

**FY 2010**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**MINE SAFETY AND HEALTH ADMINISTRATION**



# MINE SAFETY AND HEALTH ADMINISTRATION

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# MINE SAFETY AND HEALTH ADMINISTRATION

## APPROPRIATION LANGUAGE

### SALARIES AND EXPENSES

*For necessary expenses for the Mine Safety and Health Administration, [\$347,003,000] \$353,693,000 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 \$1,808,000 to continue the project with the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams]; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 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; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.*

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>AMOUNTS AVAILABLE FOR OBLIGATION</b>								
(Dollars in Thousands)								
	<b>FY 2008 Enacted</b>		<b>FY 2009 Enacted</b>		<b>Recovery Act</b>		<b>FY 2010 Request</b>	
	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
<b>A. Appropriation</b>	<b>2,306</b>	<b>339,862</b>	<b>2,361</b>	<b>347,003</b>	<b>0</b>	<b>0</b>	<b>2,376</b>	<b>353,693</b>
Reduction pursuant to P.L. 110-161	0	-5,937	0	0	0	0	0	0
Reduction pursuant to P.L. 111-8 in FY 2009	0	0	0	0	0	0	0	0
Appropriation, Revised	2,306	333,925	2,361	347,003	0	0	2,376	353,693
Transfer to Office of the Solicitor	0	-2,078	0	0	0	0	0	0
Offsetting Collections From:	0	0	0	0	0	0	0	0
Reimbursements	0	1,825	0	1,825	0	0	0	1,825
Subtotal Appropriation	2,306	333,672	2,361	348,828	0	0	2,376	355,518
<b>B. Gross Budget Authority</b>	<b>2,306</b>	<b>333,672</b>	<b>2,361</b>	<b>348,828</b>	<b>0</b>	<b>0</b>	<b>2,376</b>	<b>355,518</b>
Offsetting Collections to	0	0	0	0	0	0	0	0
Reimbursements	0	-1,825	0	-1,825	0	0	0	-1,825
Subtotal	0	-1,825	0	-1,825	0	0	0	-1,825
<b>C. Budget Authority</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Before Committee	2,306	331,847	2,361	347,003	0	0	2,376	353,693
Offsetting Collections From:	0	0	0	0	0	0	0	0
Reimbursements	0	1,825	0	1,825	0	0	0	1,825
Subtotal	0	1,825	0	1,825	0	0	0	1,825
<b>D. Total Budgetary Resources</b>	<b>2,306</b>	<b>333,672</b>	<b>2,361</b>	<b>348,828</b>	<b>0</b>	<b>0</b>	<b>2,376</b>	<b>355,518</b>
Unobligated Balance Expiring	-35	0	0	0	0	0	0	0
<b>E. Total, Estimated Obligations</b>	<b>2,271</b>	<b>333,672</b>	<b>2,361</b>	<b>348,828</b>	<b>0</b>	<b>0</b>	<b>2,376</b>	<b>355,518</b>

# MINE SAFETY AND HEALTH ADMINISTRATION

## SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2009 Enacted	FY 2010 Request	Net Change
<b>Budget Authority</b>			
General Funds	347,003	353,693	+6,690
Trust Funds	0	0	0
<b>Total</b>	347,003	353,693	+6,690
<b>Full Time Equivalents</b>			
General Funds	2,361	2,376	+15
Trust Funds	0	0	0
<b>Total</b>	2,361	2,376	+15

Explanation of Change	FY 2009 Base		Trust Funds		FY 2010 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Increases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Costs of pay adjustments	2,361	186,056	0	0	0	3,670	0	3,670
Personnel benefits	0	52,919	0	0	0	1,213	0	1,213
Travel	0	12,092	0	0	0	61	0	61
Transportation of things	0	6,237	0	0	0	32	0	32
GSA Space Rental	0	14,000	0	0	0	69	0	69
Communications, utilities & miscellaneous charges	0	3,122	0	0	0	16	0	16
Printing and reproduction	0	797	0	0	0	3	0	3
Advisory and assistance services	0	911	0	0	0	4	0	4
Other services	0	9,391	0	0	0	37	0	37
Working Capital Fund	0	18,070	0	0	0	257	0	257
Other government accounts (DHS Charges)	0	540	0	0	0	2	0	2
Purchase of goods and services from other Government accounts	0	2,957	0	0	0	1,373	0	1,373
Operation and maintenance of facilities	0	1,794	0	0	0	8	0	8
Operation and maintenance of equipment	0	8,229	0	0	0	140	0	140
Supplies and materials	0	3,602	0	0	0	18	0	18
Equipment	0	7,942	0	0	0	85	0	85
State grants	0	8,941	0	0	0	0	0	0
Insurance claims and indemnities	0	108	0	0	0	1	0	1
<b>Built-Ins Subtotal</b>	<b>2,361</b>	<b>337,708</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,989</b>	<b>0</b>	<b>6,989</b>
<b>B. Program:</b>								
Metal and Nonmetal Enforcement	0	0	0	0	15	1,315	15	1,315
<b>Programs Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>+15</b>	<b>+1,315</b>	<b>+15</b>	<b>+1,315</b>
<b>C. Financing:</b>								
<b>Total Increase</b>	<b>+2,361</b>	<b>+337,708</b>	<b>0</b>	<b>0</b>	<b>+15</b>	<b>+8,304</b>	<b>+15</b>	<b>+8,304</b>

# MINE SAFETY AND HEALTH ADMINISTRATION

Explanation of Change	FY 2009 Base		FY 2010 Change				Total	
			Trust Funds		General Funds			
<b>Decreases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Federal Employees Compensation Act (FECA)	0	7,936	0	0	0	-255	0	-255
Working Capital Fund	0	1,359	0	0	0	-1,359	0	-1,359
<b>Built-Ins Subtotal</b>	<b>0</b>	<b>9,295</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-1,614</b>	<b>0</b>	<b>-1,614</b>
<b>B. Program:</b>								
<b>C. Financing:</b>								
<b>Total Decrease</b>	<b>0</b>	<b>+9,295</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-1,614</b>	<b>0</b>	<b>-1,614</b>
<b>Total Change</b>	<b>+2,361</b>	<b>+347,003</b>	<b>0</b>	<b>0</b>	<b>+15</b>	<b>+6,690</b>	<b>+15</b>	<b>+6,690</b>



# MINE SAFETY AND HEALTH ADMINISTRATION

## SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY

(Dollars in Thousands)

	FY 2008 Enacted		FY 2009 Enacted		Recovery Act		FY 2010 Request	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Coal Mine Safety and Health</b>	<b>1,159</b>	<b>150,123</b>	<b>1,186</b>	<b>154,491</b>	<b>0</b>	<b>0</b>	<b>1,186</b>	<b>156,662</b>
General Funds	1,159	150,123	1,186	154,491	0	0	1,186	156,662
<b>Metal and Nonmetal Mine Safety and Health</b>	<b>550</b>	<b>74,420</b>	<b>598</b>	<b>82,427</b>	<b>0</b>	<b>0</b>	<b>613</b>	<b>85,672</b>
General Funds	550	74,420	598	82,427	0	0	613	85,672
<b>Office of Standards, Regulations, and Variances</b>	<b>19</b>	<b>3,180</b>	<b>17</b>	<b>3,031</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>3,081</b>
General Funds	19	3,180	17	3,031	0	0	17	3,081
<b>Office of Assessments</b>	<b>43</b>	<b>6,134</b>	<b>51</b>	<b>6,134</b>	<b>0</b>	<b>0</b>	<b>51</b>	<b>6,233</b>
General Funds	43	6,134	51	6,134	0	0	51	6,233
<b>Educational Policy and Development</b>	<b>142</b>	<b>36,239</b>	<b>148</b>	<b>38,605</b>	<b>0</b>	<b>0</b>	<b>148</b>	<b>38,605</b>
General Funds	142	36,239	148	38,605	0	0	148	38,605
<b>Technical Support</b>	<b>197</b>	<b>29,476</b>	<b>200</b>	<b>30,117</b>	<b>0</b>	<b>0</b>	<b>200</b>	<b>30,642</b>
General Funds	197	29,476	200	30,117	0	0	200	30,642
<b>Program Evaluation and Information Resources</b>	<b>61</b>	<b>15,936</b>	<b>75</b>	<b>16,514</b>	<b>0</b>	<b>0</b>	<b>75</b>	<b>16,857</b>
General Funds	61	15,936	75	16,514	0	0	75	16,857
<b>Program Administration</b>	<b>100</b>	<b>16,339</b>	<b>86</b>	<b>15,684</b>	<b>0</b>	<b>0</b>	<b>86</b>	<b>15,941</b>
General Funds	100	16,339	86	15,684	0	0	86	15,941
<b>Total</b>	<b>2,271</b>	<b>331,847</b>	<b>2,361</b>	<b>347,003</b>	<b>0</b>	<b>0</b>	<b>2,376</b>	<b>353,693</b>
General Funds	2,271	331,847	2,361	347,003	0	0	2,376	353,693

NOTE: FY 2008 reflects actual FTE.

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>BUDGET AUTHORITY BY OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req. / FY 09 Enacted</b>
	Full-Time Equivalent					
	Full-time Permanent	2,261	2,345		2,360	15
	Other	10	16		16	0
	<b>Total</b>	<b>2,271</b>	<b>2,361</b>	<b>0</b>	<b>2,376</b>	<b>15</b>
	Total Number of Full-Time Permanent Positions	2,271	2,361		2,376	15
	Average ES Salary	161,015	166,328		169,655	3,327
	Average GM/GS Grade	11.17	11.03		11.03	0
	Average GM/GS Salary	73,546	73,545		75,016	1,471
	Average Salary of Ungraded Positions	44,569	47,646		48,599	953
11.1	Full-time permanent	166,797	174,616	0	178,922	4,306
11.3	Other than full-time permanent	363	770	0	786	16
11.5	Other personnel compensation	13,753	10,670	0	10,903	233
11.9	Total personnel compensation	180,913	186,056	0	190,611	4,555
12.1	Civilian personnel benefits	55,547	60,855	0	62,090	1,235
21.0	Travel and transportation of persons	12,018	12,092	0	12,164	72
22.0	Transportation of things	5,012	6,237	0	6,269	32
23.1	Rental payments to GSA	13,298	14,000	0	14,069	69
23.2	Rental payments to others	22	80	0	80	0
23.3	Communications, utilities, and miscellaneous charges	2,079	3,042	0	3,058	16
24.0	Printing and reproduction	809	797	0	800	3
25.1	Advisory and assistance services	547	911	0	915	4
25.2	Other services	10,033	9,391	0	9,428	37
25.3	Other purchases of goods and services from Government accounts 1/	17,076	22,926	0	23,321	395
25.4	Operation and maintenance of facilities	1,983	1,794	0	1,802	8
25.7	Operation and maintenance of equipment	7,882	8,229	0	8,369	140
26.0	Supplies and materials	6,083	3,602	0	3,626	24
31.0	Equipment	9,498	7,942	0	8,041	99
41.0	Grants, subsidies, and contributions	8,941	8,941	0	8,941	0
42.0	Insurance claims and indemnities	106	108	0	109	1
	<b>Total</b>	<b>331,847</b>	<b>347,003</b>	<b>0</b>	<b>353,693</b>	<b>6,690</b>
	1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	15,126	19,429	0	18,327	-1,102
	DHS Services	478	540	0	542	2
	HHS Services	1,452	1,906	0	1,915	9

NOTE: FY 2008 reflects actual FTE.

# MINE SAFETY AND HEALTH ADMINISTRATION

## BUDGET AUTHORITY BY STRATEGIC GOAL

(Dollars in Thousands)

	Strategic Goal 1: A Prepared Workforce	DOL Strategic Goal 2: A Competitive Workforce	DOL Strategic Goal 3: Safe and Secure Workplaces	DOL Strategic Goal 4: Strengthened Economic Protections	SGTotal
<b>Performance Goal: 3</b>					
Coal Mine Safety and Health	0	0	170,844	0	170,844
Metal and Nonmetal Mine Safety and Health	0	0	92,122	0	92,122
Office of Standards, Regulations, and Variances	0	0	3,359	0	3,359
Office of Assessments	0	0	7,606	0	7,606
Educational Policy and Development	0	0	41,318	0	41,318
Technical Support	0	0	38,444	0	38,444
<b>Agency Total</b>	<b>0</b>	<b>0</b>	<b>353,693</b>	<b>0</b>	<b>353,693</b>

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>TOTAL BUDGETARY RESOURCES</b>													
FY 2008 - 2010													
(Dollars in Thousands)													
	<b>FY 2008 Enacted</b>				<b>FY 2009 Enacted</b>				<b>Recovery Act</b>	<b>FY 2010 Request</b>			
	Activity Approp.	Other Approp. <sup>1/</sup>	Other Resrcs. <sup>2/</sup>	Total	Activity Approp.	Other Approp. <sup>1/</sup>	Other Resrcs. <sup>2/</sup>	Total		Activity Approp.	Other Approp. <sup>1/</sup>	Other Resrcs. <sup>2/</sup>	Total
<b>Mine Safety and Health Administration</b>	<b>331,847</b>	<b>0</b>	<b>1,825</b>	<b>333,672</b>	<b>347,003</b>	<b>0</b>	<b>1,825</b>	<b>348,828</b>	<b>0</b>	<b>353,693</b>	<b>0</b>	<b>1,825</b>	<b>355,518</b>
Coal Mine Safety and Health	150,123	14,003	0	164,126	154,491	13,927	0	168,418	0	156,662	14,182	0	170,844
Metal and Nonmetal Mine Safety and Health	74,420	6,443	0	80,863	82,427	6,337	0	88,764	0	85,672	6,450	0	92,122
Office of Standards, Regulations, and Variances	3,180	276	0	3,456	3,031	273	0	3,304	0	3,081	278	0	3,359
Office of Assessments	6,134	1,324	0	7,458	6,134	1,346	0	7,480	0	6,233	1,373	0	7,606
Educational Policy and Development	36,239	2,725	750	39,714	38,605	2,666	750	42,021	0	38,605	2,713	750	42,068
Technical Support	29,476	7,504	1,075	38,055	30,117	7,649	1,075	38,841	0	30,642	7,802	1,075	39,519
Program Evaluation and Information Resources	15,936	-15,936	0	0	16,514	-16,514	0	0	0	16,857	-16,857	0	0
Program Administration	16,339	-16,339	0	0	15,684	-15,684	0	0	0	15,941	-15,941	0	0
<b>Total</b>	<b>331,847</b>	<b>0</b>	<b>1,825</b>	<b>333,672</b>	<b>347,003</b>	<b>0</b>	<b>1,825</b>	<b>348,828</b>	<b>0</b>	<b>353,693</b>	<b>0</b>	<b>1,825</b>	<b>355,518</b>

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

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

# MINE SAFETY AND HEALTH ADMINISTRATION

## SUMMARY OF PERFORMANCE

### Performance Goal 3B. Reduce work-related fatalities, injuries, and illnesses in mines.

	FY 2005		FY 2006		FY 2007		FY 2008		FY 2009	FY 2010
	Goal Achieved		Goal Achieved		Goal Substantially Achieved		Goal Achieved			
Performance Indicator	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Mine industry fatalities per 200,000 hours worked	.0215	.0182	.0208	.0220	0.0201	0.0194	0.0191	.0150	0.0147	0.0144
Mine industry injuries per 200,000 hours worked	3.48	3.93	3.13	3.65	2.82	3.50	3.41	3.25	3.09	2.94
Percent of respirable coal mine dust samples exceeding the applicable standard (for designated occupations)	10.1%	10.8%	9.5%	11.3%	9.0%	12.19%	11.50%	9.74%	9.55%	9.36%
Percent of noise exposures above the citation level in coal mines	Baseline	5.3%	5.0%	4.4%	4.8%	3.66%	3.59%	4.54%	4.45%	4.36%
Percent of successful interventions of hazards that require annual sampling (metal and nonmetal mines)	--	--	--	--	--	--	--	--	Baseline	100%
Percent of hazards that require periodic sampling for which there are successful interventions (metal and nonmetal mines)	--	--	--	--	--	--	--	--	Baseline	20%

# **MINE SAFETY AND HEALTH ADMINISTRATION**

## **SIGNIFICANT ITEMS IN APPROPRIATION COMMITTEES' REPORTS**

Explanatory Statement: The funds over the request are provided to accelerate the implementation of the MINER Act and to improve the health and safety of miners. These funds are specifically directed toward ensuring that MSHA is able to conduct and follow up on 100 percent of its mandatory inspections; adequately train and hire coal mine safety enforcement personnel; improve the infrastructure of the National Mine Health and Safety Academy; accelerate the certification and approval of safety and health equipment, including communication and tracking technologies required in the MINER Act; and ensure the compliance with and effectiveness of statutory training requirements. In each of these areas and others specifically required by the MINER Act, the Department shall submit an overall operating plan within 60 days of enactment of this Act, and quarterly progress reports thereafter, to the Committees on Appropriations of the House of Representatives and the Senate.

