

FY 2009

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, [\$339,862,000] \$332,061,000, 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, [\$2,200,000 for an award to the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams, and \$1,184,000 for an award to the Wheeling Jesuit University, for the National Technology Transfer Center for a coal slurry impoundment project]; 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 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.

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ANALYSIS OF APPROPRIATION LANGUAGE

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

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

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

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

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

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

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"... for mine rescue and recovery activities, for an award to the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams..."

This is a one-year earmark and MSHA does not anticipate on having this in FY 2009.

"... for an award to the Wheeling Jesuit University, for the National Technology Transfer Center for a coal slurry impoundment project..."

This is a one-year earmark and MSHA does not anticipate on having this in FY 2009.

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AMOUNTS AVAILABLE for OBLIGATION						
(Dollars in Thousands)						
FY 2007						
	Comparable		FY 2008 Estimate		FY 2009 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation...	2,314	301,569	2,306	339,862	2,361	332,061
Reduction pursuant to P.L. 110-161	0	0	0	-5,937	0	0
Other Supplementals and Rescissions	0	0	0	0	0	0
Appropriation, Revised	2,314	301,569	2,306	333,925	2,361	332,061
Comparative Transfer to:	0	0	0	0	0	0
Working Capital Fund for Consolidation of IT resources (25.3)	0	412	0	412	0	0
Comparative Transfer From:	0	0	0	0	0	0
Contract Resources for Consolidation of IT resources (25.1)	0	-412	0	-412	0	0
Offsetting Collections From:	0	0	0	0	0	0
Reimbursements	0	1,084	0	1,825	0	1,825
Subtotal Appropriation	2,314	302,653	2,306	335,750	2,361	333,886
B. Gross Budget Authority	2,314	302,653	2,306	335,750	2,361	333,886
Offsetting Collections to	0	0	0	0	0	0
Reimbursements	0	-1,084	0	-1,825	0	-1,825
B.1) Subtotal [negative entry]	0	-1,084	0	-1,825	0	-1,825
C. Budget Authority	0	0	0	0	0	0
Before Committee...	2,314	301,569	2,306	333,925	2,361	332,061
Offsetting Collections From:	0	0	0	0	0	0
Reimbursements	0	1,084	0	1,825	0	1,825
C.1) Subtotal...	0	1,084	0	1,825	0	1,825
D. Total Budgetary Resources...	2,314	302,653	2,306	335,750	2,361	333,886
Unobligated Balance Expiring	-153	-143	0	0	0	0
E. Total, Estimated Obligations	2,161	302,510	2,306	335,750	2,361	333,886

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SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2008 Estimate	FY 2009 Request	Net Change
Budget Authority			
General Funds	333,925	332,061	-1,864
Trust Funds	0	0	0
Total	333,925	332,061	-1,864
Full Time Equivalents			
General Funds	2,306	2,361	+55
Trust Funds	0	0	0
Total	2,306	2,361	+55

Explanation of Change	FY 2008 Base		Trust Funds		FY 2009 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	2,306	184,526	0	0	0	5,333	0	5,333
Personnel benefits	0	55,347	0	0	0	1,653	0	1,653
Travel	0	11,388	0	0	0	0	0	0
Transportation of things	0	4,952	0	0	0	0	0	0
GSA Space Rental	0	13,298	0	0	0	266	0	266
Communications, utilities & miscellaneous charges	0	2,101	0	0	0	0	0	0
Printing and reproduction	0	809	0	0	0	0	0	0
Advisory and assistance services	0	501	0	0	0	0	0	0
Other services	0	10,070	0	0	0	0	0	0
Working Capital Fund	0	15,126	0	0	0	3,731	0	3,731
Purchase of goods and services from other Government accounts	0	1,950	0	0	0	0	0	0
Operation and maintenance of facilities	0	1,997	0	0	0	0	0	0
Operation and maintenance of equipment	0	7,882	0	0	0	0	0	0
Supplies and materials	0	5,783	0	0	0	0	0	0
Equipment	0	9,148	0	0	0	0	0	0
State grants	0	8,941	0	0	0	0	0	0
Insurance claims and indemnities	0	106	0	0	0	0	0	0
Built Ins Subtotal	2,306	333,925	0	0	0	10,983	0	10,983
B. Programs:								
For Educational Policy and Development to train 55 Metal and Nonmetal Hires	0	0	0	0	0	586	0	586
For Metal and Nonmetal Enforcement FTE	0	0	0	0	55	6,852	55	6,852
Programs Subtotal	0	0	0	0	+55	+7,438	+55	+7,438

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Explanation of Change	FY 2008 Base		Trust Funds		FY 2009 Change		Total	
					General Funds			
C. Financing:	0	0	0	0	0	0	0	0
Total Increase	+2,306	+333,925	0	0	+55	+18,421	+55	+18,421
Decreases:								
A. Built-Ins:								
To Provide For:								
One day less of Pay	0	0	0	0	0	-805	0	-805
Federal Employees Compensation Act (FECA)	0	0	0	0	0	-870	0	-870
Built Ins Subtotal	0	0	0	0	0	-1,675	0	-1,675
B. Programs:								
Reduction for initial costs of hiring and training of new coal inspectors and overtime and travel for on-board inspectors no longer needed	0	0	0	0	0	-10,860		-10,860
Academy infrastructure improvements	0	0	0	0	0	-2,517		-2,517
Elimination of two Congressional earmarks	0	0	0	0	0	-3,384		-3,384
Communication and tracking test equipment	0	0	0	0	0	-1,276		-1,276
Rulemaking for MINER Act	0	0	0	0	0	-367		-367
Upgrade of MSHA's Standardized Information System	0	0	0	0	0	-206		-206
Programs Subtotal	0	0	0	0	0	-18,610	0	-18,610
C. Financing:	0	0	0	0	0	0	0	0
Total Decrease	0	0	0	0	0	-20,285	0	-20,285
Total Change	+2,306	+333,925	0	0	+55	-1,864	+55	-1,864

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SUMMARY BUDGET AUTHORITY and FTE by ACTIVITY

(Dollars in Thousands)

	FY 2007 Comparable		FY 2008 Estimate		FY 2009 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
Coal Mine Safety and Health	1,058	120,395	1,186	154,670	1,186	144,982
General Funds	1,058	120,395	1,186	154,670	1,186	144,982
Metal and Nonmetal Mine Safety and Health	521	72,506	543	71,420	598	82,427
General Funds	521	72,506	543	71,420	598	82,427
Office of Standards, Regulations, and Variances	17	2,727	17	3,180	17	2,831
General Funds	17	2,727	17	3,180	17	2,831
Office of Assessments	46	6,556	51	6,134	51	5,948
General Funds	46	6,556	51	6,134	51	5,948
Educational Policy and Development	141	35,326	148	36,605	148	36,366
General Funds	141	35,326	148	36,605	148	36,366
Technical Support	211	29,237	200	29,476	200	29,117
General Funds	211	29,237	200	29,476	200	29,117
Program Evaluation and Information Resources	69	21,185	75	15,936	75	16,514
General Funds	69	21,185	75	15,936	75	16,514
Program Administration	98	13,637	86	16,504	86	13,876
General Funds	98	13,637	86	16,504	86	13,876
Total	2,161	301,569	2,306	333,925	2,361	332,061
General Funds	2,161	301,569	2,306	333,925	2,361	332,061

NOTE: FY 2007 reflects actual FTE.

