

**FY 2025**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**MINE SAFETY AND HEALTH ADMINISTRATION**

This page is intentionally left blank.

# MINE SAFETY AND HEALTH ADMINISTRATION

## TABLE OF CONTENTS

Appropriation Language.....	1
Analysis of Appropriation Language.....	2
Amounts Available for Obligation.....	3
Summary of Changes.....	4
Summary Budget Authority and FTE by Activity.....	6
Budget Authority by Object Class.....	7
Authorizing Statutes.....	8
Appropriation History.....	9
Overview.....	10
Organization Chart.....	17
Budget Activities.....	19
Mine Safety and Health Enforcement.....	19
Office of Standards, Regulations, and Variances.....	31
Office of Assessments.....	39
Educational Policy and Development.....	45
Technical Support.....	55
Program Evaluation and Information Resources.....	63
Program Administration.....	73

This page is intentionally left blank.

# MINE SAFETY AND HEALTH ADMINISTRATION

## APPROPRIATION LANGUAGE

### SALARIES AND EXPENSES

*For necessary expenses for the Mine Safety and Health Administration, \$406,538,000, to remain available until September 30, 2026, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities and not less than \$10,537,000 for State assistance grants: Provided, That notwithstanding 31 U.S.C. 3302, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: Provided further, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to \$2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: Provided further, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: Provided further, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: Provided further, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: Provided further, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.*

Note.--A full-year 2024 appropriation for this account was not enacted at the time the Budget was prepared; therefore, the Budget assumes this account is operating under the Continuing Appropriations Act, 2024 and Other Extensions Act (Division A of Public Law 118-15, as amended). The amounts included for 2024 reflect the annualized level provided by the continuing resolution.

# **MINE SAFETY AND HEALTH ADMINISTRATION**

## **ANALYSIS OF APPROPRIATION LANGUAGE**

The Department requests two-year fund availability to increase flexibility for program execution. The annual uncertainty in the appropriations timing results in delayed hiring and rushed execution of contracts. The multi-year availability would reduce the impact of short-term continuing resolutions at no cost to the annual appropriations bill. This change would also enhance staff oversight of the programs they are administering.

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>AMOUNTS AVAILABLE FOR OBLIGATION</b>						
(Dollars in Thousands)						
	FY 2023 Enacted		FY 2024 Estimate		FY 2025 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
<b>A. Appropriation</b>	<b>1,747</b>	<b>\$387,816</b>	<b>1,729</b>	<b>\$387,816</b>	<b>1,742</b>	<b>\$406,538</b>
Unexpired Unobligated Balances Carried Forward from Prior Year (P.L. 117-2)	29	\$6,494	0	\$0	0	\$0
Unobligated Balance of Prior Year balance (P.L. 117-2) Permanently Reduced	0	-\$42	0	\$0	0	\$0
Offsetting Collections From:						
Reimbursements	0	\$1,012	0	\$3,249	0	\$3,249
<i>Subtotal</i>	<i>1,776</i>	<i>\$395,280</i>	<i>1,729</i>	<i>\$391,065</i>	<i>1,742</i>	<i>\$409,787</i>
<b>B. Gross Budget Authority</b>	<b>1,776</b>	<b>\$395,280</b>	<b>1,729</b>	<b>\$391,065</b>	<b>1,742</b>	<b>\$409,787</b>
Unexpired Unobligated Balances Carried Forward from Prior Year (P.L. 117-2)	-29	-\$6,494	0	\$0	0	\$0
Unobligated Balance of Prior Year balance (P.L. 117-2) Permanently Reduced	0	\$42	0	\$0	0	\$0
Offsetting Collections to:						
Reimbursements	0	-\$1,012	0	-\$3,249	0	-\$3,249
<i>Subtotal</i>	<i>1,747</i>	<i>\$387,816</i>	<i>1,729</i>	<i>\$387,816</i>	<i>1,742</i>	<i>\$406,538</i>
<b>C. Budget Authority Before Committee</b>	<b>1,747</b>	<b>\$387,816</b>	<b>1,729</b>	<b>\$387,816</b>	<b>1,742</b>	<b>\$406,538</b>
Unexpired Unobligated Balances Carried Forward from Prior Year (P.L. 117-2)	29	\$6,494	0	\$0	0	\$0
Unobligated Balance of Prior Year balance (P.L. 117-2) Permanently Reduced	0	-\$42	0	\$0	0	\$0
Offsetting Collections From:						
Reimbursements	0	\$1,012	0	\$3,249	0	\$3,249
<i>Subtotal</i>	<i>1,776</i>	<i>\$395,280</i>	<i>1,729</i>	<i>\$391,065</i>	<i>1,742</i>	<i>\$409,787</i>
<b>D. Total Budgetary Resources</b>	<b>1,776</b>	<b>\$395,322</b>	<b>1,729</b>	<b>\$391,065</b>	<b>1,742</b>	<b>\$409,787</b>
FTE Lapse and Unobligated Balance Expiring	-39	-\$189	0	\$0	0	\$0
FTE Lapse (American Rescue Plan)	-1	\$0	0	\$0	0	\$0
<b>E. Total, Estimated Obligations</b>	<b>1,736</b>	<b>\$395,133</b>	<b>1,729</b>	<b>\$391,065</b>	<b>1,742</b>	<b>\$409,787</b>

# MINE SAFETY AND HEALTH ADMINISTRATION

## SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2024 Estimate	FY 2025 Request	Net Change
<b>Budget Authority</b>			
General Funds	\$387,816	\$406,538	+\$18,722
<b>Total</b>	<b>\$387,816</b>	<b>\$406,538</b>	<b>+\$18,722</b>
<b>Full Time Equivalents</b>			
General Funds	1,729	1,742	13
<b>Total</b>	<b>1,729</b>	<b>1,742</b>	<b>13</b>

Explanation of Change	FY 2025 Change							
	FY 2024 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Increases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Costs of pay adjustments	1,729	\$181,036	0	\$0	0	\$10,662	0	\$10,662
Personnel benefits	0	\$69,203	0	\$0	0	\$4,465	0	\$4,465
Federal Employees' Compensation Act (FECA)	0	\$6,746	0	\$0	0	\$134	0	\$134
Benefits for former personnel	0	\$20	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$7,888	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$5,762	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$16,633	0	\$0	0	\$0	0	\$0
Rental payments to others	0	\$71	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$2,800	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$145	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$343	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$2,873	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$56,179	0	\$0	0	\$1,377	0	\$1,377
Other Federal sources (DHS Charges)	0	\$3,122	0	\$0	0	\$0	0	\$0
Other goods and services from Federal sources	0	\$14,327	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$1,021	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$947	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$3,395	0	\$0	0	\$0	0	\$0
Equipment	0	\$3,768	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$11,537	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$0	0	\$0	0	\$0	0	\$0

# MINE SAFETY AND HEALTH ADMINISTRATION

## FY 2025 Change

Explanation of Change	FY 2024 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Land and Structures	0	\$0	0	\$0	0	\$0	0	\$0
<b>Built-Ins Subtotal</b>	<b>1,729</b>	<b>+\$387,816</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$16,638</b>	<b>0</b>	<b>+\$16,638</b>
<b>B. Programs:</b>								
Expand Enforcement of U.S. Mines and Complete Mandatory Inspections	0	\$0	0	\$0	13	\$2,084	13	\$2,084
<b>Programs Subtotal</b>			<b>0</b>	<b>\$0</b>	<b>13</b>	<b>+\$2,084</b>	<b>13</b>	<b>+\$2,084</b>
<b>Total Increase</b>	<b>1,729</b>	<b>+\$387,816</b>	<b>0</b>	<b>\$0</b>	<b>13</b>	<b>+\$18,722</b>	<b>13</b>	<b>+\$18,722</b>
<b>Decreases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
<b>Built-Ins Subtotal</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>
<b>B. Programs:</b>								
<b>Total Decrease</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>
<b>Total Change</b>	<b>1,729</b>	<b>+\$387,816</b>	<b>0</b>	<b>\$0</b>	<b>13</b>	<b>+\$18,722</b>	<b>13</b>	<b>+\$18,722</b>

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b>								
(Dollars in Thousands)								
	FY 2023 Enacted		FY 2024 Estimate		FY 2025 Request		Diff. FY25 Request/ FY24 Estimate	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Mine Safety and Health Enforcement</b>	<b>1,233</b>	<b>265,774</b>	<b>1,249</b>	<b>265,774</b>	<b>1,262</b>	<b>279,923</b>	<b>13</b>	<b>14,149</b>
General Funds	1,233	265,774	1,249	265,774	1,262	279,923	13	14,149
<b>Office of Standards, Regulations, and Variances</b>	<b>17</b>	<b>5,000</b>	<b>20</b>	<b>5,000</b>	<b>20</b>	<b>5,235</b>	<b>0</b>	<b>235</b>
General Funds	17	5,000	20	5,000	20	5,235	0	235
<b>Office of Assessments</b>	<b>40</b>	<b>7,191</b>	<b>42</b>	<b>7,191</b>	<b>42</b>	<b>7,549</b>	<b>0</b>	<b>358</b>
General Funds	40	7,191	42	7,191	42	7,549	0	358
<b>Educational Policy and Development</b>	<b>130</b>	<b>39,820</b>	<b>120</b>	<b>39,820</b>	<b>120</b>	<b>41,051</b>	<b>0</b>	<b>1,231</b>
General Funds	130	39,820	120	39,820	120	41,051	0	1,231
<b>Technical Support</b>	<b>183</b>	<b>36,041</b>	<b>181</b>	<b>36,041</b>	<b>181</b>	<b>37,730</b>	<b>0</b>	<b>1,689</b>
General Funds	183	36,041	181	36,041	181	37,730	0	1,689
<b>Program Evaluation and Information Resources</b>	<b>27</b>	<b>17,990</b>	<b>36</b>	<b>17,990</b>	<b>36</b>	<b>18,273</b>	<b>0</b>	<b>283</b>
General Funds	27	17,990	36	17,990	36	18,273	0	283
<b>Program Administration</b>	<b>78</b>	<b>16,000</b>	<b>81</b>	<b>16,000</b>	<b>81</b>	<b>16,777</b>	<b>0</b>	<b>777</b>
General Funds	78	16,000	81	16,000	81	16,777	0	777
<b>Total</b>	<b>1,708</b>	<b>387,816</b>	<b>1,729</b>	<b>387,816</b>	<b>1,742</b>	<b>406,538</b>	<b>13</b>	<b>18,722</b>
<b>General Funds</b>	<b>1,708</b>	<b>387,816</b>	<b>1,729</b>	<b>387,816</b>	<b>1,742</b>	<b>406,538</b>	<b>13</b>	<b>18,722</b>

NOTE: FY 2023 reflects actual FTE.

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>BUDGET AUTHORITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2023 Enacted</b>	<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>	<b>Diff. FY25 Request / FY24 Estimate</b>
	Full-Time Equivalent				
	Full-time Permanent	1,747	1,729	1,742	13
	<b>Total</b>	<b>1,747</b>	<b>1,729</b>	<b>1,742</b>	<b>13</b>
	Average ES Salary	\$202,167	\$212,680	\$216,933	\$4,253
	Average GM/GS Grade	11/3	11/3	11/3	0
	Average GM/GS Salary	\$96,100	\$101,097	\$103,119	\$2,022
	Average Salary of Wage Grade Positions	63,993	67,321	68,667	1,346
11.1	Full-time permanent	171,397	171,397	183,300	11,903
11.3	Other than full-time permanent	448	448	448	0
11.5	Other personnel compensation	9,191	9,191	9,314	123
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>181,036</b>	<b>181,036</b>	<b>193,062</b>	<b>12,026</b>
12.1	Civilian personnel benefits	75,807	75,949	81,048	5,099
13.0	Benefits for former personnel	20	20	20	0
21.0	Travel and transportation of persons	7,888	7,888	7,968	80
22.0	Transportation of things	5,762	5,762	5,802	40
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	16,633	16,633	16,633	0
23.2	Rental payments to others	71	71	71	0
23.3	Communications, utilities, and miscellaneous charges	2,800	2,800	2,800	0
24.0	Printing and reproduction	145	145	145	0
25.1	Advisory and assistance services	343	343	343	0
25.2	Other services from non-Federal sources	2,873	2,873	2,873	0
25.3	Other goods and services from Federal sources 1/	73,628	73,628	75,005	1,377
25.4	Operation and maintenance of facilities	1,021	1,021	1,021	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	947	947	947	0
26.0	Supplies and materials	3,395	3,395	3,495	100
31.0	Equipment	3,730	3,768	3,768	0
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	11,537	11,537	11,537	0
42.0	Insurance claims and indemnities	180	0	0	0
	<b>Total</b>	<b>387,816</b>	<b>387,816</b>	<b>406,538</b>	<b>18,722</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	56,179	56,179	57,556	1,377
	DHS Services	3,122	3,122	3,122	0
	HHS Services	1,193	1,193	1,193	0
	Services by Other Government Departments	13,134	13,134	13,134	0

# MINE SAFETY AND HEALTH ADMINISTRATION

## AUTHORIZING STATUTES

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

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>APPROPRIATION HISTORY</b>					
(Dollars in Thousands)					
	<b>Budget Estimates to Congress</b>	<b>House Allowance</b>	<b>Senate Allowance</b>	<b>Appropriations</b>	<b>FTE</b>
2015					
Base Appropriation	\$377,234			\$375,887	2,316
2016					
Base Appropriation	\$394,932	\$371,000	\$356,878	\$375,887	2,271
2017					
Base Appropriation	\$397,372			\$373,816	2,152
2018					
Base Appropriation	\$375,172	\$359,975		\$373,816	2,023
2019					
Base Appropriation	\$375,906		\$373,816	\$373,816	1,984
2020					
Base Appropriation...1/	\$376,043	\$417,290		\$379,816	1,826
2021					
Base Appropriation...2/3/	\$381,587			\$379,816	1,707
2022					
Base Appropriation...4/	\$447,201	\$404,816		\$383,816	1,691
2023					
Base Appropriation...4/	\$423,449			\$387,816	1,747
2024					
Base Appropriation...5/	\$438,094		\$387,816		1,729
2025					
Base Appropriation	\$406,538				1,742

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

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

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

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

5/ The full-year FY 2024 appropriation was not enacted at the time the budget was prepared.