Response: The Department of Labor and the Mine Safety and Health Administration share responsibilities for ensuring that all requirements are acted upon and met.

Explanatory Statement: Within the amount provided for Coal Enforcement, \$2,000,000 shall be used to increase spot inspections of respirable dust levels in active workings of coal mines. MSHA shall report to the Committees on Appropriations of the House of Representatives and the Senate not later than March 31, 2009 on the feasibility and efficacy of MSHA assuming responsibility for collecting dust samples, and using single, full-shift measurements instead of averages to ensure compliance with current law regarding the exposure limit for respirable dust.

Response: With the additional funding in FY 2009, MSHA will increase enforcement of current requirements to provide respirable dust controls that will protect miners from exposure to harmful quantities of respirable coal mine dust and quartz. MSHA will provide a report to the Committees by May 15, 2009, addressing the feasibility and efficacy of MSHA's responsibility for dust sampling.

Explanatory Statement: Within Educational Policy and Development, \$2,000,000 above the budget request is provided to improve the infrastructure and expand on-line training programs at the National Mine Health and Safety Academy.

Response: MSHA will contract for vitally needed infrastructure repairs at the National Mine Health and Safety Academy and expand its on-line course development and deployment activities.

Explanatory Statement: Within the funds provided for Technical Support, \$1,000,000 above the budget request is included for equipment and infrastructure at the Approval and Certification

## **MINE SAFETY AND HEALTH ADMINISTRATION**

Center, which together with funds in the request that support additional staffing, will allow for progress in addressing the backlog of approval actions.

Response: MSHA will procure updated testing equipment and make infrastructure improvements to the Center that will enable more effective utilization of space.

Explanatory Statement: Within the amount provided for Program Administration, \$1,808,000 is provided for an award to the United Mine Workers of America to continue a project, initiated with the fiscal year 2008 appropriation, for classroom and simulated rescue training for mine rescue teams.

Response: MSHA is developing a Statement of Work for the continuation of the Mine Rescue Training Program.

Explanatory Statement: The MSHA Office of Accountability was established to provide focus and oversight to ensure that MSHA policies, enforcement procedures, and guidance are being complied with consistently and that the agency is accomplishing its mission-critical activities. MSHA is directed to provide a report to the Committees on Appropriations of the House of Representatives and the Senate, no later than May 1, 2009, on staffing and budget resources expended or planned for fiscal years 2008 and 2009; findings and recommendations of audits conducted to date; and the status of all corrective actions recommended.

Response: MSHA will provide a detailed report, outlining FY 2009 budget, planned activities, and results to date, to the Committees by June 1, 2009.

# MINE SAFETY AND HEALTH ADMINISTRATION

## AUTHORIZING STATUTES

<b>Public Law / Act</b>	<b>Legislation</b>	<b>Statute No. / US Code</b>	<b>Volume No.</b>	<b>Page No.</b>	<b>Expiration Date</b>
91-173	Federal Mine Safety and Health Act of 1977, As Amended By Public Law 95-164	30 U.S.C., 801 et. seq.	30	823	None
109-236 (S 2803)	Mine Improvement and New Emergency Response Act of 2006 (MINER Act)	30 U.S.C., 801 et. seq.	30	823	None



## MINE SAFETY AND HEALTH ADMINISTRATION

<b>APPROPRIATION HISTORY</b>					
(Dollars in Thousands)					
	<b>Budget Estimates to Congress</b>	<b>House Allowance</b>	<b>Senate Allowance</b>	<b>Appropriations</b>	<b>FTE</b>
2000....1/2/	228,373	211,165	230,873	228,057	2,317
2001....3/	242,247	233,000	244,747	246,306	2,357
2002....4/	246,306	251,725	256,093	253,143	2,310
2003....5/	254,323	254,323	261,841	272,955	2,299
2004....6/	266,767	266,767	270,711	268,858	2,269
2005....7/	275,567	275,567	280,002	279,135	2,187
2006....6/	280,490	280,490	280,490	303,285	2,314
2007	287,836	278,869	302,436	301,569	2,314
2008....9/	313,478	313,478	340,028	331,847	2,306
2009....10/	332,061	0	346,895	347,003	2,361
2010	353,693	0	0	0	0

- 1/ Reflects a \$13 increase pursuant to P.L. 105-277.
- 2/ Reflects a \$329 reduction pursuant to P.L. 106-113.
- 3/ Reflects a \$441 reduction pursuant to P.L. 106-554.
- 4/ Reflects a reduction of \$669 pursuant to P.L. 107-116, and a \$956 reduction pursuant to P.L. 107-206.
- 5/ Reflects a \$1,786 reduction pursuant to P.L. 108-7 and \$9,935 for Mine Mapping budget activity.
- 6/ Reflects a \$1,968 reduction pursuant to P.L. 108-199.
- 7/ Reflects a \$2,400 reduction pursuant to P.L. 108-447.
- 8/ Reflects a \$2,805 reduction pursuant to P.L. 109-148.
- 9/ Reflects a \$5,937 reduction pursuant to P.L. 110-161, and a \$2,078 transfer to the Office of the Solicitor.
- 10/ This bill was only reported out of Subcommittee and was not passed by the Full House.

# MINE SAFETY AND HEALTH ADMINISTRATION

## OVERVIEW

The mission of the Mine Safety and Health Administration (MSHA) is to protect the safety and health of the nation's miners under the provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended by the Mine Improvement and New Emergency Response Act of 2006 (MINER Act). MSHA's vision is to lead the way to zero accidents and fatalities and to put an end to occupational illness in the mining industry through enforcement of mandatory safety and health standards, mandated inspections which require four complete inspections annually at active underground mines and two complete inspections annually at active surface mines, and proactive compliance assistance and partnering with the mining community.

MSHA's Performance Goal, *Reduce Work-Related Fatalities, Injuries, and Illnesses in Mines*, directly supports the Departmental Strategic Goal: Safe and Secure Workplaces, and assesses the effectiveness of the agency's efforts to protect the safety and health of the nation's miners. Thus, MSHA's fatality and injury rates per 200,000 hours worked by miners are used to report not only the incident rates that occur each year in the mining industry, but also the exposure rate to potential hazards in the amount of time miners worked.

The following indicators and targets will be measured in FY 2010:

### **Reduce Fatality and Injury Rates in the Nation's Mines**

This is supported by two performance indicators:

- Mine industry fatalities per 200,000 hours worked  
Target: 0.0144 (a reduction from the 2009 target of 0.0147%)
- Mine industry injuries per 200,000 hours worked  
Target: 2.94 (a reduction from the 2009 target of 3.09%)

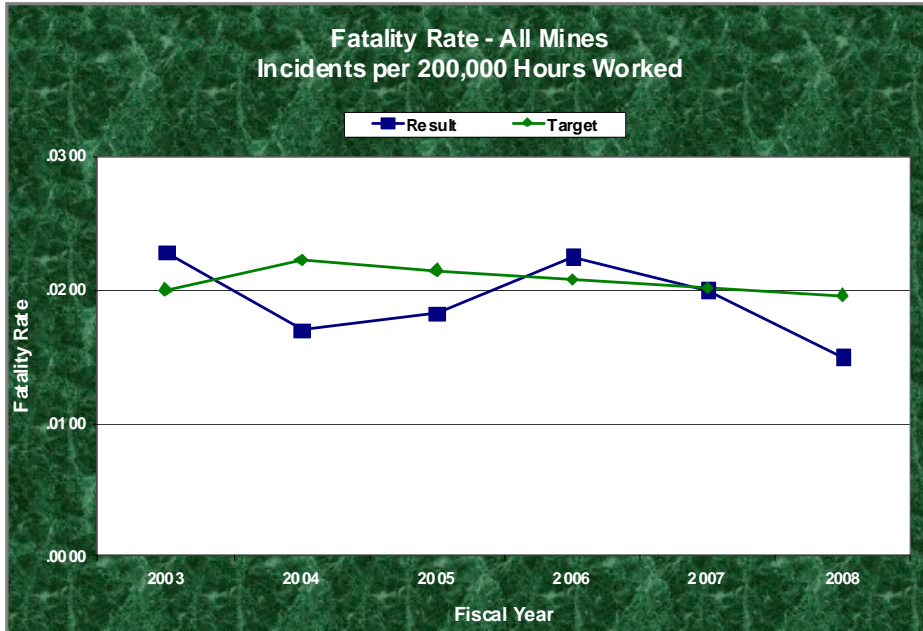
### **Reduce Miners' Exposure to Health Hazards**

This is supported by four performance indicators:

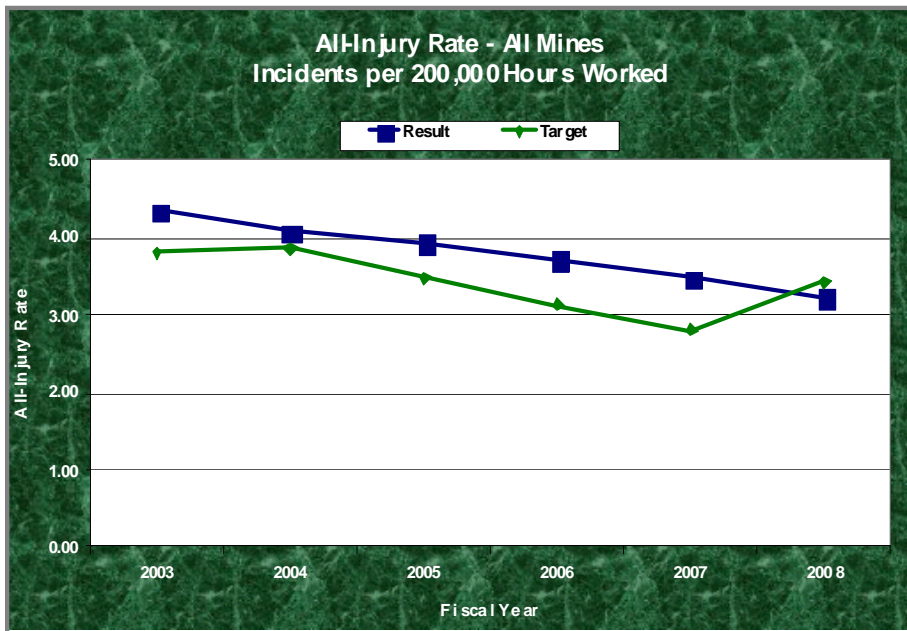
- Percent of respirable coal mine dust samples exceeding the applicable standard (for designated occupations)  
Target: 9.36% (a reduction from the 2009 target of 9.55%)
- Percent of noise exposures above the citation level in coal mines  
Target: 4.36% (a reduction from the 2009 target of 4.45%)
- Percent of successful interventions of hazards that require annual sampling (metal and nonmetal mines)  
Target: 100%
- Percent of hazards that require periodic sampling for which there are successful interventions (metal and nonmetal mines)  
Target: 20%

# MINE SAFETY AND HEALTH ADMINISTRATION

**Fatality Rate for All Mines**  
(A decrease of 34% from .0229 in FY 2003 to .0150 in FY 2008)



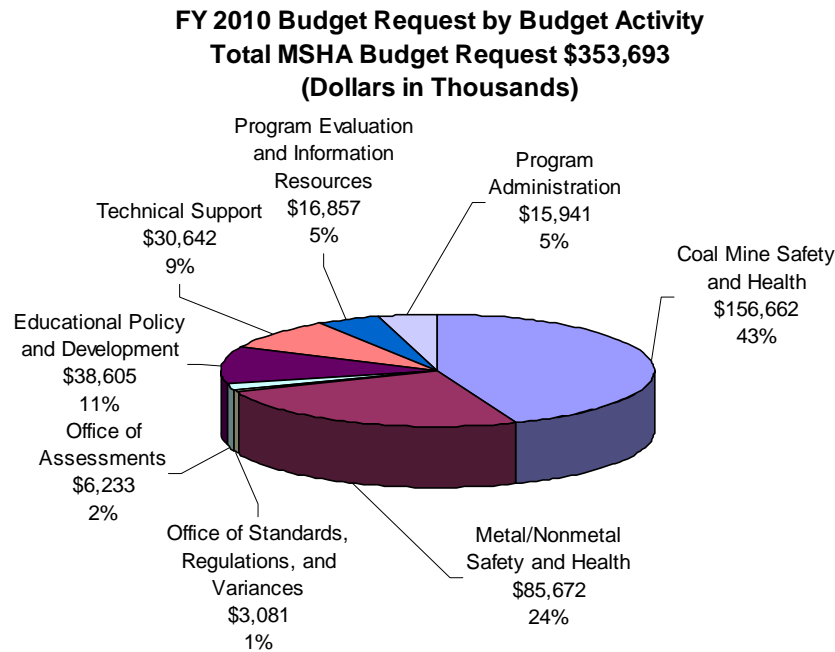
**All-Injury Rate for All Mines**  
(A decrease of 25% from 4.34 in FY 2003 to 3.25 in FY 2008)



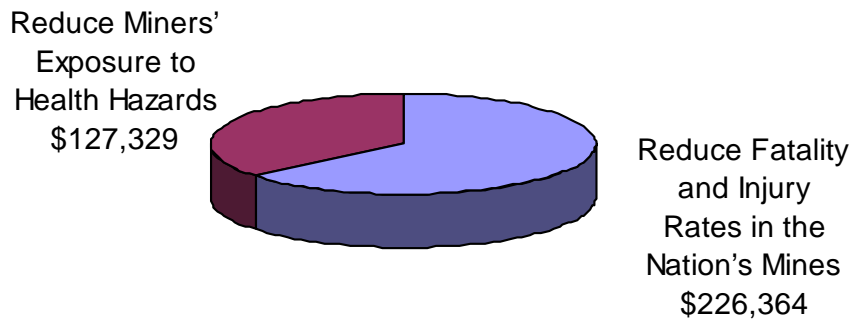
# MINE SAFETY AND HEALTH ADMINISTRATION

## Cost Model

In FY 2010, MSHA requests a total of \$353,693,000, an increase of \$6,690,000 from the FY 2009 Omnibus level. This includes \$1,315,000 for 15 additional Metal and Nonmetal Mine Safety and Health FTE. MSHA's efforts and resources in FY 2010 will support the Departmental Strategic Goal 3 – Safe and Secure Workplaces. The allocations of the requested funds are displayed in the following charts.