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BUDGET AUTHORITY by OBJECT CLASS				
(Dollars in Thousands)				
	FY 2007 Comparable	FY 2008 Estimate	FY 2009 Request	FY 09 Request/FY 08 Estimate
Total Number of Full-Time Permanent Positions	2,161	2,306	2,361	55
Full-Time Equivalent				
Full-time Permanent	2,153	2,275	2,330	55
Other	8	31	31	0
Total	2,161	2,306	2,361	55
Average ES Salary	156,325	161,015	165,684	4,669
Average GM/GS Grade	11.17	11.17	11.17	0
Average GM/GS Salary	71,404	73,546	75,679	2,133
Average Salary of Ungraded Positions	43,270	44,569	45,862	1,293
11.1 Full-time permanent	153,620	169,463	176,840	7,377
11.3 Other than full-time permanent	350	363	375	12
11.5 Other personnel compensation	6,396	14,700	7,074	-7,626
11.9 Total personnel compensation	160,366	184,526	184,289	-237
12.1 Civilian personnel benefits	49,711	55,347	56,370	1,023
13.0 Benefits for former personnel	3	0	0	0
21.0 Travel and transportation of persons	10,892	11,388	11,239	-149
22.0 Transportation of things	5,299	4,952	4,952	0
23.1 Rental payments to GSA	11,605	13,298	13,840	542
23.2 Rental payments to others	22	22	22	0
23.3 Communications, utilities, and miscellaneous charges	3,114	2,079	2,113	34
24.0 Printing and reproduction	951	809	908	99
25.1 Advisory and assistance services	1,740	501	501	0
25.2 Other services	8,229	10,070	6,109	-3,961
Other purchases of goods and services from Government accounts 1/	16,362	17,076	21,063	3,987
25.4 Operation and maintenance of facilities	541	1,997	-521	-2,518
25.7 Operation and maintenance of equipment	8,703	7,882	7,982	100
26.0 Supplies and materials	2,908	5,783	5,776	-7
31.0 Equipment	12,814	9,148	8,371	-777
41.0 Grants, subsidies, and contributions	8,204	8,941	8,941	0
42.0 Insurance claims and indemnities	105	106	106	0
Total	301,569	333,925	332,061	-1,864
1/Other Purchases of Goods and Services From Government Accounts				
Working Capital Fund	13,564	15,126	19,082	3,956
DHS Services	455	478	494	16
HHS Services	1,200	1,452	1,481	29

NOTE: FY 2007 reflects actual FTE.

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BUDGET AUTHORITY by STRATEGIC GOAL					
(Dollars in Thousands)					
Performance Goal	DOL 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	Total Budget Authority
Performance Goal: 3					
Coal Mine Safety and Health	0	0	158,063	0	158,063
Metal and Nonmetal Mine Safety and Health	0	0	88,272	0	88,272
Office of Standards, Regulations, and Variances	0	0	3,086	0	3,086
Office of Assessments	0	0	7,255	0	7,255
Educational Policy and Development	0	0	39,553	0	39,553
Technical Support	0	0	37,657	0	37,657
Agency Total	0	0	333,886	0	333,886

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TOTAL BUDGETARY RESOURCES (Dollars in thousands)

	FY 2007 Comparable				FY 2008 Estimate				FY 2009 Request			
	Activity Approp.	Other Approp. ^{1/}	Other Resrcs. ^{2/}	Total	Activity Approp.	Other Approp. ^{1/}	Other Resrcs. ^{2/}	Total	Activity Approp.	Other Approp. ^{1/}	Other Resrcs. ^{2/}	Total
Mine Safety and Health Administration	301,569	0	1,084	302,653	333,925	0	1,825	335,750	332,061	0	1,825	333,886
Coal Mine Safety and Health	120,395	14,831	0	135,226	154,670	14,080	0	168,750	144,982	13,081	0	158,063
Metal and Nonmetal Mine Safety and Health	72,506	6,366	0	78,872	71,420	6,488	0	77,908	82,427	5,845	0	88,272
Office of Standards, Regulations, and Variances	2,727	286	0	3,013	3,180	277	0	3,457	2,831	255	0	3,086
Office of Assessments	6,556	1,587	0	8,143	6,134	1,328	0	7,462	5,948	1,307	0	7,255
Educational Policy and Development	35,326	2,599	180	38,105	36,605	2,746	750	40,101	36,366	2,437	750	39,553
Technical Support	29,237	9,153	904	39,294	29,476	7,521	1,075	38,072	29,117	7,465	1,075	37,657
Program Evaluation and Information Resources	21,185	-21,185	0	0	15,936	-15,936	0	0	16,514	-16,514	0	0
Program Administration	13,637	-13,637	0	0	16,504	-16,504	0	0	13,876	-13,876	0	0
Total	301,569	0	1,084	302,653	333,925	0	1,825	335,750	332,061	0	1,825	333,886

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

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

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PERFORMANCE GOAL INDICATORS

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

	FY 2004		FY 2005		FY 2006		FY 2007		FY 2008	FY 2009
	Goal Achieved		Goal Achieved		Goal Achieved		Goal Substantially Achieved			
Performance Indicator	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Mine industry fatalities per 200,000 hours worked	.0222	.017	.0215	.0182	.0208	.0220	0.0201	0.0195	0.0191	0.0187
Mine industry injuries per 200,000 hours worked	3.87	4.07	3.48	3.93	3.13	3.65	2.82	3.48	3.41	3.34
Percent of respirable coal mine dust samples exceeding the applicable standard (for designated occupations)	11.1%	10.2%	10.1%	10.8%	9.5%	11.3%	9.0%	12.19%	11.50%	11.27%
Percent of silica dust samples taken with a result that is less than half the permissible exposure limit in metal and nonmetal mines	6.2%	5.6%	Baseline	83.7%	82.9%	79.7%	75.5%	31.82%	31.18%	30.56%
Percent of noise samples taken with a result that is less than half of the permissible exposure limit in metal and nonmetal mines	—	—	Baseline	79.1%	78.1%	75.7%	71.3%	65.54%	64.23%	62.95%
Percent of noise exposures above the citation level in coal mines.	4.6%	4.6%	Baseline	5.3%	5.0%	4.4%	4.8%	3.66%	3.59%	3.52%

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SIGNIFICANT ITEMS IN APPROPRIATION COMMITTEES' REPORTS

Senate: The Committee directs that the Secretary provide reports to the House and Senate Committees on Appropriations not later than 90 days after enactment, and quarterly thereafter on: (1) MSHA's progress in filling all allocated inspector positions, and completing the training of new inspectors, by district offices; (2) MSHA's strategic plan for dealing with anticipated retirements from all positions during fiscal years 2008 through 2012; (3) changes in the rate of employer contests, with particular regard to whether the formula used to determine the ratio of legal counsel to inspectors needs to be adjusted to ensure the office of the solicitor has resources consistent to ensure effective enforcement; (4) MSHA's progress in implementing the MINER Act, including the finalization of emergency response plans, (5) information on resources devoted to emergency, ventilation and roof control plan reviews and approvals.

Response: The Department of Labor and the Mine Safety and Health Administration share responsibilities for ensuring full and complete responses to the Committees request in a timely manner. MSHA is taking action to address the ongoing congressional oversight on major issues of inspector hiring and training, retirement, solicitor services, implementation of the MINER Act and funding for plan reviews and approvals.

House: The Committee directs MSHA to provide annual reports on the random audits performed each year on mining machines and their certified components, starting with a report on fiscal year 2007 audits that shall be provided to the House and Senate Committees on Appropriations not later than 90 days after enactment. This report should also address agency recommendations to increase surveillance and enforcement of the misuse of '2G' tags, including the activities of repair and rebuilding shops.

Response: Within 90 days of enactment of the FY 2008 appropriation, MSHA will provide responses to the Committee on fiscal year 2007 audits, to include recommendations on surveillance and activities at repair and rebuilding shops.

Senate: The Committee urges MSHA to undertake a strategic planning process to identify goals and measures for monitoring and evaluating its progress on staying ahead of the retirement wave and meeting the needs of the enforcement workforce.

Response: Coal and Metal Nonmetal are working with MSHA's Human Resources Division to hold job fairs around the country at specific field office locations as vacancies occur. MSHA is also moving to a nation-wide testing process which will allow candidates to take the pre-qualification math and writing tests locally, or near their residence. This will speed up the hiring process considerably.

Senate: The Committee requires the Secretary to revise regulations not later than June 20, 2008, related to the ventilation of active working places in underground coal mines utilizing belt

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haulage entries. In addition, this section requires, by June 15, 2008, the Secretary of Labor to issue regulations, pursuant to the design criteria recommended by the NIOSH and the MINER Act, requiring installation of rescue chambers in the working areas of underground coal mines.

Response: MSHA is working to comply with the regulatory deadlines set forth in the 2008 Consolidated Appropriations Act. In doing so, MSHA will carefully consider the NIOSH recommendations.

