with stakeholders to strengthen collaborative relationships to better understand the mining communities' needs and to develop guidance and outreach materials to focus on hazards creating the greatest accidents, illnesses and injuries that will help to ensure miners' safety and health.
- Work to create innovative approaches to mine emergency response.
- Review trends in the mining industry, perform risks analysis and take preventive, mitigative, and or corrective actions in response to changes.
- Anticipate production increases in several metal and nonmetal mining industries. The Agency continues to closely monitor industry forecasts and adjust MSHA resources accordingly.
- Enhance compliance assistance activities related to powered haulage hazards, health hazards, electrocutions, falls from heights, contractors and training of inexperienced miners.

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- Develop and update training materials and review mine plans.
- Enhance compliance assistance activities.
- Oversee mine rescue and recovery operations.
- Create innovative approaches to mine emergency response.

MSHA is advancing the Administration's and Secretary's priorities by focusing on diversity, racial and gender equity. MSHA plans to address the bilingual needs in underserved communities to build a modern and more inclusive workforce. Special bilingual positions (English/Spanish) were created to enhance the mining community's safety and health needs through improved outreach and communication. This will be the standard hiring policy for all future hires, in particular regions such as the Western United States, where there is a predominant Hispanic and American Indian mining community. MSHA is also focusing on internal processes to ensure that it not only hires but retains a diverse workforce.

MSHA is committed to Diversity Equity and Inclusion (DEI). In alignment with the President's vision on DEI, the Agency revamped the hiring process with increased flexibilities in hiring by creating a hybrid position to attract a more diverse workforce and instituting hiring panels that included an independent and diverse group. These are structural changes in MSHA's commitment to improve the recruitment process, hiring, and workforce retention efforts. MSHA has established on-going collaborative monthly meetings with the Office of Human Resources to continue to improve the Agency's hiring processes and to continue to seek guidance in the variety of special hiring authorities available to expedite the hiring of new talent.

In FY 2022 and FY 2023, MSHA will continue to participate in outreach to Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Asian American, Native American, Pacific Islander Serving Institutions (AANAPISIs), and Tribal Colleges and Universities for hiring activities. These efforts will ensure MSHA recruits highly qualified personnel that mirror the nation's diversity.

In FY 2023, MSHA will participate in virtual hiring events and will continue to participate in events with special focus on hiring from HBCUs, HSIs, AANAPISIs, and Tribal Colleges and Universities (TCU). In addition, MSHA has revised position descriptions for entry-level inspectors to make the positions more attainable to recent college graduates with scientific, safety and health related degrees. MSHA is increasing its outreach to institutions that serve underserved populations and focused on specific disciplines, including economists, engineers, regulatory specialists, and health and safety specialists. MSHA developed and coordinated WebEx events with the Department of Labor's Office of Human Resources on preparing a resume to apply for a federal job, which can be a significant barrier to applicants.

MSHA is committed to become more diverse and equitable. In FY 2021, MSHA created a hybrid occupational series (1801) to overcome hiring obstacles and to attract a more diverse and qualified workforce. The new series provides greater flexibility in hiring. MSHA uses diverse teams as they tend to make better decisions and have a better understanding of stakeholders.

MINE SAFETY AND HEALTH ADMINISTRATION

Diverse, equitable, and inclusive teams increase employee engagement, maximize job satisfaction, and levels of trust.

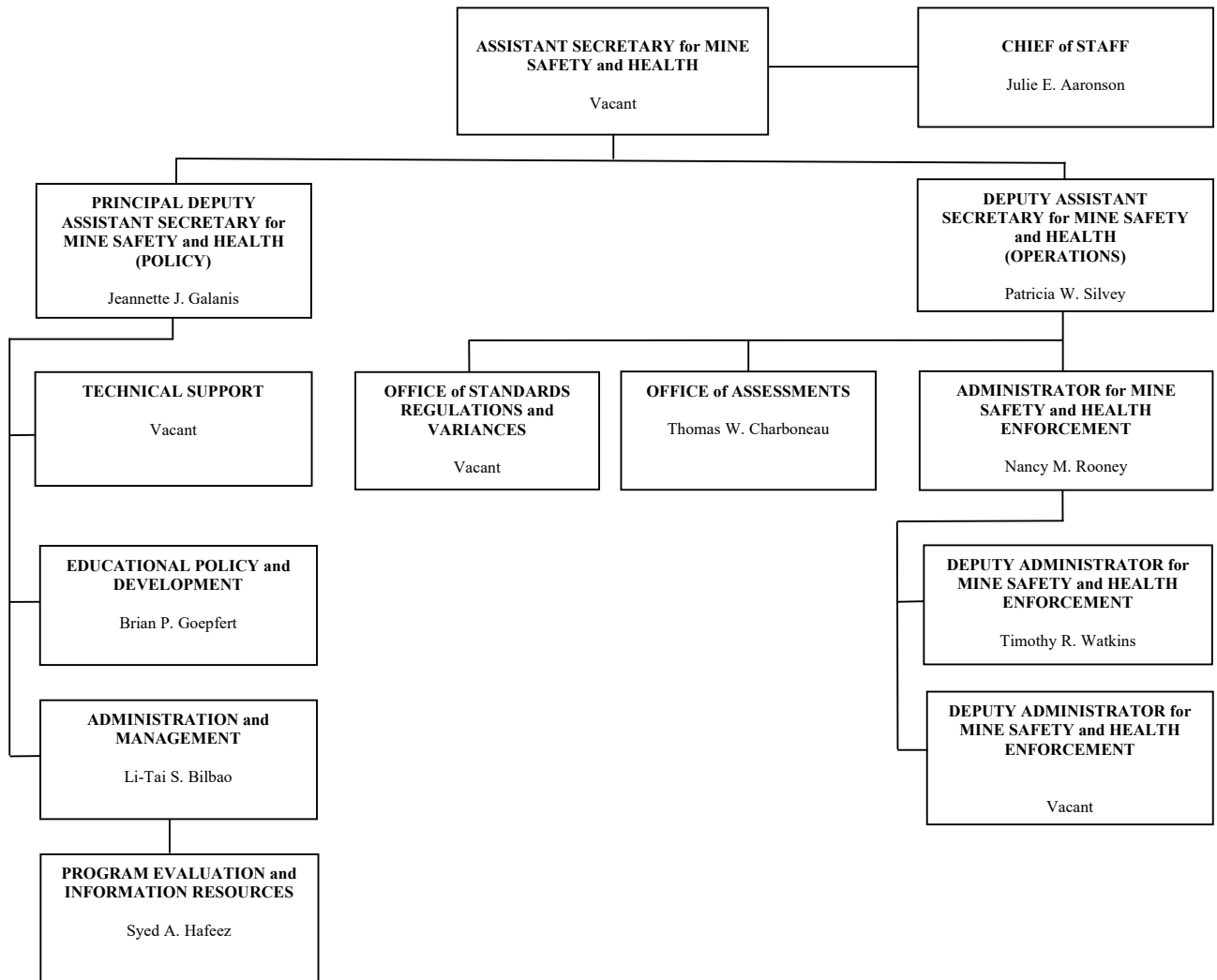
MSHA has had great success in exceeding the small business procurement goals set by the Department of Labor, which include goals for Small Disadvantaged Businesses and HUBZones. MSHA will continue to participate in small business outreach events such as working with Small Business Administration (SBA) local offices, and through diligent market research for each procurement action. In FY 2021, MSHA's goals for small business contract awards, small, disadvantaged business, women-owned small businesses, HUBZone small business and Service-disabled veteran-owned small business were respectively 45%, 8%, 8%, 8% and 3%. MSHA exceeded those goals by 79%, 49%, 28%, 12% and 26%. This data indicates MSHA's commitment to Department initiatives.

Moving into the current fiscal year, MSHA remains steadfast in exceeding small business goals. In the first quarter of FY 2022, MSHA awarded 32% of the contracts to small business, 26% of the contracts to disadvantaged small business, 4% of the contracts to women-owned small business, 42% of the contracts to HUBZone small business and 3% of the contracts to service-disabled, veteran-owned small business.

Grants remain an area where MSHA can increase opportunities to underserved communities. MSHA has two grant programs: State Grants and Brookwood-Sago Grants. State Grants are formula grants and are made to the state agency program responsible for miners' health and safety, while Brookwood-Sago Grants are competitive grants. Both State Grants and Brookwood-Sago Grants are used to fund education and training programs to better identify, avoid, and prevent unsafe working conditions in and around mines. MSHA will expand outreach of grants to tribal governments and minority serving institutions in mining communities. In FY 2022 MSHA's target of competitive grants awarded to institutions that serve underserved population is at 15 percent.

MINE SAFETY AND HEALTH ADMINISTRATION

ORGANIZATION CHART



MINE SAFETY AND HEALTH ENFORCEMENT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	257,190	257,190	294,236	37,046
FTE	1,230	1,202	1,352	150

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 1,269. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

In FY 2021, MSHA completed the consolidation by combining Coal and Metal/Nonmetal program functions into one unified reporting structure, Mine Safety and Health Enforcement (MSHE). The new enforcement structure provides the flexibility to address industry changes and maximizes the most effective and efficient use of MSHE's resources.

MSHE will continue to administer the provisions of the Mine Act, as amended by the MINER Act, to promote compliance with safety and health standards, prevent fatalities, injuries and illnesses, reduce the frequency and severity of accidents, and minimize health hazards in the nation's approximately 1,000 active coal mines and 12,000 metal and nonmetal mines. MSHE will continue to inspect all active underground mines four times per year and all surface mines twice per year. These inspections form the core of MSHA's efforts, regularly providing a first-hand look at conditions in each of the nation's mine to assure that all hazards are corrected immediately so that miners can go home to their families, safe and healthy, each and every day at the end of their shifts.

The majority of MSHE employees are located in three regions, consisting of 15 district offices and 81 field/satellite offices throughout the United States and Puerto Rico. Most employees are mine safety and health enforcement personnel who perform inspection activities and investigations of fatal accidents, non-fatal and non-injury accidents, verbal and written hazard complaints, and discrimination complaints.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$252,913	1,491
2019	\$254,500	1,460
2020	\$260,500	1,366
2021	\$260,500	1,269
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

MINE SAFETY AND HEALTH ENFORCEMENT

FY 2023

MSHA requests \$294,236,000 and 1,352 FTE for the MSHE budget activity. This request includes the program increase of \$37,046,000 and 150 FTE.