# MINE SAFETY AND HEALTH ADMINISTRATION

## OVERVIEW

Established by the Federal Mine Safety and Health Act of 1977 (Mine Act), the Mine Safety and Health Administration's (MSHA) mission is to prevent death, disease, and injury from mining and promote safe and healthful workplaces for the nation's miners. Specifically, in creating MSHA, Congress gave the Agency and its employees a clear mandate by declaring that "the first priority and concern of all in the coal or other mining industry must be the health and safety of its most precious resource—the miner."

More than 322,000 people work directly in the mining industry at more than 12,600 mines nationwide. Their work includes the initial mining of raw materials through processing in preparation for commercial distribution. Miners help supply iron and coal necessary to produce steel, sand and gravel needed to build our roads and bridges, and copper and other important minerals essential to manufacturing electronics and batteries for electric vehicles.

The Agency develops and enforces safety and health standards and regulations for all U.S. mines regardless of size, number of employees, commodity mined, or method of extraction. MSHA also provides technical, educational, compliance, and other types of assistance to mine operators, including small mines. The Agency works with industry, labor, and other federal and state agencies to improve safety and health conditions for all miners in the United States.

MSHA's resources are largely devoted to fulfilling the Agency's statutory requirements, including conducting inspections at all active underground mines four times per year and all surface mines twice per year; these inspections form the core of MSHA's enforcement efforts, regularly providing a first-hand look at conditions in each of the nation's mines to identify safety and health hazards and require corrective actions to ensure that miners can go home to their families and communities safe and healthy each day at the end of their shifts. Other mandatory inspections and investigations include additional inspections for methane and other hazards; fatality and serious accident investigations; responding to hazardous condition complaints; and investigating miner discrimination and interference complaints. During FY 2023, the mining industry experienced a troubling increase in fatal accidents. In response, MSHA continues to devote significant enforcement, compliance assistance, and education and training resources and use all tools to work with the mining community to address this trend and prevent future fatalities. For example, MSHA conducts monthly impact inspections at mines that merit increased agency attention and enforcement due to their poor compliance history or particular compliance concerns; those impact inspections continue to identify and eliminate hazards that have been root causes of serious and fatal accidents. The Agency has also actively produced and shared health and safety alerts on numerous topics and best practices in English and in Spanish to prevent accidents, injuries, and fatalities with mine operators, miners, and other stakeholders. For example, when three electrocution fatalities occurred in early 2023 MSHA quickly issued and shared with stakeholders a safety alert with important information with the goal of preventing similar types of accidents in the future.

Also in response to the increase in fatalities, MSHA's Assistant Secretary Chris Williamson highlighted the trend in an open letter to the mining community urging everyone to work together and stay vigilant to prevent accidents and fatalities; additionally, the Agency conducted its first *Stand Down To Save Lives* day in May 2023, as part of a national campaign to encourage

## MINE SAFETY AND HEALTH ADMINISTRATION

the nation's mining community to focus on safety and to take steps to prevent injuries and illnesses and stop an alarming rise in the number of miners killed on the job in 2023. During the *Stand Down to Save Lives*, MSHA leadership, enforcement, and compliance assistance staff visited mines across the country to encourage focus on adequate training, workplace examinations, and other important safety and health requirements designed to protect miners and prevent fatalities, accidents, and injuries. The *Stand Down to Save Lives* is now an annual event for the entire mining community to come together and focus on protecting miners' lives.

In recent years, powered haulage equipment and machinery have been the leading causes of serious and fatal mine accidents. In Calendar Year (CY) 2023, 40 miners suffered fatal injuries, including 16 classified as machinery fatalities and 10 classified as powered haulage fatalities.

On December 20, 2023, MSHA issued its final rule, Safety Program: Surface Mobile Equipment, to help protect miners from accidents, injuries and fatalities related to surface mobile equipment. The rule requires mine operators to have written safety programs for surface mobile equipment — excluding belt conveyors — at surface mines and surface areas of underground mines. The programs must include input from miners and their representatives and identify hazards and risks related to surface mobile equipment. The final rule aligns with and complements MSHA's overall effort to improve safety in surface mobile equipment use.

MSHA also continues to promote use of its Miner Safety & Health App, which includes safety and health hazard information, educational materials on miners' rights, and information on how to file a discrimination complaint. The app allows miners to report accidents and hazards with just the push of a couple buttons. The app is available in both English and Spanish and places information directly in the hands of miners.

MSHA will use FY 2025 resources to continue its focus on reducing accidents, injuries, and illnesses by increasing the inspectorate workforce; enforcing mandatory safety and health standards; initiating special emphasis safety and health programs in targeted areas; developing improved safety and health standards; providing compliance and technical assistance; conducting outreach to the mining community; and providing training and educational materials to miners and mine operators on hazard recognition and mitigation to decrease fatality, illness, and injury rates. Miners also continue to face dangerous health hazards in the workplace such as potential exposure to respirable crystalline silica and coal dust. If these hazards are not addressed through effective engineering and administrative controls, miners can develop entirely preventable occupational illnesses such as Silicosis, Coal Workers' Pneumoconiosis (commonly known as Black Lung Disease), cancer, and advanced forms of occupational lung disease such as Progressive Massive Fibrosis.

The Mine Act established specific rulemaking requirements with an emphasis on the promulgation of mandatory standards to protect miners' health. Miners face risk of developing devastating and debilitating occupational illnesses from exposure to toxic substances such as silica, diesel particulate, and coal dust.

In July 2023, MSHA published a proposed rule to better protect all miners from exposure to respirable crystalline silica and to update existing respiratory protection standards. The proposed rule change will ensure miners have at least the same level of protections from silica dust as

## MINE SAFETY AND HEALTH ADMINISTRATION

workers in other industries. The Agency held three public hearings on the rule and received written comments until the public comment period closed on September 11, 2023. The Agency continues to work towards publishing a final rule.

Emphasizing that protecting miners' health is equally as important as protecting miners' safety, the Agency launched a *Miner Health Matters* campaign to conduct enforcement and outreach efforts to ensure mine operators with miners working in potentially dangerous mining environments take proper precautions to limit exposures to silica and other dangerous toxins. The campaign also raises awareness and educates miners about the importance of maintaining an awareness of and protecting their health. MSHA personnel will continue to directly communicate with miners about their rights and the importance of protecting their health whenever possible.

Through *Miner Health Matters*, MSHA has launched and continues to work on critical health-focused initiatives:

- Under 30 Code of Federal Regulations Part 90, coal miners who have already developed pneumoconiosis can exercise rights that allow them to continue working in healthier parts of the mine (Part 90 miner), without reduced pay. MSHA regularly monitors for compliance with reduced respirable coal dust levels in areas of the mine where Part 90 miners work. MSHA shares the Part 90 program with the National Institute for Occupational Safety and Health (NIOSH) and has worked with NIOSH to make numerous improvements that have led to a significant increase in miners exercising their rights. In 1981 coal miners exercised their Part 90 rights for the first time. This powerful right has historically been underutilized and MSHA launched a new initiative focused on improving participation in the Part 90 program in September 2022. The education awareness campaign informs miners of their eligibility for free and confidential medical exams to determine if they have developed pneumoconiosis. MSHA has created a new website that provides information on Part 90 to raise awareness of the program, improve program accessibility, and provide assurance to miners who exercise their rights that if they face discrimination or retaliation as a result, they can file a complaint with MSHA that will be investigated. In CY 2022, four coal miners chose to exercise their Part 90 right for the first time. In CY 2023, 35 miners exercised their Part 90 rights for the first time, a 775 percent increase over the prior calendar year. This is the most coal miners choosing to exercise their Part 90 rights in a calendar year since 2008, when 35 miners also chose to exercise their rights. MSHA will continue to educate miners and raise their awareness of the Part 90 program to improve participation in this critical program that has historically been underutilized.
- In June 2022, MSHA implemented the Silica Enforcement Initiative to better protect miners from health hazards related to repeated overexposures of silica. The initiative has four components: inspections, sampling, compliance assistance and direct conversations with miners about their rights to report health hazards. In implementing this enforcement initiative, MSHA has found overexposures for a wide variety of mining occupations and commodities, which underscores the fact that silica dust is generated in most mining activities and that silica is present in nearly all mining operations at metal and nonmetal (MNM) and coal mines.

## MINE SAFETY AND HEALTH ADMINISTRATION

Following the issuance of a final silica standard, which applies to coal and metal/nonmetal mines, MSHA will provide outreach and compliance assistance to mine operators and labor organizations to facilitate compliance. MSHA will pay special attention to assisting small mines. The agency's silica rulemaking and enforcement initiative (including other health enforcement actions) align with the President's "Cancer Moonshot to End Cancer as We Know It" initiative. As referenced above, silica is a known occupational carcinogen.

Hiring additional mine inspectors remains a critically important priority for MSHA to ensure that the Agency can enforce mandatory safety and health standards, continue existing enforcement and compliance assistance initiatives, and initiate new special emphasis programs in targeted areas. The program increase will support the number of inspectors needed to complete mandatory inspections, accident investigations, and hazard condition complaint investigations as statutorily required by the Mine Act and the MINER Act. The workload is increasing due to impacts of higher production in the nation's mines, including production of inputs for infrastructure and clean energy investments spurred by the Bipartisan Infrastructure Law (BIL), the Inflation Reduction Act (IRA) and the CHIPS and Science Act of 2022. The CHIPS Act proposed to strengthen American manufacturing, supply chains, and national security, including nanotechnology, clean energy, and quantum computing. As such, an increase of semiconductor production in the U.S. is expected to increase by 50 percent over the next few years and an increase in memory chips manufacturing in the U.S. is expected to go from less than 2 percent to 10 percent. The raw minerals needed for these developments will increase the productions at the nation's mines. Due to MSHA's increased outreach activities, the Agency is also receiving additional complaints about hazards in the mining workplace that require Agency resources to investigate and take enforcement action when necessary.

The BIL represents a historic investment that directs funds to develop, renew, and expand physical infrastructure needs throughout the United States. The IRA includes provisions that strengthen the U.S. supply chain for critical minerals. MSHA anticipates increased mining activity, including the expansion of existing mines and opening of new mines, and increased employment associated with both.

This anticipated increased mining activity will create an increase in the number of mandated inspections, investigations, and other related enforcement activities. Meanwhile, MSHA's staffing levels recently were at the lowest levels in a decade. To compound matters further, MSHA's attrition rate remains high. Mine Safety and Health Enforcement Inspectors must go through in-classroom and on-the-job training. The minimum timeframe required to adequately train enforcement personnel to independently inspect mines is approximately two years. MSHA continues to prioritize expanding its Mine Safety and Health Enforcement workforce by hiring and training inspectors to keep miners protected.

MSHA will also issue improved safety and health standards, provide compliance and technical assistance, and train miners and mine operators on hazard recognition and elimination to decrease fatality, illness, and injury rates. The Agency will also continue to consistently monitor trends of fatalities, accidents and illnesses to inform enforcement activities, education, and outreach to prevent fatalities, injuries and illnesses.

# MINE SAFETY AND HEALTH ADMINISTRATION

## Resources, Priorities, and Performance

For FY 2025, MSHA requests \$406,538,000 and 1,742 FTE for Enforcement, other support functions, and Standards development. This request represents an increase of \$18,722,000 and 13 FTE over the FY 2024 Estimated funding level. The FY 2025 request reflects MSHA's strong commitment to targeted enforcement, compliance assistance, training, and innovative technologies to protect the safety and health of the nation's miners.