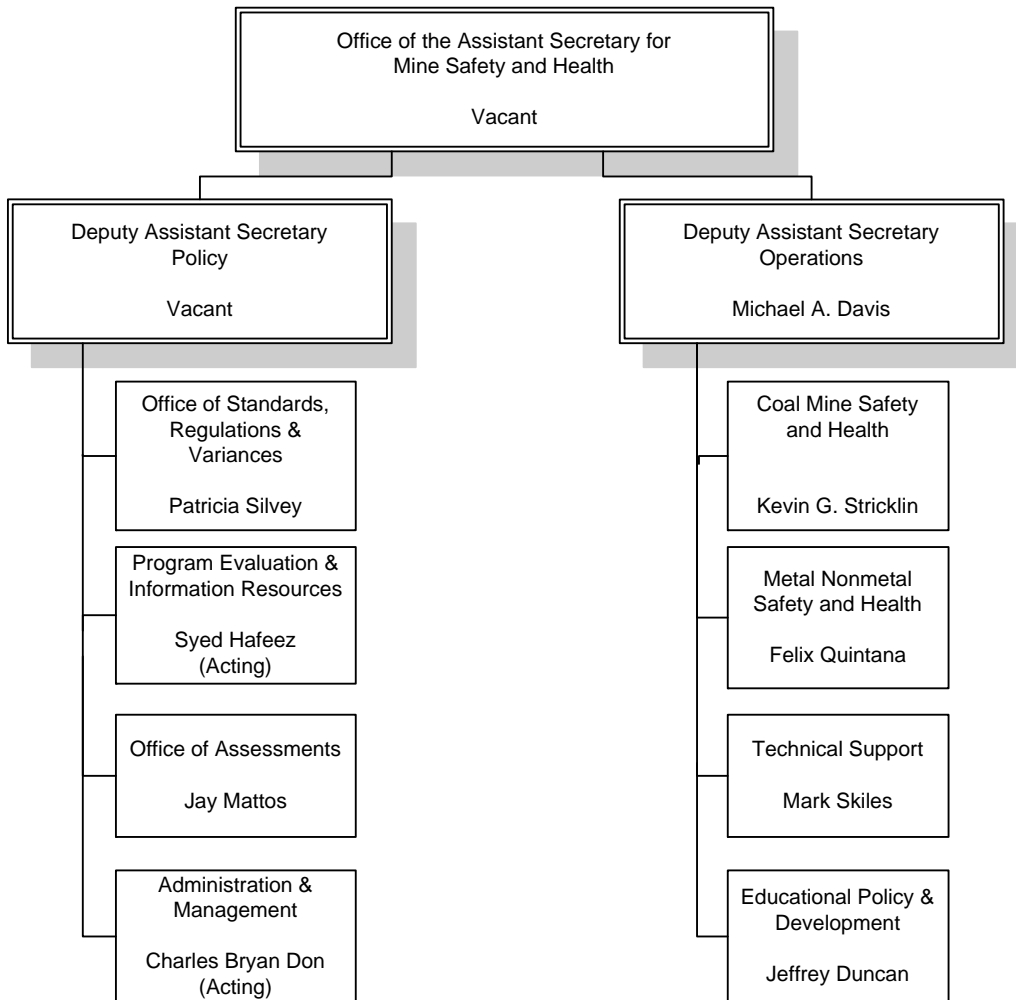


## **MSHA Performance Goal Cost Allocation** **(Dollars in Thousands)**



# MINE SAFETY AND HEALTH ADMINISTRATION

## Organization Chart





# COAL MINE SAFETY AND HEALTH

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Diff. FY08 Enacted / FY09 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Diff. FY09 Enacted / FY10 Req</b>
<b>Activity Appropriation</b>	<b>150,123</b>	<b>154,491</b>	<b>4,368</b>	<b>0</b>	<b>156,662</b>	<b>2,171</b>
FTE	1,159	1,186	27	0	1,186	0

NOTE: FY 2008 reflects actual FTE. Authorized FTE for FY 2008 was 1,186.

## **Introduction**

The Coal Mine Safety and Health (CMS&H) activity administers the provisions of the Mine Act, the MINER Act, and the standards outlined in Title 30, Code of Federal Regulations, to protect the safety and health of miners in the nation’s coal mines.

The CMS&H activity is comprised of coal mine inspectors, specialists, and engineers with expertise in critical mine specialties. MSHA’s mission is carried out across 11 CMS&H districts where MSHA personnel perform essential mine inspection as well as accident investigations. These activities include mandated inspections at active underground coal mines four times a year and at surface mines and installations twice a year. MSHA complements mandated inspections with outreaches and ongoing initiatives, and conducts summits, workshops, and meetings to strengthen communication and enhance working relationships with stakeholders.

CMS&H enforcement personnel help ensure safe working conditions for a mining workforce that is aging and is being replaced by less experienced miners. The mining workforce is facing competitive pressures to increase production while containing costs and is at greater risk of being involved in serious accidents. Approximately 32 percent of new miners are contractors who tend to move between mining sites more often than seasoned miners, and therefore do not gain familiarity with the conditions and hazards of a particular mine. Also, new mining sites opening contributes to an influx of new and inexperienced miners, who are often unfamiliar with mining conditions, hazards, and safe working procedures.

MSHA has set ambitious targets for reducing coal mine fatalities. To support these efforts, MSHA will continue its integrated approach toward the prevention of coal mining accidents, injuries, and occupational illnesses, including aggressive enforcement and outreach activities, and special emphasis programs. As the foundation of this approach, CMS&H will conduct the enforcement activities as mandated by the Mine Act and MINER Act.

The following indicators and targets will be measured in FY 2010:

### **Reduce Fatality and Injury Rates in the Nation’s Mines**

This is supported by two performance indicators:

- Mine industry fatalities per 200,000 hours worked  
Target: 0.0236 (a reduction from the 2009 target of 0.0241%)
- Mine industry injuries per 200,000 hours worked

# COAL MINE SAFETY AND HEALTH

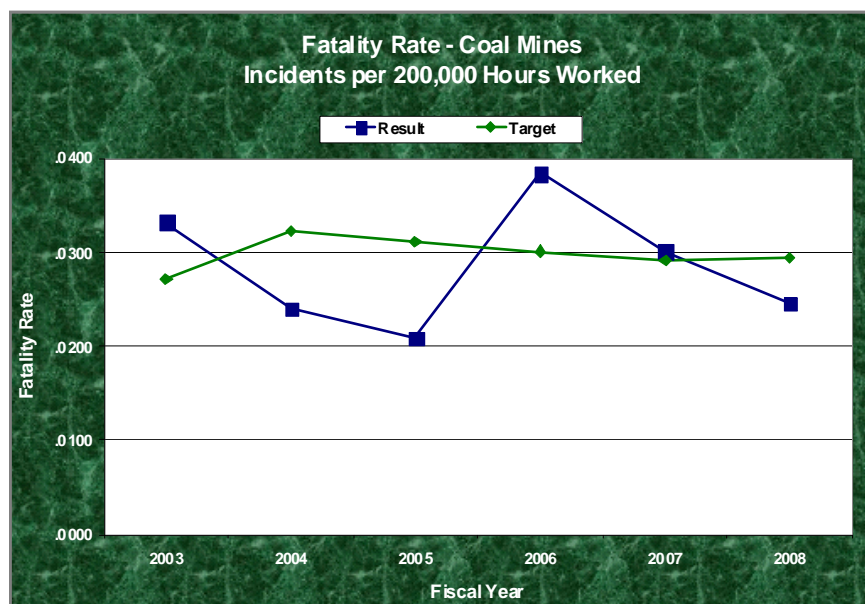
Target: 3.56 (a reduction from the 2009 target of 3.75%)

## Reduce Miners' Exposure to Health Hazards

This is supported by two performance indicators:

- Percent of respirable coal mine dust samples exceeding the applicable standard (for designated occupations)  
Target: 9.36% (a reduction from the 2009 target of 9.55%)
- Percent of noise exposures above the citation level in coal mines  
Target: 4.36% (a reduction from the 2009 target of 4.45%)

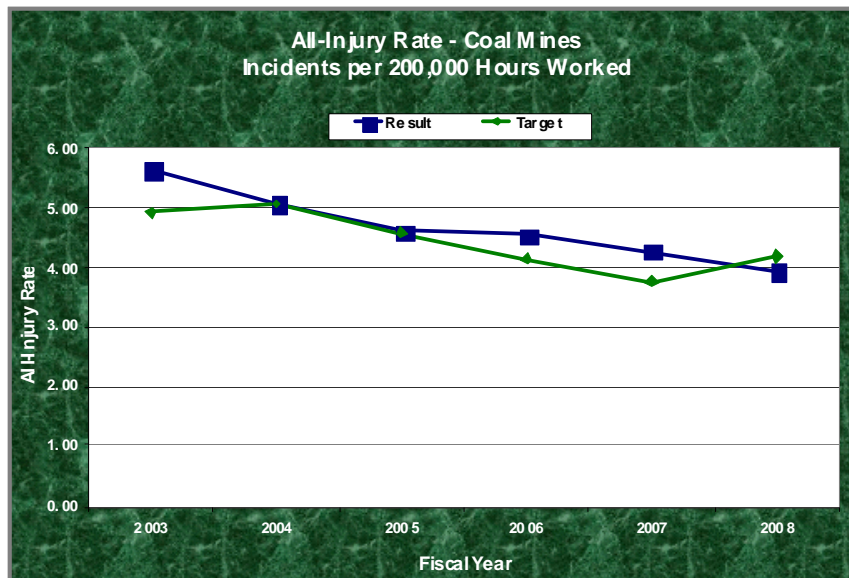
**Fatality Rate for Coal Mines**  
(A decrease of 26% from .0332 in FY 2003 to .0246 in FY 2008)





# COAL MINE SAFETY AND HEALTH

**All-Injury Rate for Coal Mines**  
**(A decrease of 30% from 5.64 in FY 2003 to 3.95 in FY 2008)**



## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2005	115,251	1,043
2006	136,355	1,186
2007	120,395	1,186
2008	150,123	1,186
2009	154,491	1,186

NOTE: Excludes Recovery Act Funding. See budget activity head table.

## FY 2010

CMS&H plans to complete 100 percent of mandated inspections in coal mines, as the majority of the 410 inspectors hired since 2006 have completed their training and are deployed. CMS&H will continue to assess its manpower requirements, with particular attention to attrition rates, and will reallocate enforcement personnel between districts as necessary. During the past three years attrition rates of CMS&H enforcement personnel have declined slightly since a greater percentage of enforcement staff are newly hired. Throughout the year MSHA will hold job fairs to ensure that CMS&H has an adequate pool of qualified candidates to fill vacancies. As MSHA hires new enforcement personnel, CMS&H will evaluate before approving backfills, with the first priority to fill vacancies in districts where mining activity is increasing and current enforcement staff levels have not expanded with the increasing activity. This will prevent significant regional staffing shortages.

MSHA will continue to schedule and fill classes at the Mine Health and Safety Academy (Academy). Entry-level training is approximately 15 to 18 months.

## COAL MINE SAFETY AND HEALTH

As part of the inspection activity, CMS&H inspectors will conduct outreach programs aimed at identifying the underlying cause(s) for unsafe practices and conditions. CMS&H will conduct special emphasis inspections at mines that will focus on a range of issues, including significant methane liberation, high incidences of serious accidents, and overexposure to respirable coal mine dust.

A Safety and Health Conference provides the mine operator and the miners' representative an opportunity to hear MSHA's interpretation of regulations and to discuss and resolve issues relating to violations prior to assessment and litigation. MSHA anticipates a continued increase in the number of contested violations due to the implementation of the "Pattern of Violations" provision under the Mine Act, new rules required under the MINER Act, increases in penalties, the revised dollar figure that a Conference Litigation Representatives can litigate, and an increased number of violations.

MSHA will continue to conduct other mandated investigations prompted by serious accidents and safety and discrimination complaints.

The Mine Act requires that authorized representatives of the Secretary of Labor make investigations in coal and other mines for the purpose of obtaining, utilizing, and disseminating information relating to the causes of accidents. The objective of MSHA's accident investigations is to determine the root cause(s) of the accident and to utilize and share this information with the mining community and others for the purpose of preventing similar occurrences. MSHA's accident investigations include determinations of whether violations of the Mine Act or implementing regulations contributed to the accident. In addition to providing critical, potentially life-saving information, the findings of these investigations provide a basis for formulating and evaluating MSHA health and safety standards and policies.

Section 103(a) of the Federal Mine Safety and Health Act of 1977, Public Law 91-173, as amended by Public Law 95-164 (Mine Act), states, in part that an Authorized Representative of the Secretary of Labor shall have a right of entry to, upon, or through any coal or other mine for the purpose of making any inspection or investigation to determine whether there is compliance with mandatory standards or any other requirement of the Mine Act. Investigations of discrimination complaints are authorized pursuant to Section 105(c).

MSHA will target those mine operators who commit flagrant violations. A flagrant violation is defined as "a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory safety and health standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury." Under the MINER Act, a civil penalty of up to \$220,000 may be assessed for each flagrant violation.

CMS&H specialists will investigate fatal accidents and serious nonfatal accidents. These investigations provide valuable information used by MSHA, state agencies, industry, and labor organizations to develop strategies to prevent similar occurrences and to promote awareness of potential hazards.

CMS&H specialists will continue to work jointly with the mine operator and the miners to develop and implement "best practices" and other effective strategies to prevent injuries and deaths in the

## COAL MINE SAFETY AND HEALTH

workplace. MSHA will continue partnerships with state mining agencies for effective accident and injury prevention to foster better communications and to understand, enhance, and compliment enforcement roles and responsibilities of each agency.

Health issues such as lung diseases and hearing loss of miners are preventable. The elimination of black lung disease continues to be high priority. MSHA will take aggressive action to reduce miners' overexposures to respirable dust through examining dust overexposure trends, conducting targeted mine inspections, and reviewing plan parameters of operations to control dust. Each mining operation must have a plan that outlines the steps they are taking to adequately reduce dust, e.g., sufficient quantities of air and the number of water sprays as well as the correct pressure and gallons of water. To reduce overexposures to noise, MSHA will continue to work with the mining industry, labor unions, and the states to improve training programs on hearing loss prevention strategies. MSHA will review mining operations' previous year compliance histories, compliance action plans, and other data to identify outstanding compliance issues associated with mining occupations, types of mining equipment, and/or mining environments.

MSHA will continue necessary infrastructure improvements in the CMS&H districts and field offices. To accommodate additional CMS&H space requirements, MSHA will renew space leases and renovate as necessary, replace aging telephone systems, and add basic security systems. MSHA will continue to explore realignment options that will most efficiently and effectively allow CMS&H to ensure optimum safety and health coverage.

### **FY 2009**

In light of the 2006 tragedies in West Virginia and Kentucky, the tragedy in Utah in August 2007, the determined root causes of these tragedies, the increased demand for coal, the passage of the MINER Act, and implementation of Emergency Temporary Seal Standards, MSHA has taken a new and aggressive approach to mine inspections and support efforts. MSHA initiated inspections of mine seals and environments behind seals, shaft and slope sinking operations, and retreat mining.

Since the beginning of FY 2007, the Office of the Inspector General (OIG) and the Government Accountability Office have issued seven audit reports; likewise, MSHA has issued four accident investigation reports and three internal reviews, and the Department of Labor issued one independent review on the Crandall Canyon tragedy. As of January 16, 2009, MSHA has fully implemented 151 of 153 corrective actions associated with the Sago, Darby, and Aracoma internal reviews. With respect to the Crandall Canyon Independent Review, MSHA has fully implemented 44 recommendations, partially implemented 25 recommendations, and have ongoing efforts associated with seven recommendations which included training family liaisons.

CMS&H plans to conduct all of its 17,200 mandated coal mine inspections, as all of the additional 170 CMS&H enforcement personnel hired under the Emergency Supplemental Appropriation in FY 2006 have completed their training and are deployed. CMS&H will continue to target mine operators who commit flagrant violations.

## COAL MINE SAFETY AND HEALTH

CMS&H enforcement personnel will continue to conduct outreach programs aimed at identifying the underlying cause(s) of unsafe practices and conditions. CMS&H will conduct special emphasis inspections at mines that will focus on health and safety issues.

According to National Institute for Occupational Safety and Health (NIOSH) reports, Coal Workers Pneumoconiosis, or black lung disease, is increasing in prevalence and severity among coal miners. MSHA will increase enforcement of current requirements to provide respirable dust controls that will protect miners from exposure to harmful quantities of respirable coal mine dust and quartz (silica). This 2009 increased enforcement work includes utilizing a team of experienced health enforcement personnel to conduct inspections at selected coal mines to evaluate occupational exposures to respirable coal mine dust and quartz dust. The team will assess the effectiveness of operator dust control and sampling programs through multi-shift sampling, data collection, observations of mining cycle and work practices, and interviews. The data collected will form the basis of appropriate enforcement actions.

MSHA published the final rule on Refuge Alternatives for Underground Coal Mines on December 31, 2008. This rule requires operators of underground coal mines to provide refuge alternatives to protect miners when a life-threatening event occurs that makes escape impossible. On that same day MSHA published its final rule on Flame-Resistant Conveyor Belt, Fire Prevention and Detection, and Use of Air from the Belt Entry. This final rule calls for improved flame-resistant conveyor belts in underground coal mines. It also includes requirements for fire prevention and detection in belt entries, standardized tactile signals on lifelines, and approval of the use of air from the belt entry to ventilate working sections. MSHA will hold district stakeholder meetings to communicate the aspects of these rules to mine operators.

### **FY 2008**

In FY 2008, MSHA's integrated approach toward the prevention of accidents, injuries, and occupational illnesses in the coal mining industry included aggressive enforcement and outreach activities, special emphasis programs, education and training, and technical assistance. As the foundation of this approach, CMS&H conducted the enforcement activities as mandated in the Mine Act and MINER Act.