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AUTHORIZING STATUTES

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

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APPROPRIATION HISTORY (Dollars in Thousands)

	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
1999....1/2/	211,165	203,397	211,165	217,544	2,261
2000....3/4/	228,373	211,165	230,873	228,057	2,317
2001....5/	242,247	233,000	244,747	246,306	2,357
2002....6/	246,306	251,725	256,093	253,143	2,310
2003....7/	254,323	254,323	261,841	272,955	2,299
2004....8/	266,767	266,767	270,711	268,858	2,269
2005....9/	257,567	275,567	280,002	279,135	2,187
2006....10/	280,490	280,490	280,490	303,285	2,314
2007	287,836	278,869	302,436	301,569	2,314
2008....11/	313,478	313,478	340,028	333,925	2,306
2009	332,061	0	0	0	2,361

- 1/ Reflects a \$4,748 increase pursuant to P.L. 105-277.
- 2/ Reflects a \$369 reduction for administrative and travel funds pursuant to P.L. 106-51, and an increase of \$2,000 from ETA discretionary funds.
- 3/ Reflects a \$13 increase pursuant to P.L. 105-277.
- 4/ Reflects a \$329 reduction pursuant to P.L. 106-113.
- 5/ Reflects a \$441 reduction pursuant to P.L. 106-554.
- 6/ Reflects a reduction of \$669 pursuant to P.L. 107-116, and a \$956 reduction pursuant to P.L. 107-206.
- 7/ Reflects a \$1,786 reduction pursuant to P.L. 108-7.
- 8/ Reflects a \$1,968 reduction pursuant to P.L. 108-199.
- 9/ Reflects a \$2,400 reduction pursuant to P.L. 108-447.
- 10/ Reflects a \$2,805 reduction pursuant to P.L. 109-148.
- 11/ Reflects a \$5,937 reduction pursuant to P.L. 110-161.

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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 2009:

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: 0.0187 (a reduction from the 2008 target of 0.0191%)
- Mine industry injuries per 200,000 hours worked
Target: 3.34 (a reduction from the 2008 target of 3.41%)

Reduce Miners' Exposure to Health Hazards

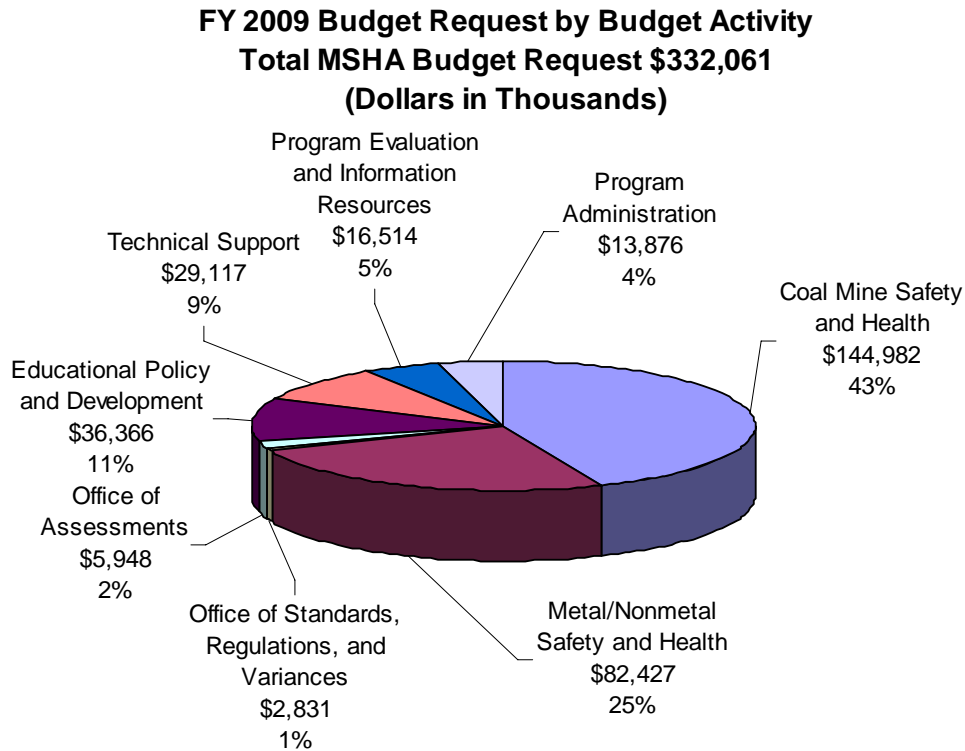
This is supported by four performance indicators:

- Percent of respirable coal mine dust samples exceeding the applicable standard (for designated occupations)
Target: 11.27% (a reduction from the 2008 target of 11.50%)
- Percent of silica dust samples taken with a result that is less than half the permissible exposure limit in metal and nonmetal mines
Target: 30.56% (a reduction from the 2008 target of 31.18%)
- Percent of noise samples taken with a result that is less than half of the permissible exposure limit in metal and nonmetal mines
Target: 62.95% (a reduction from the 2008 target of 64.23%)
- Percent of noise exposures above the citation level in coal mines
Target: 3.52% (a reduction from the 2008 target of 3.59%)

MINE SAFETY AND HEALTH ADMINISTRATION

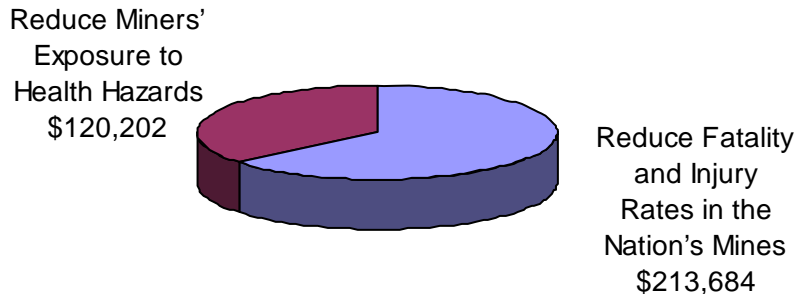
Cost Model

In FY 2009, MSHA requests a total of \$332,061,000, a decrease of \$1,864,000 from the FY 2008 Omnibus level. This includes \$6,852,000 for 55 additional Metal and Nonmetal enforcement FTE and \$586,000 for Educational Policy and Development to train the new staff. MSHA's efforts and resources in FY 2009 will support the Departmental Strategic Goal 3 – Safe and Secure Workplaces. The allocation of the requested funds are displayed in the following charts.



MINE SAFETY AND HEALTH ADMINISTRATION

MSHA Performance Goal Cost Allocation (Dollars in Thousands)



Program Assessment Rating Tool (PART)

The Administration has assessed nearly 1,000 Federal programs using the Program Assessment Rating Tool (PART). MSHA was last assessed in 2003 and received an overall rating of "adequate." Details of this PART review can be viewed at: <http://www.whitehouse.gov/omb/expectmore/summary/10001101.2003.html>

Efficiency Measures

MSHA was assessed with the PART in FY 2003, and was deemed Adequate. The PART improvement plan included continuing targeted enforcement and assistance actions at high-risk mines beyond the requirements of the Mine Act with initiatives such as the Cooperative Accident Reduction Effort, analyzing the costs and benefits of alternatives in the agency's proposed regulations, and developing efficiency and cost effective measures that cover a larger percentage of the agency's program activities. MSHA also has six efficiency measures listed in the table below.

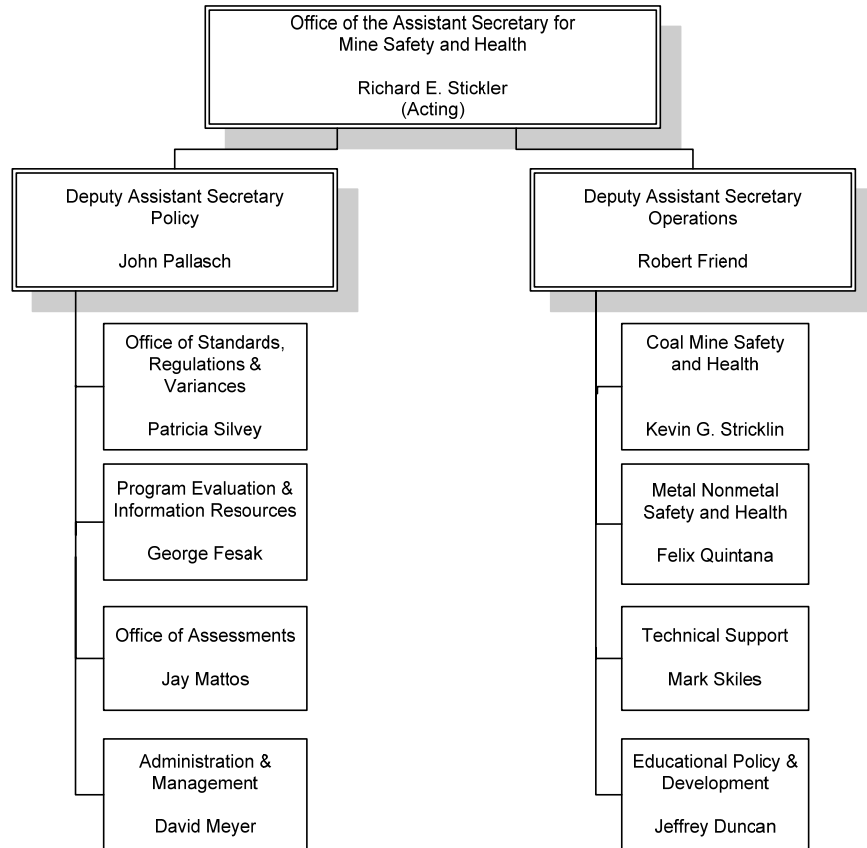
MSHA has been attempting to develop regulatory alternatives in its preliminary regulatory economic analyses (PREA) and regulatory economic analyses (REA). For example, in the REA supporting MSHA's Diesel Particulate Matter rule for metal and nonmetal mines, the agency prepared analyses of the cost of two (more expensive) regulatory alternatives, and qualitatively concluded that they would have a negligible effect on miner health. Additional REAs include one for MSHA's Sealing of Abandoned Areas Emergency Temporary Standard and one for a Final Rule regarding Criteria and Procedures for Proposed Assessment of Civil Penalties.