MSHA will:

- Meet the Agency's statutory obligations under the Mine Act to include completing its mandatory mine inspections, at least four inspections per year in underground mines and at least two inspections per year in surface mines, and additional inspections for methane and other hazards, as well as enforcing mandatory health and safety standards to protect the safety and health of the nation's miners.
- Place emphasis on reducing fatalities by using all tools—enforcement, compliance and technical assistance, education, training, and grants.
- Place increased emphasis on protecting miners from dangerous health hazards, including respirable coal mine dust, respirable crystalline silica, diesel particulate matter, and levels of noise that can cause hearing loss.
- Continue implementation of the respirable crystalline silica final rule. Provide outreach and compliance assistance to operators and labor organizations to facilitate compliance. MSHA will pay special attention to assisting small mines.
- Continue implementation of the written safety program for Surface Mobile Equipment final rule.
- Conduct enhanced enforcement for certain safety violations involving customer/contractor truck drivers, or violations involving supervisors performing mining tasks. These violations may be reviewed for higher penalties. MSHA will also provide compliance assistance to operators to facilitate operator best practices and reduce fatalities.
- Inform and educate operators and miners about the dangers of heat stress through MSHA's heat stress campaign, which includes health alerts in English and Spanish, and downloadable materials and best practices on MSHA's web site, including a joint poster with the Occupational Safety and Health Administration (OSHA).
- Address ways to increase awareness surrounding accessibility and use of the Part 90 program.

## MINE SAFETY AND HEALTH ADMINISTRATION

- Place increased emphasis on expanding mechanisms to regulate the design, construction, maintenance, and operations of dams to better protect the environment and share expertise with other Nations in need of technical and enforcement assistance.
- Continue outreach for opioid hazard awareness suitable for miners, new miners, and employers to manage opioid hazards.
- Identify ways to improve efficiency, effectiveness, and accountability by aligning the Agency's organizational structure with its core mission and operating plan and focusing on activities to increase operational efficiency and provide cost savings.
- Work with stakeholders to strengthen collaborative relationships to better understand the mining communities' needs and to develop guidance and outreach materials to focus on hazards creating the highest number of accidents, illnesses and injuries to help ensure miners' safety and health.
- Work to create innovative approaches to mine emergency response, including mine rescue.
- Review trends in the mining industry, perform risk analysis and take preventive, mitigative, and/or corrective actions in response to changes.
- Anticipate production increases in several metal and nonmetal mining industries. The Agency continues to closely monitor industry forecasts and adjust MSHA resources accordingly.
- Enhance compliance assistance activities related to mobile machines, health hazards, electrocutions, falls from heights, contractors, training of inexperienced miners, and training of miners performing new tasks.
- Develop and update training materials and review mine plans; and work collaboratively with the mining community in the event of mine rescue and recovery operations.
- Develop and submit annual recruitment and hiring strategic plans that will identify specific actions the agency will take to increase outreach and hiring efforts, particularly focused on underserved communities. This will include recruiting specialized expertise including language ability.
- Support the language access priority and complete the translation of identified vital documents for significant language groups.
- Use the Workforce Recruitment Program (WRP) to identify potential qualified candidates to provide opportunities for Schedule A hires. MSHA will ensure new candidates and existing employees are aware of their right to seek reasonable accommodation. The Agency will participate in outreach to Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Asian American, Native American,

## MINE SAFETY AND HEALTH ADMINISTRATION

Pacific Islander Serving Institutions (AANAPISIs), and Tribal Colleges and Universities for hiring activities. These efforts will ensure MSHA recruits highly qualified personnel that mirror the nation's diversity. On-going collaborative monthly meetings with the Department of Labor Office of Human Resources will improve the Agency's hiring process.

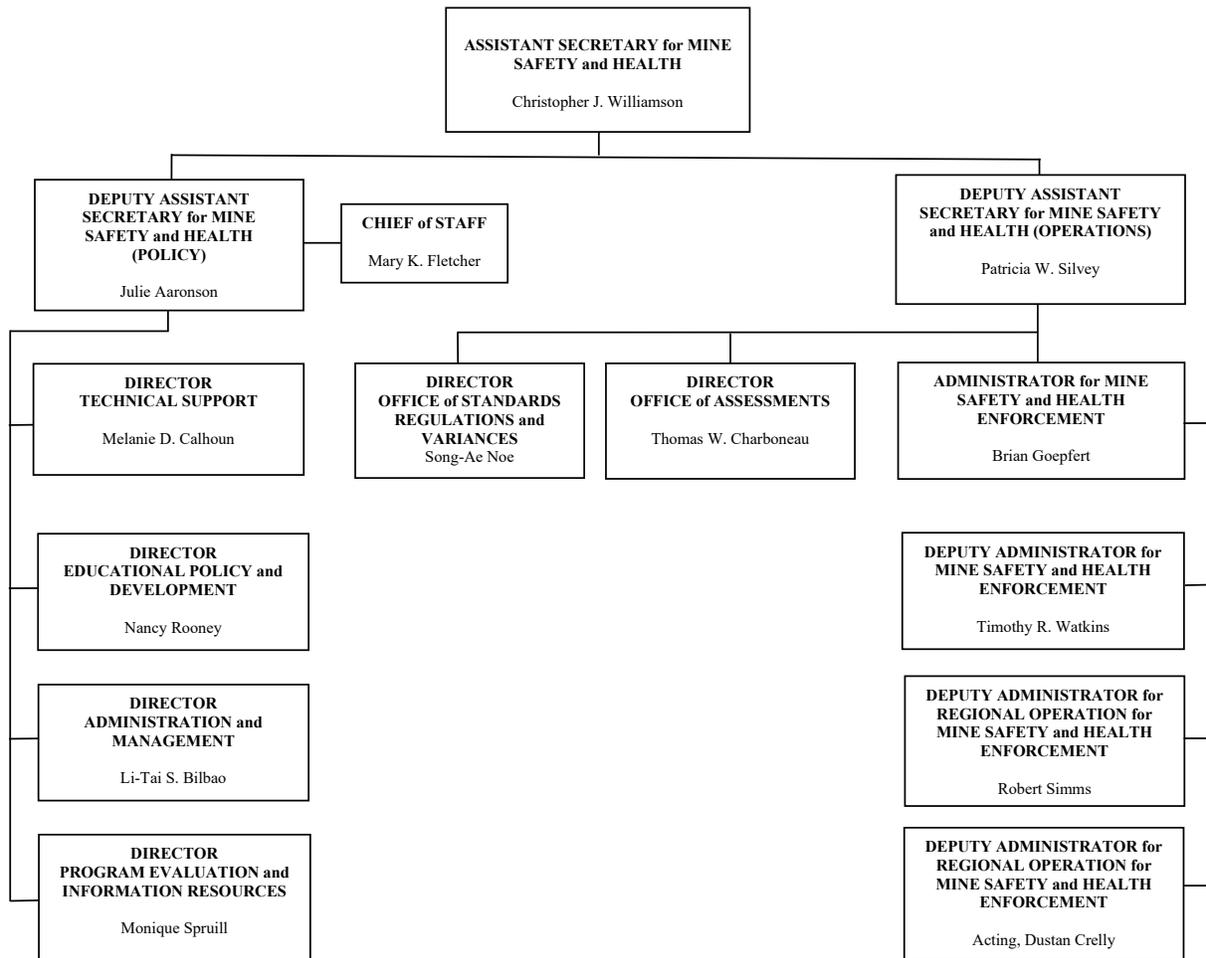
- Focus on accessibility efforts such as Section 508 compliance. These efforts include updating accessibility requirements for information and communication technology (ICT) covered by Section 508 of the Rehabilitation and Section 255 of the Communications Act. MSHA is committed to implementing these requirements to ensure that covered ICT is accessible to, and usable by, individuals with disabilities.
- Responsibly review our office and space footprint throughout the country. MSHA reduced approximately 40,697 square feet in FY 2023. MSHA has joined forces with sister agencies to pool office space that require some presence in remote areas like Kent, WA and Pikeville, KY. MSHA will be co-locating in Denver, CO, with an estimated footprint reduction of 46,000 square feet in FY 2024. Other planned reductions for FY 2024 will be in Barboursville, KY and Vincennes, IN with an estimated 7,500 reduction in square footage. This will require redesign of space and renegotiating leases across all MSHA's 84 offices to use existing federal buildings more efficiently.
- Commit grant opportunities to underserved communities. MSHA has two grant programs: State Grants and Brookwood-Sago Grants. State Grants are formula grants and are made to the state agency program responsible for miners' health and safety, while Brookwood-Sago Grants are competitive grants. Both State Grants and Brookwood-Sago Grants are used to fund education and training programs to better identify, avoid, and prevent unsafe and unhealthy working conditions in and around mines. MSHA will expand outreach of grants to tribal governments and minority serving institutions in mining communities. In FY 2024, MSHA's target of competitive grants awarded to institutions that serve underserved populations is at 20 percent.

This proposed budget, allows MSHA to continue supporting the FY 2022-2026 DOL Strategic Plan through Strategic Goal 2 – Ensure Safe Jobs, Essential Protections, and Fair Workplaces and MSHA's Strategic Objective 2.1 – Secure safe and healthful workplaces, particularly in high-risk industries. This budget request identifies the resources and strategies MSHA will use to protect the safety and health of miners.

The President calls on Congress to provide the federal government with the tools it needs to ensure employers are providing workers with good jobs—including jobs with fair and equitable pay, safe and healthy workplaces, respect for the right to organize, and workplaces free from discrimination, retaliation, and harassment, including sexual harassment. To deter employers from violating workers' rights, ensure those who do violate their rights are held accountable, and level the playing field for responsible employers, the Budget proposes meaningfully increasing penalties at the Department of Labor for employers that violate workplace safety, health, wage and hour, and child labor laws.

# MINE SAFETY AND HEALTH ADMINISTRATION

## ORGANIZATION CHART





## MINE SAFETY AND HEALTH ENFORCEMENT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2023 Enacted</b>	<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>	<b>Diff. FY25 Request / FY24 Estimate</b>
<b>Activity Appropriation</b>	<b>265,774</b>	<b>265,774</b>	<b>279,923</b>	<b>14,149</b>
FTE	1,233	1,249	1,262	13

NOTE: FY 2023 reflects actual FTE. Authorized FTE for FY 2023 was 1,249.

### **Introduction**

Mine Safety and Health Enforcement (MSHE), which is comprised of the formerly separate Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health budget activities, will continue to administer the provisions of the Mine Act, as amended by the MINER Act, to promote compliance with safety and health standards, prevent fatalities, injuries and illnesses, reduce the frequency and severity of accidents, and minimize health hazards in the nation’s approximately 1,000 active coal mines and 11,600 metal and nonmetal mines. MSHE will continue to inspect all active underground mines at least four times per year and all surface mines at least twice per year. These inspections form the core of MSHA’s enforcement efforts, regularly providing a first-hand look at conditions in each of the nation’s mines to ensure that all hazards are corrected immediately so that miners can go home to their families and communities, safe and healthy, each and every day at the end of their shifts.

MSHE employees are located in Headquarters, 15 district offices and the 83 field, satellite, and duty stations located across the United States and Puerto Rico. Several of the district offices also function as field offices. Most employees are mine safety and health enforcement personnel who perform inspection activities and investigations of fatal accidents, non-fatal and non-injury accidents, verbal and written hazard complaints, and discrimination complaints.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2020	\$260,500	1,366
2021	\$260,500	1,269
2022	\$264,500	1,209
2023	\$265,774	1,249
2024	\$0	1,255

NOTE: A full-year 2024 appropriation for this account was not enacted at the time the budget was prepared.

### **FY 2025**

MSHA requests \$279,923,000 and 1,262 FTE for the MSHE budget activity. This request includes an increase of \$12,065,000 to support the MSHE budget activity and existing staff levels and help mitigate further staff reductions from pay raises and increased benefit costs. The

## MINE SAFETY AND HEALTH ENFORCEMENT

additional resources in the amount of \$2,084,000 will provide resources to expand enforcement of U.S. mines and complete mandatory inspections.

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

<b>Program</b>	<b>FY 2025 Program Increase relative to FY 2024 Estimate</b>	<b>FTE Increase</b>	<b>FY 2025 Funding Total</b>	<b>FTE Total</b>
<b>CMSH</b>	\$521,000	3	\$153,332,000	745
<b>MNMSH</b>	\$1,563,000	10	\$126,591,000	517
<b>Total</b>	\$2,084,000	13	\$279,923,000	1,262

Following the enactment of legislation such as the Inflation Reduction Act (IRA) and Bipartisan Infrastructure Law (BIL), mining production is expected to increase to meet growing demands for numerous raw materials and mined commodities. This expansion will increase MSHA's workload. The IRA includes provisions to increase the competitiveness of the United States economy, such as measures to strengthen domestic manufacturing and invest in critical supply chains. Implementation of these provisions will seek to significantly increase the national strategic mineral stockpile to lessen the nation's reliance on foreign supplies. This is especially important for defense mineral supplies which are needed to build everything from bullets to nuclear weapons to night vision goggles. Additionally, many minerals are critical for commercial uses such as in electric motors used in electric vehicles and in energy generators within wind turbines. As such, MSHA anticipates an increase in domestic mining production of minerals, which includes lithium, titanium, copper, tungsten, cobalt, and antimony, as well as rare earths minerals. The National Defense Authorization Act of 2024 authorized spending to acquire strategic and critical minerals. These efforts to bolster the U.S. critical mineral supply chain used in defense and commercial manufacturing will result in increased domestic production and will necessitate additional MSHE inspections and other activities in order to adequately protect miners' safety and health. Hiring additional mine inspectors remains a critically important priority for MSHA to ensure that the Agency can enforce mandatory safety and health standards, continue existing enforcement and compliance assistance initiatives, and initiate new special emphasis programs in targeted areas.