To promote transparency in agency spending on its enforcement activities, MSHA continues to separately present annual spending on coal and metal/non-metal mines as it has in past Congressional Budget Justifications.

Program	Program Increase	FTE Increase	Funding Total	FTE Total
CMSH	\$11,657,000	37	\$152,201,000	662
MNMSH	\$25,389,000	113	\$142,035,000	690
Total	\$37,046,000	150	\$294,236,000	1,352

MSHE will continue to administer the provisions of the Mine Act, as amended by the MINER Act, to promote compliance with safety and health standards, prevent fatalities, injuries and illnesses, reduce the frequency and severity of accidents, and minimize health hazards in the nation's approximately 1,000 active coal mines and 12,000 metal and nonmetal mines. MSHE will continue to inspect all active underground mines four times per year and all surface mines twice per year. These inspections form the core of MSHA's efforts, regularly providing a first-hand look at conditions in each of the nation's mine to assure that all hazards are corrected immediately so that miners can go home to their families, safe and healthy, each and every day at the end of their shifts.

The majority of MSHE employees are located in three regions, consisting of 15 district offices and 81 field/satellite offices throughout the United States and Puerto Rico. Most employees are mine safety and health enforcement personnel who perform inspection activities and investigations of fatal accidents, non-fatal and non-injury accidents, verbal and written hazard complaints, and discrimination complaints.

Based on the efforts of the BIL regarding reforming the nation's roads, bridges, and other major construction projects, MSHA anticipates a significant increase in the production of aggregates (sand, stone, gravel, etc.), cement, and iron ore. This likely will include increased production at, or expansion of, existing mines and facilities, as well as the development of new mines and facilities across the nation.

An increase of this magnitude will require a commensurate increase in MSHA staffing, particularly of mine inspectors and specialists, to meet the Agency's mission and mandates of the Mine Act. MSHA aims to expand its enforcement of U.S. mines and an increase of \$37,046,000 would provide Enforcement the capability (hiring additional 150 FTE) to complete its mandatory inspections, accident and miner discrimination investigations as required by the Mine Act and the MINER Act.

MINE SAFETY AND HEALTH ENFORCEMENT

Additionally, these efforts may require the development and implementation of new technology, which may result in the promulgation of new health and safety standards for U.S. mining operations. This would require hiring of additional regulatory staff as well.

MSHA will ensure its hiring plan advances diversity, equity, and inclusion. MSHA will promote racial and economic hiring as a priority in recruiting, and maintaining a diverse and bilingual (English and Spanish) workforce to support the enforcement of safety and health standards at our Nation's mines and a better reflection of MSHA's workforce.

MSHE will work with stakeholders to strengthen collaborative relationships to better understand the mining communities' needs and to develop guidance and outreach materials to focus on hazards creating the greatest accidents, illnesses and injuries that will help to ensure miners' safety and health.

MSHE anticipates production increases in several metal and nonmetal mining industries. The program will continue to closely monitor industry forecasts and adjust MSHA resources accordingly.

MSHE will continue efforts to improve workplace safety and health in the mining industry and will remain committed to targeted enforcement and compliance assistance in its efforts to improve safety and health conditions in the mining workplace by continuing the following strategies:

- **Enforcing mandatory health and safety standards through complete inspections of each mine.** MSHE will complete mandated inspections four times per year in active underground mines and twice per year in surface mines.
- **In response to the global climate crisis,** MSHE will place increased emphasis on expanding mechanisms to manage the design, construction, maintenance and operations of dams. MSHA will employee guidance and training to reduce risks to public safety, health and property. MSHA will share its expertise with other Nations in need of technical and enforcement assistance.
- **Enhance compliance assistance activities** related to powered haulage hazards, contractors, electrocutions, falls from heights, training of inexperienced miners, and health hazards.
- **Protect miners from discrimination.** MSHE will conduct timely investigations of hazard complaints and discrimination complaints, and enhance miners' knowledge regarding their rights and responsibilities under the Mine Act. This strategy is in line with the Secretary's "morning, noon, and night" vision, assuring workers have a seat at the table; that miners have a job that is safe and does not discriminate.
- **Inspection and enforcement effectiveness.** MSHE will continue to enhance its enforcement efforts of violations that contribute to fatalities and serious accidents

MINE SAFETY AND HEALTH ENFORCEMENT

with emphasis on areas such as, inexperienced miners (miners with less than one year of experience at a mine or with less than one year of experience performing a particular task), falls from equipment, and powered-haulage accidents through:

- **Special (Targeted) inspections.** MSHE will continue the Agency’s targeted inspections initiative, as needed. These inspections target mines with specific conditions, problems, or compliance issues; the actual number of inspections will depend on how many mines need additional inspections.
- **Promote adoption of prevention-focused, health and safety programs by mine operators.** MSHE will continue with its increase in health sampling activities to ensure that miners’ overexposure to respirable dust, quartz/silica, and noise are addressed by mine operators. Technical investigations, which evaluate the root causes of hazards and accidents in mines, will be conducted. MSHE will continue to conduct accident prevention inspections in response to specific mine hazards.

FY 2022

In FY 2022, MSHA receives \$257,190,000 and 1,202 FTE for MSHE which comprises the formerly separate Coal Mine Safety and Health (CMSH) and the Metal and Nonmetal Mine Safety and Health (MNMSH) budget activities at the annualized CR level.

Program	Funding Total	FTE
CMSH	\$140,544,000	625
MNMSH	\$116,646,000	577
Total	\$257,190,000	1,202

Funding will support MSHA’s continued efforts to encourage the mining community to develop and implement safety and health programs and to use an integrated approach toward the prevention of serious accidents, injuries and occupational illnesses in the mining industry. In FY 2022, MSHE will continue to ensure safe and healthful workplaces for the nation’s miners through the following:

- Conduct all regular mandated inspections;
- Conduct targeted inspections;
- Provide compliance assistance;
- Conduct comprehensive health inspections;
- Conduct accident investigations (including root cause analyses);
- Perform accident prevention and outreach activities;
- Educate miners to enable them to exercise their rights and protections; and
- Conduct investigations of hazard complaints and discrimination complaints made by miners or their representative.

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MSHE projects that it will conduct approximately 25,000 mandated inspections. The actual number of mandated inspections completed will depend on the number of operating mines. MSHE will conduct other enhanced enforcement activities, such as targeted inspections. These inspections target not only mines with a poor compliance history, but also those that have adverse conditions, such as increased methane liberation. The program will focus inspection activity on improved impoundment safety by continuing to conduct inspections of all impoundments.

MSHE will continue to enforce health standards to prevent occupational illnesses in the mining industry. The elimination of black lung disease will continue to be a priority. MSHE will continue to enforce the standards to reduce miners' exposure to respirable coal mine dust and quartz; to review the quality of coal mine dust controls in mine ventilation and dust control plans; and to monitor operator sampling equipment in conjunction with regular inspections. MSHE will also continue to share best practices for controlling exposures to respirable dust, quartz/silica, and noise.

MSHE has increased the percentage of comprehensive health samples collected at metal and non-metal operations each year. The goal in FY 2022 is thirty-three percent, which is the same as the FY 2021 goal. MSHE reviews each overexposure and works with the mine operator to implement adjustments at the mine to correct the cause of the overexposure prior to terminating citations.

MSHE will conduct compliance assistance activities to address identified targeted hazards to prevent fatalities, injuries, and occupationally-related illnesses. MSHE will use evidence-based data to determine areas on which the Agency will focus compliance assistance activities. These activities include assisting mine operators in solving difficult health and safety problems, distributing training materials to mine operators, conducting seminars, and discussions regarding mine health and safety in critical areas and best practices. MSHE will offer these services especially to small mine operators, contractors, and miners who have not received adequate training. It will continue to provide compliance assistance to new mine operators, which often employ less experienced miners and need additional initial assistance to establish safe and healthful workplaces.

MSHE will continue to conduct accident and technical investigations, including root-cause analyses. These investigations will allow MSHE to analyze accidents to identify conditions and practices that contribute to injuries and deaths such as safety standards violated, root causes, and abatement practices. MSHE will also perform accident prevention and outreach activities such as Winter Alert campaign, Spring Thaw workshops, the Preventive Roof/Rib Outreach Program, and Powered Haulage Outreach.

MSHE will investigate hazard complaints and miner discrimination complaints in a timely manner. The program will continue to educate miners on their rights and responsibilities under the Mine Act through its outreach programs.

MSHE will continue to provide entry-level training programs for new inspectors, and retraining every two years for journeyman inspectors. All inspectors have been cross-trained in the

MINE SAFETY AND HEALTH ENFORCEMENT

inspection of metal/non-metal mines and coal mines. MSHE will continue to provide cross-over training to new inspectors and provide specialized cross-over training to inspectors during retraining.

In addition, field office supervisors will continue to attend a two-week training program. All new supervisors will attend appropriate training as required by DOL. MSHE will continue to utilize technology such as video teleconferencing and online courses to provide some of the training as a cost-effective method of delivery.

FY 2021

In FY 2021, MSHA's requested budget included \$257,190,000 and 1,230 FTE for MSHE. CSMH received \$154,314,000 (60%) and MNMSH \$102,876,000 (40%).

Program	Total	FTE
CMSH	\$154,314,000	732
MNMSH	\$102,876,000	498
Total	\$257,190,000	1,230

Mines are considered to be in active non-producing status when production at the mine has ceased, but work is still being performed at the mine. In FY 2019, MSHA spent approximately 103,800 hours inspecting active non-producing mines. In contrast, the inspection hours at these mines were reduced to approximately 71,400 hours in FY 2020. MSHA estimated that recalibrating these inspections would achieve a projected savings of 25 FTE while maintaining the same level of safety and health conditions. This correlates to a savings of approximately 22 FTE better deployed to more impactful activity. MSHA continued this effort in FY 2021 and benefited from continued cost savings.

MINE SAFETY AND HEALTH ENFORCEMENT

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
Mine Safety and Health Enforcement					
Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces					
Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.					
MSHA- INSP1.1	Percent of regular mandated underground inspections	100%	100%	100%	100%
MSHA- INSP2.1	Percent of regular mandated surface inspections	100.00%	99.85% ¹	100.00%	100.00%
MSHA-01.1	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	88%	99%	90%	90%
MSHA-02.1	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	85%	98%	90%	90%
MSHA-03.1	Percent of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%

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

¹ One required mine inspection was missed because a mine, which had been in abandoned status, changed to an intermittent status late in the fiscal year. This change was not entered into the tracking system until after the end of the fiscal year, so the mine did not show-up on the tracking report as needing an inspection. The error was not discovered until after the required inspection period was over. MSHA investigated the discrepancy and noted that it was an error made by a new supervisor. MSHA has taken corrective action to retrain the supervisor on timely mine status updates.