MINE SAFETY AND HEALTH ADMINISTRATION

Program	Efficiency Measure	FY 2009 Target
Coal Mine Safety and Health (CMS&H) & Program Evaluation and Information Resources (PEIR) CMS&H and PEIR	Without sacrificing accuracy, MSHA will reduce the average cost per Quarterly Mine Employment and Coal Production Report coded (7000-2). Without sacrificing accuracy, MSHA will reduce processing time for Quarterly Mine Employment and Coal Production Reports (7000-2).	\$2.88 4.35 minutes
CMS&H, Metal/Nonmetal Mine Safety & Health (MNMS&H), and PEIR	Without sacrificing accuracy, MSHA will reduce the average cost per Mine Accident, Injury and Illness Report coded (7000-1).	\$16.39
CMS&H	Regular (mandated) inspections per Coal Enforcement FTE	9.2 (projected)
CMS&H, MNMS&H, and PEIR	Without sacrificing accuracy, MSHA will reduce processing time for Mine Accident, Injury and Illness Reports. In response to OMB's recommendation to develop efficiency and cost-effectiveness measures for a larger percentage of the agency's program activities, MSHA created the fifth efficiency measure related to expediting the process associated with outstanding debt related to civil penalties (7000-1).	15.38 minutes
Office of Assessments	Without sacrificing accuracy, MSHA will reduce the number of days before delinquent debt is transferred to Treasury.	160 days

MINE SAFETY AND HEALTH ADMINISTRATION

Organization Chart



COAL MINE SAFETY AND HEALTH

Budget Authority Before the Committee (Dollars in Thousands)						
	FY 2007 Comparable	FY 2008 Enacted	FY 2008 Estimate	Diff. FY07 Comp/ FY 08 Est	FY 2009 Request	Diff. FY 08 Est/FY 09 Req
Activity Appropriation	120,395	154,670	154,670	34,275	144,982	-9,688
FTE	1,058	1,186	1,186	128	1,186	0

NOTE: FY 2007 reflects actual FTE.

Introduction

Coal Mine Safety and Health (CMS&H) 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.

CMS&H activity is comprised of coal mine inspectors, specialists, and engineers with expertise in critical mine specialties. MSHA's mission is carried out in 11 Coal Districts where MSHA personnel perform essential mine inspection and compliance assistance activities, as well as accident investigations. In FYs 2008 and 2009, 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.

MSHA inspectors and enforcement personnel help ensure safe working conditions for a mining workforce that is aging and is being replaced by less experienced miners who are facing competitive pressures to increase production while containing costs and are at greater risk of being involved in serious accidents. Many of the new miners are contractors, as well as non-English speaking workers. The constant opening and closing of coal mines contributes to an influx of new and inexperienced miners, who are often unfamiliar with mining conditions, hazards and safe working procedures.

Five-Year Budget Activity History

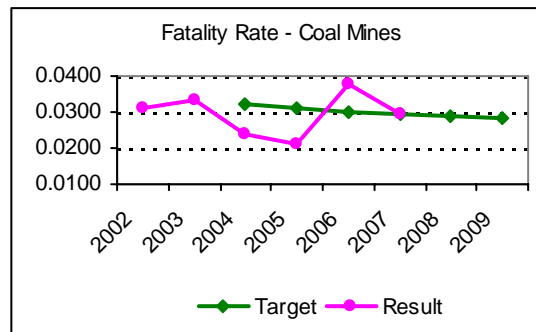
Fiscal Year	Funding (Dollars in Thousands)	FTE
2004	114,781	1,071
2005	115,251	1,043
2006	136,355	1,186
2007	120,395	1,186
2008	154,670	1,186

COAL MINE SAFETY AND HEALTH

FY 2009

The FY 2009 request includes a program decrease of \$10.860 million reflecting FY 2008 one-time costs associated with the 100% Inspection Completion Rate Plan (\$9.310 million for compensation and benefits; \$1.057 million for travel; \$200 thousand for contracts; and \$293 thousand for supplies and equipment). The program decrease will have no negative impact on MSHA's inspection activity, and MSHA anticipates being able to complete all mandated inspections under the Mine Act. The 2009 Budget fully supports the additional coal enforcement FTE hired in fiscal years 2006 and 2007.

In FY 2009, CMS&H has set ambitious targets for reducing coal mine fatalities. For FY 2009, a reduction of fatalities to .0281 per 200,000 hours worked is targeted and a reduction in the all-injury rate to 4.09 per 200,000 hours worked is also targeted. To support these efforts, CMS&H will implement an integrated approach toward the prevention of accidents, injuries, and occupational illnesses which will include aggressive enforcement and outreach activities, special emphasis programs, education and training, and technical assistance. As the foundation of this integrated approach, MSHA will conduct the enforcement activities as mandated in the Mine Act and MINER Act.



In light of the 2006 tragedies in West Virginia and Kentucky, the recent tragedy in Utah in August 2007, the increased demand for coal, the ratification of the MINER Act and implementation of Emergency Temporary Standard (ETS) on Seals, 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. Once new regulations are promulgated, MSHA will use all enforcement tools available, as well as develop new methods and systems to ensure safer and healthier mines.

In FY 2009, MSHA plans to conduct all of its 17,200 coal mine inspections, as the majority of the additional 170 CMS&H enforcement personnel hired under the Emergency Supplemental Appropriation in FY 2006 complete their training. As part of inspection activities, CMS&H enforcement personnel will 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, such as significant methane liberation, high incidences of serious accidents, and overexposure to respirable coal mine dust.

In FY 2008, MSHA developed and initiated its 100% Inspection Completion Rate Plan, with the goal

COAL MINE SAFETY AND HEALTH

of completing all of its mandated inspections in FY 2008. This plan redirects current inspectors among District offices to fill manpower needs where additional staff is immediately needed. In addition, MSHA will authorize overtime until the recently hired inspectors – made possible through the 2006 Emergency Supplemental appropriation – have completed the required MSHA training program and are issued their Authorized Representative cards. With this plan, MSHA estimates it will conduct 15,900 coal mine inspections and investigations. (The Supplemental appropriation included funding for MSHA to hire 170 additional CMS&H enforcement personnel above and beyond the June 2006 level. During FY 2007 these employees were being trained.)

Efficiency Measures

MSHA's CMS&H program has 5 efficiency measures: (1) Without sacrificing accuracy, MSHA will reduce the average cost per Quarterly Mine Employment and Coal Production Report coded (7000-2); (2) Without sacrificing accuracy, MSHA will reduce processing time for Quarterly Mine Employment and Coal Production Reports (7000-2); (3) Without sacrificing accuracy, MSHA will reduce the average cost per Mine Accident, Injury, and Illness Report (7000-1) coded; (4) Without sacrificing accuracy, MSHA will reduce processing time for Mine Accident, Injury and Illness Reports (7000-1); and (5) Regular (mandated) inspections per Coal Enforcement FTE. The first two measures started with a FY 2004 baseline ratio of \$3.03 per 7000-2 form coded end to end, and 4.5 minutes processing time end to end of the 7000-2 forms. MSHA has demonstrated savings in this coding process through a reduction in the number of staff required to process the forms, and increased efficiency in the overall process through e-filing and faster processing of these reports. MSHA plans to continue these efficiencies through greater use of automation and continued training of staff. Measures #3 and #4 reduce the average cost and time expended for end to end processing of MSHA's Mine Accident, Injury, and Illness Reports (7000-1) are shared with the Metal and Nonmetal program. In FY 2003, MSHA processed approximately 24,000 accident, illness, and injury reports submitted by mine operators and independent contractors. Data from these reports is used in computing fatality and injury rates – and faster processing of these reports will allow MSHA officials to monitor (and report on) performance data in a more timely manner. These efficiency measures have clear baselines which MSHA used to establish targets and gauge changes in performance, and they set a level that promotes continual improvement. 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.