In support of the FY 2022-2026 DOL Strategic Plan through Strategic Goal 2 – Ensure Safe Jobs, Essential Protections, and Fair Workplaces and MSHA's Strategic Objective 2.1 – Secure safe and healthful workplaces, particularly in high-risk industries, MSHE will continue efforts to improve workplace safety and health in the mining industry and will remain committed to targeted enforcement and compliance assistance in its efforts to improve safety and health conditions in the mining workplace by continuing the following strategies:

## MINE SAFETY AND HEALTH ENFORCEMENT

- **Enforcing mandatory health and safety standards through complete inspections of each mine.** MSHE will complete statutorily mandated inspections four times per year in active underground mines and twice per year in surface mines.
- **Emphasizing outreach and other initiatives to reduce fatalities.** In response to a troubling trend in fatalities in CY 2023, MSHA instituted an Accident Prevention Team (APT) composed of members from all Agency program areas. The APT will analyze the fatalities, identify root causes and innovative best practices for preventing future fatalities, and develop an outreach program to disseminate this information to the mining community and other stakeholders.
- **In response to the global climate crisis,** and to prevent environmental disasters, MSHE will continue to place increased emphasis on expanding mechanisms to regulate the design, construction, maintenance, and operations of dams. MSHE will use guidance and training to reduce risks to public safety, health, and property. MSHE will share its expertise with other Nations in need of technical and enforcement assistance.
- **Enhance compliance assistance activities** related to powered haulage, surface mobile equipment, contractors, electrocutions, falls from heights, the importance of maintaining and wearing proper protective equipment, training of inexperienced miners, and training of miners performing new tasks. MSHA will continue to collaborate with stakeholders to identify hazards and best practices related to powered haulage to develop training materials and safety alerts.
- **Protect miners from discrimination.** MSHE will conduct timely investigations of hazard complaints and discrimination complaints and communicate with miners to raise awareness and understanding regarding their rights and responsibilities under the Mine Act, including the right to participate in an MSHA inspection. This strategy is in line with the Acting Secretary's vision, ensuring workers have a seat at the table and that miners have a job that is safe without fear of interference, discrimination, or retaliation.
- **Inspection and enforcement effectiveness.** MSHE will continue to focus on enforcement efforts to identify and eliminate hazards that contribute to serious and fatal accidents and illnesses with an emphasis on:
  - **Special (Targeted) inspections.** MSHE will continue the Agency's targeted inspections initiative, as needed. These inspections target mines with specific conditions, problems, or compliance issues; the actual number of inspections will depend on how many mines need additional inspections. MSHA will continue to conduct impact inspections and issue the results of these inspections so that the mining community is aware of repeated violations of safety and health standards that present hazards to miners.
  - **Enhanced Enforcement Program.** MSHE will continue enhanced enforcement of certain powered haulage violations involving customer/contractor truck drivers or violations involving supervisors performing mining tasks. This program will

## MINE SAFETY AND HEALTH ENFORCEMENT

complement MSHA's new safety standard requiring a written safety program for surface mobile equipment at surface mines and surface areas of underground mines. In implementing the final standard, MSHA will provide outreach, compliance assistance and best practice materials to the mining community.

- **Silica Enforcement Initiative.** MSHE will focus enforcement and compliance assistance activities on mines with the repeated overexposures to toxic levels of respirable crystalline silica dust. This initiative will complement the Silica Final rule.
- **Continue to Implement the Final Rule on Respirable Crystalline Silica and Improving Respiratory Protection.** MSHE will begin implementation of the Silica Final Rule. This Final Rule lowers the PEL for miners' exposure to respirable crystalline silica, includes monitoring requirements, includes recordkeeping requirements and medical surveillance for MNM mines. MSHE will provide compliance assistance and outreach to mine operators and miners. The Silica Rule will require additional MSHE inspection resources for increased silica sampling and compliance assistance. Providing outreach and compliance assistance, including development of best practice materials, to operators and labor organizations to facilitate compliance. MSHA will pay special attention to assisting small mines. Additionally, MSHA will prepare training materials for inspectors.
- **Promote adoption of prevention-focused health and safety programs by mine operators.** MSHE will continue with its increase in health sampling activities to ensure that miners' overexposure to respirable dust, quartz/silica, and other toxins and noise are addressed by mine operators. Technical investigations, which evaluate the root causes of hazards and accidents in mines, will be conducted. MSHE will continue to conduct accident prevention inspections in response to specific mine hazards MSHA will provide compliance assistance to operators to assist in correcting violations.
- **Part 90.** MSHE will continue to focus efforts on broadening coal miners' awareness of their rights under Part 90. Part 90 generally gives coal miners who have pneumoconiosis the right to be transferred, without having their pay reduced, to an area in a mine where the average concentration of respirable dust is continuously maintained at or below the standard. In CY 2023, 35 coal miners exercised their Part 90 rights for the first time, a substantial increase from 4 in 2022. Continued outreach on Part 90 can increase participation and will require additional resources to conduct more sampling and increase exposure monitoring.

Whenever practical, MSHE will continue to search for and procure mining equipment manufactured in the United States, as outlined in the President's priority "Management and Performance Efforts to Deliver Results for All Americans". Additionally, MSHE will prioritize information technology and technology modernization, as well as focus on methods for increasing data capabilities to improve and enhance enforcement effectiveness and improve workplace safety and health in the mining industry.

# MINE SAFETY AND HEALTH ENFORCEMENT

## FY 2024

Figures for FY 2024 are an estimate. Discretionary amounts shown for FY 2024 reflect an annualized Continuing Resolution (Division A of P.L. 118-15, as amended), as a full-year appropriation, had not been enacted at the time the budget was produced.

## FY 2023

The MSHE revised enacted budget for FY 2023 was \$263,190,000 and an FTE level of 1,249.

<b>Program</b>	<b>Funding Total</b>	<b>FTE</b>
<b>CMSH</b>	\$144,754,500	742
<b>MNMSH</b>	\$118,435,500	507
<b>Total</b>	\$263,190,000	1,249

MSHE administered the provisions of the Mine Act, as amended by the MINER Act, to promote compliance with safety and health standards, prevent fatalities, injuries, and illnesses, reduce the frequency and severity of accidents, and minimize health hazards in the nation's approximately 1,000 active coal mines and 11,600 metal and nonmetal mines. MSHE continued to inspect all active underground mines four times per year and all surface mines twice per year.

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

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

- Enforced mandatory health and safety standards through complete inspections of each mine.
- Increased emphasis on impoundments.
- Enhanced compliance assistance activities.
- Protected miners from discrimination.
- Promoting the adoption of prevention-focused, health and safety programs by mine operators.
- Continued Enhanced Enforcement Program focused on improving safety of customer and contract truck drivers, and managers and supervisors performing

## MINE SAFETY AND HEALTH ENFORCEMENT

mining tasks. MSHE will review violations of certain safety standards to ensure that truck drivers are properly trained. This strategy will help reduce powered haulage accidents, injuries and fatalities, which contributed to the troubling increase in serious injuries and fatalities. MSHE continued outreach initiatives related to powered haulage, and dissemination of best practice materials, including fatality and safety alerts.

- As a part of MSHA's *Miner Health Matters* Campaign continued Silica Enforcement Initiative to reduce exposures of miners to respirable crystalline silica. Respirable crystalline silica is a known carcinogen, and miners exposed to this airborne contaminant can contract severe lung diseases, including silicosis and progressive massive fibrosis, which are irreversible and can cause death.
- Continued outreach, education and awareness programs focused on improving coal miners' participation in the Part 90 program, which provides miners with evidence of pneumoconiosis the right to be transferred to a healthier part of the coal mine, with no loss of pay. MSHA's outreach initiatives, coupled with assistance from the Black Lung Clinics, NIOSH, and other mining stakeholders, resulted in substantially improved participation of miners in this important program.
- Provided assistance to the two rulemaking initiatives: Proposed rule on Respirable Crystalline Silica and Final rule on Written Safety Program for Surface Mobile Equipment. Assistance included enforcement sampling data for the Silica rulemaking, and technical assistance to the Surface Mobile Equipment rulemaking team.
- Investigated all hazardous condition complaints. Initiated investigations of imminent danger complaints within one day of receipt.

## MINE SAFETY AND HEALTH ENFORCEMENT

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2023 Enacted</b>		<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Mine Safety and Health Enforcement</b>					
<b>Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>					
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>					
MSHA- INSP1.1	Percent of regular mandated underground inspections	100%	100%	100%	100%
MSHA- INSP2.1	Percent of regular mandated surface inspections	100%	100%*	100%	100%
MSHA-01	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	90%	99%	90%	92%
MSHA-02	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	90%	100%	90%	92%
MSHA-03	Percent of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%
MSHA-PR- 01	Percent of new plan reviews completed within 52 days	85%	91%	85%	87%
MSHA-PR- 02	Percent of plan addenda reviews completed within 22 days	85%	84%	85%	86%
MSHA- MNM-05	Percent of MNM mines receiving E-01 (Regular Safety and Health Inspections) will receive comprehensive health inspections	41.0%	25.0%	37.0%	37.0%
MSHA-CM- 04	Percent of coal mines surveyed for respirable dust in conjunction with regular mandated inspections	100%	100%	100%	100%

## MINE SAFETY AND HEALTH ENFORCEMENT

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2023 Enacted</b>		<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
MSHA-CM-05	Percent of coal mines surveyed for noise according to published inspection procedures	100%	100%	100%	100%
MSHA-ENF-01	Number of safety alerts issued	6	7	6	6
MSHA-ENF-02	Number of health alerts issued	6	6	6	6
MSHA-ENF-03	Percent of Part 90 miners tracked	--	--	100%	100%
MSHA -03B	Percent of 103(g) imminent danger complaint investigations completed within 30 calendar days of receiving the complaint	80%	100%	80%	85%
MSHA-INSP1-Q1	Percent of violations vacated	1.50%	0.88%	1.50%	1.50%

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

\*Excludes Activity Code E27 (Attempted Inspection - Denial of Entry): Activities done under this code include “a mine visit specifically for the purpose of conducting an enforcement activity, but the activity could not be accomplished because of direct or indirect denial of entry”; and Activity Code E28 (Mine Idle Activity): Activities done under this code involve “a mine visit specifically for the purpose of conducting an enforcement activity, but the activity could not be accomplished because the mine was not operating.”

# MINE SAFETY AND HEALTH ENFORCEMENT

## Workload and Performance Narrative

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

- *MSHA-INSP1 and MSHA-INSP2*: In FY 2025, MSHE projects it will complete one hundred percent of its regularly mandated inspections. These inspections provide an examination of mining conditions and play a key role in ensuring the safety and health of the nation's miners. The actual number of surface and underground inspections completed will depend on the number of active mines for each year. The projected number of underground and surface mandated inspections in FY 2024 is approximately 20,000. MSHE will conduct impact inspections at mines with a poor compliance history or that have adverse conditions such as increased methane liberation, increased health hazards, or other hazards. MSHE will inspect all existing impoundments during regular mandated inspections to reduce the risk to miners, the general public, and the environment should these impoundments fail.