MINE SAFETY AND HEALTH ENFORCEMENT

Workload and Performance

MSHE will implement its enforcement strategies and initiatives through the following:

- *MSHA-INSP1 and MSHA-INSP2*: In FY 2023, MSHE projects it will complete one hundred percent of its regularly mandated inspections. These inspections provide an examination of mining conditions and play a key role in assuring the safety and health of the nation's miners. The actual number of surface and underground inspections completed will depend on the number of active mines for each year. The projected number of underground and surface mandated inspections in FY 2023 is approximately 30,000. MSHE will conduct targeted inspections at mines with a poor compliance history or that have adverse conditions such as increased methane liberation, increased health hazards, or other hazards. MSHE will inspect all existing impoundments during regular mandated inspections in order to reduce the risk to miners, the general public, and the environment should these impoundments fail.

The Mine Act gives miners the right to contribute to their safety and health by participating in the inspection process through a representative of their choosing, voicing concerns about hazards, refusing to work in dangerous conditions, and exercising other rights. MSHE will continue to ensure that all miner requests for temporary reinstatements, investigations of 105(c) miner discrimination complaints, and 103(g) imminent danger complaints are investigated within the established timeframes. Prompt investigation of discrimination complaints and reported hazardous conditions is of utmost importance in assuring miners that MSHA will protect their rights through the following efforts in FY 2023:

- *MSHA-01*: Complete 90 percent of 105(c) investigations of miner discrimination complaints within 60 days of receipt of a complaint.
- *MSHA-02*: Complete 90 percent of investigations of miner requests for temporary reinstatement within 20 days of receipt.
- *MSHA-03*: Initiate 100 percent of 103(g) imminent danger complaint investigations within one day of receipt.

MINE SAFETY AND HEALTH ENFORCEMENT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	112,281	115,781	138,202	22,421
11.3	Other than full-time permanent	78	78	78	0
11.5	Other personnel compensation	2,080	2,080	2,080	0
11.9	Total personnel compensation	114,439	117,939	140,360	22,421
12.1	Civilian personnel benefits	54,400	55,040	64,325	9,285
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	6,838	6,838	7,754	916
22.0	Transportation of things	4,852	4,852	5,938	1,086
23.1	Rental payments to GSA	13,671	13,966	13,966	0
23.2	Rental payments to others	2	2	2	0
23.3	Communications, utilities, and miscellaneous charges	1,603	1,603	2,283	680
24.0	Printing and reproduction	75	75	75	0
25.1	Advisory and assistance services	20	20	20	0
25.2	Other services from non-Federal sources	564	564	564	0
25.3	Other goods and services from Federal sources 1/	47,969	48,374	49,825	1,451
25.4	Operation and maintenance of facilities	20	20	20	0
25.7	Operation and maintenance of equipment	2,145	2,145	2,590	445
26.0	Supplies and materials	3,128	3,128	3,376	248
31.0	Equipment	3,516	2,516	3,030	514
32.0	Land and Structures	3,946	106	106	0
42.0	Insurance claims and indemnities	2	2	2	0
	Total	257,190	257,190	294,236	37,046
	1/Other goods and services from Federal sources				
	Working Capital Fund	42,417	42,417	43,868	1,451
	DHS Services	1,699	2,104	2,104	0
	HHS Services	620	620	620	0
	Services by Other Government Departments	3,233	3,233	3,233	0

MINE SAFETY AND HEALTH ENFORCEMENT

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$7,743
Personnel benefits	3,142
Federal Employees' Compensation Act (FECA)	-1,164
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	1,451
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Insurance claims and indemnities	0
Land and Structures	0

Built-Ins Subtotal **\$11,172**

Net Program **\$25,874**

Direct FTE **150**

	Estimate	FTE
Base	\$268,362	1,202
Program Increase	\$25,874	150
Program Decrease	\$0	0

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	5,382	5,382	7,927	2,545
FTE	18	16	28	12

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 21. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

The Office of Standards, Regulations, and Variances (OSRV) develops standards and regulations for the mining industry that protect the safety and health of miners. These standards and regulations, developed in coordination with the Office of the Solicitor, Division Mine Safety and Health and other MSHA program offices, establish enforcement requirements for compliance in accordance with the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006.

OSRV leads all MSHA’s rulemaking activities, from the pre-proposal stage to the publication of the final rule. Each year, it develops MSHA’s Semi-Annual Regulatory Agenda and Regulatory Plan. In accordance with the Agenda and Plan, MSHA proposes and promulgates new and improved safety and health standards and regulations. MSHA’s standards and regulations are based on information submitted to the Secretary by interested parties, including any organizations representing miners and mining businesses, nationally recognized standards-producing organizations, the National Institute for Occupational Safety and Health (NIOSH), state or local governments, or information developed by the Secretary otherwise available. Pursuant to Executive Orders (EOs) 12866 and 13563, OSRV also analyzes the anticipated benefits and costs of any significant regulatory or deregulatory action, and reviews existing rules to identify regulations that are inconsistent with EO policy directives. To ensure transparency in MSHA’s rulemaking, OSRV maintains MSHA’s rulemaking docket and posts all rulemaking documents on Regulations.gov.

In addition to being responsible for all aspects of rulemaking, OSRV manages: the procedures for filing of petitions for modification (through which a mine operator or a representative of miner can petition to modify the application of any mandatory safety standard); MSHA’s Freedom of Information Act (FOIA) program; and information collection activities under the Paperwork Reduction Act of 1995.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$5,382	11
2019	\$4,500	13
2020	\$4,500	14
2021	\$4,500	21
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

MSHA requests \$7,927,000 and 28 FTE for the OSRV budget activity. This request includes an increase of \$2,545,000 to promote the safety and health of miners through the following rulemaking activities:

Improving Safety and Health of Miners

- Publish a proposed rule to protect miners' health from exposure to respirable crystalline silica. The proposal will address the control of respirable silica and the limit of permissible exposure. MSHA will consider the data and information gathered through working with NIOSH and mining stakeholders over the years and through a recent request for information, and it will also draw on relevant information contained in the Occupational Safety and Health Administration's FY 2016 final rule on respirable crystalline silica. Once the proposed rule is published, MSHA will hold multiple public hearings to ensure that it receives feedback from miners and mine stakeholders across the U.S. As it develops the final rule, MSHA will review all public comments received through the comment period.
- Complete a rulemaking to establish a written safety program for mobile equipment and powered haulage equipment (except belt conveyors) at surface mines and surface areas of underground mines. Accidents involving surface mobile equipment continue to be a leading cause of injuries and fatalities in mining, and this rulemaking aims to reduce those accidents, injuries, and fatalities.
- Complete a rulemaking to allow mine operators to use electronic surveying equipment in underground mines when the equipment meets certain technical specifications and is operated under certain conditions. This rule would make mine surveying more accurate and less time-consuming, while maintaining safety at underground mines.
- Determine whether existing standards are achieving regulatory objectives such as reducing respirable coal mine dust levels to protect coal miners from developing disabling lung diseases. Continue to work with NIOSH and the mining community on MSHA's retrospective review of the 2014 final rule titled, "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors." OSRV will review and analyze the submitted information and data until the comment period of

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

the request for information closes in July 2022.

FY 2023 funding will also support OSRV's efforts to process and publish documents related to requests for variances from mandatory safety standards (petitions for modification). For FY 2023, OSRV estimates that 47 requests for variances will be processed.

In addition, at the FY 2023 funding request level, OSRV will administer MSHA's FOIA program and information collection under the Paperwork Reduction Act of 1995, as follows:

- Process approximately 800 requests for information under FOIA. OSRV will provide timely responses to at least 70 percent of initial FOIA requests.
- Publish an estimated 23 Federal Register notices to notify the public of MSHA's review of the Agency's information collection requests and to seek public comments in accordance with the Paperwork Reduction Act of 1995. OSRV will ensure that MSHA collects information efficiently and effectively. When new rules are issued or new information-collection activities are initiated, additional paperwork packages will be developed, as appropriate.

FY 2022

FY 2022 funding supports MSHA's priority to strengthen regulatory efforts through the following:

Improving Safety and Health of Miners

- Work to develop a proposed rule to protect miners' health from exposure to respirable crystalline silica. MSHA will consider the data and information gathered through a recent request for information and through working with NIOSH and mining stakeholders over the years, as well as relevant information contained in the Occupational Safety and Health Administration's 2016 final rule on respirable crystalline silica. The proposal will address the control of respirable silica and the limit of permissible exposure.
- Complete a rulemaking to revise existing standards that set out the testing, evaluation, and approval requirements for electric motor-driven equipment and accessories intended for use in gassy mines. Under this proposal, MSHA will accept voluntary consensus standards that are suitable for all gassy mining environments and that provide protection against fire or explosion dangers. After analyzing public comments received during the comment period, MSHA will issue a final rule that will improve the efficiency and effectiveness of MSHA's product approval process and will promote the use of innovative and advanced technologies that can improve mine safety and health.
- Work to complete a rulemaking to establish a written safety program for mobile equipment and powered haulage equipment (except belt conveyors) at surface mines and surface areas of underground mines. This rulemaking aims to reduce accidents, injuries, and fatalities involving surface mobile equipment. In January 2022, MSHA held a public

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

hearing to get public input on the proposed rule. As the Agency develops the final rule, MSHA will review public comments received during the comment period and at the public hearing.

- Develop a proposed rule to allow mine operators to use electronic surveying equipment in underground mines when the equipment meets certain technical specifications and is operated under certain conditions. This rule will make mine-surveying more accurate and less time-consuming, while maintaining safety at underground mines.
- Work with NIOSH and the mining community on MSHA’s retrospective review of the 2014 final rule entitled, “Lowering Miners’ Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors.” OSRV will review and analyze the submitted information and data until the comment period of the request for information closes in July 2022.
- Examine how to update and clarify existing standards concerning the notification, investigation, reports, and records of accidents, injuries, illnesses, employment, and coal production in mines. This update will reflect changes that have taken place in mining operations over the past decades and will reduce reporting and recordkeeping burdens, to the extent feasible.