The fifth efficiency measure calculates the number of regular (mandated) coal mine inspections conducted by coal enforcement FTE with Authorized Representative (AR) cards. The measure started with a FY 2007 baseline ratio of 8.9 inspections per enforcement FTE with AR cards. Strategies for achieving success in improving efficiency include training, education, supervision, and management and pursuit of automation of appropriate administrative functions.

COAL MINE SAFETY AND HEALTH

WORKLOAD SUMMARY			
	FY 2007 Actual	FY 2008 Target	FY 2009 Agency Request
Coal Mine Safety and Health			
Total Number of Mines	2,120	2,140	2,150
Total Number of Inspections 1/	15,566	15,900	17,200

1/ Because training for new inspectorate is lengthy, there is a minimum one year delay in seeing the impact of additional FTE. Inspections that will be performed by the 170 new enforcement personnel that were funded through the Supplemental appropriation and requested in the 2008 President's Budget are reflected in the 2008 and 2009 projections.

PERFORMANCE GOAL INDICATORS

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

	FY 2004		FY 2005		FY 2006		FY 2007		FY 2008	FY 2009
	Goal Achieved		Goal Achieved		Goal Achieved					
Performance Indicator	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Mine industry fatalities per 200,000 hours worked for Coal	.0322	.0240	.0312	.0209	.0301	.0384	.0292	.0293	.0287	.0281
Mine industry injuries per 200,000 hours worked for Coal	5.05	5.08	4.56	4.63	4.15	4.55	3.76	4.26	4.17	4.09

COAL MINE SAFETY AND HEALTH

CHANGES IN FY 2009

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments		788
Personnel benefits		900
One day less of Pay		-400
Federal Employees Compensation Act (FECA)		-699
GSA Space Rental		143
Working Capital Fund		440
Built Ins Subtotal		1,172

Net Program		-10,860
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Direct FTE		0
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	Estimate	FTE
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Base	155,842	1,186
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Program Decrease	-10,860	0
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METAL AND NONMETAL MINE SAFETY AND HEALTH

Budget Authority Before the Committee						
(Dollars in Thousands)						
	FY 2007 Comparable	FY 2008 Enacted	FY 2008 Estimate	Diff. FY07 Comp/ FY 08 Est	FY 2009 Request	Diff. FY 08 Est/FY 09 Req
Activity Appropriation	72,506	71,420	71,420	-1,086	82,427	11,007
FTE	521	543	543	22	598	55

NOTE: FY 2007 reflects actual FTE.

Introduction

The Metal and Nonmetal Mine Safety and Health (Metal and Nonmetal) 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 12,700 metal and nonmetal mines.

With the increasing demand for natural resources and commodities produced from mined materials, dangers to workers, which had been decreasing over the past decades, have reemerged. In addition, geologic instabilities, constantly changing terrain, the prevalence of large and complex haulage and mining equipment, and rapid industry growth are only a few of the factors that make maintaining and improving mine safety and health a continuing challenge. 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 this industry continues to expand, MSHA will endeavor to carry out its mission to provide assistance to mine operators in maintaining safe and healthful workplaces, and ensure that miners are provided adequate health and safety training. The majority of metal and nonmetal mines are small business operations, and many of them have no formal safety program. In the mining industry, smaller size does not mean fewer risks. Mine hazards are inherent in the nature of the work – moving and processing extremely large volumes of materials. Strong demand is also causing an increase in new, inexperienced mine operators and inexperienced miners. Statistics indicate that inexperienced employees and those without appropriate training are most likely to be injured or die on the job.

Most of the Metal and Nonmetal MSHA employees are located in one of the six District offices and/or 47-field offices located throughout the United States and 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.). Metal and Nonmetal 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.

METAL AND NONMETAL MINE SAFETY AND HEALTH

Five-Year Budget Activity History

Fiscal Year	Funding (Dollars in Thousands)	FTE
2004	65,469	582
2005	66,752	543
2006	68,063	543
2007	72,506	543
2008	71,420	543

FY 2009

The FY 2009 request includes \$6.852 million to hire 55 additional metal/nonmetal mining inspectors in order to permit MSHA to complete 100% of mandated inspections. In the past several years, Metal and Nonmetal has focused on its goal of completing 100% of their mandated inspections. The goal, however, has not been met. Completion rates for mandated inspections for the last five years are as follows:

Fiscal Year	Completion Rate
2003	87.4%
2004	90.2%
2005	88.0%
2006	92.8%
2007	87.5%

The performance of other safety and health activities, such as dust and noise samples, has been affected by not accomplishing 100% inspection. For example, personal health sampling of miners at metal and nonmetal mines has fallen significantly each of the last three fiscal years:

Fiscal Year	Dust samples	Noise samples
2005	10,750	10,409
2006	6,091	6,001
2007	4,953	5,423

Further, in December 2006 MSHA implemented its national telephone number for the reporting of safety and health hazards at mines. Since then, Metal and Nonmetal inspectors have logged almost 25,000 additional hours conducting hazard complaint inspections, an increase of 58%. Approximately 15% increase in the number of hazard complaints have received since the inception of the “ONE CALL DOES IT ALL” emergency contact number for use in reporting mine accidents and hazardous conditions.

METAL AND NONMETAL MINE SAFETY AND HEALTH

The increased time Metal and Nonmetal inspectors have spent investigating hazard complaints has resulted in losing the equivalent of more than 12 full time inspectors in the field. Furthermore, other commitments, such as Spring Thaw seminars, safety workshops, partnership meetings, regional workshops, in the past few years have further drained resources that are critical to completing mandated inspections.

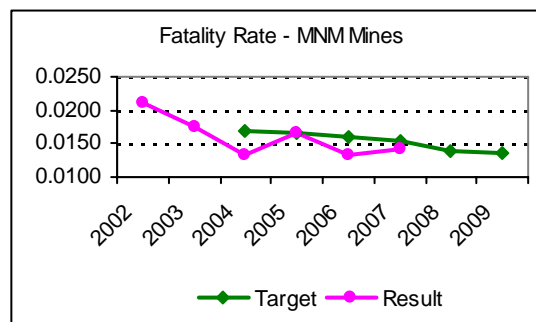
Metal and Nonmetal will continue translating its training materials into Spanish to help Hispanic miners understand the safety and health regulations put in place to protect them. Metal and Nonmetal is approximately half way through the Spanish translations of the 30 CFR (Code of Federal Regulations). Part 46 and Part 48 Training regulations, Part 56 Surface and Part 57 Underground safety and health regulations, Part 62 Noise regulation, SLAM, (Stop, Look, Analyze and Manage) Risks, website materials, and multiple training DVDs have begun to be translated into Spanish.

In 2008, MSHA estimates that it will conduct a total of 32,077 mandated inspection activities and 2,350 compliance activities at metal and nonmetal mines. MSHA is committed to completing 100% of its mandated metal and nonmetal mine inspections during FY 2008.

MSHA continues to enforce the provisions of the Mine Act and continued 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.

In FY 2009, Metal and Nonmetal has set targets for reducing of metal nonmetal mine fatalities. A reduction of fatalities to .0136 per 200,000 hours worked - a reduction from the 2008 target of .0139. A reduction in the all-injury rate to 2.95 per 200,000 hours worked - a reduction from the 2008 target of 3.01.

Enforcement activities focused special inspections directed at hazardous operations. Compliance assistance activities included assisting mine operators in solving difficult health and safety problems, distributing training materials, and conducting seminars and stakeholder meetings.



METAL AND NONMETAL MINE SAFETY AND HEALTH

Efficiency Measures

MSHA's Metal and Nonmetal program has two efficiency measures which are shared with the CMS&H program. They are (1) Without sacrificing accuracy, MSHA will reduce the average cost per Mine Accident, Injury, and Illness Report (7000-1) coded and (2) Without sacrificing accuracy, MSHA will reduce processing time for Mine Accident, Injury, and Illness Reports (7000-1). Details of these efficiency measures are located in the CMS&H section of this document.

WORKLOAD SUMMARY			
	FY 2007 Actual	FY 2008 Target	FY 2009 Agency Request
Metal and Nonmetal Mine Safety and Health			
Total Number of Mines	12,700	12,750	12,750
Total Number of Inspections 1/	32,800	32,077	32,800

1/ Because training for new inspectorate is lengthy, there is a minimum one year delay in seeing the impact of 55 additional enforcement FTE requested in FY 2009.