MSHA implemented its 100 Percent Inspection Plan, and successfully completed 100 percent of its mandated regular safety and health inspections, including 16,453 coal mine inspections. CMS&H issued a total of 104,784 citations and orders. As part of the inspection activity, CMS&H inspectors conducted outreach programs aimed at identifying the underlying cause(s) for unsafe practices and conditions. CMS&H conducted special emphasis inspections at mines that focused on health and safety issues, including significant methane liberation, high incidences of serious accidents, and overexposure to respirable coal mine dusts. Other activities included outreach programs such as the Preventive Roof/Rib Outreach Program, Winter Alert, Black Lung Awareness, and Stay Out-Stay Alive.

The MINER Act states that a flagrant violation is: "...a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory safety or health standard that substantially and proximately caused, or reasonably could have been expected to cause, death or

## COAL MINE SAFETY AND HEALTH

serious bodily injury." CMS&H targeted mine operators who committed flagrant violations. In FY 2008, MSHA provided 32 coal operators notices of potential "Pattern of Violations" and afforded them the opportunity to develop and implement action plans to address areas of non-compliance. Reductions in significant and substantial violations issued per 100 inspection hours during the 90 day review period were achieved: 50.65 percent in the December 2007 round, and 63.09 percent in the June 2008 round. CMS&H processed reviews of special assessment forms (SAR) and proposed flagrant violations for the CMS&H Administrator's concurrence; CMS&H processed headquarters' reviews of 152 final and proposed flagrant violations and 928 SAR forms. As of 10/2/2008, the proposed penalty amounts for 72 coal-issued flagrant violations totaled \$11,690,100. Eighty-seven violations were sent to MSHA's Office of Assessments for penalty assessments as flagrant violations.

Prior to the assessment of violations, MSHA affords a Safety and Health Conference to the mine operator to discuss MSHA's interpretation of regulations and resolve issues relating to specific violations or allows the operator to further contest the violation should it not be resolved. CMS&H experienced a substantial increase in the number of Conferences held during FY 2008.

CMS&H specialists investigated fatal accidents and serious nonfatal accidents. These investigations provided valuable information to be used by MSHA, state agencies, industry, and labor organizations to develop strategies to prevent similar occurrences and to promote awareness of potential hazards. CMS&H also investigated 1,149 hazard complaints with an average of 40 percent positive findings.

CMS&H specialists worked jointly with mine operators and the miners to develop strategies to prevent injuries and deaths in the workplace. MSHA continued its partnerships with state mining agencies for effective accident and injury prevention, to foster better communications, and to understand, enhance, and compliment the enforcement roles and responsibilities of each agency. MSHA and the leadership of the United Mine Workers of America (UMWA), Bituminous Coal Operators' Association (BCOA), and National Mining Association (NMA) spearheaded an unprecedented joint letter to urge the coal industry to refocus on sound safety practices in the nation's coal mines. This letter was signed by the acting Assistant Secretary of MSHA and the top executives from the NMA, the UMWA, and BCOA and was distributed to coal miners, operators, and contractors in the wake of recent mining fatalities.

CMS&H increased enforcement of current requirements to provide respirable dust controls that will protect miners from exposure to harmful quantities of respirable coal mine dust and silica. This was done by requiring effective dust control measures in mine ventilation plans, as well as work to incorporate better designed dust controls in approved mine ventilation plans and promote the development of improved control technology and methodologies. This also included revising the dust sampling inspection procedures to provide for more representative monitoring of miners' dust exposure and more rigorous assessment of the quality and effectiveness of dust control parameters stipulated in mine ventilation plans. MSHA worked with NIOSH to identify additional engineering controls and evaluate individual mine operator's compliance history to focus efforts on reducing overexposures.

Since the tragedy at Crandall Canyon in August, 2007, and through the first quarter of FY 2008,

## COAL MINE SAFETY AND HEALTH

MSHA received eight requests, including one subpoena, from members of the Senate, House of Representatives and the OIG in addition to post-hearing requests on Crandall Canyon. The Crandall Canyon Independent Review included recommendations regarding training MSHA family liaisons. Through FY 2008 there have been 35 CMS&H personnel trained as family liaisons.

<b>WORKLOAD SUMMARY</b>			
	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>
Coal Mine Safety and Health			
Total Number of Mines	2,092	2,150	2,160
Total Number of Inspections	16,453	17,200	17,300

The workload figures reflect the total numbers of inspections which include mandated, regular safety and health inspections (E01) and all inspections outside of E01. During FY 2008 CMS&H's main focus was on 100% inspection completion of E01. The FY 2010 estimate reflects a slight increase over FY 2009 due to the projected increase in the number of mines.

<b>PERFORMANCE GOALS AND INDICATORS</b>										
<b>Performance Goal 3B. Reduce work-related fatalities, injuries, and illnesses in mines</b>										
	<b>FY 2005</b>		<b>FY 2006</b>		<b>FY 2007</b>		<b>FY 2008</b>		<b>FY 2009</b>	<b>FY 2010</b>
	<b>Goal Achieved</b>		<b>Goal Achieved</b>		<b>Goal Substantially Achieved</b>		<b>Goal Achieved</b>			
<b>Performance Indicator</b>	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Mine industry fatalities per 200,000 hours worked	.0311	.0209	.0301	.0384	0.0292	0.0301	0.295	.0246	0.0241	.0236
Mine industry injuries per 200,000 hours worked	4.59	4.63	4.15	4.55	3.76	4.28	4.19	3.95	3.75	3.56
Percent of respirable coal mine dust samples exceeding the applicable standard (for designated occupations)	10.1%	10.8%	9.5%	11.3%	9.0%	12.19%	11.50%	9.74%	9.55%	9.36%
Percent of noise exposures above the citation level in coal mines	Baseline	5.3%	5.0%	4.4%	4.8%	3.66%	3.59%	4.54%	4.45%	4.36%

## COAL MINE SAFETY AND HEALTH

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	78,236	82,405	0	83,963	1,558
11.3	Other than full-time permanent	130	334	0	341	7
11.5	Other personnel compensation	10,183	6,295	0	6,421	126
11.9	Total personnel compensation	88,549	89,034	0	90,725	1,691
12.1	Civilian personnel benefits	30,316	32,601	0	32,966	365
21.0	Travel and transportation of persons	2,584	2,333	0	2,345	12
22.0	Transportation of things	2,849	3,801	0	3,820	19
23.1	Rental payments to GSA	7,091	7,810	0	7,849	39
23.2	Rental payments to others	10	37	0	37	0
23.3	Communications, utilities, and miscellaneous charges	332	973	0	978	5
24.0	Printing and reproduction	160	159	0	160	1
25.1	Advisory and assistance services	242	239	0	240	1
25.2	Other services	1,789	1,418	0	1,425	7
25.3	Other purchases of goods and services from Government accounts 1/	7,788	10,488	0	10,491	3
25.4	Operation and maintenance of facilities	27	79	0	79	0
25.7	Operation and maintenance of equipment	163	598	0	601	3
26.0	Supplies and materials	4,185	1,942	0	1,952	10
31.0	Equipment	3,969	2,879	0	2,893	14
42.0	Insurance claims and indemnities	69	100	0	101	1
<b>Total</b>		<b>150,123</b>	<b>154,491</b>	<b>0</b>	<b>156,662</b>	<b>2,171</b>
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	7,492	9,686	0	8,976	-710
	DHS Services	289	293	0	294	1
	HHS Services	0	410	0	412	2

# COAL MINE SAFETY AND HEALTH

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	1,691	
Personnel benefits	620	
Federal Employees Compensation Act (FECA)	-255	
Travel	12	
Transportation of things	19	
GSA Space Rental	39	
Communications, utilities & miscellaneous charges	5	
Printing and reproduction	1	
Advisory and assistance services	1	
Other services	7	
Other government accounts (Working Capital Fund)	-710	
Other government accounts (DHS Charges)	1	
Purchase of goods and services from other Government accounts	712	
Operation and maintenance of equipment	3	
Supplies and materials	10	
Equipment	14	
Insurance claims and indemnities	1	
<b>Built-Ins Subtotal</b>	<b>2,171</b>	

	Estimate	FTE
<b>Base</b>	<b>156,662</b>	<b>1,186</b>



## METAL AND NONMETAL MINE SAFETY AND HEALTH

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Diff. FY08 Enacted / FY09 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Diff. FY09 Enacted / FY10 Req</b>
<b>Activity Appropriation</b>	<b>74,420</b>	<b>82,427</b>	<b>8,007</b>	<b>0</b>	<b>85,672</b>	<b>3,245</b>
FTE	550	598	48	0	613	15

NOTE: FY 2008 reflects actual FTE. Authorized FTE for FY 2008 was 543.

### **Introduction**

The Metal and Nonmetal Mine Safety and Health (MNMS&H) program administers provisions of the Mine Act, provisions of the MINER Act, and ensures compliance with regulations to eliminate fatalities, reduce the frequency and severity of accidents, and minimize health hazards in the nation's nearly 12,700 metal and nonmetal mines.

Most of the MNMS&H employees are located across six district offices and 47 field offices throughout the United States and in Puerto Rico. The majority of field employees are mine safety and health professionals, who perform essential inspection and compliance assistance activities and many types of investigations (i.e. fatal accident investigations, non-fatal and/or non-injury accident investigations, verbal and written hazard complaint investigations, discrimination complaint investigations, etc.). MNMS&H field personnel also work closely with state grant recipients and personnel from MSHA's Technical Support program in developing solutions to safety and health issues. State grants are awarded to 49 states and the Navajo Nation to provide federally mandated training to miners. Some state grant recipients develop videos, DVDs and other training materials while others assist mine operators in producing training plans covering topics required under federal regulations.

More than 227,000 people work directly in the metal and nonmetal mining sector which provides essential raw materials for the nation's transportation infrastructure, construction and housing, communications, medicine, the arts, manufacturing, consumer goods, and agricultural industries. Just as mining is vital to the American economy, a safe and healthy workforce is critical to the continued successful operation of the mining industry.

As the mining industry continues to expand to meet an increased demand for natural resources, MSHA will endeavor to assist mine operators in maintaining safe and healthful workplaces, and ensure that miners are provided adequate health and safety training. New mine operators are at a particular risk of safety and health hazards and statistics from NIOSH suggest a strong correlation between inexperience and higher injury and fatality rates. ("100 years of Improvement in Aggregate Worker Safety," Anthony Iannacchione, Senior Scientist; and Thomas Mucho, Branch Chief, Pittsburg Research, Sand and Gravel Review, March/April 2003)

The majority of metal and nonmetal mines are small business operations, and many have no formal safety program. However, smaller mines do not mean fewer risks; mine hazards are inherent in the nature of moving and processing extremely large volumes of materials.

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

MSHA has set ambitious targets for reducing metal and nonmetal mine injury and fatality rates. To support these efforts, MSHA will continue its integrated approach toward the prevention of metal and nonmetal mining accidents, injuries, and occupational illnesses, including aggressive enforcement, outreach activities, and special emphasis programs. As the foundation of this approach, MSHA will conduct the enforcement activities as mandated by the Mine Act and MINER Act.

The following indicators and targets will be measured in FY 2010:

### **Reduce Fatality and Injury Rates in the Nation's Mines**

This is supported by two performance indicators:

- Mine industry fatalities per 200,000 hours worked  
Target: 0.0092 (a reduction from the 2009 target of 0.0094%)
- Mine industry injuries per 200,000 hours worked  
Target: 2.59 (a reduction from the 2009 target of 2.73%)

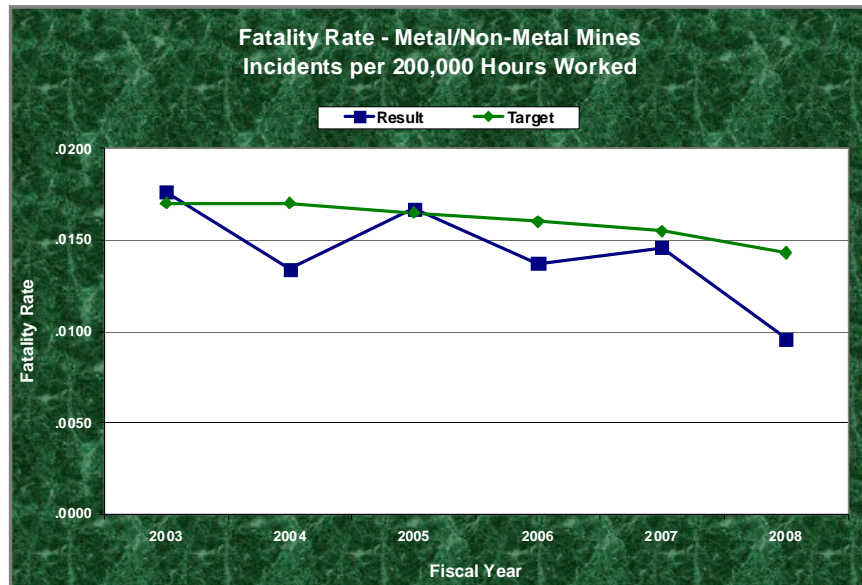
### **Reduce Miners' Exposure to Health Hazards**

This is supported by two performance indicators:

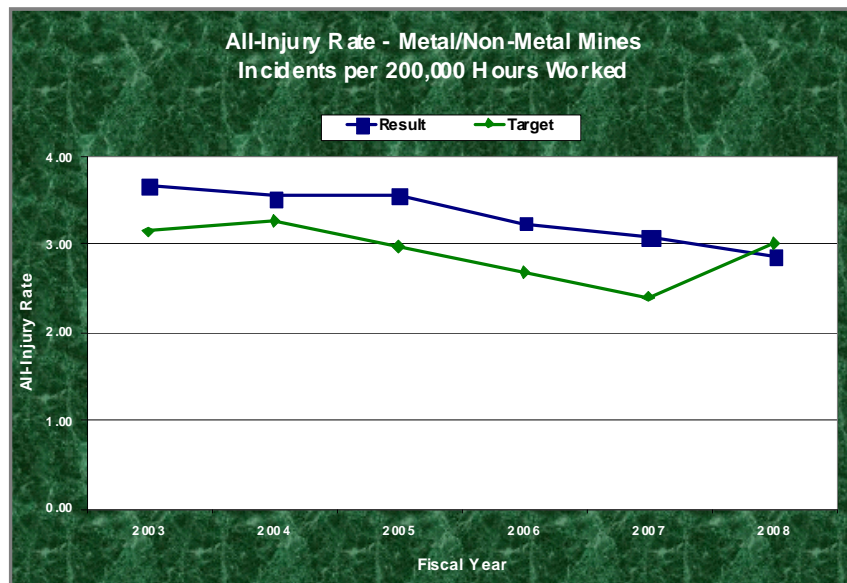
- Percent of successful interventions of hazards that require annual sampling (metal and nonmetal mines)  
Target: 100%
- Percent of hazards that require periodic sampling for which there are successful interventions (metal and nonmetal mines)  
Target: 20%

# METAL AND NONMETAL MINE SAFETY AND HEALTH

**Fatality Rate for Metal and Nonmetal Mines**  
(A decrease of 45% from .0176 in FY 2003 to .0096 in FY 2008)



**All-Injury Rate for Metal and Nonmetal Mines**  
(A decrease of 22% from 3.68 in FY 2003 to 2.87 in FY 2008)



# METAL AND NONMETAL MINE SAFETY AND HEALTH

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2005	66,752	543
2006	68,063	543
2007	72,506	543
2008	74,420	543
2009	82,427	598

NOTE: Excludes Recovery Act Funding. See budget activity head table.

## FY 2010

In FY 2010, MNMS&H will conduct 100 percent of its mandated inspections, and conduct compliance activities, accident investigations (which includes root cause analysis), and investigations of safety and discrimination complaints made by miners or their representatives. MNMS&H plans to conduct 37,400 Metal and NonMetal mine inspections.

Historically the number of Metal and NonMetal mines has grown significantly with the demand for mining materials. In 1997, the Transportation Equity Act for the 21st Century (TEA 21) earmarked more than \$200 billion over six years for transportation projects. The U.S. Geological Survey data below indicate a significant, though somewhat delayed impact from TEA 21 on the aggregate industry.

<b>Total Mine Production</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Metals</b>	9,800	10,100	8,530	8,200	8,200	12,500	16,500	23,300	25,300	27,600
<b>Industrial Minerals</b>	29,300	29,200	29,800	29,700	29,400	33,500	38,900	43,500	44,200	43,600

The American Recovery and Reinvestment Act of 2009 (ARRA) includes \$30 billion of appropriated spending for highway construction. The increased funding is expected to result in increased aggregate mining activity – which includes the minerals used in concrete and asphalt. Based on the administration’s forecast of 26,000 new mining jobs being created as a direct result of ARRA spending, the risk for potential safety and health hazards in these mining operations will increase as production increases. Moreover, as additional aggregate sites become active, MSHA’s inspection activity workload will increase.