FY 2022 funding also supports OSRV’s efforts to process and publish documents related to requests for variances from existing safety standards (Petitions for Modification). In FY 2022, OSRV estimates that 47 requests for variances from safety standards will be processed.

In addition, at the FY 2022 funding level, OSRV plans to administer MSHA’s FOIA program and information collection under the Paperwork Reduction Act of 1995, as follows:

- Process about 800 requests for information under FOIA. OSRV plans to provide timely responses to at least 70 percent of initial FOIA requests.
- Publish an estimated 22 Federal Register notices to notify the public of MSHA’s review of the Agency’s information collection requests and to seek public comments in accordance with the Paperwork Reduction Act of 1995. OSRV will ensure that MSHA collects information efficiently and effectively. When new rules are issued or new information-collection activities are initiated, additional paperwork packages will be developed, as appropriate.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

FY 2021

FY 2021 funding supported MSHA's priority to strengthen regulatory efforts through work on the following:

Improving Safety and Health of Miners

- Issued guidance entitled "Protecting Miners: MSHA's Guidance on Mitigating and Preventing the Spread of COVID-19. This guidance aims to help mine operators to implement effective coronavirus protection programs and identify risks that could lead to exposure. The guidance details key measures for limiting the spread of coronavirus and contains direction on the use of personal protective equipment, improving ventilation, good hygiene, and routine cleaning.
- Published a proposed rule to revise existing standards that set out the testing, evaluation, and approval requirements for electric motor-driven equipment and accessories intended for use in gassy mines. This rule aims to improve the efficiency and effectiveness of MSHA's product approval process by accepting voluntary consensus standards that are suitable for all gassy mining environments and that provide protection against fire or explosion dangers.
- Published a proposed rule to establish a safety program for mobile equipment and powered haulage equipment (except belt conveyors) at surface mines and surface areas of underground mines. This rulemaking aims to reduce fatalities, injuries, and accidents involving surface mobile equipment.
- Worked to develop a proposed rule to allow mine operators to use electronic surveying equipment in underground mines when the equipment meets certain technical specifications and is operated under certain conditions. This rule would make mine surveying more accurate and less time-consuming, while maintaining safety at underground mines.
- Analyzed data and information about emerging protective technologies, technical assistance, and educational training related to controlling miner exposure of respirable crystalline silica. This data and information came from MSHA's 2019 request for information on economically and technologically feasible best practices to protect miners' health from exposure to silica in respirable dust.
- Working with NIOSH and the Respirable Mine Dust Partnership, OSRV hosted an October 2020 workshop for stakeholders to review and discuss existing literature and scientific studies regarding miners' exposure to respirable dust hazards.

FY 2021 funding supported OSRV's efforts to process and publish documents related to requests for variances from existing safety standards (Petitions for Modification). A total of 47 requests for variances were processed in FY 2021.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

At the FY 2021 funding level, OSRV worked on MSHA's FOIA program and information collection under the Paperwork Reduction Act of 1995, as follows:

- Processed 663 requests for information under FOIA. 90 percent of the FOIA requests were processed within 20 working days upon receipt.
- Published 25 Federal Register notices to notify the public of MSHA's review of the Agency's information collection requests and to seek public comments in accordance with the Paperwork Reduction Act of 1995.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	2,680	2,750	4,552	1,802
11.3	Other than full-time permanent	43	43	43	0
11.5	Other personnel compensation	0	0	0	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	2,723	2,793	4,595	1,802
12.1	Civilian personnel benefits	925	957	1,659	702
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	30	30	30	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	43	47	47	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	41	41	42	1
24.0	Printing and reproduction	90	90	99	9
25.1	Advisory and assistance services	1,000	888	888	0
25.2	Other services from non-Federal sources	134	134	134	0
25.3	Other goods and services from Federal sources 1/	351	357	379	22
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	13	13	14	1
26.0	Supplies and materials	31	31	39	8
31.0	Equipment	1	1	1	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	5,382	5,382	7,927	2,545
	1/Other goods and services from Federal sources				
	Working Capital Fund	307	307	329	22
	DHS Services	25	31	31	0
	HHS Services	19	19	19	0

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$171
Personnel benefits	92
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	22
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$285**

Net Program **\$2,260**

Direct FTE **12**

	Estimate	FTE
Base	\$5,667	16
Program Increase	\$2,260	12
Program Decrease	\$0	0

OFFICE OF ASSESSMENTS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	7,445	7,445	7,746	301
FTE	42	41	41	0

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 40. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

The Office of Assessments (OA) assesses and collects civil monetary penalties for violations of the Mine Act and mine safety and health standards. The mission includes determination of civil the penalty amounts, collection of and accounting for all delinquent penalties, and well as tracking all penalty cases in litigation before the Federal Mine Safety and Health Review Commission (FMSHRC) and the Federal Courts.

The OA is also responsible for the Mine Safety and Health Administration’s (MSHA) Special Investigations Program, which includes the investigations of discrimination complaints filed under Section 105(c) of the Mine Act by miners, representatives of miners, or applicants for employment, as well as investigation of knowing or willful violations under Section 110 of the Mine Act. The OA also manages MSHA’s enhanced enforcement strategies including the Pattern of Violations (POV) Program, which identifies mines exhibiting a potential POV for enhanced enforcement, and use of injunctive authority.

Finally, OA administers MSHA’s Accountability Program, which ensures enforcement policies and procedures are executed properly and efficiently.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$7,445	44
2019	\$6,627	44
2020	\$6,627	46
2021	\$6,627	40
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

OFFICE OF ASSESSMENTS

FY 2023

MSHA requests \$7,746,000 and 41 FTE for the OA budget activity. This request reflects an increase of \$301,000 to support activities associated with the assessment and collection of civil penalties, MSHA's special investigation program and accountability audits of the Enforcement program.

In FY 2023, the OA will continue the following efforts:

- Assess civil penalties for violations of the Mine Act as amended by the MINER Act, in accordance with statutory criteria, and at levels that encourage compliance.
- Collect and account for penalties paid, and account for all penalty cases in litigation before the Federal Mine Safety and Health Review Commission.
- Coordinate MSHA's accountability functions.
- Coordinate MSHA's enhanced special enforcement initiatives and special investigations programs.

In support of MSHA's priority to guarantee that miners have a voice in the workplace, OA will ensure that MSHA investigates miner discrimination complaints in a timely manner, with the specific goals for the percentage of investigations of miner discrimination completed within 60 days of receipt at 90% and 90% for the percentage of miner requests for temporary reinstatement completed within 20 days of receipt. The OA will also review 100% of the special investigations conducted and closed out by the district offices to ensure thorough, properly developed investigations. This provides an added level of accountability for the discrimination investigation process and demonstrates MSHA's commitment to protecting a miner's right to report health and safety hazards without fear of retaliation.

To evaluate the enforcement programs' compliance in following established policies and directives for conducting inspection activities and tracking and review of corrective actions, the OA will conduct approximately 15-17 audits, incorporating to the extent possible, cross-over mining operations. The OA will track and review any corrective actions implemented as a result of the accountability reviews.

The OA will also conduct an annual screening of the nation's mining operations to identify mines exhibiting a Pattern of Violations (POV) under Section 104 of the Mine Act.

FY 2022

In FY 2022, the OA will coordinate the timely investigations of discrimination complaints miners file under Section 105(c) of the Mine Act. MSHA's goals are to investigate 90 percent of miners' discrimination complaints within 60 days of receipt and to investigate 90 percent of miners' requests for temporary reinstatement within 20 days of receipt. To ensure MSHA conducts quality investigations, the OA will perform a 100 percent review of all discrimination

OFFICE OF ASSESSMENTS

investigations conducted by the enforcement program staff for discrimination complaints received.

The OA will also review knowing and willful violations conducted by the enforcement programs, referring appropriate cases for civil penalties or criminal prosecution and will conduct eight reviews of enforcement field offices to ensure compliance with required investigative practices and procedures.

The OA will conduct approximately 15-17 enforcement field office reviews, concentrating on field offices with cross-over mining operations.

The OA will conduct MSHA's annual screening of mining operations to identify mines exhibiting a POV.

FY 2021

In FY 2021, OA supported DOL's strategic objective to protect workers' rights through MSHA's performance goal to protect miners from discrimination. MSHA completed 78 discrimination case investigations completing 77 (99%) in 60 days and resolved 43 temporary reinstatement requests, completing 42 (98%) within 20 days. On behalf of miners, the Department filed 17 discrimination complaints and 13 requests for temporary reinstatement with the Federal Mine Safety and Health Review Commission.

The OA reviewed 100% of the special investigations conducted and closed out by the district offices to ensure thorough, properly developed investigations.

During FY 2021, MSHA resolved 60 possible knowing and willful Section 110 investigations. OA proposed 31 civil penalties against 22 individuals. The OA also conducted eight (8) reviews of enforcement field offices to ensure compliance with required investigative practices and procedures.

The OA conducted 16 accountability audits for the purpose of monitoring MSHA districts' compliance with established policies and procedures for conducting inspection activities and tracking and review of corrective actions. Of the 16 audits, eight were of cross-over mining operations.

The OA conducted an annual screening to identify mines exhibiting a POV and no mine met the screening criteria.

OFFICE OF ASSESSMENTS

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	4,166	4,287	4,568	281
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	132	132	92	-40
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	4,298	4,419	4,660	241
12.1	Civilian personnel benefits	1,393	1,451	1,602	151
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	56	16	6	-10
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	234	244	244	0
23.2	Rental payments to others	2	2	2	0
23.3	Communications, utilities, and miscellaneous charges	171	120	20	-100
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	137	37	17	-20
25.3	Other goods and services from Federal sources 1/	1,128	1,141	1,189	48
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	3	3	0
26.0	Supplies and materials	13	6	1	-5
31.0	Equipment	6	6	2	-4
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	7,445	7,445	7,746	301
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,033	1,033	1,081	48
	DHS Services	56	69	69	0
	HHS Services	39	39	39	0

OFFICE OF ASSESSMENTS

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$281
Personnel benefits	151
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	48
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$480**

Net Program **-\$179**

Direct FTE **0**

	Estimate	FTE
Base	\$7,925	41
Program Increase	\$0	0
Program Decrease	-\$179	0

EDUCATIONAL POLICY AND DEVELOPMENT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	39,320	39,320	40,183	863
FTE	120	131	132	1

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 118. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

The Directorate of Educational Policy and Development (EPD) plans, monitors, and evaluates MSHA’s education and training programs, which promote safety and health in the Nation's mining industry. The Directorate provides training for MSHA’s enforcement staff, provides guidance on training programs and training activities to ensure consistency with existing Agency policy, and reviews all training materials developed in support of these activities. EPD also coordinates training programs with other Federal and State Agencies, mining companies, educational institutions, and labor organizations. The Directorate formulates and interprets MSHA training regulations and policy.