The Mine Act gives miners the right to contribute to their safety and health by participating in the inspection process through a representative of their choosing, voicing concerns about hazards, refusing to work in dangerous conditions, and exercising other rights. MSHE will continue to ensure that all miner requests for temporary reinstatements, investigations of 105(c) miner discrimination complaints, and 103(g) imminent danger complaints are investigated within the established timeframes. Prompt investigation of interference and discrimination complaints and reported hazardous conditions is of utmost importance in assuring miners that MSHA will protect their rights through the following efforts in FY 2025:

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

## MINE SAFETY AND HEALTH ENFORCEMENT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2023 Enacted</b>	<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>	<b>Diff. FY25 Request / FY24 Estimate</b>
11.1	Full-time permanent	120,600	120,600	129,435	8,835
11.3	Other than full-time permanent	31	31	31	0
11.5	Other personnel compensation	8,332	8,332	8,455	123
11.9	<b>Total personnel compensation</b>	<b>128,963</b>	<b>128,963</b>	<b>137,921</b>	<b>8,958</b>
12.1	Civilian personnel benefits	57,089	57,231	61,223	3,992
13.0	Benefits for former personnel	20	20	20	0
21.0	Travel and transportation of persons	6,802	6,802	6,882	80
22.0	Transportation of things	5,102	5,102	5,142	40
23.1	Rental payments to GSA	14,907	14,907	14,907	0
23.2	Rental payments to others	2	2	2	0
23.3	Communications, utilities, and miscellaneous charges	1,185	1,185	1,185	0
24.0	Printing and reproduction	80	80	80	0
25.1	Advisory and assistance services	24	24	24	0
25.2	Other services from non-Federal sources	520	520	520	0
25.3	Other goods and services from Federal sources 1/	45,107	45,107	46,086	979
25.4	Operation and maintenance of facilities	0	0	0	0
25.7	Operation and maintenance of equipment	425	425	425	0
26.0	Supplies and materials	2,273	2,273	2,373	100
31.0	Equipment	3,275	3,133	3,133	0
32.0	Land and Structures	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>265,774</b>	<b>265,774</b>	<b>279,923</b>	<b>14,149</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	39,954	39,954	40,933	979
	DHS Services	2,710	2,710	2,710	0
	HHS Services	1,023	1,023	1,023	0
	Services by Other Government Departments	1,420	1,420	1,420	0

# MINE SAFETY AND HEALTH ENFORCEMENT

## CHANGES IN FY 2025

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$7,594
Personnel benefits	3,362
Federal Employees' Compensation Act (FECA)	130
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	979
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Insurance claims and indemnities	0
Land and Structures	0

**Built-Ins Subtotal** **\$12,065**

**Net Program** **\$2,084**

**Direct FTE** **13**

	Estimate	FTE
<b>Base</b>	<b>\$277,839</b>	<b>1,249</b>
<b>Program Increase</b>	<b>\$2,084</b>	<b>13</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2023 Enacted</b>	<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>	<b>Diff. FY25 Request / FY24 Estimate</b>
<b>Activity Appropriation</b>	<b>5,000</b>	<b>5,000</b>	<b>5,235</b>	<b>235</b>
FTE	17	20	20	0

NOTE: FY 2023 reflects actual FTE. Authorized FTE for FY 2023 was 20.

### **Introduction**

The Office of Standards, Regulations, and Variances (OSRV) develops safety and health standards and regulations for the mining industry that protect the safety and health of miners. These standards and regulations, developed in coordination with the Office of the Solicitor, Division Mine Safety and Health (SOL, MSH) and other MSHA program offices, establish enforcement requirements for compliance in accordance with the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006 (Mine Act). OSRV coordinates all rulemaking activities with the DOL Office of the Assistant Secretary for Policy, SBA Chief Counsel for Advocacy and with OMB.

OSRV leads all MSHA’s rulemaking activities, from the pre-proposal stage to the publication of the final rule. Each year, it develops MSHA’s Semi-Annual Regulatory Agenda and Regulatory Plan. In accordance with the Agenda and Plan, and consistent with the Agency’s mandate in the Mine Act, MSHA proposes and promulgates new and improved safety and health standards and regulations. MSHA’s standards and regulations are based on information submitted to the Secretary by interested parties, including any organizations representing miners and mine operators, nationally recognized standards-producing organizations, the National Institute for Occupational Safety and Health (NIOSH), state or local governments, or information developed by the Secretary otherwise available. Pursuant to Executive Orders (EO) 12866, amended by 14094, and 13563, OSRV also analyzes the anticipated benefits and costs of any significant regulatory or deregulatory action, and reviews existing standards and regulations to identify those that are inconsistent with EO policy directives. To ensure transparency in MSHA’s rulemaking, OSRV maintains MSHA’s rulemaking docket and posts all rulemaking documents on Regulations.gov.

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

# OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2020	\$4,500	14
2021	\$4,500	21
2022	\$4,500	21
2023	\$5,000	20
2024	\$0	19

NOTE: A full-year 2024 appropriation for this account was not enacted at the time the budget was prepared.

## FY 2025

MSHA requests \$5,235,000, and 20 FTE for the OSRV budget activity. This request includes an increase of \$235,000 to promote the safety and health of miners through the following rulemaking activities:

The FY 2025 request will support the development and improvement of standards and regulations that protect the safety and health of miners. At the request level, OSRV will be able to complete a rulemaking on Testing, Evaluation, and Approval of Electric Motor-Driven Mine Equipment and Accessories in a timely manner, after reviewing all the public comments. OSRV will also carry out other rulemaking activities, in accordance with MSHA's Semi-Annual Regulatory Agenda. In addition, OSRV will manage the Petition for Modification or variance program. At the request level, OSRV will be able to process efficiently the petitions, as each petitioner seeks to tailor the application of a mandatory safety standard to a specific mine or mines. Also, at the request level, OSRV will continue to manage the information collection activities under the Paperwork Reduction Act of 1995 in an effective and timely manner; and ensure responsive and timely delivery of information to those who submit requests under the Freedom of Information Act (FOIA).

### Improving Safety and Health of Miners

#### Alternatives to Petitions for Modification: Non-Permissible Surveying Equipment

- The Notice of Proposed Rule Making (NPRM) for Alternatives to Petitions for Modification: Non-Permissible Surveying Equipment is scheduled to be published in the Federal Register in October 2024. The NPRM would allow mine operators to use electronic surveying equipment in underground, gassy mines when the equipment meets certain technical specifications and is operated under certain conditions. This rulemaking will make mine surveying more accurate and less time-consuming, while maintaining safety of miners at underground coal mines and other gassy mines.

FY 2025 funding supports OSRV's efforts to process and publish documents related to requests for variances from mandatory safety standards (petitions for modification). For FY 2025, OSRV estimates that 47 requests for variances will be processed.

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

In addition, at the FY 2025 funding level, OSRV will administer MSHA's FOIA program and information collection under the Paperwork Reduction Act of 1995, as follows:

- Process approximately 800 requests for information under FOIA. OSRV will provide timely responses to at least 70 percent of initial FOIA requests.
- Publish an estimated 23 Federal Register notices to notify the public of MSHA's review of the Agency's information collection requests and to seek public comments in accordance with the Paperwork Reduction Act of 1995. OSRV will ensure that MSHA collects information efficiently and effectively. When new rules are issued or new information-collection activities are initiated, additional paperwork packages will be developed, as appropriate.
- OSRV will also assist in the development and dissemination of compliance assistance materials to facilitate continued implementation of MSHA's final rule on Respirable Crystalline Silica and Improving Respiratory Protection.

### **FY 2024**

Figures for FY 2024 are an estimate. Discretionary amounts shown for FY 2024 reflect an annualized Continuing Resolution (Division A of P.L. 118-15, as amended), as a full-year appropriation, had not been enacted at the time the budget was produced.

### **FY 2023**

FY 2023 funding supported MSHA's priority to strengthen regulatory efforts through the following rulemaking activities:

Improving Safety and Health of Miners

Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection

- Published a proposed rule to protect miners' health from exposure to respirable crystalline silica. The proposal addressed the control of respirable crystalline silica and the limit of permissible exposure. MSHA considered data and information gathered through working with NIOSH and mining stakeholders over the years and through a recent request for information, and relevant information contained in the Occupational Safety and Health Administration's 2016 final rule on respirable crystalline silica. MSHA held three public hearings, virtual and on-line, to ensure that it received feedback from miners and mining stakeholders across the U.S. The rulemaking record closed September 11, 2023. After reviewing all information and data in the rulemaking record, MSHA will develop a final rule. MSHA has scheduled the final rule for publication in the Federal Register in April 2024.

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

### Written Safety Program for Surface Mobile Equipment

- Completed a final rule to establish a written safety program for mobile equipment and powered haulage equipment (except belt conveyors) at surface mines and surface areas of underground mines. Accidents involving surface mobile equipment continue to be a leading cause of injuries and fatalities in mining. This final rule will reduce accidents, serious injuries, and fatalities at surface mines and surface areas of underground mines. The final rule was published in the Federal Register in December 2023. Compliance will be discussed beginning in 2024 with mining industry, labor, and other interested stakeholders during stakeholder meetings.

### Alternatives to Petitions for Modification: Non-Permissible Surveying Equipment

- MSHA is developing a proposed rulemaking that would allow mine operators to use electronic surveying equipment in underground gassy mines when the equipment meets certain technical specifications and is operated under certain conditions. The proposal would make mine surveying more accurate and less time-consuming, while maintaining safety of miners at underground mines. Under existing standards, non-permissible electronic surveying equipment is prohibited, although MSHA has approved this equipment for use through petitions for modification.

### Testing, Evaluation, and Approval of Electric Motor-Driven Mine Equipment and Accessories

- The NPRM for Testing, Evaluation, and Approval of Electric Motor-Driven Mine Equipment and Accessories was published in the Federal Register on November 19, 2020. The comment period closed December 21, 2020. OSRV is preparing a final rule for publication in the Federal Register in August 2024. The rule would revise 30 CFR part 18 that sets out testing, evaluation, and approval requirements for electric motor-driven equipment and accessories intended for use in gassy mines. Under the NPRM, MSHA would accept voluntary consensus standards that are suitable for all gassy mining environments and that provide protection against fire or explosion dangers to replace applicable requirements in 30 CFR part 18. The NPRM is intended to promote the use of innovative and advanced technologies that lead to improvements in mine safety and health and to improve the efficiency and effectiveness of MSHA's product approval process. MSHA reviewed all the public comments received through the comment period and is developing a final rule.

### Retrospective Study of Respirable Coal Mine Dust Rule

- Reviewed and analyzed information and data submitted in response to the request for information on a Retrospective Study of Respirable Coal Mine Dust. This retrospective study will determine whether existing standards are achieving regulatory objectives such as reducing respirable coal mine dust levels to protect coal miners from developing disabling lung diseases such as black lung.

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

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

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

- Processed approximately 800 requests for information under FOIA. OSRV provided timely responses to at least 70 percent of initial FOIA requests.
- Published an estimated 25 Federal Register notices to notify the public of MSHA's review of the Agency's information collection requests and to seek public comments in accordance with the Paperwork Reduction Act of 1995. OSRV ensured that MSHA collected information efficiently and effectively. When new rules are issued or new information-collection activities are initiated, additional paperwork packages will be developed, as appropriate.

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		FY 2023 Enacted	FY 2024 Estimate	FY 2025 Request	Diff. FY25 Request / FY24 Estimate
11.1	Full-time permanent	2,710	2,710	2,872	162
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	33	33	33	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>2,743</b>	<b>2,743</b>	<b>2,905</b>	<b>162</b>
12.1	Civilian personnel benefits	983	983	1,041	58
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	9	9	9	0
22.0	Transportation of things	2	2	2	0
23.1	Rental payments to GSA	179	179	179	0
23.2	Rental payments to others	35	35	35	0
23.3	Communications, utilities, and miscellaneous charges	11	11	11	0
24.0	Printing and reproduction	20	20	20	0
25.1	Advisory and assistance services	274	274	274	0
25.2	Other services from non-Federal sources	57	57	57	0
25.3	Other goods and services from Federal sources 1/	654	654	669	15
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	25	25	25	0
26.0	Supplies and materials	8	8	8	0
31.0	Equipment	0	0	0	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>5,000</b>	<b>5,000</b>	<b>5,235</b>	<b>235</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	596	596	611	15
	DHS Services	36	36	36	0
	HHS Services	22	22	22	0

# OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

## CHANGES IN FY 2025

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$162
Personnel benefits	58
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	15
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$235**

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

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$5,235</b>	<b>20</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## OFFICE OF ASSESSMENTS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2023 Enacted</b>	<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>	<b>Diff. FY25 Request / FY24 Estimate</b>
<b>Activity Appropriation</b>	<b>7,191</b>	<b>7,191</b>	<b>7,549</b>	<b>358</b>
FTE	40	42	42	0

NOTE: FY 2023 reflects actual FTE. Authorized FTE for FY 2023 was 43.

### **Introduction**

The Office of Assessments (OA) assesses and collects civil monetary penalties for violations of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006 (Mine Act) and mine safety and health standards and regulations. This mission includes determination of the civil penalty amounts, collection of and accounting for delinquent penalties, as well as tracking all penalty cases in litigation before the Federal Mine Safety and Health Review Commission (FMSHRC) and the Federal courts.

The OA is responsible for MSHA’s Special Investigations Program, which investigates complaints of discrimination filed by miners and possible knowing/willful violations of the Mine Act or safety and health standards and regulations. These investigations protect miners who report safety or health hazards to mine operators, file an MSHA hazard complaint, assist an MSHA inspector, or testify in an MSHA proceeding. They also ensure that mine management (agents of mine operators) is held personally responsible for serious safety and health violations in certain circumstances. Special Investigations thus further the Department’s vision of building a modern, inclusive workplace by promoting mining jobs that are safe, do not discriminate against or cause exploitation of miners, and give miners a voice in the workplace. In FY 2025, Assessments’ staff will continue reviewing 100 percent of all discrimination investigations to ensure that case law and policy are applied consistently and correctly.

The OA also manages MSHA’s Pattern of Violations (POV) Program, identifying mines with a pattern of violations that subjects them to enhanced enforcement. Additionally, it manages the Scofflaw Program which is an enforcement tool MSHA uses to pursue violators demonstrating egregious cases of non-compliance with safety and health standards in combination with unpaid civil penalties.

The OA also administers MSHA’s Accountability Program, which ensures enforcement policies and procedures are effectively implemented by MSHA district and field enforcement staff. During FY 2025, MSHA will continue to provide assistance to Mine Safety and Health Enforcement districts in developing corrective action plans, as warranted. The plans identify root causes and corrective actions implemented to prevent recurrences of actions not in accordance with policies and procedures.