The impact of ARRA is expected to be much quicker. Unlike the projects funded under TEA 21, thousands of projects included in ARRA are considered "shovel-ready" -- planning is complete, approvals are secured, and people could be put to work right away once funding is in place. The increased activity in the aggregate mining industry to provide materials for these projects will result in a 12 percent increase in mines and facilities requiring MSHA inspections.

To meet this need, the request includes \$1,315,000 to hire 15 additional Metal and NonMetal mining enforcement personnel. Specifically, MSHA will hire six Assistant District Managers to direct the technical, safety and health programs within each district and ensure all special and technical inspection, investigation, and safety and health conference activities are carried out in compliance with

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

the Mine Act, the MINER Act and MSHA policies. MSHA will also hire nine specialists to support mining activities and initiate critical strategies that assist in reducing or eliminating accidents, illnesses, and injuries.

MSHA will continue to conduct accident prevention and health outreach activities such as “Spring Thaw” and “Winter Alert”, to ensure that increased production pressures within the industry do not compromise safety and health.

### **FY 2009**

The FY 2009 request included \$6,852,000 to hire 55 additional Metal and NonMetal mining inspectors to support MSHA in meeting its 100 percent inspection mandate. MNMS&H is on track to inspect 100 percent of mandated inspections and plans to conduct 32,500 Metal and NonMetal mine inspections in FY2009.

In addition to the annual and follow-up inspections mandated by the Mine Act, MSHA will conduct other activities to ensure that production pressures within the industry do not compromise miner safety and health. These activities include inspecting gassy mines at frequent intervals (gassy mines are currently inspected four times per year, MSHA plans to inspect these mines at more frequent intervals than the Mine Act requires, as needed), accident investigations (including root cause analysis), investigating safety and discrimination complaints made by miners or their representatives, and collecting dust and noise samples. MSHA will collect an estimated 10,000 dust and noise samples. Dust samples collected will determine whether high hazard contaminants are present in mines.

MSHA’s two indicators under its performance measure for reducing health hazards to miners are as follows:

1. Percent of successful interventions for hazards that require annual sampling; and
2. Percent of successful interventions for hazards that require periodic sampling.

The first indicator addresses the First Group-Serious Hazardous Contaminants. Examples of this type include, but are not limited to Ground Silica, Beryllium, Cyanide, Mercury, Asbestos, and Cristobalite. 100% of mines in this category will be sampled every year. The list will be re-issued annually and will be modified annually as needed when exposure limits change by regulation or new mines open. Each of the six Metal and NonMetal District Offices will receive a list each year. Once an intervention is successful, the hazard will be removed from the list for one year, with sampling again taking place the next year. The second indicator addresses the Second Group-Hazardous Contaminants. This group is defined as two cited overexposures in last five years; operator reported illnesses, all hazardous contaminants not named in the first group. MSHA will sample 20% of mines every year for contaminants in this group, with sampling precedence to mines with past over-exposures. For hazards that are on the five year list of contaminants, the list will be revised every five years. Once an intervention is successful, the hazard will be removed from the list for the next five years. MSHA will ensure that miners are continually protected from any harmful exposures to contaminants on this list even after the hazard has been removed from the sampling list. Sampling will be conducted if necessary if MSHA inspectors observe a hazardous contaminant during subsequent inspections (required

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

twice yearly for surface mines and four times yearly for underground mines). If a potential overexposure is detected which could affect miners' health, the hazards of the contaminant will be evaluated and, if appropriate, sampling will be conducted. If an overexposure is found, enforcement action will be taken.

MSHA is committed to enforcing the Mine Act and MINER Act, and continuing to make overall improvements to the Metal and NonMetal enforcement program. Through stakeholder meetings, employee meetings, and internal accountability reviews, MSHA identified many of the issues that enable the mining community to meet the emerging challenges of this industry. Compliance assistance activities will include assisting mine operators in solving difficult health and safety problems, distributing training materials and conducting seminars.

The national telephone number for the reporting of safety and health hazards at mines continues to be a successful tool. MNMS&H inspectors will continue conducting hazard complaint inspections of the "ONE CALL DOES IT ALL" emergency contact number for use in reporting mine accidents and hazardous conditions. MSHA endeavors to resolve the complaints promptly.

MNMS&H is continuing outreach activities, seminars, safety workshops, partnership meetings, and regional workshops.

### **FY 2008**

MSHA focused its efforts and directed strategies and methods to meet and in some cases exceed safety and health goals for the Metal and NonMetal mining industry. MNMS&H recorded the lowest level of fatalities in that sector of mining since statistics were first recorded in 1910. The injury and illness rate decreased 7 percent in FY 2008.

For the first time in the history of the agency, MNMS&H completed every mandated inspection. MNMS&H conducted a total of 32,517 inspection events and 697 compliance activities at Metal and NonMetal mines. This integrated approach included strategically focused operator assistance, and education and training at the nation's Metal and NonMetal mines.

In addition to the annual inspections mandated by the Mine Act, other compliance activities included inspection of gassy mines at frequent intervals, accident investigations (including root cause analysis in reports), and investigations of safety and discrimination complaints made by miners or their representatives. MSHA took action against mine operators who violated safety or health standards or who did not comply with the law. Industry and labor organizations used information derived from these inspections and investigations to promote awareness, with the goal of preventing similar occurrences. Among many examples of the alliances between industry and labor organizations, MSHA and the Association of Equipment Manufactures recognizes the value of working collaboratively to foster safer and more healthful American workplaces at the Nation's mining operations. Particular focus in this agreement is given to proper use of equipment operator restraining devices such as seat belts. Additional subjects, such as slips/falls from equipment, equipment roll-overs and tip-overs, operator fatigue, equipment fires, cab penetrations, entanglements, collisions, and equipment misuse may also be addressed.

## METAL AND NONMETAL MINE SAFETY AND HEALTH

MNMS&H focused on accident prevention and health outreach efforts at “Spring Thaw” workshops conducted around the country, where best practices were shared with the mining community. MSHA worked so that high production demand within the industry did not compromise safety and health. During the Orica Health and Safety Conference, MSHA educated and trained the mining community through seminars, workshops, and other educational outreach methods to ensure that all miners received basic safety and health training.

<b>WORKLOAD SUMMARY</b>			
	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>
Metal and Nonmetal Mine Safety and Health			
Total Number of Mines	12,910	12,800	13,440
Total Number of Inspections	32,517	32,500	37,400

The workload estimates reflect the total number of targeted inspections. MNMS&H completed 100% of mandated inspections in FY 2008 and plans to conduct and complete all mandated inspections in FY 2009. In FY 2010, MSHA estimates a 15 percent increase in inspections, largely due to increased aggregate mining demands in the metal and nonmetal mining industry.

## METAL AND NONMETAL MINE SAFETY AND HEALTH

<b>PERFORMANCE GOALS AND INDICATORS</b>											
<b>Performance Goal 3B. Reduce work-related fatalities, injuries, and illnesses in mines</b>											
	<b>FY 2005</b>		<b>FY 2006</b>		<b>FY 2007</b>		<b>FY 2008</b>		<b>FY 2009</b>	<b>FY 2010</b>	
	<b>Goal Achieved</b>		<b>Goal Achieved</b>		<b>Goal Substantially Achieved</b>		<b>Goal Achieved</b>				
<b>Performance Indicator</b>	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target	
Mine industry fatalities per 200,000 hours worked	.0165	.0167	.0160	.0137	0.0155	.0146	.0143	.0096	.0094	.0092	
Mine industry injuries per 200,000 hours worked	2.97	3.56	2.68	3.26	2.42	3.08	3.02	2.87	2.73	2.59	
Percent of successful interventions of hazards that require annual sampling (metal and nonmetal mines)	--	--	--	--	--	--	--	--	Baseline	100%	
Percent of hazards that require periodic sampling for which there are successful interventions (metal and nonmetal mines)	--	--	--	--	--	--	--	--	Baseline	20%	



## METAL AND NONMETAL MINE SAFETY AND HEALTH

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	39,627	43,101	0	45,232	2,131
11.3	Other than full-time permanent	76	188	0	197	9
11.5	Other personnel compensation	1,822	2,374	0	2,455	81
11.9	Total personnel compensation	41,525	45,663	0	47,884	2,221
12.1	Civilian personnel benefits	13,556	15,226	0	15,905	679
21.0	Travel and transportation of persons	6,630	7,200	0	7,255	55
22.0	Transportation of things	1,658	2,000	0	2,012	12
23.1	Rental payments to GSA	3,861	3,858	0	3,882	24
23.2	Rental payments to others	9	9	0	9	0
23.3	Communications, utilities, and miscellaneous charges	386	576	0	584	8
24.0	Printing and reproduction	62	86	0	88	2
25.1	Advisory and assistance services	102	72	0	75	3
25.2	Other services	433	547	0	572	25
25.3	Other purchases of goods and services from Government accounts 1/	3,784	5,112	0	5,239	127
25.4	Operation and maintenance of facilities	6	9	0	14	5
25.7	Operation and maintenance of equipment	207	171	0	173	2
26.0	Supplies and materials	1,002	727	0	739	12
31.0	Equipment	1,162	1,163	0	1,233	70
42.0	Insurance claims and indemnities	37	8	0	8	0
<b>Total</b>		<b>74,420</b>	<b>82,427</b>	<b>0</b>	<b>85,672</b>	<b>3,245</b>
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	3,655	4,782	0	4,432	-350
	DHS Services	129	156	0	157	1

# METAL AND NONMETAL MINE SAFETY AND HEALTH

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	1,336
Personnel benefits	402
Travel	44
Transportation of things	12
GSA Space Rental	24
Communications, utilities & miscellaneous charges	8
Printing and reproduction	2
Advisory and assistance services	3
Other services	25
Other government accounts (Working Capital Fund)	-350
Other government accounts (DHS Charges)	1
Purchase of goods and services from other Government accounts	354
Operation and maintenance of facilities	5
Operation and maintenance of equipment	2
Supplies and materials	6
Equipment	56

**Built-Ins Subtotal** **1,930**

**Net Program** **1,315**

**Direct FTE** **15**

	Estimate	FTE
<b>Base</b>	<b>84,357</b>	<b>598</b>
<b>Program Increase</b>	<b>1,315</b>	<b>15</b>

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Diff. FY08 Enacted / FY09 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Diff. FY09 Enacted / FY10 Req</b>
<b>Activity Appropriation</b>	<b>3,180</b>	<b>3,031</b>	<b>-149</b>	<b>0</b>	<b>3,081</b>	<b>50</b>
FTE	19	17	-2	0	17	0

NOTE: FY 2008 reflects actual FTE. Authorized FTE for FY 2008 was 17.

### Introduction

The Office of Standards, Regulations, and Variances (OSRV), in coordination with the Office of the Solicitor's Mine Safety and Health Division and other MSHA program areas, develops standards and regulations for the mining industry to provide protection for the safety and health of miners. These standards and regulations establish enforcement requirements for compliance. OSRV works on safety and health rulemaking activities required under the Mine Improvement and New Emergency Response (MINER) Act of 2006. OSRV also has responsibility for processing and publishing documents related to approximately 90 Petitions for Modification submitted to MSHA on an annual basis, and for administering MSHA's Freedom of Information Act (FOIA) program.

MSHA proposes and promulgates new and improved safety and health standards on the basis of information submitted to the Secretary by interested parties, representatives of any organization of employers or employees, nationally recognized standards-producing organizations, the Secretary of Health and Human Services (HHS), HHS's National Institute for Occupational Safety and Health (NIOSH), states or political subdivisions, or on the basis of information developed by the Secretary or otherwise available. MSHA promulgates all standards and regulations under statutory and administrative procedures providing the opportunity for public comment.

In accordance with Executive Order 12866, MSHA performs an analysis of anticipated benefits and costs of each significant regulatory action, develops an annual regulatory plan, publishes a semiannual regulatory agenda, and reviews existing rules to identify regulations that are inconsistent with Executive Order policy directives.

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2005	2,434	18
2006	2,481	17
2007	2,727	17
2008	3,180	17
2009	3,031	17

NOTE: Excludes Recovery Act Funding. See budget activity head table.

# OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

## **FY 2010**

MSHA will address the design requirements for approval of high-voltage continuous mining machines in underground mines and establish electrical safety standards for the installation, use, and maintenance.

MSHA will continue addressing the requirements of 30 CFR part 18 (Electric Motor-Driven Mine Equipment and Accessories) in phases. The first phase was Flame-Resistance Testing of Mining Materials. Phase 1 was completed with the final rule published on December 31, 2008. The second phase will be Intrinsic Safety requirements. This action will be published second because the MINER Act requires underground coal mine operators to submit an Emergency Response Plan that sets forth a means of providing post-accident communication and electronic tracking by June 15, 2009.

MSHA will develop a proposal to codify the field modifications process which allows permissible equipment to be modified for mine-specific use or to comply with new diesel standards. MSHA will propose to codify the field modification process for acceptances, expand the field modification process to allow mine operators to apply for field modifications, and continue to ensure that field-modified equipment operates safely in gassy underground mines.

MSHA will begin work on an improved silica standard.

MSHA will also address miners' exposure to respirable dust by publishing a notice soliciting additional public comments on "Determination of Concentration of Respirable Coal Mine Dust" (single sample) and "Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust" (Plan Verification), which were published jointly with NIOSH on March 6, 2003. MSHA stopped work on the rules on June 24, 2003 and kept the rulemaking record open in order to obtain information concerning the continuous personal dust monitor (CPDM) being tested by NIOSH. MSHA will finalize regulations addressing new joint NIOSH/MSHA approval requirements for existing respirable dust samplers and the new continuous personal dust monitor.

OSRV expects to process approximately 90 variances in FY 2010. OSRV will continue to expeditiously respond to approximately 1,600 Freedom of Information Act (FOIA) requests.

MSHA will continue to work on updating explosives standards for MNMS&H and CMS&H. MSHA will also work on requirements for proximity detection systems for underground mines.

## **FY 2009**

In FY 2009, MSHA will continue to work on safety and health rulemaking activities required under the MINER Act. On December 31, 2008, MSHA published final rules on refuge alternatives for underground coal mines and flame-resistant conveyor belts, fire prevention and detection, and use of air from the belt entry. The United Mine Workers of America challenged provisions in both of these rules, which MSHA will address. MSHA will develop compliance guides to assist the mining community in meeting the requirements of these two regulations.

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

MSHA addressed a provision in the MINER Act relating to two-way communication and electronic tracking of the location of persons trapped underground by issuing a Program Policy Letter (PPL) of Guidance for Compliance with Post-Accident Two-Way Communications and Electronic Tracking in underground coal mines. The PPL provides guidance to underground coal mine operators so that they can meet the MINER Act requirements by June 15, 2009.

MSHA is reviewing existing coal and metal and nonmetal standards for explosives and blasting in view of advances in technology.

Two provisions and MSHA's conclusion in the preamble (with respect to team members serving as judges) of MSHA's Mine Rescue Teams final rule (published February 2008) were vacated by a ruling of the United States Court of Appeals for the District of Columbia Circuit on February 10, 2009. MSHA will publish a final rule consistent with the Court's decision.

MSHA published a proposed rule that would revise requirements that MSHA and NIOSH would apply to approve sampling devices that monitor miner exposure to respirable coal mine dust. The proposal would establish criteria for approval of the CPDM.

OSRV expects to process approximately 90 variances. OSRV will continue to expeditiously respond to approximately 1,600 FOIA requests.

MSHA will continue to maintain the rulemaking docket and make material in the docket available to the public. If standards are challenged, MSHA will file required indices of record in a timely fashion.

### **FY 2008**

MSHA completed nearly all regulatory requirements of the MINER Act. Although MSHA published a PPL providing guidance on Wireless Communication and Electronic Tracking requirements in the MINER Act, advancements in these areas will continue. MSHA will therefore continue its regulatory activity related to wireless communication and electronic tracking. MSHA finalized rules relating to civil penalties, mine rescue teams, and mine rescue team equipment. MSHA also published final health standards relating to asbestos for metal and nonmetal and coal mines and published final rules for fire extinguishers and seals for underground coal mines.