PERFORMANCE GOAL INDICATORS

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

	FY 2004		FY 2005		FY 2006		FY 2007		FY 2008	FY 2009
	Goal Achieved	Goal Achieved	Goal Achieved	Goal Achieved	Goal Achieved	Goal Achieved	Goal Achieved	Goal Achieved	Goal Achieved	Goal Achieved
Performance Indicator	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Mine industry fatalities per 200,000 hours worked for Metal Nonmetal mines	.0170	.0134	.0165	.0167	.0160	.0137	.0155	.0142	.0139	.0136
Mine industry injuries per 200,000 hours worked Metal Nonmetal mines	3.27	3.55	2.96	3.56	2.68	3.26	2.42	3.07	3.01	2.95

METAL AND NONMETAL MINE SAFETY AND HEALTH

CHANGES IN FY 2009

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	1,585
Personnel benefits	403
One day less of Pay	-187
Federal Employees Compensation Act (FECA)	-125
GSA Space Rental	77
Working Capital Fund	2,402
Built Ins Subtotal	4,155

Net Program	6,852
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Direct FTE	55
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Estimate	FTE
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Base	75,575	543
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Program Increase	6,852	55
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OFFICE OF STANDARDS, REGULATIONS AND VARIANCES

Budget Authority Before the Committee (Dollars in Thousands)						
	FY 2007 Comparable	FY 2008 Enacted	FY 2008 Estimate	Diff. FY07 Comp/ FY 08 Est	FY 2009 Request	Diff. FY 08 Est/FY 09 Req
Activity Appropriation	2,727	3,180	3,180	453	2,831	-349
FTE	17	17	17	0	17	0

NOTE: FY 2007 reflects actual FTE.

Introduction

The Office of Standards, Regulations, and Variances (OSRV), in coordination with the Office of the Solicitor Mine Safety and Health Division, 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 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

Fiscal Year	Funding (Dollars in Thousands)	FTE
2004	2,417	18
2005	2,434	18
2006	2,481	17
2007	2,727	17
2008	3,180	17

OFFICE OF STANDARDS, REGULATIONS AND VARIANCES

FY 2009

The FY 2009 request includes a program decrease of \$367 thousand for one-time costs in FY 2008 for service contracts pertaining to rule making related to the MINER Act.

MSHA rulemakings will address post-accident wireless two-way communication and electronic tracking of the location of persons trapped underground. MSHA will continue working on other safety and health rulemaking activities related to implementation of the MINER Act of 2006, which will support the FY 2009 MSHA performance indicators to reduce the fatality and all injury rates to .0187 and 3.34 respectively.

MSHA will work on standards to reduce miners' exposure to coal dust and other related health hazards, such as silica. Specifically, MSHA will continue to work with NIOSH to develop new requirements to approve coal mine dust personal monitors, including continuous personal dust monitors. MSHA will also work on performance standards for use of continuous personal dust monitors in underground and surface coal mines.

MSHA expects to process approximately 90 variances in FY 2009. MSHA will continue to expeditiously respond to FOIA requests.

MSHA will continue to develop standards and regulations that implement the MINER Act. MSHA estimates that it will process 90 variances in FY 2008. Also, MSHA is considering regulatory alternatives in its regulatory economic analysis for final rules on Sealing Abandoned Areas and Mine Rescue Teams. In the Emergency Temporary Standard (ETS) on Seals, MSHA prepared an analysis of the cost of two alternatives regarding seal application approval: (1) certification of a professional engineer along with supporting documentation; and (2) design based on actual explosion testing. MSHA also considered and included a discussion of alternatives in the preamble to the ETS without a cost analysis.

MSHA processed 86 variances in FY 2007 and responded to all FOIA requests.

Efficiency Measures

OSRV does not have any efficiency measures.

WORKLOAD SUMMARY			
	FY 2007 Actual	FY 2008 Target	FY 2009 Agency Request
Office of Standards, Regulations, and Variances			
Proposed Rules	5	5	6
Final Rules	5	5	6
Variances Processed	86	90	90

OFFICE OF STANDARDS, REGULATIONS AND VARIANCES

CHANGES IN FY 2009

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments		16
Personnel benefits		4
One day less of Pay		-7
Federal Employees Compensation Act (FECA)		0
GSA Space Rental		3
Working Capital Fund		2
Built Ins Subtotal		18

Net Program		-367
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	Estimate	FTE
Base	3,198	17
Program Decrease	-367	0

OFFICE OF ASSESSMENTS

Budget Authority Before the Committee (Dollars in Thousands)						
	FY 2007 Comparable	FY 2008 Enacted	FY 2008 Estimate	Diff. FY07 Comp/ FY 08 Est	FY 2009 Request	Diff. FY 08 Est/FY 09 Req
Activity Appropriation	6,556	6,134	6,134	-422	5,948	-186
FTE	46	51	51	5	51	0

NOTE: FY 2007 reflects actual FTE.

Introduction

The Office of Assessments administers the provisions of the Mine Act and MINER Act, and mine safety and health standards pertaining to civil penalty assessments and special investigations. Civil penalties serve to encourage compliance and promote a safe and healthy workplace for miners.

The Office of Assessments is responsible for all aspects of MSHA's civil penalty program, including assessment of penalties, accounting for all penalty cases in litigation before the Federal Mine Safety and Health Review Commission and the federal courts, and collecting and accounting for penalty payments. The Technical Compliance and Investigation Office (TCIO) provides oversight of the investigation process involving miner discrimination complaints and knowing or willful criminal violations. TCIO also responds to a large number of Freedom of Information Act requests, the majority of which are inquiries related to special investigations.

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, violations can be assessed a civil penalty up to \$60,000 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

Fiscal Year	Funding (Dollars in Thousands)	FTE
2004	5,245	54
2005	5,238	55
2006	5,391	51
2007	6,556	51
2008	6,134	51

FY 2009

The FY 2009 request includes a program decrease of \$206 thousand for one-time costs in FY 2008 to upgrade MSHA's Standardized Information System (MSIS). This includes automating portions of the civil penalty payment process by using a lockbox provider designated by the Department of the Treasury (Treasury) which automatically updates payments in MSIS. In FY 2008 MSHA will have redesigned and implemented a new penalty assessment billing statement that includes more detailed information.

During FY 2009, 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 Federal Mine Safety and Health Review Commission, and collect and account for penalties paid. MSHA estimates that it will assess 125,000 violations totaling \$93 million in 2009.

MSHA will take advantage of the fully integrated violation, assessment, and case management functions of MSIS. 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 also continue to accept an increasing number of electronic filings of required forms and information from the mining industry via the Internet.

MSHA will continue its referral of delinquent debt to 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 projects that it will assess 128,000 violations during 2008, and that the total amount of proposed assessments may exceed \$90 million. This significant increase in civil penalties dollars assessed is a direct result of FY 2007 revisions to 30 CFR Part 100 and minimum penalties for certain types of violations mandated in the MINER Act.

In FY 2007, MSHA assessed 130,000 violations and a total of \$57 million in civil penalties, almost double the amount of fines assessed the previous year. MSHA revised its civil penalty process by

OFFICE OF ASSESSMENTS

updating 30 CFR Part 100 to incorporate the penalty provisions of the new MINER Act, resulting in an overall increase in civil penalties.

Efficiency Measures

MSHA's Office of Assessments has an efficiency measure: *Without sacrificing accuracy, MSHA will reduce the number of days before delinquent debt is transferred to Treasury.* If a mine inspection reveals that standards were violated, MSHA assesses penalties to deter future unsafe conditions. If the mine operator does not contest the penalty assessment or loses the contest, then the assessment is deemed final and he or she must submit the money owed or set up an installment plan to pay over time. If the mine operator does not remit the penalties assessed, MSHA sends the mine operator a demand letter. If the mine operator does not remit the penalty assessment to MSHA within 180 days, refers the case to Treasury for collection. In FY 2006, MSHA developed an efficiency measure to ensure that MSHA meets the 180 day requirement. MSHA analyzed factors in the delinquent debt process and made adjustments and modifications using business process re-engineering, managing for greater efficiencies in human resources, and automation to ensure that the 180 day requirement will be met in the future.

WORKLOAD SUMMARY			
(In whole dollars)			
	FY 2007 Actual	FY 2008 Target	FY 2009 Agency Request
Office of Assessments			
Violations Assessed	130,000	128,000	125,000
Penalties Assessed	\$57,000,000	\$95,000,000	\$93,000,000

Note: Estimates project a reduction in violations caused by penalty increases.