The Office of Assessments is headquartered in Arlington, Virginia, and has a field office in Wilkes-Barre, PA.

# OFFICE OF ASSESSMENTS

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2020	\$6,627	46
2021	\$6,627	40
2022	\$6,627	42
2023	\$7,191	43
2024	\$0	40

NOTE: A full-year 2024 appropriation for this account was not enacted at the time the budget was prepared.

## FY 2025

MSHA requests \$7,549,000 and 42 FTE for the OA budget activity. This request includes an increase of \$358,000 to support the OA budget activity and existing staff levels and help mitigate further staff reductions from pay raises and increased benefit costs. The additional resources will also allow OA to continue to advance the Administration's priorities.

Due to the projected increase in hiring of additional MSHA enforcement personnel, the OA expects an increase in activity of its mandated functions of assessing and collecting civil penalties and reviewing investigations of discrimination complaints filed by miners or their representatives.

In FY 2025, the OA will continue the following efforts:

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

The OA will continue MSHA's oversight review of targeting mine operators who demonstrate an egregious disregard for the health and safety of miners through recurring patterns of significant and substantial violations of the Mine Act, as amended by the MINER Act, and issue debt collection notices under the Scofflaw Program.

The OA will conduct screenings of the nation's mining operations to identify mines exhibiting a Pattern of Violations under Section 104 of the Mine Act.

The OA stands firm in promoting the Secretary's vision of *Building a Modern, Inclusive Workforce* and the DOL and MSHA strategic goal and objective to protect miners' right to a safe and healthy workplace where they are free of retaliation and fear of reprisal or discrimination for voicing their concern of working in unsafe conditions. The OA will continue to ensure that MSHA promptly examine and investigate miners' Section 105(c) discrimination complaints and meet specific targeted goal of 90 percent of timely resolving and completing cases within 60

## OFFICE OF ASSESSMENTS

days of receipt and for the percentage goal of 90 percent of completing miners' requests for temporary reinstatement within 20 days of notification.

The OA Accountability Division evaluates the application of MSHA enforcement policies, procedures, and guidance for consistency, and the effectiveness of certain mission-critical enforcement activities. The OA will provide oversight by conducting annually 15 accountability audit reviews of each enforcement district. The OA will review and track corrective actions implemented by enforcement as a result of accountability reviews.

### **FY 2024**

Figures for FY 2024 are an estimate. Discretionary amounts shown for FY 2024 reflect an annualized Continuing Resolution (Division A of P.L. 118-15, as amended), as a full-year appropriation, had not been enacted at the time the budget was produced.

### **FY 2023**

In FY 2023, the OA coordinated the timely investigations of discrimination complaints miners file under Section 105(c) of the Mine Act. MSHA's goals are to investigate 90 percent of miners' discrimination complaints within 60 days of receipt and to investigate 90 percent of miners' requests for temporary reinstatement within 20 days of receipt. MSHA exceeded these goals by completing 99 percent of investigations of discrimination within 60 days and 100 percent of requests for temporary reinstatement within 20 days. To ensure MSHA conducted quality investigations, the OA reviewed 100 percent of all discrimination investigations conducted by the enforcement program staff for discrimination complaints received.

The OA conducted 15 enforcement field office reviews, concentrating on field offices with cross-over mining operations. The reviews determine whether MSHA enforcement policies, procedures and guidance were followed consistently.

The OA conducted screenings of the nation's mining operations to identify mines exhibiting a POV. One mine met all the screening criteria and was issued a Notice of POV.

Under the Scofflaw Program, MSHA delivered 70 debt collection letters to mines that exhibited an egregious safety and health record coupled with delinquent debt.

## OFFICE OF ASSESSMENTS

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2023 Enacted</b>		<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Office of Assessments</b>					
<b>Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>					
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>					
MSHA-11	Percent of audited activities not requiring corrective actions	90%	99%	90%	90%
MSHA-14	Percentage of corrective actions addressed and resolved within a year	75%	100%	75%	75%
MSHA-AS-01	Percent of civil penalties assessed under the regular formula within 65 days of issuance	90%	93%	90%	90%
MSHA-AS-02	Percent of civil penalties special assessed within 225 days of issuance	90%	97%	90%	90%
MSHA-AS-03	Number of debt collection letters issued under the Scofflaw Program	12	70	50	50

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

## OFFICE OF ASSESSMENTS

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		FY 2023 Enacted	FY 2024 Estimate	FY 2025 Request	Diff. FY25 Request / FY24 Estimate
11.1	Full-time permanent	4,016	4,016	4,257	241
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	72	72	72	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>4,088</b>	<b>4,088</b>	<b>4,329</b>	<b>241</b>
12.1	Civilian personnel benefits	1,466	1,466	1,552	86
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	20	20	20	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	0	0	0	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	191	191	191	0
24.0	Printing and reproduction	1	1	1	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	3	3	3	0
25.3	Other goods and services from Federal sources 1/	1,401	1,401	1,432	31
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	6	6	6	0
26.0	Supplies and materials	7	7	7	0
31.0	Equipment	8	8	8	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>7,191</b>	<b>7,191</b>	<b>7,549</b>	<b>358</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,275	1,275	1,306	31
	DHS Services	90	90	90	0
	HHS Services	36	36	36	0

# OFFICE OF ASSESSMENTS

## CHANGES IN FY 2025

(Dollars in Thousands)

**Activity Changes**

**Built-In**

To Provide For:

Costs of pay adjustments	\$241
Personnel benefits	86
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	31
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$358**

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

**Direct FTE** **0**

	<b>Estimate</b>	<b>FTE</b>
<b>Base</b>	<b>\$7,549</b>	<b>42</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>

## EDUCATIONAL POLICY AND DEVELOPMENT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2023 Enacted</b>	<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>	<b>Diff. FY25 Request / FY24 Estimate</b>
<b>Activity Appropriation</b>	<b>39,820</b>	<b>39,820</b>	<b>41,051</b>	<b>1,231</b>
FTE	130	120	120	0

NOTE: FY 2023 reflects actual FTE. Authorized FTE for FY 2023 was 125.

### **Introduction**

MSHA’s Educational Policy and Development (EPD) directorate manages and operates the National Mine Health and Safety Academy (Academy) located in Beckley, West Virginia. The Academy provides mine safety and health training to MSHA mine inspectors and other MSHA technical and administrative staff as well as government, industry, and labor officials.

EPD’s Directorate also administers the Educational Field and Small Mine Services (EFSMS) program which provides compliance assistance in the development and improvement of the health and safety programs of mine operators and contractors in the mining community. EFSMS assists operators with the development and better execution of training plans to reduce the number of injuries and illnesses in the mining industry. Additionally, EFSMS evaluates industry instructors to ensure miners, including those located in underserved communities, receive quality and effective training. Additionally, EFSMS training specialists work with mine operators, contractors, mining associations, and cooperative trainers to strengthen and modernize training.

EFSMS works to identify industry needs and provide assistance, including bilingual assistance, to mines with safety and health issues. EFSMS provides assistance to the mining community through outreach initiatives, which are developed in collaboration with MSHA and the mining industry to address accident trends in the mining community. These programs help mine operators, large and small, develop or revise training and safety and health programs to address the conditions and hazards specific to their mines. In support of enhanced and targeted outreach initiatives, EFSMS will raise awareness and increase efforts to educate coal miners on Part 90 through compliance assistance and ensuring miners know and understand their rights and responsibilities under the Mine Act. EFSMS will also provide outreach and compliance assistance on new regulations and standards such as the written safety program for surface mobile equipment final rule and the respirable crystalline silica final rule.

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

EPD also manages the MSHA State Grant Program and the Brookwood-Sago Mine Safety Grant program. The State Grant Program supports quality training programs for miners in 49 states, US Pacific Territories, Native Village of Barrow, AK, and the Navajo Nation. The State Grant program is a key source of mine safety and health training and education for individuals who

## EDUCATIONAL POLICY AND DEVELOPMENT

work or will work in the mining industry. Additionally, MSHA encourages State Grant participants to focus on small mining operations and underserved communities within the mining industry. The Brookwood-Sago competitive grant program provides funds for mine safety and health training and educational programs with a focus on mine emergency prevention and preparedness, powered haulage safety (in particular, reducing vehicle-on-vehicle collisions, increasing seat belt use, and improving belt conveyor safety), exposure to respirable dust and crystalline silica, improving safety among contractors, reducing electrocutions, improving training for new and inexperienced miners, and other programs to prevent unsafe and unhealthy conditions in mines.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2020	\$39,320	115
2021	\$39,320	118
2022	\$39,320	135
2023	\$39,820	125
2024	\$0	122

NOTE: A full-year 2024 appropriation for this account was not enacted at the time the budget was prepared.

### **FY 2025**

MSHA requests \$41,051,000 and 120 FTE for the EPD budget activity. This request includes an increase of \$1,231,000 to support the EPD budget activity and existing staff levels and help mitigate further staff reductions from pay raises and increased benefit costs. The additional resources will also allow EPD to continue to advance the Administration's priorities.

In order to foster a culture of safety and improve safety and health conditions in the mining workplace, EPD will strengthen and modernize training and education through compliance assistance events including presentations, seminars, speeches, committee meetings, task force meetings, training courses, town hall meetings, compliance consultations, webinars, and face-to-face consultation. These events are generally pre-scheduled and arranged with the Agency. In FY 2025, MSHA projects to conduct 18 compliance assistance events for the mining community.

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

In addition, mine inspectors require continuous training in hazard recognition to ensure consistent, high-quality inspections. Ongoing training of both new and experienced inspectors is essential to ensure familiarity with new mining processes and equipment, and to keep pace with

## EDUCATIONAL POLICY AND DEVELOPMENT

changes to the law and regulations. Training improves consistency in enforcement across all MSHA Districts and U.S. mining sectors.

In FY 2025, EPD will continue efforts to evaluate, strengthen, and modernize training programs and provide compliance assistance to the mining industry to foster a culture of safety and health.

- **Evaluate Training Programs.** EPD will conduct evaluations of health and safety training programs, including reviewing materials, plans, and records. EPD will provide onsite training assistance, including bilingual training assistance, to operators and contractors. Additionally, EPD will conduct training plan reviews and assist with training plan development. EPD will also provide education on training regulations, policies, and recordkeeping requirements. In FY 2025, EPD projects to provide 60,000 hours of injury and illness prevention/compliance assistance and 600 course days of training to MSHA inspectors and specialists and 16 course days of training to members of the mining community.
- **Expand Academy Use.** The National Mine Health and Safety Academy continues to explore new opportunities for growth and expansion through creating and supporting partnerships with federal, state, and regional agencies such as the Border Patrol, Forestry Service, National Park Service, military, industry agencies, and higher education institutions. The Academy continues to partner with higher education institutions at various levels from community and technical colleges, universities, and medical schools. These partnerships support collaborative efforts which in turn provide efficient use of Academy resources, strengthens relationships across these agencies and institutions, and fosters education and training within and outside the Academy's service area. Additionally, the Academy will develop educational platforms to extend its reach such as virtual training, hybrid, and virtual reality courses that will continue to support MSHA's mission.
- **Instructor Evaluation.** EPD will continue to develop and improve the quality of training and provide feedback, training materials, and collaboration with industry instructors. EPD evaluates training instructor performance through in-class and remote video conference. EPD will use this feedback to take immediate action when instructor shortcomings are identified. In FY 2025, EPD will continue in-class and remote video-conference monitoring of instructors to ensure they are providing effective health and safety training to miners. EPD will place special emphasis on evaluation of contract instructors. EPD will continue to utilize the two-week training notifications submitted to the MSHA District offices by operators, contractors, and trainers. In FY 2025, EPD projects to provide 1,000 approved instructor evaluations.
- **Expand Distance Learning.** In FY 2025, EPD will continue to direct training resources to develop and refine crossover health and safety training for all inspectors, and enforcement supervisors and managers. Crossover training has become part of the health and safety standard training for all MSHA inspectors and supervisors. EPD will also continue to review and update the Agency's existing library of online courses. In FY 2025, EPD will create or update eight online courses.

## EDUCATIONAL POLICY AND DEVELOPMENT

- **State Grants.** MSHA will continue to award grants to state, tribal, and territorial governments (including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) to assist them in developing and enforcing state mining laws and regulations, improve state workers' compensation and mining occupational disease laws and programs, and improve safety and health conditions in the nation's mines through federal-state coordination and cooperation. MSHA recognizes that state training programs are a key source of mine safety and health training and education for individuals who work or will work at mines. MSHA encourages state training programs to prioritize training for small mining operations and underserved communities within the mining industry. MSHA is also interested in supporting programs that include training on miners' statutory rights, including the right to be provided a safe and healthy working environment and to refuse an unsafe task. In FY 2025, MSHA projects 180,000 miners, including those from underserved communities, will receive training through funding of its State Grants Program.
- **Brookwood-Sago Grants.** In FY 2025, MSHA expects Brookwood-Sago grantees to develop training materials or to develop and provide mine safety training or educational programs, recruit mine operators and miners for the training, and conduct and evaluate the training. MSHA will give special emphasis to mine emergency prevention and preparedness powered haulage (in particular, reducing vehicle-on-vehicle collisions, increasing seat belt use, and improving belt conveyor safety), improving safety among contractors, reducing electrocutions, improving training for new and inexperienced miners, falls from equipment, respiratory health hazards, and other programs to prevent unsafe and unhealthy conditions in mines. Emphasis will also be given to small mining operations and underserved communities within the mining industry. MSHA projects 20 percent of competitive grant money will be awarded to institutions that serve underserved populations.