EPD includes the Educational Field and Small Mine Services (EFSMS) which provides assistance in the development or improvement of the health and safety programs of mine operators and contractors in the mining community. EFSMS places emphasis on assisting mines where challenging health and safety hazards often exist. EFSMS works closely with MSHA’s enforcement program to identify industry needs and provides compliance assistance. EFSMS training specialists review mine operator training plans, monitor and assist industry instructors to develop and improve their skills, and assist miners in understanding their rights and responsibilities under the Mine Act.

EPD manages and operates the National Mine Health and Safety Academy in Beckley, WV, which designs, develops and conducts instructional programs to help reduce accidents and hazards in the mining industry. MSHA provides mine safety and health training to government, industry, and labor officials, as well as MSHA mine inspectors and other MSHA technical and administrative staff.

EPD is a major supporter of the Joseph A. Holmes Association, a nonprofit organization created in 1916, to promote health and safety in the mining industry.

EPD also manages the MSHA State Grants Program and the Brookwood-Sago Mine Safety Grants Program. The State Grants Program supports quality training programs for miners in 49 states, US Pacific Territories, Native Village of Barrow, AK, and the Navajo Nation. The state grant program is a key source of mine safety and health training and education for individuals who work or will work in the mining industry. MSHA encourages state grant participants to focus on small mining operations and underserved communities within the mining industry. The

EDUCATIONAL POLICY AND DEVELOPMENT

Brookwood-Sago competitive grants provide funds for mine safety and health training and education programs with a special emphasis to programs and materials that target workers in smaller mines, including training miners and employers about new Mine Safety and Health Administration standards, high risk activities, and hazards.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$38,559	131
2019	\$39,320	127
2020	\$39,320	115
2021	\$39,320	118
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

In FY 2023, EPD requests \$40,183,000 and 132 FTE for the EPD budget activity. In order to foster a culture of safety and improve safety and health conditions in the mining workplace, EPD will strengthen and modernize training and education through the following:

Compliance assistance events including; presentations, seminars, speeches, committee meetings, task force meetings, training courses, town hall meetings, compliance consultations, webinars, and face-to-face consultation. These events are generally pre-scheduled and arranged with the agency. In FY 2023, MSHA projects to conduct 16 compliance assistance events for mining industry personnel.

EPD recognizes the importance of miner training and education in the prevention of injury and disease. The mining industry can only achieve its goal of zero fatalities with an industry-wide culture of safety that reaches every level of the operation, from the CEO to the new health miner trainee. An added factor is MSHA's focus on outreach to a diverse bilingual mining community. Training will need to be bilingual, in English and Spanish, to address the new and modern diverse workforce. Inadequate or ineffective training is a contributing factor in many mine fatalities.

In addition, mine inspectors require continuous training in hazard recognition to assure consistent, high-quality inspections. Ongoing training of both new and experienced inspectors is essential to assure familiarity with new mining processes and equipment, and to keep pace with changes to the law and regulations. Training improves consistency in enforcement across all MSHA Regions, Districts, and U.S. mining sectors.

In FY 2023, EPD will continue efforts to evaluate, strengthen, and modernize training programs and provide compliance assistance to the mining industry to foster a culture of safety and health.

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- **Evaluate Training Programs.** EPD will conduct evaluations of health and safety training programs, including reviewing materials, plans, and records. EPD will provide onsite training assistance, including bilingual training assistance, to operators and contractors. Additionally, EPD will conduct training plan reviews and assist with training plan development. EPD will also provide education on training regulations, policies, and recordkeeping requirements. In FY 2023, EPD projects to provide 72,000 hours of injury and illness prevention/compliance assistance and 600 course days of training to MSHA inspectors and specialists and 12 course days of training to mining industry personnel.
- **Expand Academy Use.** The National Mine Health and Safety Academy continues to explore new opportunities for growth and expansion through creating and supporting partnerships with federal, state, and regional agencies such as the Border Patrol, Forestry Service, military, industry agencies, and higher education institutions. These partnerships support collaborative efforts which in turn provide efficient use of Academy resources, strengthens relationships across these agencies and institutions, and fosters education and training within and outside the Academy's service area. Additionally, the Academy will develop educational platforms to extend its reach such as virtual training, hybrid, and virtual reality courses that will continue to support MSHA's mission. EPD will also implement a Registered Apprenticeship program to recruit and train mine safety and health inspectors from diverse backgrounds.
- **Instructor Evaluation.** EPD will continue to develop and improve the quality of training and provide feedback, training materials, and collaboration with industry instructors. EPD evaluates training instructor performance through in-class and remote video conference. EPD will use this feedback to take immediate action when instructor shortcomings are identified. In FY 2023, EPD will continue in-class and remote video-conference monitoring of instructors to ensure they are providing effective health and safety training to miners. EPD will place special emphasis on evaluation of contract instructors. EPD will continue to utilize the two-week training notifications submitted to the MSHA District offices by operators, contractors, and trainers. In FY 2023, EPD projects to provide 1000 approved instructor evaluations.
- **Expand Distance Learning.** In FY 2023, EPD will continue to direct training resources to develop and refine crossover health and safety training for all inspectors, and enforcement supervisors and managers. Crossover training has become part of the health and safety standard training for all MSHA inspectors and supervisors. EPD will also continue to review and update the Agency's existing library of online courses. In FY 2023, EPD will create or update 8 online courses.
- **State Grants.** MSHA will continue to award grants to state, tribal, and territorial governments(including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) to assist them in developing and enforcing state mining laws and regulations, improve state workers' compensation and mining occupational disease laws and programs, and improve safety and health conditions in the nation's mines through federal-state coordination and cooperation. MSHA recognizes that state training programs are a key

EDUCATIONAL POLICY AND DEVELOPMENT

source of mine safety and health training and education for individuals who work or will work at mines. MSHA encourages state training programs to prioritize training for small mining operations and underserved communities within the mining industry. MSHA is also interested in supporting programs that include training on miners' statutory rights, including the right to be provided a safe working environment and to refuse an unsafe task. In FY 2023, MSHA projects 200,000 miners, including those from underserved communities, will receive training through funding of its State Grants Program.

- **Brookwood-Sago Grants.** In FY 2023, MSHA expects Brookwood-Sago grantees to develop training materials or to develop and provide mine safety training or educational programs, recruit mine operators and miners for the training, and conduct and evaluate the training. MSHA will give special emphasis to powered haulage (in particular, reducing vehicle-on-vehicle collisions, increasing seat belt use, and improving belt conveyor safety), improving safety among contractors, reducing electrocutions, improving training for new and inexperienced miners, mine emergency prevention and preparedness, falls from equipment, respiratory hazards, and other programs to prevent unsafe conditions in mines. Emphasis will also be given to small mining operations and underserved communities within the mining industry. MSHA projects 15 percent of competitive grant money will be awarded to institutions that serve underserved populations.

FY 2022

In FY 2022, EPD will continue to strengthen and modernize training and education through the following:

- Provide compliance assistance to the mining industry through EFSMS with an emphasis placed on new mines and small mines. Compliance assistance will focus on special health and safety initiatives, qualification and certification of miners, hazard recognition, training of miners and instructors, training plan evaluation, and new mine operator outreach. EFSMS plans to dedicate approximately 67,000 hours to educate operators, contractors, and stakeholders and increase their safety and health knowledge and reduce accidents, injuries, and illnesses. An anticipated increase in demand for construction materials and number of new mines, particularly small aggregate mines, will require EFSMS to enhance compliance assistance to include bilingual services and training products.
- EPD will participate and provide compliance assistance at approximately 16 planned stakeholder events including presentations, seminars, town hall meetings, mining association meetings, webinars, task force meetings, and health and safety conferences.
- EPD plans to evaluate approximately 600 industry instructors in FY 2022 to determine effectiveness of miner training, help improve the quality of training and address any deficiencies that may result in inadequate training.
- Ongoing facility upgrades, and IT modernization improvements will allow the Mine Academy to develop new methods of training including virtual reality, distance learning, and online curriculums. The Academy utilizes an all-commodity inclusive format curriculum to

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train MSHA's enforcement staff at all levels, including entry-level, journeyman, supervisory and managerial. The Academy plans to hire 5-10 additional instructors to train the expected increase in enforcement inspectors and to develop additional virtual reality and distance learning curriculums. MSHA also plans to construct a surface mine rescue training tower, a training elevator, and confined space training area in FY 2022. These additional facilities will provide valuable lifesaving training to MSHA employees, industry mine rescuers, and other Federal Agencies, such as the United States Border Patrol.

- Continue to manage MSHA's State Grants Program in which the grantees provide high-quality effective safety and health training and refreshers for miners and mine operators in all states and the Territories. FY 2021 health and safety data including injury, illness, and compliance trends will determine grant emphasis in FY 2022.
- In FY 2022, MSHA expects Brookwood-Sago grantees to develop training materials or to develop and provide mine safety training or educational programs, recruit mine operators and miners for the training, and conduct and evaluate the training. MSHA will give special emphasis to powered haulage (in particular, reducing vehicle-on-vehicle collisions, increasing seat belt use, and improving belt conveyor safety), improving safety among contractors, reducing electrocutions, improving training for new and inexperienced miners, mine emergency prevention and preparedness, falls from equipment, respiratory hazards, and other programs to prevent unsafe conditions in mines.
- In FY 2022, MSHA will begin development of a Registered Apprenticeship program to recruit and train inspectors with diverse backgrounds.