MSHA published proposed rules on two major provisions in the MINER Act: refuge alternatives and safety standards regarding the recommendations of the technical study panel regarding conveyor belts and belt materials and held 4 public hearings on each rule. MSHA also published a proposal on the prohibition of alcohol and drugs in both metal and nonmetal and coal mines. MSHA received comments and began developing the final rules for refuge alternatives and the recommendations of the technical study panel. OSRV maintained the rulemaking docket for all proposed and final rules.

OSRV processed 90 petitions for modification and processed 1,591 FOIA requests.

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

<b>WORKLOAD SUMMARY</b>			
	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>
Office of Standards, Regulations, and Variances			
Proposed Rules	3	2	6
Final Rules	10	4	1
Variances Processed	90	90	90
FOIAs	1,591	1,600	1,600

OSRV will continue work on developing standards and regulations for the mining industry in addition to processing petitions for modification. MSHA will also continue to expeditiously process FOIA requests.

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	1,849	1,924	0	1,962	38
11.5	Other personnel compensation	18	113	0	115	2
11.9	Total personnel compensation	1,867	2,037	0	2,077	40
12.1	Civilian personnel benefits	411	457	0	466	9
21.0	Travel and transportation of persons	24	20	0	20	0
22.0	Transportation of things	1	0	0	0	0
23.1	Rental payments to GSA	169	178	0	179	1
23.3	Communications, utilities, and miscellaneous charges	0	29	0	29	0
24.0	Printing and reproduction	73	11	0	11	0
25.1	Advisory and assistance services	0	50	0	50	0
25.2	Other services	476	48	0	48	0
25.3	Other purchases of goods and services from Government accounts 1/	126	158	0	158	0
25.4	Operation and maintenance of facilities	0	6	0	6	0
25.7	Operation and maintenance of equipment	12	6	0	6	0
26.0	Supplies and materials	12	14	0	14	0
31.0	Equipment	9	17	0	17	0
<b>Total</b>		<b>3,180</b>	<b>3,031</b>	<b>0</b>	<b>3,081</b>	<b>50</b>
	1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	121	151	0	140	-11
	DHS Services	4	6	0	6	0

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

**CHANGES IN FY 2010**  
(Dollars in Thousands)

<b>Activity Changes</b>		
<b>Built-In</b>		
To Provide For:		
Costs of pay adjustments		40
Personnel benefits		9
GSA Space Rental		1
Other government accounts (Working Capital Fund)		-11
Purchase of goods and services from other Government accounts		11
<b>Built-Ins Subtotal</b>		<b>50</b>
	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>3,081</b>	<b>17</b>



## OFFICE OF ASSESSMENTS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	FY 2008 Enacted	FY 2009 Enacted	Diff. FY08 Enacted / FY09 Enacted	Recovery Act	FY 2010 Request	Diff. FY09 Enacted / FY10 Req
<b>Activity Appropriation</b>	<b>6,134</b>	<b>6,134</b>	<b>0</b>	<b>0</b>	<b>6,233</b>	<b>99</b>
FTE	43	51	8	0	51	0

NOTE: FY 2008 reflects actual FTE. Authorized FTE for FY 2008 was 51.

### Introduction

The Office of Assessments administers the civil penalty provisions of the Mine Act and MINER Act, and mine safety and health standards pertaining to civil penalty assessments and special investigations. It is the responsibility of the Office of Assessments to assess civil penalties against mine operators for health and safety violations at a level that will encourage compliance and promote safe and healthy workplaces for miners.

The Office of Assessments is responsible for all aspects of MSHA's civil penalty program, including assessment of penalties, processing mine operator hearing requests when operators file civil penalty contests with the Federal Mine Safety and Health Review Commission (FMSHRC), accounting for all penalty cases in litigation before the FMSHRC and the federal courts, and collecting and accounting for penalty payments. The Technical Compliance and Investigation Office provides oversight of the investigation process involving miner discrimination complaints and knowing or willful criminal violations. The Office of Assessments is responsible for identifying mines exhibiting a potential "Pattern of Violations" as described in section 104(e) of the Mine Act.

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

- The size of the mining operation
- The history of previous violations
- The degree of operator negligence
- The gravity of the violation
- Any good faith effort to achieve rapid compliance

MSHA uses an assessment formula based on these criteria to determine the amount of the civil penalty. The citation, which includes the inspector's evaluation, is the basis for the proposed assessment.

MSHA may elect not to use the regular assessment formula depending on the conditions surrounding the violation. MSHA considers special, higher assessments for severe violations -- those which cause death, injury or illness, or result from the operator's unwarrantable failure to comply, or are evaluated as "flagrant violations" as defined in the MINER Act. Under the regular and special assessment formulas, a violation can be assessed a civil penalty up to \$70,000 for each citation or order issued. Flagrant violations can be assessed a maximum penalty of \$220,000.

# OFFICE OF ASSESSMENTS

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2005	5,238	55
2006	5,391	51
2007	6,556	51
2008	6,134	51
2009	6,134	51

NOTE: Excludes Recovery Act Funding. See budget activity head table.

## FY 2010

In FY 2010, the Office of Assessments will continue to assess civil monetary penalties for all violations of the Act consistently and in accordance with statutory criteria, timely assess those penalties at a level that will encourage compliance, account for all penalty cases in litigation before the FMSHRC, and collect and account for penalties paid. MSHA believes that the increase in civil penalties established in FY 2007 will result in mine operators taking additional steps to prevent health and safety conditions that result in violations. Consequently, MSHA estimates that it will assess 180,000 violations totaling \$193,000,000 in 2010, fewer penalties than were assessed in FY 2009.

MSHA will take advantage of the fully integrated violation, assessment, and case management functions of MSHA's Standardized Information System. This system, accessible to MSHA enforcement, Office of Assessments personnel, and headquarters and regional solicitors, will allow for better management of violation data and contested case, docket, and decision information. The result will be improved timeliness of processing contested violations and assessments.

MSHA will continue its referral of delinquent debt to Department of the Treasury (Treasury) for cross-servicing. MSHA's goal is to refer debt to Treasury as soon as possible after the debt becomes delinquent. These debt collection activities will ensure compliance with the provisions of the Debt Collection Improvement Act of 1996 and the Federal Financial Management Improvement Act. MSHA and the Office of the Solicitor will also continue the "Scofflaw" program instituted in FY 2009 to aggressively pursue legal sanctions against mine operators who fail to pay their civil penalties and from whom Treasury is unable to collect.

MSHA will continue to identify mines exhibiting a potential "Pattern of Violations" and require the mining operations exhibiting such a pattern to reduce the number of serious violations or face the more severe enforcement sanctions contained in the Mine Act.

## FY 2009

MSHA estimates that it will assess 190,000 violations totaling \$200,000,000 in civil penalties in FY 2009, about 20 percent more than the dollar amount of fines assessed in FY 2008.

During the first half of FY 2009 mine operators have continued to respond to the increased fines with a substantial number of requests for hearings before the FMSHRC, seeking to have the civil penalties reduced from the amounts MSHA proposed for these violations. Historically, mine operators

## OFFICE OF ASSESSMENTS

contested 6 percent to 7 percent of the violations assessed, representing approximately one-third of the dollar amount of the fines. During the first half of FY 2009 these rates were 23 percent and 66 percent, respectively. In response to this considerable increase in workload, MSHA revised its procedures for handling contested penalties and the Office of Assessments streamlined the process for docketing the cases with the FMSHRC. The FMSHRC and MSHA also initiated new procedures for recording the FMSHRC decisions.

Enhancements to the system that processes civil penalty assessments and payments are scheduled for deployment during the second half of FY 2009. The current civil penalty notification will be replaced by a billing statement that provides additional information on the status of a company's civil penalties. The manual process of applying civil penalty payments is being replaced with an automated process. These enhancements will increase the accuracy and timeliness of civil penalty processing.

MSHA formalized and implemented its "Scofflaw" program. This program, a cooperative effort between the Department's Office of the Solicitor and MSHA's Office of Assessments, identifies mine operators who are evading the payment of civil penalties. Once targeted under this program, they are subject to legal and enforcement sanctions. In FY 2009, MSHA issued the first withdrawal order under this program, causing the removal of all miners until payment of civil penalties occurred. By April 2009, MSHA had targeted 26 mine operators owing \$3,000,000 in delinquent fines and received payments or entered into payment agreements for \$1,000,000, with the other \$2,000,000 in various stages of the process.

During the first half of FY 2009, MSHA identified 15 mines exhibiting a potential "Pattern of Violations" – 13 coal mines and two metal and nonmetal mines – that the agency put on notice to reduce the incidence of significant and substantial violations.

### **FY 2008**

In 2008, MSHA assessed 180,000 civil penalties, compared with 130,000 in 2007. The dollar amount of assessed penalties almost tripled in that time frame, from \$57,000,000 in 2007 to \$166,000,000 in 2008. The number and dollar amounts of civil penalties in 2008 were the most ever assessed in a single year.

In FY 2007, MSHA revised its civil penalty process by updating 30 CFR Part 100 to incorporate the penalty provisions of the new MINER Act, resulting in a significant increase in civil penalties. The considerable increase in civil penalties triggered a significant escalation in the rate at which mine operators contested the civil penalties before the FMSHRC. Mine operators historically contested approximately 6 percent of the violations assessed civil penalties. In FY 2008, the contest rate increased to 23 percent of the violations representing 66 percent of the dollar amounts assessed. The large increase in workload associated with processing and litigating this number of penalty contests severely taxed the resources of the Office of Assessments, MSHA's enforcement branches, the Department's Office of the Solicitor, as well as the staff of the FMSHRC.

MSHA continued to improve collection efforts through the timely referral of delinquent debt to the Treasury for cross-servicing. These improvements in MSHA debt collection activities helped to ensure that MSHA was in compliance with the provisions of the Debt Collection Improvement Act of

## OFFICE OF ASSESSMENTS

1996. As of January 12, 2009, mine operators had paid \$46,000,000 of the \$55,000,000 in FY 2008 civil penalties that had become final orders of the FMSHRC. The Treasury collected \$2,600,000 of these fines.

The Office of Assessments worked toward the goal of making debt collection and hearing request activities less labor-intensive so that MSHA will be better positioned to handle the increase in workload associated with the higher penalties and contest rates. In FY 2008, the office developed requirements to discontinue the manual payments data feed from the Treasury lockbox provider to which penalty payments are sent, replacing the manual process with an automated one. In addition, requirements for automated payment applications and a new monthly billing statement were finalized. Development and testing of these system enhancements commenced in FY 2008 and are scheduled for deployment in FY 2009.

MSHA instituted clearly defined procedures and screening criteria for identifying mines exhibiting a potential "Pattern of Violations" in FY 2007. Through FY 2008, the agency notified 46 mines that they were exhibiting a potential "Pattern of Violations." These mines each developed programs to reduce significant and substantial violations and collectively reduced the incidence of serious violations by well over 50 percent.

<b>WORKLOAD SUMMARY</b> <b>(Dollars in Thousands)</b>			
	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>
Office of Assessments			
Violations Assessed	180,000	190,000	180,000
Penalties Assessed	\$166,000	\$200,000	\$193,000

MSHA published new civil penalty regulations, effective April 23, 2007, that significantly increased fines for health and safety violations. In FY 2007, MSHA assessed 130,000 violations and collected \$57,000,000 in fines. In FY 2008, MSHA developed and implemented its 100 Percent Inspection Completion Rate Plan to complete all of its mandated regular safety and health inspections. With increased numbers of inspections completed, MSHA enforcement branches have cited more violations and this, in turn, has resulted in more civil penalties and fines.

## OFFICE OF ASSESSMENTS

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	3,724	3,354	0	3,426	72
11.3	Other than full-time permanent	2	0	0	0	0
11.5	Other personnel compensation	140	150	0	153	3
11.9	Total personnel compensation	3,866	3,504	0	3,579	75
12.1	Civilian personnel benefits	869	904	0	922	18
21.0	Travel and transportation of persons	44	20	0	20	0
22.0	Transportation of things	1	1	0	1	0
23.1	Rental payments to GSA	350	433	0	435	2
23.3	Communications, utilities, and miscellaneous charges	61	167	0	168	1
24.0	Printing and reproduction	10	19	0	19	0
25.2	Other services	472	551	0	554	3
25.3	Other purchases of goods and services from Government accounts 1/	323	412	0	412	0
25.4	Operation and maintenance of facilities	1	9	0	9	0
25.7	Operation and maintenance of equipment	16	10	0	10	0
26.0	Supplies and materials	30	36	0	36	0
31.0	Equipment	91	68	0	68	0
<b>Total</b>		<b>6,134</b>	<b>6,134</b>	<b>0</b>	<b>6,233</b>	<b>99</b>
	1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	314	391	0	362	-29
	DHS Services	8	15	0	15	0

# OFFICE OF ASSESSMENTS

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	75
Personnel benefits	18
GSA Space Rental	2
Communications, utilities & miscellaneous charges	1
Other services	3
Other government accounts (Working Capital Fund)	-29
Purchase of goods and services from other Government accounts	29
<b>Built-Ins Subtotal</b>	<b>99</b>

	Estimate	FTE
<b>Base</b>	<b>6,233</b>	<b>51</b>

## EDUCATIONAL POLICY AND DEVELOPMENT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Diff. FY08 Enacted / FY09 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Diff. FY09 Enacted / FY10 Req</b>
<b>Activity Appropriation</b>	<b>36,239</b>	<b>38,605</b>	<b>2,366</b>	<b>0</b>	<b>38,605</b>	<b>0</b>
FTE	142	148	6	0	148	0

NOTE: FY 2008 reflects actual FTE. Authorized FTE for FY 2008 was 148.

### **Introduction**

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

EPD manages and operates the National Mine Health and Safety Academy (Academy) located in Beckley, West Virginia. The Academy trains federal mine inspectors to provide the mining industry with a competent inspection workforce. The Academy also provides professional education and training services and consultation to all members of MSHA and the mining community. The Academy is enhancing their curriculum to include an E-Learning initiative for entry level inspector training, a new leadership development curriculum, risk assessment for MSHA supervisors and managers, new supervisor curriculum enhancement, conversion of classroom training to on-line course development for the mining industry and states.

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

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

# EDUCATIONAL POLICY AND DEVELOPMENT

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2005	31,255	151
2006	35,996	156
2007	35,326	156
2008	36,239	148
2009	38,605	148

NOTE: Excludes Recovery Act Funding. See budget activity head table.

## FY 2010

EPD will continue activities to provide a unified, comprehensive direction on matters related to MSHA's role in education and training activities. EPD will continue to manage quality education and training programs and policies including inspector training programs, mining industry training and outreach, Brookwood-Sago Grants program, and the State Grants program which provides quality training for miners in 49 states, and the Navajo Nation.

In FY 2010, MSHA expects an increased need for mining safety and health training assistance. The recent passage of the American Recovery and Reinvestment Act of 2009 will generate increased demand for construction materials prompting an influx of new mining activity. Furthermore, in 2007 the Bureau of Labor Statistics estimated that the median age of coal mine workers was 45.9 years old while the median age for all U.S. employees was 41.0 years. Other mining commodities are not far behind. The increased demand for energy and minerals, coupled with an expected high attrition rate caused by an aging workforce will leave the industry with fewer experienced miners to fill skilled mining positions. Through EPD, MSHA will provide first-line assistance to operators and miners to meet the increased need for training. EPD's outreach efforts will provide assistance to help the industry develop and provide quality effective training to prevent accidents, illnesses, and violations.

The field training specialists will continue to approve and evaluate training plans and instructors, qualify and certify miners, conduct job task analyses, and support and participate in MSHA-wide special emphasis programs. These programs address surface haulage accidents, exposure to respirable dust, diesel emissions, noise hazards, explosive gases in underground mines, and contractor and small mine accidents which occur at a higher than average rate.

The Academy will provide professional instruction to entry level and journeyman-level MSHA inspectors and the mining community. EPD will continue with the design and delivery of new training courses, instructional materials, and innovative education programs to assist in reducing fatalities, injuries, and illnesses in mining.

The Academy will conduct approximately 1,500 course days of training and 18 entry-level inspector groups will attend training. EPD will continue to develop and distribute training materials and publications needed to support MSHA's safety and health goals. MSHA will continue to expand its distance and distributive learning approach to training.



## EDUCATIONAL POLICY AND DEVELOPMENT

The Academy will distribute approximately 6,000,000 publications and training materials.

### **FY 2009**

EPD is continuing to provide a unified, comprehensive direction on matters related to MSHA's role in education and training activities.

EPD field training specialists are continuing to visit mine sites to assist in the approval and evaluation of training plans and instructors, and to provide additional training assistance.