### **FY 2024**

Figures for FY 2024 are an estimate. Discretionary amounts shown for FY 2024 reflect an annualized Continuing Resolution (Division A of P.L. 118-15, as amended), as a full-year appropriation, had not been enacted at the time the budget was produced.

### **FY 2023**

To foster a culture of safety and improve safety and health conditions in the mining workplace, EPD strengthened and modernized training and education through compliance assistance events including presentations, seminars, speeches, committee meetings, task force meetings, training courses, town hall meetings, compliance consultations, webinars, and face-to-face consultation. These events were generally pre-scheduled and arranged with the Agency. In FY 2023, MSHA conducted 20 compliance assistance events for the mining community.

EPD recognized the importance of miner training and education in the prevention of injury and disease. The mining industry can only achieve its goal of zero fatalities with an industry-wide culture of safety that reaches every level of the operation, from the CEO to the new miner trainee. An added factor is MSHA's focus on outreach to a diverse bilingual mining community.

## EDUCATIONAL POLICY AND DEVELOPMENT

Training has been bilingual, in English and Spanish, to address the new and modern diverse workforce. Inadequate or ineffective training had a contributing factor in many mine fatalities.

In addition, mine inspectors were required to continuously train in hazardous scenarios to ensure consistent, high-quality inspections. Ongoing training of both new and experienced inspectors is essential to ensure familiarity with new mining processes and equipment, and to keep pace with changes to the law and regulations. Training improves consistency in enforcement across all MSHA Districts and U.S. mining sectors.

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

- **Evaluate Training Programs.** EPD conducted evaluations of health and safety training programs, including reviewing materials, plans, and records. EPD provided onsite training assistance, including bilingual training assistance, to operators and contractors. Additionally, EPD conducted training plan reviews and assist with training plan development. EPD also provided education on training regulations, policies, and recordkeeping requirements. In FY 2023, EPD provided 61,185 hours of injury and illness prevention/compliance assistance and 1,057 course days of training to MSHA inspectors and specialists and 182 course days of training to members of the mining community.
- **Expand Academy Use.** The National Mine Health and Safety Academy explored new opportunities for growth and expansion through creating and supporting partnerships with federal, state, and regional agencies such as the Border Patrol, Forestry Service, military, industry agencies, and higher education institutions. These partnerships supported collaborative efforts which in turn provided efficient use of Academy resources, strengthened relationships across these agencies and institutions, and fostered education and training within and outside the Academy's service area. Additionally, the Academy developed educational platforms to extend its reach such as virtual training, hybrid, and virtual reality courses that supported MSHA's mission. EPD implemented a Registered Apprenticeship program to recruit and train mine safety and health inspectors from diverse backgrounds.
- **Instructor Evaluation.** EPD developed and improved the quality of training and provided feedback, training materials, and collaborated with industry instructors. EPD evaluated training instructor performance through in-class and remote video conference. EPD used this feedback to take immediate action when instructor shortcomings were identified. In FY 2023, EPD continued in-class and remote video-conference monitoring of instructors to ensure they provided effective health and safety training to miners. EPD placed special emphasis on evaluation of contracted instructors. EPD continued to utilize the two-week training notifications submitted to the MSHA District offices by operators, contractors, and trainers. In FY 2023, EPD provided 1,074 approved instructor evaluations.
- **Expand Distance Learning.** In FY 2023, EPD directed training resources to develop and refine crossover health and safety training for all inspectors, and enforcement supervisors and managers. Crossover training became part of the health and safety standard training for all

## EDUCATIONAL POLICY AND DEVELOPMENT

MSHA inspectors and supervisors. EPD continued to review and update the Agency's existing library of online courses. In FY 2023, EPD created and updated 17 online courses.

- **State Grants.** MSHA continued to award grants to state, tribal, and territorial governments(including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) to assist them in developing and enforcing state mining laws and regulations, improve state workers' compensation and mining occupational disease laws and programs, and improve safety and health conditions in the nation's mines through federal-state coordination and cooperation. MSHA recognized that state training programs are a key source of mine safety and health training and education for individuals who work or will work at mines. MSHA encouraged state training programs to prioritize training for small mining operations and underserved communities within the mining industry. MSHA supported programs that include training on miners' statutory rights, including the right to be provided a safe working environment and to refuse any unsafe task. In FY 2023, MSHA assisted about 173,571 miners, including those from underserved communities, through funding of its State Grants Program.
- **Brookwood-Sago Grants.** In FY 2023, Brookwood-Sago grantees developed training materials and provided mine safety training or educational programs, recruited mine operators and miners for the training, and conducted and evaluated the training. MSHA gave special emphasis to mine emergency prevention and preparedness, powered haulage (in particular, reducing vehicle-on-vehicle collisions, increasing seat belt use, and improving belt conveyor safety), improved safety among contractors, reduced electrocutions, improved training for new and inexperienced miners, falls from equipment, respiratory hazards, and other programs to prevent unsafe and unhealthy conditions in mines. Emphasis was given to small mining operations and underserved communities within the mining industry. Fifteen percent of competitive grant money was awarded to institutions that serve underserved populations.

## EDUCATIONAL POLICY AND DEVELOPMENT

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2023 Enacted</b>		<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Educational Policy and Development</b>					
<b>Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>					
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>					
<b>Course days of training</b>					
MSHA-EPD-02	Course days of training provided to MSHA	600	1,057	625	625
MSHA-EPD-03	Course days of training provided to industry	12	182	32	32
<b>Total</b>		<b>612</b>	<b>1,239</b>	<b>657</b>	<b>657</b>
MSHA-EPD-01	Injury, illness prevention/compliance assistance, including bilingual, hours provided	72,000	61,185	60,000	60,000
MSHA-EPD-07	Number of compliance assistance events conducted	16	20	18	18
MSHA-EPD-04	Number of new online courses created or updated	8	17	12	12
MSHA-EPD-06	Number of approved instructor evaluations	1,000	1,074	1,000	1,000
MSHA-EPD-05	Number of miners, including those from underserved communities, trained through the State Grants Program	200,000	173,571	200,000	200,000
MSHA-EPD-08	Percentage of competitive grants \$ awarded to Minority Serving Institutes	15%	15%	20%	20%

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

## EDUCATIONAL POLICY AND DEVELOPMENT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2023 Enacted</b>	<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>	<b>Diff. FY25 Request / FY24 Estimate</b>
11.1	Full-time permanent	13,521	13,521	14,335	814
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	297	297	297	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>13,818</b>	<b>13,818</b>	<b>14,632</b>	<b>814</b>
12.1	Civilian personnel benefits	5,341	5,341	5,657	316
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	582	582	582	0
22.0	Transportation of things	441	441	441	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	390	390	390	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	825	825	825	0
24.0	Printing and reproduction	22	22	22	0
25.1	Advisory and assistance services	1	1	1	0
25.2	Other services from non-Federal sources	1,737	1,737	1,737	0
25.3	Other goods and services from Federal sources 1/	4,361	4,361	4,462	101
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	142	142	142	0
26.0	Supplies and materials	427	427	427	0
31.0	Equipment	196	196	196	0
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	11,537	11,537	11,537	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>39,820</b>	<b>39,820</b>	<b>41,051</b>	<b>1,231</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	4,139	4,139	4,240	101
	DHS Services	134	134	134	0
	HHS Services	13	13	13	0
	Services by Other Government Departments	75	75	75	0

# EDUCATIONAL POLICY AND DEVELOPMENT

## CHANGES IN FY 2025

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$814
Personnel benefits	315
Federal Employees' Compensation Act (FECA)	1
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	101
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

**Built-Ins Subtotal** **\$1,231**

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

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$41,051</b>	<b>120</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## TECHNICAL SUPPORT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2023 Enacted</b>	<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>	<b>Diff. FY25 Request / FY24 Estimate</b>
<b>Activity Appropriation</b>	<b>36,041</b>	<b>36,041</b>	<b>37,730</b>	<b>1,689</b>
FTE	183	181	181	0

NOTE: FY 2023 reflects actual FTE. Authorized FTE for FY 2023 was 188.

### **Introduction**

The Directorate of Technical Support provides engineering, scientific, and technical expertise to MSHA and the mining industry. It is considered the agency’s repository of technical knowledge, employing most of MSHA’s engineers, industrial hygienists, scientists, and technical experts. MSHA enforcement personnel, mine operators, and miners rely on Technical Support’s staff to carry out field and laboratory investigations aimed at resolving complex mine safety and health issues and to provide technical training related to these complex issues. The staff provides analyses of complex mining plans to assist MSHA enforcement programs in their review and approval of plans. They participate in accident investigations and identify root causes of accidents, and corrective measures which can be applied at all mining operations to prevent similar accidents. Technical Support oversees all MSHA laboratories. Technical Support oversees and maintains MSHA mine emergency response capabilities and equipment. Technical Support is also responsible for evaluating the safety of equipment and materials used in the mining industry.

Technical Support’s laboratories, the Pittsburgh Safety & Health Technology Center (PSHTC) in Pittsburgh, PA, the Approval and Certification Center (A&CC) in Triadelphia, WV, and the PSHTC-operated National Air and Dust Laboratory (NADL) in Beckley, WV, provide MSHA enforcement programs with analyses of gas, dust, and other industrial hygiene samples to determine miner exposures and compliance with health and safety standards and regulations. In FY 2023, Technical Support’s laboratories tracked and analyzed 96,734 samples. Technicians calibrated or repaired approximately 4,000 pieces of test equipment, assuring that MSHA enforcement sampling and testing equipment provide accurate and representative data. In FY 2024 and FY 2025, Technical Support anticipates a significant increase in the number of respirable dust samples collected by Enforcement personnel as a result of increased mining to meet the demands of new infrastructure investments, as well as an increase in samples collected as part of the Agency’s new respirable crystalline silica standard. These laboratories are accredited by national oversight organizations to ensure accurate and reliable results.

Technical Support maintains a mine emergency response capability that provides equipment and expertise in the event of a mine emergency, such as an inundation of water or gas, fire, entrapment, or explosion. Technical Support mine emergency personnel respond to every major U.S. mine emergency. The mine emergency personnel engage in mine rescue and recovery operations by reviewing and advising on the adequacy of rescue and recovery plans. Mine emergency personnel also maintain and deploy a fleet of mine emergency response vehicles, including vehicles for command and control, mobile laboratories for gas analysis, ventilation

## TECHNICAL SUPPORT

support, seismic detection and location of trapped miners, robotics support and other functions. Technical Support can dispatch equipment and trained personnel from mine emergency stations located in Pittsburgh, PA; Beckley, WV; Madisonville, KY, Denver, CO, and Price, UT.

Technical Support is responsible for administering a program to evaluate the safety of equipment and materials used in the mining industry in its Approval and Certification Center (A&CC). The A&CC evaluates new technologies to identify potential improvements to the safety and health of miners. The A&CC audits manufacturers of mining and rescue equipment to maintain the highest level of quality assurance. The A&CC also provides investigation assistance when an accident occurs involving mining equipment or materials. MSHA collects fees for the approval and certification of equipment, materials, and explosives for use in mines.

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

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2020	\$35,041	196
2021	\$35,041	188
2022	\$35,041	189
2023	\$36,041	188
2024	\$0	178

NOTE: A full-year 2024 appropriation for this account was not enacted at the time the budget was prepared.

### FY 2025

MSHA requests \$37,730,000 and 181 FTE for the Technical Support budget activity. This request includes an increase of \$1,689,000 to support the Technical Support budget activity and existing staff levels and help mitigate further staff reductions from pay raises and increased benefit costs. The additional resources will also allow Technical Support to continue to advance the Administration's priorities.

Technical Support will:

- Evaluate the safety of mine equipment, materials, and instruments, with a focus on reducing time to complete approvals.
- Evaluate the design of seals, mining impoundments, mine ventilation systems, and ground control systems.

## TECHNICAL SUPPORT

- Provide engineering and scientific technical expertise to evaluate complex health and safety issues, identify causes of accidents, and support MSHA litigation cases.
- Provide laboratory support for MSHA enforcement by analyzing airborne dust samples, atmospheric gas samples, mine rock dust samples, and other industrial hygiene related samples collected to determine compliance with health and safety standards; and
- Provide support and guidance during a mine emergency response effort while continuing to oversee and maintain critical equipment, which includes onsite analytical equipment, communications links, and other sophisticated equipment essential to making critical decisions in rescue and recovery operations.