FY 2021

In FY 2021, EPD continued to strengthen and modernize training and education through the following:

- Provided compliance assistance to the mining industry through EFSMS, including special attention to small mine operators. Compliance assistance focused on special health and safety initiatives (including fall protection, powered haulage safety, and contractor safety), qualification and certification of miners, hazard recognition, specialized training for miners and instructors, training program evaluation, and new mine operator outreach. EFSMS will dedicated 67,113 hours to educate mine operators, contractors, and stakeholders to increase their knowledge of mine safety and health regulations and policies to reduce accidents, injuries, and illnesses.
- Continued monitoring of instructors to evaluate the effectiveness of miner training, improve the quality of the training, and address deficiencies that may result in inadequate training. EPD evaluated 538 instructors in FY 2021.
- Transformed the Academy into a training hub by modernizing and updating dormitory and classroom facilities and by the continuing development of technology based trained methods such as virtual reality and distance learning. EPD developed an additional nine online

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courses for use by MSHA's entry-level and journeyman level inspectors and the mining industry. The COVID-19 pandemic has negatively affected the amount of fees collected by the Mine Academy. In FY 2021, the Mine Academy collected \$4,845 in fees for tuition, lodging, and training materials provided to the mining industry other governmental agencies. This reduction in fees was due to the Academy being closed during the pandemic.

- Continued to manage MSHA's State Grants Program in which the grantees provide high-quality effective safety and health training and refresher for miners and mine operators in all states and the Territories. In FY 2021, MSHA awarded \$10.537 million to State grantees. Training had an emphasis on powered haulage safety, such as reducing vehicle-on-vehicle collisions, increasing seat belt use, conducting workplace examinations, contractor safety, electrical safety, and preventing falls from equipment.
- MSHA's FY 2021 funding of the annual Brookwood-Sago Grants focused on powered haulage (in particular, reducing vehicle-on-vehicle collisions, increasing seat belt use, and improving belt conveyor safety), improving safety among contractors, reducing electrocutions, improving training for new and inexperienced miners, mine emergency prevention and preparedness, falls from equipment, respiratory hazards, and other programs to prevent unsafe conditions in mines. In FY 2021, MSHA awarded \$1,000,000 to Brookwood-Sago grantees.
- EPD participated and provided compliance assistance at 11 stakeholder events including; presentations, seminars, town hall meetings, mining association meetings, webinars, task force meetings, and health and safety conferences. COVID-19 severely impacted this initiative by causing the cancellation of many planned events.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	11,715	12,052	13,007	955
11.3	Other than full-time permanent	50	50	50	0
11.5	Other personnel compensation	173	173	173	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	11,938	12,275	13,230	955
12.1	Civilian personnel benefits	4,779	5,066	5,500	434
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	474	474	476	2
22.0	Transportation of things	365	365	277	-88
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	1,069	1,080	1,080	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	756	456	469	13
24.0	Printing and reproduction	77	77	78	1
25.1	Advisory and assistance services	1	1	1	0
25.2	Other services from non-Federal sources	3,032	3,032	3,032	0
25.3	Other goods and services from Federal sources 1/	2,937	2,948	3,089	141
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	1,237	991	392	-599
26.0	Supplies and materials	344	244	247	3
31.0	Equipment	1,174	1,174	1,175	1
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	11,137	11,137	11,137	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	39,320	39,320	40,183	863
	1/Other goods and services from Federal sources				
	Working Capital Fund	2,856	2,856	2,997	141
	DHS Services	66	77	77	0
	HHS Services	15	15	15	0

EDUCATIONAL POLICY AND DEVELOPMENT

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$846
Personnel benefits	425
Federal Employees' Compensation Act (FECA)	-34
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	141
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

Built-Ins Subtotal **\$1,378**

Net Program **-\$515**

Direct FTE **1**

	Estimate	FTE
Base	\$40,698	131
Program Increase	\$0	1
Program Decrease	-\$515	0

TECHNICAL SUPPORT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	35,041	35,041	37,356	2,315
FTE	183	185	190	5

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 188. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

The Directorate of Technical Support provides engineering, scientific, and technical expertise to MSHA and the mining industry. It is considered the agency’s repository of technical knowledge, employing most of MSHA’s engineers, industrial hygienists, scientists, and technical experts. MSHA enforcement personnel, mine operators, and miners rely on Technical Support’s staff to carry out field and laboratory investigations aimed at resolving complex mine safety and health issues. These scientists, engineers and industrial hygienists provide analyses of complex mining plans to assist MSHA’s Enforcement program in their review and approval of plans. They also participate in accident investigations, and perform root-cause analysis of accidents, and corrective measures which can be applied at all mining operations to prevent similar accidents.

Technical Support’s laboratories, the Pittsburgh Safety & Health Technology Center (PSHTC) in Pittsburgh, PA, the Approval and Certification Center (A&CC) in Triadelphia, WV, and the PSHTC-operated National Air and Dust Laboratory (NADL) in Beckley, WV, provide MSHA enforcement programs with analyses of gas, dust, and other industrial hygiene samples to determine miner exposures and operator compliance with health and safety standards. Although, FY 2021 was significantly impacted by COVID-19 restrictions, Technical Support’s laboratories still analyzed and reported results for nearly 88,000 samples.

Technicians calibrated or repaired approximately 4,500 pieces of test equipment, assuring that MSHA Enforcement sampling and testing equipment provide accurate and representative data.

Technical Support maintains a mine emergency response capability that provides equipment and expertise in the event of a mine emergency, such as an inundation of water or gas, fire, or explosion. Technical Support mine emergency personnel respond to every major US mine emergency. These mine emergency personnel engage in mine rescue and recovery operations by reviewing and advising on the adequacy of rescue and recovery plans. They maintain and deploy a fleet of mine emergency response vehicles, including vehicles for command and control, mobile laboratories for gas analysis, ventilation support, seismic detection and location of trapped miners, robotics support and many other functions. Technical Support can dispatch equipment and trained personnel from mine emergency stations located in Pittsburgh, PA; Beckley, WV; Madisonville, KY; Denver, CO; and Price, UT.

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Technical Support is responsible for administering a program to evaluate the safety of equipment and materials used in the mining industry. The A&CC evaluates new technologies to identify potential improvements to the safety and health of miners. The A&CC audits manufacturers of mining and rescue equipment to maintain the highest level of quality assurance. MSHA collects fees for the approval and certification of equipment, materials, and explosives for use in mines. In 2021, the A&CC collected \$1,135,000 in fees from equipment manufacturers for testing and approval of equipment and products used in the mining industry. MSHA is authorized to retain up to \$2,499,999 of collected fees annually.

Technical Support provides training for MSHA Enforcement to assist the mining industry and equipment manufacturers in achieving compliance with MSHA safety and health standards. Training activities cover a broad range of technical subject areas that apply to health and safety hazards in the mining environment and the testing and evaluation of mine equipment and products.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$34,079	208
2019	\$35,041	211
2020	\$35,041	196
2021	\$35,041	188
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

In FY 2023, MSHA requests \$37,356,000 and 190 FTE for the Technical Support budget activity. This request includes an addition of \$1,000,000 and 2 FTE for the Beckley, WV laboratory.

Technical Support will continue to:

- Evaluate safety of mine equipment, materials, and instruments, with a focus on reducing time to complete approvals;
- Evaluate the design of seals, mining impoundments, mine ventilation systems, and ground control systems;
- Provide engineering and scientific technical expertise to evaluate complex health and safety issues, identify causes of accidents, and to support MSHA litigation cases;

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- Provide laboratory support for MSHA enforcement by analyzing airborne dust samples, atmospheric gas samples, mine rock dust samples, and other industrial hygiene related samples collected to determine compliance with health and safety standards; and
- Participate and provide leadership in mine emergency response efforts, including providing and managing onsite analytical equipment, communications links, and other sophisticated equipment essential to making critical decisions in rescue and recovery operations.

MSHA collects fees for the approval and certification of equipment, materials, and explosives for use in mines. In FY 2023, Technical Support projects to collect approximately \$1,200,000 in approval fees, which is similar to the projected collection amount for FY 2022.

Technical Support's PSHTC laboratories support enforcement by analyzing respirable dust samples, mine dust samples, mine air samples, and other industrial hygiene samples. Technical Support expects its laboratories to analyze approximately 161,000 samples in support of the enforcement of mine safety and health standards in FY 2023.

Technical Support anticipates a significant increase in the number of respirable dust samples that Enforcement personnel will collect as a result of increased mining to meet the demands of the BIL infrastructure investments, as well as an increase in samples collected as part of the Agency's new respirable silica regulatory standard. As a result, the Agency expects its sample load to increase three times its current capacity. The Agency's current staffing levels and laboratory infrastructure cannot support this increase. The current Pittsburgh site is not conducive to expansion. We request to expand the current laboratory in Beckley, WV. This would involve an increase in staffing, the purchase of additional equipment, and the incorporation of a second shift. These increases will assure that we can deliver effective and efficient laboratory services to support safe working conditions for miners.

FY 2022

In FY 2022, Technical Support will continue to:

- Evaluate safety of mine equipment, materials, and instruments, with a focus on reducing time to complete approvals;
- Evaluate the design of seals, mining impoundments, mine ventilation systems, and ground control systems;
- Provide engineering and scientific technical expertise to evaluate complex health and safety issues, identify causes of accidents, and to support MSHA litigation cases;

TECHNICAL SUPPORT

- Provide laboratory support for MSHA enforcement by analyzing airborne dust samples, atmospheric gas samples, mine rock dust samples, and other industrial hygiene related samples collected to determine compliance with health and safety standards; and
- Participate and provide leadership in mine emergency response efforts, including providing and managing onsite analytical equipment, communications links, and other sophisticated equipment essential to making critical decisions in rescue and recovery operations.

MSHA collects fees for the approval and certification of equipment, materials, and explosives for use in mines. In FY 2022, Technical Support projects to collect approximately \$1,200,000 in approval fees, which is similar to the amount collected for FY 2021.

Technical Support's PSHTC laboratories support enforcement by analyzing respirable dust samples, mine dust samples, mine air samples, and other industrial hygiene samples. Technical Support expects its laboratories to analyze approximately 97,000 samples in support of the enforcement of mine safety and health standards in FY 2022.

Technical Support anticipates a significant increase in the number of respirable dust samples collected by Enforcement personnel as a result of increased mining to meet the demands of the BIL investments, as well as an increase in samples collected as part of the Agency's new respirable silica standard. As a result, significant increases in staffing will be needed to process and report results of these samples. A second shift may be needed to expand use of existing laboratory facilities, or additional lab space may need to be constructed to accommodate the increased workloads.