MSHA will continue its training monitoring program. EPD field training staff and contractor staff will evaluate mine instructional programs and monitor mine instructors. Where deficiencies are found, EPD will work with the mine instructors to correct the deficiencies to ensure that the programs are effective. MSHA plans to monitor 1,300 mine training instructors.

The Academy will provide professional instruction to entry level and journeyman-level MSHA inspectors by designing and delivering new training courses. The Academy will conduct approximately 1,400 course days of training and 25 entry-level inspector groups will attend training in 2009.

MSHA continues to expand its distance and distributive learning approach to training. During the year a total of 16 Academy courses will be converted for online presentation. Ten courses are in the process of being converted to a blended learning format for presentation on-line and in the classroom.

EPD embarked on a pilot project to identify viable mobile devices and software applications that can improve efficiencies and enhance training services provided by Education and Field Services and Small Mines Office staff. The pilot is intended to test various industry products that can eventually be used by all of MSHA's mobile staff. After several products were reviewed, three types of handheld devices were selected for the pilot. EPD also expects to procure a mobile application suitable for a variety of functions.

MSHA will continue to improve the Academy's infrastructure with several ongoing and new projects in FY 2009.

The Academy will distribute approximately 6,000,000 publications and training materials.

### **FY 2008**

In FY 2008, EPD focused resources on issues related to MSHA's role in mine health and safety education and training. EPD coordinated and managed its resources and activities to optimize nationwide consistency, training flexibility, and quality in mine safety and health education and training.

## EDUCATIONAL POLICY AND DEVELOPMENT

MSHA continued the increased visibility and emphasis on training. This emphasis included the development and distribution of materials and targeted safety sweeps to educate and assist miners and operators in ways to improve mine safety.

In FY 2008 EPD visited a total of 6,288 mines. These visits focused on training miners in topics including the avoidance of mine fires and explosions and on self-contained self-rescuers and emergency response. EPD utilized explosion demonstration trailers and electrical hazards and trouble shooting demonstration trailers at mine sites, and conducted seminars to more than 3,000 miners in both mine explosion hazards and electrical hazards.

The field training specialists continued to approve and evaluate training plans and instructors, and qualify and certify miners. They supported and participated in MSHA-wide special emphasis programs that addressed safety and health hazards, including: surface haulage accidents, exposure to respirable dust, diesel emissions, and noise, safety hazards in small mines, smoking in underground coal mines, underground ventilation compliance, and contractor accidents.

MSHA's training monitoring program evaluates the effectiveness of mine safety training programs and the training instructors as required by federal mine safety regulations. The monitoring is conducted by mine safety training experts during actual training classes. The program includes detailed review and evaluation of approved training plans and programs, lesson plans, course objectives, training materials, training methods, and course evaluation methods. In FY 2008, MSHA monitored a total of 1,106 training instructors.

During the year, 49 states and Navajo Nation received grants under the State Grants program. The grantees provided safety and health training and retraining for miners. The grantees trained more than 279,000 miners and contractors working at mining operations.

In response to several coal mine disasters during 2006, Congress enacted the MINER Act of 2006. Section 14 of the MINER Act requires the Secretary to establish a discretionary competitive grant program entitled the Brookwood-Sago Mine Safety Grants. MSHA set the funding level at \$500,000. In 2008, seven Brookwood-Sago grants were awarded to institutions for the purpose of developing training and training materials for coal mine rescue and emergencies.

MSHA increased access to effective training through increased use of distance and distributive learning. The Academy distributed over 6,000,000 publications and training materials. Five editions of the Holmes Safety Bulletin were developed and published and 43,000 copies distributed. Ten new online courses were developed for entry-level inspector training. MSHA moved in-house courses to the DOL Learning Management System.

During the year, 340 entry-level inspectors took courses online as a part of their required training. Five graduate level courses on mine health and safety were taught in cooperation with Marshall University. These were offered through Marshall's online Course Management System.

The Academy provided professional instruction for MSHA inspectors and the mining community. The Academy conducted 1,790 course days of training. Twenty-four entry level inspector groups attended training in FY 2008.

## EDUCATIONAL POLICY AND DEVELOPMENT

<b>WORKLOAD SUMMARY</b>			
	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>
Educational Policy and Development			
Course Days of Training:			
MSHA	1,519	1,200	1,150
Industry	271	275	275
Publications Distributed	6,497,947	6,000,000	6,000,000
EFS & Small Mines Compliance Assistance Activities	6,288	5,300	6,600

In FY 2009 and FY 2010 EPD is expecting a decline in the number of entry level groups to train as a result of the hiring initiative in FY 2007 and FY 2008. An increase in the number of training days for industry will become available as a result.

## EDUCATIONAL POLICY AND DEVELOPMENT

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	12,425	13,121	0	13,121	0
11.3	Other than full-time permanent	77	203	0	203	0
11.5	Other personnel compensation	441	473	0	473	0
11.9	Total personnel compensation	12,943	13,797	0	13,797	0
12.1	Civilian personnel benefits	2,812	3,710	0	3,710	0
21.0	Travel and transportation of persons	1,563	1,400	0	1,400	0
22.0	Transportation of things	308	308	0	308	0
23.1	Rental payments to GSA	488	483	0	483	0
23.2	Rental payments to others	3	2	0	2	0
23.3	Communications, utilities, and miscellaneous charges	766	562	0	562	0
24.0	Printing and reproduction	191	376	0	376	0
25.1	Advisory and assistance services	203	180	0	180	0
25.2	Other services	2,709	5,153	0	5,153	0
25.3	Other purchases of goods and services from Government accounts 1/	1,060	1,442	0	1,442	0
25.4	Operation and maintenance of facilities	1,843	756	0	756	0
25.7	Operation and maintenance of equipment	807	256	0	256	0
26.0	Supplies and materials	178	498	0	498	0
31.0	Equipment	1,424	741	0	741	0
41.0	Grants, subsidies, and contributions	8,941	8,941	0	8,941	0
<b>Total</b>		<b>36,239</b>	<b>38,605</b>	<b>0</b>	<b>38,605</b>	<b>0</b>
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	1,035	1,290	0	1,196	-94
	DHS Services	20	19	0	19	0
	HHS Services	0	9	0	9	0

# EDUCATIONAL POLICY AND DEVELOPMENT

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Other government accounts (Working Capital Fund) -94

Purchase of goods and services from other Government  
accounts 94

**Built-Ins Subtotal 0**

	Estimate	FTE
<b>Base</b>	<b>38,605</b>	<b>148</b>



## TECHNICAL SUPPORT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Diff. FY08 Enacted / FY09 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Diff. FY09 Enacted / FY10 Req</b>
<b>Activity Appropriation</b>	<b>29,476</b>	<b>30,117</b>	<b>641</b>	<b>0</b>	<b>30,642</b>	<b>525</b>
FTE	197	200	3	0	200	0

### Introduction

This activity applies engineering and scientific expertise through field and laboratory forensic investigations to resolve technical problems associated with implementing the Mine Act; administers a fee program to approve equipment, materials, and explosives for use in mines; and collects and analyzes data relative to the cause, frequency, and circumstances of accidents.

Technical Support provides engineering and scientific expertise to assist in the resolution of safety and health issues. Their responsibilities include the following: (1) approving and certifying equipment, instruments, materials, explosives, and personal protective apparatus that can be used in mines (a fee program covers the costs of approval and certification activities); (2) providing specialized scientific and engineering expertise through technical compliance assistance mine visits as well as forensic field and laboratory investigations that address technical problems encountered in implementing the Mine Act and the MINER Act; (3) participating and providing leadership in response to mine emergency response efforts, which includes on-site analytical equipment, communications links, and other sophisticated equipment essential to critical decisions in a rescue/recovery operation; (4) investigating problems of compliance with safety and health standards, recommending solutions to the industry and to MSHA; (5) providing analysis of existing environmental conditions and projections of future technological developments; and (6) conducting in-depth studies to define true causes of accidents, injuries or occupational illnesses, determining trends and impact, and recommending improvements and solutions to the mining industry. This is accomplished in a cooperative effort with both Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health Specialists, as well as Educational Policy and Development personnel.

The Technical Support staff is comprised of administrative support personnel, engineering, scientific, and technical specialists. Unique laboratories and specialized equipment are used for evaluation, testing, field and laboratory investigations, and applied engineering.

# TECHNICAL SUPPORT

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2005	25,111	209
2006	26,079	200
2007	29,237	200
2008	29,476	200
2009	30,117	200

NOTE: Excludes Recovery Act Funding. See budget activity head table.

## FY 2010

MSHA will support further implementation of the requirements of the MINER Act, i.e. approvals for Refuge Alternatives and improvements in Communication and Tracking technologies.

Progress toward completion of the “Burn Building” project will continue during FY 2010.

MSHA will upgrade the mine emergency response and rescue capabilities in an effort to make supplies available to deploy in the event of an emergency. The replacement of existing equipment and additional necessary equipment and consumables will be purchased to bring the stations into compliance with new regulations. Mine emergency encrypted communications and robotics are the focus of this year’s efforts.

MSHA expects to enhance the Safety Target Outreach Program in efforts to reduce or eliminate reoccurrences.

MSHA will continue the feasibility study to further evaluate the construction for expansion of the Health Laboratory at the Pittsburgh Safety and Health Technology Center (Lab). The present Lab is American Industrial Hygiene Association (AIHA) accredited and is MSHA’s only AIHA accredited lab, as well as the only “mining” accredited lab in the United States. Also, the Lab is one of only five AIHA accredited labs for “diesel particulate matter (DPM)” in the United States. The current size of the Lab cannot accommodate the current and increasing workload demands and also needs to be upgraded to maintain accreditation. Expansion of the laboratory will support enforcement efforts aimed at reducing overexposures to respirable dust, crystalline silica, noise, and diesel particulates.

MSHA will conduct mine plan review requests specific to mine waste impoundments, roof control, seals, highwall stability and ventilation and review amendments to these mine plans. MSHA will support enforcement in their conducting of in-mine investigations, laboratory investigations, and laboratory analyses to evaluate existing environmental conditions, provide projections for future technological developments, and ensure compliance with safety and health standards, as well as recommend solutions to the industry. Efforts will continue in order to improve capabilities for solving roof control and ground control problems.



# TECHNICAL SUPPORT

## FY 2009

In FY 2009, MSHA will support efforts toward further implementation of the MINER Act requirements. Resources will be made available toward MINER Act rulemaking activities, i.e. Mine Refuge Chamber and Alternative Regulations and approval program; implementation of the new Belt-Air regulations as an outgrowth from the Technical Study Panel recommendations, which includes new conveyor belt testing and approval. Progress will continue toward improvements to communications and tracking technologies.

MSHA continues the approval and certification of mine equipment, materials, instruments, explosives, and respirators. Using its specialized scientific and engineering expertise, MSHA will also review the design of mine ventilation systems, seals and ground control.

Due to the MINER Act regulations and requirements regarding flame-resistant conveyor belts, other products required to be non-flammable and other fire technology related needs, requires the infrastructure upgrade and the need to hire additional staff at the Approval and Certification Center, in Triadelphia, WV. The upgrades will include the design and construction of a new “Burn Building.” Due to lack of space, the current facility cannot accommodate the newly required approval testing that was necessitated when the conveyor belt flammability regulations were finalized December 31, 2008. Additional space is also needed for the study and testing of drum friction, the evaluation of fire suppression systems, response-to-fire characteristics of materials, and equipment in simulated underground conditions. This building will allow the relocation of all related testing materials into one building for pollution control, improved efficiency, and employee safety and health concerns. This project will provide more efficient mandated testing of non-flammable products and will allow MSHA to perform tests and evaluations quickly and completely to ensure mining products comply with federal product approval and certification regulations. The design for the “Burn Building” will begin during FY 2009.

MSHA maintains an AIHA accredited Lab. The reaccreditation process began in FY 2008 and resulted in the Lab receiving recertification in FY 2009. MSHA worked successfully to ensure the Lab meets AIHA recertification criteria. The Lab has been accredited for dust weighing, silica analysis, metals and organics analysis for several years. It was accredited for Diesel Particulate Matter (DPM) in FY 2009. This accreditation will be beneficial to MSHA in future regulatory issues and litigation. Also, as testing of diesel particulate matter (DPM) has become increasingly important due to the increased use of diesel equipment in mining, the added sampling and testing procedures for DPM was added to the Lab’s resume credentials. MSHA will conduct a feasibility study to evaluate the expansion of the Lab.

Technical health studies will be conducted to determine the feasibility of new methods of controlling health hazards at mines.

Additional mine emergency equipment will be purchased and dispatched to the Pittsburgh, PA, and Beckley, WV stations, which will bring them into compliance with the new requirements to upgrade outdated equipment and replace consumables.

## TECHNICAL SUPPORT

In support of the Independent Lab Rule, MSHA is permitted to accept test and evaluation results from international labs provided the lab is an accredited organization and the results reflect compliance with MSHA requirements. MSHA requirements are currently limited to Title 30 Code of Federal Regulations (30 CFR) although the independent lab rule permits the agency to accept other requirements (standards) after MSHA has reviewed such standards and determined that they provide at least the same degree of protection as 30 CFR requirements.

Available resources will provide scientific expertise on advanced or innovative new technology for development of accident reduction, education and training programs to improve mine practices.

### **FY 2008**

During FY 2008, MSHA addressed occupational health hazards to improve the health protection afforded to miners. Miners remain at risk of contracting work-related lung diseases, such as silicosis, which has long been recognized as an occupational hazard in mining. Miners also suffer significant hearing loss, a health problem likely to become more prevalent with new developments in mining, such as the growing use of diesel-powered equipment in confined underground environments. MSHA processed samples to identify overexposure to occupational health hazards, and conducted industrial hygiene investigations to determine the adequacy of engineering controls for maintaining exposure levels within required limits. MSHA worked with the industry to investigate and develop joint solutions to particularly troublesome health problems, such as retrofitting noise controls on existing mining equipment.

MSHA made significant efforts to improve mine emergency response by purchasing a command vehicle, mine rescue team truck and an infrared monitoring vehicle. Additional improvements have been made to command control, communication and robotics systems to further improve functionality and response time.

A number of issues identified as a result of the Crandall Canyon Mine disaster in August 2007 were addressed in FY 2008. MSHA conducted ground control investigations at coal mines identified as “operating in bump prone conditions” similar to those found at the Crandall Canyon Mine. Extensive revisions and improvements were made to the Analysis of Retreat Mining Pillar Stability (ARMPS) software used extensively by bump prone mines and an industry-wide bulletin concerning its proper usage was issued.

MSHA made significant progress and efficiency improvements in the approval process with enhanced focus on MINER Act related communications and tracking technologies.

Implementation of the Safety Target Outreach Program addressed the most frequent accidents that account for the majority of miner fatalities which included distribution of safety materials to mining companies.

MSHA demonstrated its “the Great Escape” rescue system to the mining industry. The innovative new concept will assist miners in evacuating an underground mine quickly and safely during a mine emergency. The mine escape system offers miners many life-preserving benefits of a refuge shelter and self-contained self-rescuers. The system utilizes current “off the shelf” products, including

## TECHNICAL SUPPORT

concrete pipes, moving carts, ventilation fans, and communication systems, that allows miners to be tracked electronically on the surface during an emergency evacuation.

MSHA began the process of maintaining an AIHA accredited Lab by applying for recertification the Lab. The recertification required an AIHA audit of over 360 items, and implemented all standards of the ISO 17025 standards, including proficiency testing protocol for all recognized fields of testing.

MSHA hosted the 6<sup>th</sup> Annual International Mine Rescue Contest. Progress is being made toward the implementation of the Independent Lab Rule (Part 6) that permits items, such as equipment certified under accredited laboratories acceptance by the United States and other countries.

<b>WORKLOAD SUMMARY</b>			
	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>
Technical Support			
Approval Actions (New and Modifications)	761	800	800
Field Investigations	932	950	950
Samples Analyzed	142,632	140,000	145,000
Calibrations (photometers, anemometers, noise, radiation)	5,199	5,100	5,100
Impoundment Plans Reviewed	169	185	180
Seal Plans Approvals	30	25	20

Technical Support will be able to maintain its base level of services at the Current Services level.