OFFICE OF ASSESSMENTS

CHANGES IN FY 2009

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	24
Personnel benefits	12
One day less of Pay	-16
Federal Employees Compensation Act (FECA)	-5
GSA Space Rental	2
Working Capital Fund	3
Built Ins Subtotal	20

Net Program

-206

	Estimate	FTE
Base	6,154	51
Program Decrease	-206	0

EDUCATIONAL POLICY AND DEVELOPMENT

Budget Authority Before the Committee						
(Dollars in Thousands)						
	FY 2007 Comparable	FY 2008 Enacted	FY 2008 Estimate	Diff. FY07 Comp/ FY 08 Est	FY 2009 Request	Diff. FY 08 Est/FY 09 Req
Activity Appropriation	35,326	36,605	36,605	1,279	36,366	-239
FTE	141	148	148	7	148	0

NOTE: FY 2007 reflects actual FTE.

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.

Funding Mechanism

MSHA provides mandatory annual grants for the purpose of conducting mine health and safety training for miners and contractors working at mining operations in accordance with Section 503 of the Mine Act, and the Federal mining regulations in 30 CFR, parts 48 and 46. The eligibility of grant recipients is limited to State agencies or state colleges and universities that have been

EDUCATIONAL POLICY AND DEVELOPMENT

designated by the respective State Governors to receive grants through MSHA. The equitable distribution of funds for each recipient is based on an MSHA formula that considers the number of mines and miners in each state. In 2008, \$8,204,000 was appropriated by the Congress for the States.

Five-Year Budget Activity History

Fiscal Year	Funding (Dollars in Thousands)	FTE
2004	30,356	152
2005	31,255	151
2006	35,996	156
2007	35,326	156
2008	36,605	148

FY 2009

The FY 2009 request includes a program increase of \$586 thousand for new inspector training costs resulting from the hiring of 55 new Metal and Nonmetal inspectors. The Academy will use these additional resources to increase the size and number of classes and to accommodate the increased costs associated with housing and feeding the additional students. These new employees will help MSHA accomplish and maintain its 100% inspection completion rate.

The FY 2009 request includes a program decrease to accommodate one-time costs in FY 2008 for Academy infrastructure improvements (\$2.517 million in operation and maintenance of facilities).

EPD will continue activities in FY 2009 to provide a unified, comprehensive direction on matters related to MSHA's role in education and training activities. EPD will continue to manage education and training programs and policies; including inspector training programs, the Brookwood-Sago Grants program, the State Grants program, and mining industry training and outreach activities to optimize nationwide consistency, flexibility, and quality. The State Grants program provides quality training for miners in 49 states, and the Navajo Nation.

Responding 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. Funding levels for both FY 2007 and FY 2008 were established at \$500,000. The funding for this program was used to establish and implement education and training programs or to create training materials and programs specifically tailored to address underground coal mining issues. MSHA will continue to examine and evaluate the effectiveness of the Brookwood-Sago Mine Safety Grant program to determine the continuation of funding.

The field training specialists will continue to approve and evaluate training plans, qualify, certify and monitor miners and instructors, conduct Job Task Analysis, and support and participate in MSHA-wide special emphasis programs that address safety and health hazards such as: surface haulage accidents, exposure to respirable dust, diesel emissions, and noise; safety hazards which are

EDUCATIONAL POLICY AND DEVELOPMENT

disproportionately prevalent in small mines; explosive gases in underground mines; and contractor 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. There will be a continued demand to train new inspectors hired by MSHA. This will require 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 1,525 course days of training, and approximately 20 entry-level inspector groups will attend training in FY 2008 (sixteen are currently scheduled). The Academy will provide professional instruction in mine safety and health to the MSHA inspectors as well as the mining community and will develop the training materials and publications necessary to ensure that this goal is achieved. The Academy will distribute approximately 6,000,000 publications and training materials.

MSHA continues to expand its distance and distributive learning approach to training. A minimum of 15 Academy courses are converted to a blended learning format for presentation online and in the classroom. Five graduate level courses in Safety (mining emphasis) were taught in cooperation with Marshall University. Due to the significant increase in the number of new inspectors brought on board, MSHA hired eight instructors to accommodate the additional training needs for the new hires.

Efficiency Measures

Educational Policy and Development does not have any efficiency measures.

EDUCATIONAL POLICY AND DEVELOPMENT

WORKLOAD SUMMARY			
	FY 2007 Actual	FY 2008 Target	FY 2009 Agency Request
Educational Policy and Development			
Course of Days of Training:			
MSHA	1,325	1,325	1,322
Industry	200	200	180
Publications Distributed:	6,000,000	6,000,000	6,000,000
Publications Developed/Revised	25	23	22
Courses Developed/Revised	60	45	43
Training Materials Developed:			
AV Training Materials Produced	52	37	35
Miners Trained - State Grants	210,000	210,000	210,000
EFS & Small Mines Compliance Assistance Activities	5,300	5,300	5,300

EDUCATIONAL POLICY AND DEVELOPMENT

CHANGES IN FY 2009

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	1,373
Personnel benefits	107
One day less of Pay	-57
Federal Employees Compensation Act (FECA)	-10
GSA Space Rental	15
Working Capital Fund	264
Built Ins Subtotal	1,692

Net Program

-1,931

	Estimate	FTE
Base	38,297	148
Program Increase	586	0
Program Decrease	-2,517	0

TECHNICAL SUPPORT

Budget Authority Before the Committee (Dollars in Thousands)						
	FY 2007 Comparable	FY 2008 Enacted	FY 2008 Estimate	Diff. FY07 Comp/ FY 08 Est	FY 2009 Request	Diff. FY 08 Est/FY 09 Req
Activity Appropriation	29,237	29,476	29,476	239	29,117	-359
FTE	211	200	200	-11	200	0

NOTE: FY 2007 reflects actual FTE.

Introduction

This activity applies engineering and scientific expertise through field and laboratory forensic investigations to resolve technical problems associated with implementation of 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

Fiscal Year	Funding (Dollars in Thousands)	FTE
2004	24,545	220
2005	25,111	209
2006	26,079	200
2007	29,237	200
2008	29,476	200

FY 2009

The FY 2009 request includes a program decrease of \$1.276 million to reflect FY 2008 one-time costs in Technical Support for equipment for approvals, including communication and tracking test equipment. MSHA will continue to support the Agency's efforts to further implement the requirements of the MINER Act, with special attention devoted to the following activities:

- Increasing participation in accident investigations with a focus on developing solutions and remedies to prevent future recurrences, including outreach efforts designed to share such information with the mining industry;
- Supporting enforcement efforts aimed at reducing overexposures to respirable dust, crystalline silica, noise, and diesel particulates;
- Improving the effectiveness of evaluations of mine impoundment structures;
- Improving capabilities for solving roof control and ground control problems;
- Enhancing capabilities for calibrating equipment;
- Enhancing noise evaluations;
- Improving and enhancing MSHA's mine emergency responses; and
- Providing specialized scientific expertise on advanced or innovative new technology for development of accident reduction and education and training programs to improve mine practices.
- Work cooperatively toward implementation of the Independent Lab Rule. This rule will permit items, such as equipment, that is duly certified under accredited laboratories be accepted by the United States and other countries.

MSHA will continue to support additional rulemaking activities related to implementing the MINER Act. MSHA will conduct 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 and to MSHA. Technical Support will conduct technical health studies to determine the feasibility of new methods of controlling health hazards at mines. It will continue its outreach efforts in the mining community, sharing accident remedies and related safety information to prevent future accidents. MSHA will use its website to share ideas and solutions to safety and health problems that exist in the mining industry.

TECHNICAL SUPPORT

Efficiency Measures

Technical Support does not have any efficiency measures.

WORKLOAD SUMMARY			
	FY 2007 Actual	FY 2008 Target	FY 2009 Agency Request
Technical Support			
Approval Actions (New and Modifications)	872	800	800
Field Complaint Investigations	949	950	950
**Respirable Coal Dust Samples Weighed	89,000	100,000	110,000
Calibrations (photometers, anemometers, noise, radiation)	5,018	4,900	4,900
Impoundment Plans Reviewed	160	170	185
Silica Samples Analyzed	23,000	23,000	23,000
Total Samples Analyzed	112,000	130,000	130,000
Seal Plan Approvals	23	25	25

TECHNICAL SUPPORT

CHANGES IN FY 2009

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	533
Personnel benefits	124
One day less of Pay	-75
Federal Employees Compensation Act (FECA)	-10
GSA Space Rental	1
Working Capital Fund	344
Built Ins Subtotal	917

Net Program

-1,276

Estimate

FTE

Base

30,393

200

Program Decrease

-1,276

0

PROGRAM EVALUATION AND INFORMATION RESOURCES

Budget Authority Before the Committee (Dollars in Thousands)						
	FY 2007 Comparable	FY 2008 Enacted	FY 2008 Estimate	Diff. FY07 Comp/ FY 08 Est	FY 2009 Request	Diff. FY 08 Est/FY 09 Req
Activity Appropriation	21,185	15,936	15,936	-5,249	16,514	578
FTE	69	75	75	6	75	0

NOTE: FY 2007 reflects actual FTE.