FY 2021

In FY 2021, Technical Support continued to:

Approve equipment for use in underground mines and conducted testing and quality control auditing of mining equipment and materials to ensure manufacturers' products continued to meet MSHA standards. Technical Support completed approximately 244 approval actions in FY 2021. Since FY 2012, the number of new approval applications received in each fiscal year has trended downward, primarily due to the general decline of coal mining in the United States. The type of equipment Technical Support evaluates and approves includes the following:

- Proximity detection systems in underground coal mines;
- Permissible electric equipment including longwall mining machines, continuous mining machines, shuttle cars, and other equipment powered by either Alternating or Direct Current power sources;

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- Portable emergency alternatives in underground coal mines;
- Underground diesel equipment, including diesel engines, diesel power packages, diesel machines, and dust collector systems; and
- Flame resistant materials.

MSHA collected fees for the approval and certification of equipment, materials, and explosives for use in mines. In FY 2021, Technical Support collected approximately \$1,135,000 in approval fees, which is similar to the amount collected for FY 2020.

Technical Support's PSHTC laboratories supported enforcement by analyzing respirable dust samples, mine dust samples, mine air samples, and other industrial hygiene samples. Technical Support laboratories analyzed 87,545 samples in support of the enforcement of mine safety and health standards in FY 2021.

TECHNICAL SUPPORT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	17,382	17,942	19,729	1,787
11.3	Other than full-time permanent	138	138	138	0
11.5	Other personnel compensation	328	328	328	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	17,848	18,408	20,195	1,787
12.1	Civilian personnel benefits	7,348	7,751	8,624	873
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	286	236	139	-97
22.0	Transportation of things	180	180	135	-45
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	968	971	971	0
23.2	Rental payments to others	5	6	6	0
23.3	Communications, utilities, and miscellaneous charges	549	349	362	13
24.0	Printing and reproduction	4	4	4	0
25.1	Advisory and assistance services	27	27	27	0
25.2	Other services from non-Federal sources	296	296	296	0
25.3	Other goods and services from Federal sources 1/	2,957	2,961	3,178	217
25.4	Operation and maintenance of facilities	1,301	1,076	726	-350
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	757	757	765	8
26.0	Supplies and materials	1,716	1,394	1,274	-120
31.0	Equipment	799	625	654	29
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	35,041	35,041	37,356	2,315
	1/Other goods and services from Federal sources				
	Working Capital Fund	2,860	2,860	3,077	217
	DHS Services	18	22	22	0
	HHS Services	79	79	79	0

TECHNICAL SUPPORT

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$1,267
Personnel benefits	676
Federal Employees' Compensation Act (FECA)	-7
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	217
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

Built-Ins Subtotal **\$2,153**

Net Program **\$162**

Direct FTE **5**

	Estimate	FTE
Base	\$37,194	185
Program Increase	\$162	5
Program Decrease	\$0	0

PROGRAM EVALUATION AND INFORMATION RESOURCES

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	19,083	19,083	19,309	226
FTE	17	19	20	1

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 19. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

The Directorate of Program Evaluation and Information Resources (PEIR) manages MSHA’s program evaluations, data processes, reporting, analytics, and serves as the liaison between MSHA and DOL’s Office of the Chief Information Officer (OCIO) for MSHA’s information technology (IT) program. PEIR conducts internal reviews, evaluates the effectiveness of the MSHA’s programs, and conducts follow-up reviews to ensure that appropriate corrective actions have been taken. PEIR manages MSHA’s directives system and ensures enforcement personnel have electronic access (online and offline) to handbooks, manuals, and related directives for inspections via their tablets.

PEIR collects, analyzes, and publishes data obtained from mine operators and contractors on the occurrence of work-related injuries and illnesses in the mining industry. MSHA, the mining community, and the public use this data to assess progress in preventing occupational injuries and illnesses in the mining industry. PEIR manages all agency information technology applications, with the assistance of the OCIO, and the agency’s internet and intranet sites. PEIR collaborates with stakeholders to develop customer-driven projects that support MSHA’s mission to protect the safety and health of miners.

PEIR serves as MSHA’s business process owner whose function is to plan and prioritize the Agency’s IT initiatives that will be executed by the Department’s Office of the Chief Information Officer IT shared services resources.

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

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$19,083	47
2019	\$17,990	45
2020	\$17,990	28
2021	\$17,990	19
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

PROGRAM EVALUATION AND INFORMATION RESOURCES

FY 2023

MSHA requests \$19,309,000 and 20 FTE for the PEIR budget activity.

In FY 2023, PEIR will continue with the digitization services and the conversion of the Agency's working and permanent records into specified searchable digital formats. The conversion will meet National Archives and Records Administration's (NARA) and MSHA's requirements for specific metadata related to the records.

In FY 2023, PEIR will continue to mature its data analytics program by developing dynamic dashboards, promoting predictive analytics, and making MSHA's data more accessible to the public.

In FY 2023, MSHA will continue to update components of MSHA's Centralized Application System (MCAS). MCAS formerly MSHA's Standardized Information System is a web-based application that serves as MSHA's core information management system enabling the agency to accomplish its mission of protecting the health and safety of the nation's miners.

Major projects for FY 2023 include:

- The Technical Support System Integration application supports the management of equipment certifications, tracking work associated with these certifications, and generating costs associated with performing these certifications.
- MSHA has continually strived to improve application service delivery, simplifying, and enhancing application screens, automating reporting, and consolidating related information that allow MSHA personnel to more efficiently record and review information captured within the application and streamlining processes to more effectively execute MSHA's mission of protecting the health and safety of the nation's miners. The MCAS samples project intends to improve the functionality of MSHA sample modules, specifically, Coal respirable dust, metal-nonmetal contaminant samples, and samples reporting.
- Qualification and Certification (MSHA Individual Identification Number). The Qualification & Certification application includes functions to manage qualifications and certifications of miners for a variety of responsibilities at mines, as well as managing the process of qualifying instructors to teach courses required for certain miner certifications. The MSHA Individual Identification Number replaces the use of social security numbers as the primary unique identifier for individuals registered with MSHA.

Minor enhancement projects for FY 2023 include:

- Sentinels of Safety. Enhance the Certificates of Achievement in Safety that are awarded to all participating operations that have met all of the certificate criteria. Mines or quarries operated by a Federal, State, County, or Municipal agency also are eligible for Certificates of Achievement in Safety.

PROGRAM EVALUATION AND INFORMATION RESOURCES

- eTPA (electronic training plan advisor) reports. Enhance the search and reporting functionality for submitted training plans for Part 46 and Part 48 mines.
- Impoundment Reports. Enhance the management and reporting of mine impoundment structures.
- Diesel Inventory. Enhance the management and reporting of mine diesel equipment inventory.

FY 2022

In FY 2022, PEIR is using its additional resources to advance the development of its enterprise risk management (ERM) program, support the DOL's IT investments, and enhance MSHA's directives system.

The FY 2022 level of CR for \$19,083,000 is for improvements to further support MSHA's integrated enforcement initiative including, improvements to enforcement weekly activity reports, and updates to the following applications: alternative case resolution contests applications, and hazardous condition complaints, reporting, and reengineering of the status list functionality to improve user experience.

MSHA is replacing the Agency's Student Information System with Blackboard for training to support combined Coal and Metal and nonmetal inspection activities, and digitization of the Office of Assessments Mine ID catalog to allow for streamlined approval of legal identification submissions. Furthermore, MSHA will digitalize temporary files for the Directorate of Administration and Management and Office of Standards Regulations and Variances (OSRV) to support NARA archiving requirements and increase remote accessibility.

Additionally, MSHA is updating common utilities including administrative utilities and status list functions. MSHA will update their ability to build and main their websites by utilizing the latest available version of Drupal. MSHA will deploy an app to help miners' equipment operators, mine foremen, and their safety managers to receive hazard bulletins and access a knowledge base of safety regulations, best practices.

Finally, to support Educational Field and Small Mine Services, MSHA will develop an application to track time and activity, inspector evaluations and reviews, and the approximate number of external industry contacts that a specialist made throughout the week.

PROGRAM EVALUATION AND INFORMATION RESOURCES

FY 2021

In FY 2021, PEIR continued to counter redundancies, and other system inefficiencies, and leverage investments across the Agency through reuse, collaboration, cost-sharing, and common governance to produce the most effective use of Information Technology to address critical business needs. This aligns with the Presidential Executive Order of promoting more secure, efficient, and economical use of information technology to achieve the Agency's mission.

PEIR supported MSHA's mission to improve the safety and health of the nation's miners by continuing the following efforts:

- Continued updating MSHA Specific Infrastructure in alignment with DOL's target architecture by consolidating and optimizing MSHA's core mission system into a modern, unified, and standardized MSHA IT infrastructure that creates robust and scalable applications to support MSHA inspectors and other stakeholders. Updates included Legal ID, Quality Control Application; Program-specific reports; and Applications for Training and Mine Operation Plans.
- Continued to leverage Shared Services provided by the DOL such as Cloud Services, DevSecOps (e.g., JIRA Service Desk, JIRA, Confluence, Bitbucket, Jenkins, AppDynamics, and SharePath), UC, ServiceNow, and Virtual Development Environment (VDE).
- Continued to improve current technologies and provide new information technology solutions to enhance MSHA's mission with enhanced inspection tools such as drone technologies.
- Continued to assess risk and evaluate internal controls. MSHA continued its internal controls program and instituted facets of the ERM in accordance with OMB Circular A-123 and in alignment with the DOL. In addition, PEIR continued to evaluate policies and program operations supporting Agency programs for compliance.
- Continued the development of Business Intelligence (BI) Solutions that enhance data presentation, data accuracy, and additional functionality for all internal and external stakeholders. This activity supported more Agency data-driven decision-making by creating additional models. PEIR incorporated more Artificial Intelligence (AI) to assist in predictive analytics.
- Continued to provide satellite solutions to improve redundancies for mine emergency operations.
- Provided information technology solutions to improve mine emergency operations such as communication enhancements.