## TECHNICAL SUPPORT

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	16,981	16,654	0	17,027	373
11.3	Other than full-time permanent	0	15	0	15	0
11.5	Other personnel compensation	699	925	0	944	19
11.9	Total personnel compensation	17,680	17,594	0	17,986	392
12.1	Civilian personnel benefits	4,154	4,515	0	4,619	104
21.0	Travel and transportation of persons	870	770	0	774	4
22.0	Transportation of things	168	118	0	119	1
23.1	Rental payments to GSA	69	88	0	88	0
23.3	Communications, utilities, and miscellaneous charges	281	254	0	255	1
24.0	Printing and reproduction	10	22	0	22	0
25.1	Advisory and assistance services	0	60	0	60	0
25.2	Other services	330	294	0	295	1
25.3	Other purchases of goods and services from Government accounts 1/	2,849	3,310	0	3,317	7
25.4	Operation and maintenance of facilities	104	654	0	657	3
25.7	Operation and maintenance of equipment	152	267	0	268	1
26.0	Supplies and materials	458	264	0	265	1
31.0	Equipment	2,351	1,907	0	1,917	10
<b>Total</b>		<b>29,476</b>	<b>30,117</b>	<b>0</b>	<b>30,642</b>	<b>525</b>
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	1,393	1,737	0	1,610	-127
	DHS Services	4	3	0	3	0
	HHS Services	1,452	1,481	0	1,488	7

# TECHNICAL SUPPORT

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	392
Personnel benefits	104
Travel	4
Transportation of things	1
Communications, utilities & miscellaneous charges	1
Other services	1
Other government accounts (Working Capital Fund)	-127
Purchase of goods and services from other Government accounts	134
Operation and maintenance of facilities	3
Operation and maintenance of equipment	1
Supplies and materials	1
Equipment	10
<b>Built-Ins Subtotal</b>	<b>525</b>

	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>30,642</b>	<b>200</b>



## PROGRAM EVALUATION AND INFORMATION RESOURCES

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Diff. FY08 Enacted / FY09 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Diff. FY09 Enacted / FY10 Req</b>
<b>Activity Appropriation</b>	<b>15,936</b>	<b>16,514</b>	<b>578</b>	<b>0</b>	<b>16,857</b>	<b>343</b>
FTE	61	75	14	0	75	0

### **Introduction**

The Directorate of Program Evaluation and Information Resources (PEIR) provides MSHA’s program evaluation and information technology management services.

PEIR’s main focus is to ensure ongoing oversight of MSHA program activities by conducting internal reviews and data analyses to alert both internal and external stakeholders of trends that may be developing. Among its other duties and responsibilities, PEIR also: (1) serves as liaison between MSHA and Office of the Inspector General and General Accounting Office; (2) evaluates methods to reduce, even further, the time to process accident and injury data and provide the information to interested parties as quickly as possible; (3) continues development of a single integrated database application system for managing and utilizing MSHA data in a web-based environment; (4) improves the performance and reliability of MSHA’s wide area network; (5) continues implementation of the MSHA Enterprise Architecture; (6) expands MSHA’s web services to further reduce the reporting burden on businesses and the public, share information more quickly, and automate internal processes; (7) ensures continuation of an active enterprise-wide security program that achieves cost effective security; and (8) ensures risks are mitigated and contingency plans are in place and up-to-date.

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

PEIR collects, analyzes, and publishes data obtained from mine operators and contractors on the prevalence of work-related injuries and illnesses in the mining industry. MSHA, the mining community, and the public use this data to assess progress in preventing occupational injuries and illnesses in the mining industry.

# PROGRAM EVALUATION AND INFORMATION RESOURCES

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2005	17,524	78
2006	17,014	75
2007	21,185	75
2008	15,936	75
2009	16,514	75

NOTE: Excludes Recovery Act Funding. See budget activity head table.

## FY 2010

PEIR will continue oversight of program activities and expand MSHA's web services to further reduce the reporting burden on businesses and the public, share information more quickly, and automate internal processes. PEIR will ensure continuation of an active enterprise-wide security program that achieves cost effective security and ensure risks are mitigated and contingency plans are in place and up-to-date. Additionally, during FY 2010, PEIR will focus on the following efforts:

Upgrade of the Field Office Information Technology Infrastructure - Currently, 530 enforcement personnel in 63 offices rely solely on wireless network connectivity, which is extremely slow and unreliable. The wireless offices were not designed for the increased number of inspectors that were hired to fulfill MSHA's annual inspection requirements. Through this effort, inspection personnel will have 32,000 more hours per year available for inspection time at the mines.

Development of the Immediate Notification project - Under the provisions of the MINER Act, mine operators are required to contact MSHA's 24/7 Hotline within 15 minutes of a serious mine accident. Since publication of the final rule in December 2006, each Coal and Metal/Nonmetal district has used their own method for tracking these incidents. This project will create one standard method to track information and retrieve reports for all reported accidents and injuries, as required by Title 30 CFR, Part 50.10.

Enhancements to the Hazardous Condition Complaints (HCC) database - MSHA developed a HCC database to track complaints reported by miners and miner's representatives identifying dangerous mine conditions. Over 2,000 complaints are received each year and 30% of the complaints result in violations. MSHA recently conducted an internal evaluation of the HCC program and has identified several critical items. Expansion of the current HCC system is needed to ensure accuracy of the data and that all complaints are investigated in a timely manner.

Reengineering Health Samples – PEIR will migrate the current health database system to a more robust and stable system compatible with MSHA's enterprise data system to ensure the integrity of the samples data and to support compliance reporting. The current health database is obsolete and has numerous vulnerabilities. Additionally Metal and Nonmetal Mine Safety and Health has recently embarked on a substantial expansion of the contaminant sampling program of 9 different contaminants, which will place additional stress on the database system. Coal Mine Safety and Health also requires substantial changes to the Health Samples system. Rules are



## **PROGRAM EVALUATION AND INFORMATION RESOURCES**

being promulgated that will require coal mine operators to submit samples from personal dust monitors on a daily, continuous basis instead of a bi-monthly basis.

### **FY 2009**

PEIR will ensure ongoing oversight of program activities by conducting internal reviews and data analyses to alert both internal and external stakeholders of developing trends. As in prior years, PEIR will continue to serve as liaison between MSHA and Office of the Inspector General and General Accounting Office. PEIR will evaluate methods to reduce, even further, the time to process accident and injury data and provide the information to interested parties as quickly as possible, with a continued focus on the development of a single integrated, web-based system for managing and utilizing agency data. Additionally, PEIR will improve the performance and reliability of the wide area network and continue implementation of the MSHA Enterprise Architecture.

PEIR will work to improve mission performance, productivity, and administrative processes by providing more reliable and secure information technology services. By focusing on wiring wireless field offices, reducing risks, improving efficiencies, and containing costs through greater integration of information technology systems, PEIR will ultimately provide MSHA employees and stakeholders with reliable, quality automated tools and improved access to information to ensure mission accomplishment. Funds are currently being used in the development efforts to merge all of MSHA's legacy systems into one common platform. Please refer to Exhibit 300 of DOL's Congressional Budget Justification for further information about MSHA's common platform.

Exhibit 300 BY10 - MSHA - MSIS

### **FY 2008**

In FY 2008, PEIR developed strategies to achieve improvements to the network infrastructure in order to provide a communication platform that accommodated changes resulting from new technologies. PEIR also maintained and enhanced the management information systems to provide efficient and timely access to critical information. PEIR continued the use of Enterprise Architecture principles to collaborate with stakeholders to develop a slate of projects that were customer driven and supported the agency's mission to protect the safety and health of miners.

The Alternative Case Resolution Initiative (ACRI) application was integrated into MSHA - Information Processing - MSHA Standardized Information System (MSIS) production applications. Through PEIR, MSHA initiated the use of Miner Individual Identification Numbers to replace Social Security Numbers and thereby protect personally identifiable information. Key Indicator Reports were developed for Government Performance and Results Act (GPRA) tracking. Mine Emergency Operation procedures were implemented to ensure critical information gets to key individuals when they need it.

MSHA installed Wide Area Application Services (WAAS) devices in all MSHA offices to greatly improve application performance over the Agency's wide area network. Storage Area Networks (SANs) for MSIS and Exchange were installed to provide expanded data storage for future growth and greatly improved failover capability. The MSHA data warehouse was migrated from an aging Teradata server to a new Oracle warehouse to provide daily, rather than weekly, data refreshes, better

## **PROGRAM EVALUATION AND INFORMATION RESOURCES**

query performance, and data marts to support specialized data requirements. A state-of-the art data center was built in Beckley, WV to meet future data processing requirements and improve the Agency's ability to recover from a disaster.

PEIR oversaw MSHA's collaboration with the Department's Enterprise Service Office to migrate from the Sprint network to the Verizon DOLNet network. Lastly, regarding PEIR-initiated security measures, MSHA deployed a two-factor authentication system using RSA SecureID tokens to secure identities and information access. The PointSec Encryption software was also deployed for securing mobile equipment and to protect personally identifiable information.

## PROGRAM EVALUATION AND INFORMATION RESOURCES

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	5,689	5,205	0	5,339	134
11.3	Other than full-time permanent	3	0	0	0	0
11.5	Other personnel compensation	164	110	0	112	2
11.9	Total personnel compensation	5,856	5,315	0	5,451	136
12.1	Civilian personnel benefits	1,460	1,618	0	1,678	60
21.0	Travel and transportation of persons	114	100	0	101	1
22.0	Transportation of things	22	4	0	4	0
23.1	Rental payments to GSA	522	502	0	505	3
23.3	Communications, utilities, and miscellaneous charges	74	127	0	128	1
24.0	Printing and reproduction	77	98	0	98	0
25.2	Other services	335	147	0	148	1
25.3	Other purchases of goods and services from Government accounts 1/	423	656	0	657	1
25.4	Operation and maintenance of facilities	0	20	0	20	0
25.7	Operation and maintenance of equipment	6,495	6,891	0	7,025	134
26.0	Supplies and materials	100	103	0	104	1
31.0	Equipment	458	933	0	938	5
<b>Total</b>		<b>15,936</b>	<b>16,514</b>	<b>0</b>	<b>16,857</b>	<b>343</b>
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	420	524	0	486	-38
	DHS Services	0	21	0	21	0

# PROGRAM EVALUATION AND INFORMATION RESOURCES

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	136
Personnel benefits	60
Travel	1
GSA Space Rental	3
Communications, utilities & miscellaneous charges	1
Other services	1
Other government accounts (Working Capital Fund)	-38
Purchase of goods and services from other Government accounts	39
Operation and maintenance of equipment	134
Supplies and materials	1
Equipment	5
<b>Built-Ins Subtotal</b>	<b>343</b>

	Estimate	FTE
<b>Base</b>	<b>16,857</b>	<b>75</b>

## PROGRAM ADMINISTRATION

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>						
(Dollars in Thousands)						
	<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Diff. FY08 Enacted / FY09 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Diff. FY09 Enacted / FY10 Req</b>
<b>Activity Appropriation</b>	<b>16,339</b>	<b>15,684</b>	<b>-655</b>	<b>0</b>	<b>15,941</b>	<b>257</b>
FTE	100	86	-14	0	86	0

### Introduction

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

PA plans and directs the full range of administrative management within MSHA ensuring that, through effective utilization of resources, MSHA remains a viable and efficient organization responsive to the changing policy and program needs of MSHA and the mining industry. Activity support services include personnel management, financial management, procurement and contracting, employee training, safety, health, and diversity programs for MSHA employees, property management, and management analysis. By providing leadership, policy direction, and administrative support services, all of MSHA's program activities are supported and strengthened enabling MSHA to meet or exceed annual safety and health performance goals and objectives. Accountability reviews and audits provide enhanced oversight and ensure consistency and uniformity across MSHA's enforcement activities.

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2005	15,570	90
2006	11,906	86
2007	13,637	86
2008	16,339	86
2009	15,684	86

NOTE: Excludes Recovery Act Funding. See budget activity head table.

### FY 2010

During FY 2010, PA's main focus will be to provide leadership, policy direction, and administrative support services for MSHA's safety and health programs. MSHA will continue to implement its comprehensive human capital plan with the aim of significantly reducing mission-critical skill gaps and to develop future leaders with the critical skills and experience needed to effectively manage the

## **PROGRAM ADMINISTRATION**

agency programs. PA will support the Federal Career Intern Program and the Leadership Development Program and will continue to seek means to improve customer service.

PA will support the Departmental strategic plans, program assessments, and annual performance and accountability reports while promoting a safe and healthful work environment for the MSHA employees.

PA will continue to provide comprehensive oversight and ensure that MSHA policies, enforcement procedures, and guidance are being complied with consistently and that the agency is accomplishing its mission-critical activities. Enhanced oversight will be provided at the highest level in the Agency to ensure the enforce safety and health laws in the Nation's mines through Accountability reviews and audits.

### **FY 2009**

As part of its strategic human capital plan, PA will track and report quarterly on FTE usage relative to ceiling, for CMS&H and MNMS&H enforcement and for the agency overall. The activity will focus on ensuring that the agency plan for managing its attrition and recruitment of mine inspectors is implemented so that trained inspectors will be in place to accomplish the mission of the agency.

MSHA's executive staff will review its performance (outcome) data on a quarterly basis and its financial information monthly. During these reviews, managers will discuss current performance, trend analysis, and budget execution forecasts to determine strategies for the remainder of the year. MSHA will also coordinate program evaluation and program assessment efforts. Accountability reviews and audits will be conducted to ensure compliance with Agency policies and procedures. Program Assessments will be used to ensure effective management of resources and achievement of performance goals.

MSHA will award \$1,808,000 to the United Mine Workers of America for the continuation of the Mine Rescue Training Program.

Job screenings will be conducted nationwide to target potential candidates for enforcement positions. Twenty-one job fairs have been scheduled through June 2009.

### **FY 2008**

During FY 2008, MSHA awarded \$1,184,000 to Wheeling Jesuit University for the continuation of their coal slurry impoundment project and \$2,200,000 to United Mine Workers of America for classroom and simulated rescue training for mine rescue teams.

An integral part of MSHA's human capital strategic plan is the Federal Career Intern Program. Approximately 25 job screenings were conducted nationwide during FY 2008 to target candidates for enforcement positions in specific geographic locations. This allows MSHA to maintain a list of qualified candidates available for timely replacement as separations occur.

## **PROGRAM ADMINISTRATION**

Another component of the human capital strategic plan is the MSHA Leadership Development Program (LDP) which prepares future MSHA leaders with the necessary competencies to lead the Agency. Approximately 72 employees successfully completed the program during FY 2008. MSHA intends to continue the LDP to ensure that a cadre of future leaders who possess the competencies necessary will be available to lead the agency.

MSHA accomplished its strategic goal and performance indicators by applying principles and systematic techniques to improve and promote safety and health.

MSHA conducted accountability audits at coal and metal and nonmetal mines. The mines are selected for review through an analysis of enforcement data, trends of injuries, and enforcement levels.

## PROGRAM ADMINISTRATION

<b>BUDGET ACTIVITY by OBJECT CLASS</b>						
(Dollars in Thousands)						
		<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>Recovery Act</b>	<b>FY 2010 Request</b>	<b>Change FY 10 Req / FY 09 Enacted</b>
11.1	Full-time permanent	8,266	8,852	0	8,852	0
11.3	Other than full-time permanent	75	30	0	30	0
11.5	Other personnel compensation	286	230	0	230	0
11.9	Total personnel compensation	8,627	9,112	0	9,112	0
12.1	Civilian personnel benefits	1,969	1,824	0	1,824	0
21.0	Travel and transportation of persons	189	249	0	249	0
22.0	Transportation of things	5	5	0	5	0
23.1	Rental payments to GSA	748	648	0	648	0
23.2	Rental payments to others	0	32	0	32	0
23.3	Communications, utilities, and miscellaneous charges	179	354	0	354	0
24.0	Printing and reproduction	226	26	0	26	0
25.1	Advisory and assistance services	0	310	0	310	0
25.2	Other services	3,489	1,233	0	1,233	0
25.3	Other purchases of goods and services from Government accounts 1/	723	1,348	0	1,605	257
25.4	Operation and maintenance of facilities	2	261	0	261	0
25.7	Operation and maintenance of equipment	30	30	0	30	0
26.0	Supplies and materials	118	18	0	18	0
31.0	Equipment	34	234	0	234	0
<b>Total</b>		<b>16,339</b>	<b>15,684</b>	<b>0</b>	<b>15,941</b>	<b>257</b>
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	696	868	0	1,125	257
	DHS Services	24	27	0	27	0
	HHS Services	0	6	0	6	0



# PROGRAM ADMINISTRATION

## CHANGES IN FY 2010

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Working Capital Fund

257

#### Built-Ins Subtotal

257

	Estimate	FTE
Base	15,941	86