Introduction

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

PEIR has responsibility for monitoring and evaluating the effectiveness of MSHA's programs, including the implementation of the requirements of the Government Performance and Results Act (GPRA). PEIR monitors, measures, evaluates, and reports on agency's progress towards meeting annual performance goal and indicators. PEIR also contributes to the formulation of agency and Departmental strategic plans, annual performance and accountability reports, and performance budgets.

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. The Directorate also establishes standards and controls for computer and networking hardware and software.

Five-Year Budget Activity History

Fiscal Year	Funding (Dollars in Thousands)	FTE
2004	13,963	70
2005	17,524	78
2006	17,014	75
2007	21,185	75
2008	15,936	75

FY 2009

PEIR will 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; coordinate program evaluation efforts such as the work with OMB on the Performance Assessment Rating Tool (PART); continue to serve as liaison between MSHA and Office of the Inspector General and General Accounting Office; continue coordinating MSHA's Compliance Assistance Plan; 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; continue development of a single integrated

PROGRAM EVALUATION AND INFORMATION RESOURCES

database application system for managing and utilizing MSHA data in a web-based environment; improve the performance and reliability of MSHA's wide area network; continue implementation of the MSHA Enterprise Architecture; expand MSHA's web services to further reduce the reporting burden on businesses and the public, share information more quickly, and automate internal processes; 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.

PEIR will work to improve mission performance, productivity, and administrative processes by providing more reliable and secure information technology services. By focusing on reducing risks, improving efficiencies, and containing costs through greater integration of information technology systems, PEIR will provide MSHA's employees and stakeholders 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. Exhibit 300 BY09 - MSHA - MSIS (Public FINAL1)

PEIR continued the migration from two separate mainframe systems to a common processing platform with a Department-compliant architecture. The Directorate published and disseminated accurate and timely mine accident, injury, and illness statistics; developed and published performance and strategic plans, reports, and scorecards so the public is aware of MSHA's activities and progress toward meeting its performance goal and indicators.

As required, PEIR completed three comprehensive internal reviews of the Sago, Aracoma, and Darby mining accidents. The internal reports identified deficiencies in MSHA's inspections and related activities prior to the accidents. MSHA has implemented corrective actions to address the identified deficiencies and prevent their recurrence.

In addition, the PEIR Directorate supported the President's Management Agenda goal to utilize information technology to improve service and efficiency by enhancing MSHA's IT applications; ensuring MSHA's FY 2006 Network, e-Government, and Web-Services initiatives remain on schedule and within budget; and implemented a consolidated IT equipment purchase program for MSHA.

Efficiency Measures

Initially, MSHA developed four efficiency measures as follows:

Measure 1: Without sacrificing accuracy, MSHA will reduce the average cost per Quarterly Mine Employment and Coal Production Report coded.

Measure 2: Without sacrificing accuracy, MSHA will reduce processing time for Quarterly Mine Employment and Coal Production Reports.

Measure 3: Without sacrificing accuracy, MSHA will reduce the average cost per Mine Accident, Injury and Illness Report coded.

PROGRAM EVALUATION AND INFORMATION RESOURCES

Measure 4: Without sacrificing accuracy, MSHA will reduce processing time for Mine Accident, Injury and Illness Reports. In response to OMB's recommendation to develop efficiency and cost-effectiveness measures for a larger percentage of the agency's program activities.

The initial four are to reduce costs and expedite processing of Quarterly Mine Employment and Coal Production Reports and Mine Accident, Injury and Illness Reports. In FY 2003, MSHA processed over 90,000 employment and production reports submitted by mine operators and independent contractors, and approximately 24,000 accident, illness, and injury reports. Data from these reports is used in computing fatality and injury rates – and faster processing of these reports will allow MSHA officials to monitor (and report on) performance data in a more timely manner. These efficiency measures have clear baselines which MSHA used to establish targets and gauge changes in performance and they set a level that promotes continual improvement. 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 these data to assess progress in preventing occupational injuries and illnesses in the mining industry. Strategy to achieve efficiency: cost and time efficiency through automation.

PROGRAM EVALUATION AND INFORMATION RESOURCES

CHANGES IN FY 2009

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	460
Personnel benefits	44
One day less of Pay	-26
Federal Employees Compensation Act (FECA)	-14
GSA Space Rental	10
Working Capital Fund	104
Built Ins Subtotal	578

Estimate FTE

Base 16,514 75

PROGRAM ADMINISTRATION

Budget Authority Before the Committee (Dollars in Thousands)						
	FY 2007 Comparable	FY 2008 Enacted	FY 2008 Estimate	Diff. FY07 Comp/ FY 08 Est	FY 2009 Request	Diff. FY 08 Est/FY 09 Req
Activity Appropriation	13,637	16,504	16,504	2,867	13,876	-2,628
FTE	98	86	86	-12	86	0

NOTE: FY 2007 reflects actual FTE.

Introduction

The mission of the Program Administration budget activity is to provide administrative and management advice, products, and services to assist the Assistant Secretary in implementing the Mine Act and the MINER Act. The staff members serve as the principle advisors to the requests of the Office of 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. The support services include personnel management, financial management, procurement and contracting, 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.

Five-Year Budget Activity History

Fiscal Year	Funding (Dollars in Thousands)	FTE
2004	12,082	102
2005	15,570	90
2006	11,906	86
2007	13,637	86
2008	16,504	86

FY 2009

The FY 2009 request includes a program decrease for one-time costs in FY 2008 for mandated contracts with the United Mine Workers of America (\$2.2 million) and Wheeling Jesuit University (\$1.184 million).

During 2009, the main focus of this activity will be to provide leadership, policy direction, program policy evaluation, and administrative support services for MSHA's safety and health programs. This activity will track and report quarterly on MSHA FTE usage relative to ceiling, for coal and metal/nonmetal 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 agency mission.

PROGRAM ADMINISTRATION

MSHA's performance goal is internal and therefore costs towards achieving this goal are reflected in the appropriate programs and activities presented in this submission. This goal addressed the DOL Departmental Management Goals to achieve long-term management initiatives and cross-cutting strategies as well as support the effort to achieve the President's Management Agenda (PMA) in the area of human capital. In support of the Agency Proud to Be commitments, MSHA will continue the following:

- MSHA's executive staff reviews its performance (outcome) data on a quarterly basis and its financial information monthly. During these reviews, managers discuss current performance, trend analysis, and budget execution forecasts to determine strategies for the remainder of the year.
- A "Green" rating on the PMA for financial performance and budget integration. MSHA will continue to conform to the PMA initiatives which include the following: Strategic Management of Human Capital, Competitive Sourcing, Improved Financial Performance, Expanded Electronic Government, and the Performance Improvement Initiative
- MSHA will continue to expand the managerial cost accounting model known as the Cost Analysis Manager (CAM) project to incorporate additional activities. This project provides agency managers with unit cost of safety and health activities, such as inspections, investigations, and environment sampling. Managers use the analysis results to identify activities for efficiency review.

MSHA will continue to reduce employee injuries and promote the Wellness Program, as well as conduct workplace examinations for injury and illness hazards to ensure prompt abatement of hazards.

MSHA will also continue with its streamlining and flattening organizational layers using workforce planning and restructuring to help redistribute higher level positions to front-line, service delivery positions that interact with citizens.

MSHA accomplished its goal and indicators by applying principles and systematic techniques to improve and promote mine safety and health. The safety and health goal and indicators were included as a critical element in all managers' and supervisors' performance standards. MSHA also combined efforts from Employee Safety and Health and EPD to incorporate safe work procedures into all new training material being developed for MSHA employees.

Efficiency Measures

Program Administration does not have any efficiency measures.

PROGRAM ADMINISTRATION

CHANGES IN FY 2009

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	554
Personnel benefits	59
One day less of Pay	-37
Federal Employees Compensation Act (FECA)	-7
GSA Space Rental	15
Working Capital Fund	172
Built Ins Subtotal	756

Net Program

-3,384

Estimate

FTE

Base

17,260

86

Program Decrease

-3,384

0