PROGRAM EVALUATION AND INFORMATION RESOURCES

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	1,888	1,912	2,136	224
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	45	45	45	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	1,933	1,957	2,181	224
12.1	Civilian personnel benefits	744	757	863	106
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	12	12	12	0
22.0	Transportation of things	1	1	1	0
23.1	Rental payments to GSA	485	493	493	0
23.2	Rental payments to others	2	2	2	0
23.3	Communications, utilities, and miscellaneous charges	241	241	247	6
24.0	Printing and reproduction	2	2	2	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	125	125	128	3
25.3	Other goods and services from Federal sources 1/	13,666	13,677	13,752	75
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	1,391	1,335	1,132	-203
26.0	Supplies and materials	36	36	37	1
31.0	Equipment	445	445	459	14
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	19,083	19,083	19,309	226
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,956	1,956	2,031	75
	DHS Services	49	60	60	0
	HHS Services	13	13	13	0

PROGRAM EVALUATION AND INFORMATION RESOURCES

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$122
Personnel benefits	66
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	75
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

Built-Ins Subtotal **\$263**

Net Program **-\$37**

Direct FTE **1**

	Estimate	FTE
Base	\$19,346	19
Program Increase	\$0	1
Program Decrease	-\$37	0

PROGRAM ADMINISTRATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	16,355	16,355	16,692	337
FTE	46	64	69	5

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 52. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

Program Administration (PA) provides executive direction as well as administrative and management advice and services to support all of MSHA’s activities. The support of PA will help to eliminate fatal mining accidents, reduce the frequency and severity of accidents, and minimize health hazards through enforcement of mandatory safety and health standards in the mining industry.

PA plans and directs administrative management activities within MSHA. Services include budget, finance, facilities, property, fleet, records management, ethics, and employee safety and health programs for MSHA. PA supports and strengthens all of MSHA’s program activities by providing leadership, policy direction, and administrative support services, enabling the agency to meet annual performance goals and objectives.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$16,355	91
2019	\$15,838	84
2020	\$15,838	61
2021	\$15,838	52
2022	\$0	0

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

In FY 2023, MSHA requests \$16,692,000 and 69 FTE for Program Administration budget activity. PA will utilize these funds to enhance operations that would allow the program to provide executive direction as well as administrative and management advice and services to support all MSHA activities.

PROGRAM ADMINISTRATION

MSHA projects an increase in production at, or expansion of, existing mines and facilities, particularly metal/non-metal mines initiated through the Bipartisan Infrastructure Law (BIL). The Agency will require a strong influx of staffing in the inspectorate in order to handle the increased workload from the BIL impacts. As the program spearheading MSHA's hiring process, PA will focus on supporting this effort by planning and executing the hiring surge for the addition of mine safety and health inspector positions and other Enforcement positions - enforcement inspector (occupational series 1801) and the apprenticeship positions. This surge assures a pipeline to the mine safety and health inspector positions to keep pace with a growing industry through the infrastructure development and expansion.

- **Mission support.** PA will support the continued efforts of the Agency to streamline the merge of the enforcement workforce to help ensure miners' safety and health. PA will support Departmental activities associated with Agency reform and consolidation for several administrative functions. PA will continue to reduce workers' compensation costs through improved employee health and safety programs, and proactive management of the workers' compensation program.
- **Ensuring workforce racial and gender equity.** Aligning with the President's [Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), PA will ensure the promotion of racial and economic hiring as a priority in recruitment to develop a more vibrant and diverse workforce to address projected increase in mining activities. This would include hiring outreach in Hispanic, Black and Native American communities which are a significant portion of the energy communities in the Western United States. In parallel, PA will also increase recruitment and outreach efforts in areas that are underprivileged or high in poverty to provide opportunities for locals in that community.
- **Equity Balanced Outreach Expansion.** PA will continue to ensure increased outreach by continuing to hold quarterly calls with stakeholders to help reduce deaths, injuries and illnesses, improve mine safety, and include special emphasis discussions such as COVID-19. The program will also focus on outreach to Hispanic and Native American communities especially in the Western U.S. to address the expanding diverse bilingual mining communities in that region.
- **Increasing efficiencies while decreasing footprint.** In accordance with OMB's National Strategy for Real Property (National Strategy) and the Reduce the Footprint Policy, PA will be executing MSHA's goal of decreasing the Agency's footprint by implementing strategies to improve efficiencies in telework. MSHA will be at the forefront of digitizing temporary records to facilitate and improve work efficiencies and reduce redundant processes. In FY 2023 MSHA is planning a relocation of an existing office at the Denver Federal Center to a smaller space in a separate building that will reduce the office size by approximately 33,000 rentable square feet. This move along with anticipated reductions in other lease actions in FY 2023 should result in an overall reduction in the agency's portfolio of approximately 50,000 rentable square feet.

PROGRAM ADMINISTRATION

- **Building framework for fleet electrification goals.** The increase in enforcement workforce and activity, will require increases in MSHA's fleet of motor vehicles. PA will continue to support the Administration's goal to transition MSHA's vehicle fleet to clean and zero emission vehicles (ZEV). The Agency is prioritizing resources for the operation and procurement of electric vehicles (including plug-in hybrid technology), associated charging infrastructure, and for longer term electrification goals mandated by Executive Order 14057. Like the footprint decrease initiative, the cost to transition to ZEV will be costly but will prove to be cost effective in the long haul.
- **Responsible procurement with equity mindset.** Program Administration will continue to manage the acquisition process for all COVID-19 supplies and cleanups for its field staff located throughout the nation. In addition, MSHA plans to exceed the small business procurement goals set by the Department of Labor, which include goals for Small Disadvantaged Businesses and HUBZones, by continuing to do outreach through small business outreach events, Small Business Administration (SBA) local officers and through diligent market research for each procurement action.
- **Planning for MSHA's Future.** An increase of FTE will have a positive impact on MSHA's mandated activities to offset the numerous losses due to attrition during the previous fiscal years. MSHA will work on succession planning to balance the enforcement cadre and ensure MSHA continues to succeed its mission by revamping the current plan to ensure feasible strategies for recruitment, retention and training are included.

FY 2022

PA will continue to execute the following:

- PA will continue to support MSHA's Agency Priority Goal (APG), as well as the Departmental strategic goals and objectives, to prevent fatalities, illness, and injury from mining and promote safe and healthful workplaces for America's miners.
- PA will support the continued efforts of the Agency to merge the enforcement workforce to help ensure miners' safety and health. Program Administration will increase outreach by continuing to hold quarterly calls with stakeholders to help reduce deaths, injuries and illnesses, improve mine safety, and include special emphasis discussions on COVID-19. Outreach will expand to Hispanic and Native American communities especially in the Western U.S.
- PA will support Departmental activities associated with Agency reform and consolidation for several administrative functions. MSHA is exploring innovative approaches to reduce workers' compensation costs. PA will continue to reduce workers' compensation costs through improved employee health and safety programs, and proactive management of the workers' compensation program.

PROGRAM ADMINISTRATION

- FY 2022, Program Administration will continue to address all COVID-19 related issues, including the management and purchasing all COVID-19 supplies and cleanups for its field staff throughout the nation in accordance with CDC guidance.
- PA will continue to support grant activities ensuring compliance with rules and regulations. In FY 2022, PA will process \$1,000,000 for Brookwood-Sago grants and \$10,537,000 state grants.
- PA will continue to support facility and space related initiatives by analyzing space usage and identifying opportunities to consolidate and improve cost effectiveness.
- PA will focus on vehicle fleet management initiatives improving operations.

FY 2021

- In FY 2021, PA supported MSHA's APG, as well as the Departmental strategic goals and objectives, to prevent fatalities, illness, and injury from mining and promote safe and healthful workplaces for America's miners.
- Program Administration held quarterly calls with stakeholders to help reduce deaths, injuries and illnesses, improve mine safety, and included special emphasis discussions on COVID-19.
- As COVID-19 spread and impacted the mining community, coordinated and launched radio Public Service Announcements (PSAs) in English and Spanish to encourage miners to get vaccinated – one of the best ways to protect family and colleagues against COVID-19. Similarly, the program initiated a PSA billboard campaign to get the message out on the importance of vaccination.
- PA continued efforts to merge the enforcement workforce to help ensure miners' safety and health. PA supported Departmental activities associated with Agency reform and consolidation for several administrative functions. PA reduced workers' compensation costs through improved employee health and safety programs, and proactive management of the workers' compensation program. PA continued employee engagement and coordinated employee training and development.
- PA participated in outreach to Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Asian American, Native American, Pacific Islander Serving Institutions (AANAPISIs), and Tribal Colleges and Universities for hiring. The program also participated in virtual hiring events with special focus on hiring from HBCUs, HSIs, AANAPISIs, and Tribal Colleges and Universities (TCU).

PROGRAM ADMINISTRATION

- PA expanded outreach efforts by representing MSHA in DOL-wide virtual career fairs and additionally conducted MSHA public outreach sessions via WebEx. The sessions focused on informing the public of MSHA's mission and what jobs the Agency offered. Training was also provided on how to apply for jobs with the government and particularly with MSHA.
- PA continued to support grant activities ensuring compliance with rules and regulations. In FY 2021, PA processed \$1,000,000 for Brookwood-Sago grants and \$10,537,000 state grants.
- PA focused on vehicle fleet management initiatives improving operations and enhancing program support.
- PA continued to support facility and space related initiatives by analyzing space usage and identifying opportunities to consolidate and improve cost effectiveness. In FY 2021, MSHA successfully completed a co-location of three separate offices in Pennsylvania into one location, reducing the agency's total footprint by 7,700 rentable square feet in FY 2021.

PROGRAM ADMINISTRATION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	6,577	6,785	7,769	984
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	284	284	284	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	6,861	7,069	8,053	984
12.1	Civilian personnel benefits	2,038	2,131	2,547	416
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	81	81	81	0
22.0	Transportation of things	32	32	12	-20
23.1	Rental payments to GSA	764	776	776	0
23.2	Rental payments to others	15	15	15	0
23.3	Communications, utilities, and miscellaneous charges	208	208	169	-39
24.0	Printing and reproduction	3	3	3	0
25.1	Advisory and assistance services	17	17	42	25
25.2	Other services from non-Federal sources	341	341	217	-124
25.3	Other goods and services from Federal sources 1/	2,248	2,264	2,327	63
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	2,021	2,021	2,034	13
26.0	Supplies and materials	380	380	397	17
31.0	Equipment	12	12	12	0
32.0	Land and Structures	1,334	1,005	5	-1,000
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	2	2
	Total	16,355	16,355	16,692	337
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,650	1,650	1,713	63
	DHS Services	67	83	83	0
	HHS Services	46	46	46	0
	Services by Other Government Departments	485	485	485	0

PROGRAM ADMINISTRATION

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$374
Personnel benefits	201
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	63
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

Built-Ins Subtotal **\$638**

Net Program **-\$301**

Direct FTE **5**

	Estimate	FTE
Base	\$16,993	64
Program Increase	\$0	5
Program Decrease	-\$301	0