Technical Support's PSHTC laboratories support enforcement by analyzing respirable dust samples, mine dust samples, mine air samples, and other industrial hygiene samples. Technical Support expects its laboratories to analyze approximately 140,000 samples in support of the enforcement of mine safety and health standards in FY 2025.

Technical Support anticipates an increased emphasis on health sampling for respirable dust, crystalline silica, diesel particulate matter, and other health samples collected by inspectors. In addition to the increase in health sampling analysis related to the new silica rule, MSHA continues expanding outreach regarding its Part 90 miner program, which protects the health of coal miners already impacted by occupational exposure to respirable coal dust and silica. This expansion in outreach will generate an increase in demand for health sampling analysis, which may only be met if Technical Support can expand its current laboratory capacity with equipment and FTE at the Beckley, WV facility. This would involve an increase in staffing, the purchase of additional equipment, and the incorporation of a second shift. These increases will ensure that Technical Support can deliver effective and efficient laboratory services to support safe and healthy working conditions for miners.

### **FY 2024**

Figures for FY 2024 are an estimate. Discretionary amounts shown for FY 2024 reflect an annualized Continuing Resolution (Division A of P.L. 118-15, as amended), as a full-year appropriation, had not been enacted at the time the budget was produced.

### **FY 2023**

In FY 2023, Technical Support:

- Evaluated the safety of mine equipment, materials, and instruments, with a focus on reducing time to complete approvals.
- Evaluated the design of seals, mining impoundments, mine ventilation systems, and ground control systems.

## TECHNICAL SUPPORT

- Provided engineering and scientific technical expertise to evaluate complex health and safety issues, identify causes of accidents, and support MSHA litigation cases.
- Provided laboratory support for MSHA enforcement by analyzing airborne dust samples, atmospheric gas samples, mine rock dust samples, and other industrial hygiene related samples collected to determine compliance with health and safety standards.
- Participated and provided leadership in mine emergency response efforts, including providing and managing onsite analytical equipment, communications links, and other sophisticated equipment essential to making critical decisions in rescue and recovery operations.

Technical Support's PSHTC laboratories supported enforcement by analyzing respirable dust samples, mine dust samples, mine air samples, and other industrial hygiene samples. Technical Support laboratories analyzed 96,734 samples in support of the enforcement of mine safety and health standards in FY 2023.

## TECHNICAL SUPPORT

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2023 Enacted</b>		<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Technical Support</b>					
<b>Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>					
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>					
MSHA-TS-01	Percent of product reviews (electrical and mechanical equipment, materials, and refuge alternatives) completed within 120 days	80.0%	82.1%	80.0%	80.0%

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

## TECHNICAL SUPPORT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		FY 2023 Enacted	FY 2024 Estimate	FY 2025 Request	Diff. FY25 Request / FY24 Estimate
11.1	Full-time permanent	18,422	18,422	19,515	1,093
11.3	Other than full-time permanent	84	84	84	0
11.5	Other personnel compensation	51	51	51	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>18,557</b>	<b>18,557</b>	<b>19,650</b>	<b>1,093</b>
12.1	Civilian personnel benefits	7,685	7,685	8,139	454
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	390	390	390	0
22.0	Transportation of things	189	189	189	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	123	123	123	0
23.2	Rental payments to others	2	2	2	0
23.3	Communications, utilities, and miscellaneous charges	262	262	262	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	36	36	36	0
25.2	Other services from non-Federal sources	342	342	342	0
25.3	Other goods and services from Federal sources 1/	6,302	6,302	6,444	142
25.4	Operation and maintenance of facilities	1,021	1,021	1,021	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	329	329	329	0
26.0	Supplies and materials	562	562	562	0
31.0	Equipment	241	241	241	0
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>36,041</b>	<b>36,041</b>	<b>37,730</b>	<b>1,689</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	5,800	5,800	5,942	142
	DHS Services	26	26	26	0
	HHS Services	28	28	28	0
	Services by Other Government Departments	448	448	448	0

# TECHNICAL SUPPORT

## CHANGES IN FY 2025

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$1,093
Personnel benefits	453
Federal Employees' Compensation Act (FECA)	1
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	142
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

**Built-Ins Subtotal** **\$1,689**

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

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$37,730</b>	<b>181</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## PROGRAM EVALUATION AND INFORMATION RESOURCES

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2023 Enacted</b>	<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>	<b>Diff. FY25 Request / FY24 Estimate</b>
<b>Activity Appropriation</b>	<b>17,990</b>	<b>17,990</b>	<b>18,273</b>	<b>283</b>
FTE	27	36	36	0

NOTE: FY 2023 reflects actual FTE. Authorized FTE for FY 2023 was 38.

### **Introduction**

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

PEIR collects, analyzes, and publishes data obtained from mine operators and contractors on the occurrence of work-related injuries and illnesses in the mining industry. MSHA, the mining community, and the public use this data to assess progress in preventing occupational injuries and illnesses in mining. MSHA also utilizes PEIR’s data to determine if performance measures are met, on target, or need attention from leadership. With the assistance of the Department’s Office of the Chief Information Officer (OCIO), PEIR manages all agency information technology applications and the content on the agency’s internet and intranet sites. PEIR collaborates with stakeholders and contractors as needed to develop customer-driven projects that support MSHA’s mission to protect the safety and health of miners.

PEIR serves as MSHA’s business process owner for IT applications. Its function is to plan and prioritize the Agency’s IT initiatives.

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

# PROGRAM EVALUATION AND INFORMATION RESOURCES

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2020	\$17,990	28
2021	\$17,990	19
2022	\$17,990	21
2023	\$17,990	38
2024	\$0	35

NOTE: A full-year 2024 appropriation for this account was not enacted at the time the budget was prepared.

## FY 2025

MSHA is requesting \$18,273,000 and 36 FTE for the PEIR budget activity. This request includes an increase of \$283,000 to support the Program Evaluation and Information Resources budget activity and existing staff levels and help mitigate further staff reductions from pay raises and increased benefit costs. The additional resources will also allow PEIR to continue to advance the Administration's priorities.

PEIR will provide:

- **Data Analytics.** PEIR aims to further enhance its data analytics program by creating interactive dashboards, advancing predictive analytics, and increasing public accessibility to MSHA's data.

**MSHA Mobile Accident and Illness Incident Dashboard.** PEIR will explore development of a Mobile Application Accident and Illness Incident Dashboard within the Miner Mobile App to allow users to easily explore 30 CFR Part 50 miner occupational safety and health injury and illness reporting information.

**Electronic Chartbooks.** PEIR will develop chartbooks targeting miner diseases, injuries, and mining workplace exposures. These chartbooks will provide access to detailed analyses of miner-related safety and health data that are often elusive or not charted elsewhere. These chartbooks will also serve as a unique repository, enabling identification of new and emerging issues within the mining workplace. Moreover, this information will provide concrete evidence to inform health and safety prevention strategies and enhance safety and health protocols within mining operations.

- **Real-time Data and Transparency.** PEIR will explore innovative real-time data through Application Programming Interfaces (API), designed to offer seamless access to critical mining information. These APIs let users harness real-time data for informed decision-making, thereby enhancing efficiency, safety, and overall performance within the mining sector.

**Mine Data Retrieval System Modernization.** The Mine Data Retrieval System will be updated to enhance its accessibility and functionality and improve stakeholder access

## PROGRAM EVALUATION AND INFORMATION RESOURCES

to comprehensive mine safety and health data and other information. The system will incorporate advanced search algorithms and interactive visualizations, allowing users to examine a wealth of information, fostering transparency and informed decision-making in the mining industry. This modernization initiative will include incorporating an Accident and Illness Incident Reporting System.

**MSHA At a Glance Fiscal Year Reporting Automation.** MSHA will explore automating the inquiry process for [Mine Safety and Health At a Glance: Fiscal Year](#) reporting, which will involve implementing a contemporary data aggregation system that integrates with MSHA's internal databases. By utilizing APIs and specialized algorithms, this system will extract relevant mining safety and health data from various internal database sources, such as incident reports, inspections, and violation records. Leveraging data analysis and graphical software will aid with categorizing and analyzing information to generate comprehensive reports automatically. Incorporating real-time data feeds and cloud-based technologies will ensure continuous updates and accuracy in the generated reports. Additionally, implementing user-friendly dashboards and visualization tools will allow for easy access and interpretation of the data, empowering stakeholders to make informed decisions promptly. This automated approach will streamline the reporting process, reducing manual effort and enabling timely insights into mine safety and health metrics.

### **Incorporating Laboratory Information Management Systems (LIMS) in MCAS - Modernizing Lab Samples Upload to MSIS interface for all Sample Types.**

Laboratory sample results are manually transferred to the MSHA's Standardized Information System (MSIS) and accessed in the MSHA's Centralized Application System (MCAS). This current effort is inefficient, lacks real-time processing and notifications, and delays communication of sampling errors due to batch mode processing. MSHA will explore modernizing the interface to automatically transfer text-based files to API-based processes which will increase efficiency by providing automated file transfer and sample result electronic validation communication.

- **Expanded Digitization Services.** PEIR will expand on efforts to digitize the Agency's working and permanent records into specified searchable electronic formats. The conversion will meet the National Archives and Records Administration's (NARA) and MSHA's requirements for specific metadata related to the records.
- **MCAS Modernization.** PEIR will continue to update components of MSHA's Centralized Application System (MCAS). MCAS, formerly MSHA's Standardized Information System, is a web-based application that serves as MSHA's core information management system enabling the agency to accomplish its mission of protecting the health and safety of the nation's miners.
  - Major projects for FY 2025 include:

**Automate the Distribution of Lab Results for Coal Mines.** MSHA will eliminate the manual report generation and distribution of coal mine sample

## PROGRAM EVALUATION AND INFORMATION RESOURCES

results. This would enable the upload of coal lab sample attributes and include modifications, including transferring data to the MSHA Data Warehouse to support analytics.

**Full Electronic Capture of MCAS Events.** To improve the efficiency of business processes, PEIR will develop an electronic inspection review process in MSHA's Centralized Application System (MCAS), including email notifications. Automating the inspection review process will lower operating costs and increase production output. This process will increase efficiency by eliminating the need to print reports. This will reduce the administrative burden on the MSHA workforce, standardize and simplify the process, and significantly reduce or eliminate the physical records generated and maintained by MSHA.

**Part 50 Data Enhancement.** PEIR will explore using information technology software to review 30 CFR Part 50 Quarterly Reporting submissions.

**Electronic Submission of Forms.** MSHA will continue efforts to automate forms in the Inspection Application System (IAS). PEIR will use technology to define efficient ways to collect and process information during inspections to overcome the practical challenges that dictate the continued use of paper. This conversion will not only simplify the task of moving paper-based forms into an electronic format in IAS but also afford inspectors the opportunity to upload, process, and store information electronically in back-end databases for long-term tracking and preservation of information, simplify the review and approval process, and access forms on their smartphones and tablets and validate the information in real-time with logical field validations, thereby eliminating errors and expediting the lifecycle of forms processing. Therefore, data is automatically validated on input or form submission.

### **FY 2024**

Figures for FY 2024 are an estimate. Discretionary amounts shown for FY 2024 reflect an annualized Continuing Resolution (Division A of P.L. 118-15, as amended), as a full-year appropriation, had not been enacted at the time the budget was produced.

### **FY 2023**

PEIR deployed the following projects:

- **Research and Data Analysis.** PEIR identified vital services available to miners in underserved communities and the vulnerabilities they faced. PEIR evaluated data from underserved communities to identify barriers such as the availability of access to health services and broadband communications. PEIR examined the number of mines located in health professional shortage area designations, medically underserved areas, and near black lung clinics. This effort assisted with the development of a digital

## PROGRAM EVALUATION AND INFORMATION RESOURCES

technology application that delivers the location of medical, drug recovery support services, and mental health treatment facilities as a solution to address continuum-of-care gaps in rural and underserved areas.

- **Expanded Digitization Services.** PEIR continued to digitize the Agency's working and permanent records into specified searchable electronic formats. The conversion will meet NARA's and MSHA's requirements for specific metadata related to the records.
  - **Data Analytics.** PEIR established and will continue to mature its data analytics program by developing dynamic dashboards, promoting predictive analytics, and making MSHA's data more accessible to the public.
  - **Real-time Data.** PEIR developed and will continue to develop real-time data to create an accessible inspection dashboard that provides measurable benefits to inspectors such as more time in the field conducting inspections due to less time spent gathering and accessing multiple information resources.
  - **MEO Modernization.** PEIR modernized equipment and will continue to modernize its Mine Emergency Operations' (MEO) communications system by exploring other satellite alternatives to support the MEO.
  - **MCAS Modernization.** PEIR continued to update components of MSHA's Centralized Application System (MCAS). MCAS, formerly MSHA's Standardized Information System, is a web-based application that serves as MSHA's core information management system enabling the Agency to accomplish its mission of protecting the health and safety of the nation's miners.
- Major projects for FY 2023 included:

Technical Support System Integration Application. Supported the management of equipment certifications, tracked work associated with these certifications, and generated costs associated with performing these certifications.

Samples Project. Improved the functionality of MSHA sample modules, specifically, respirable coal dust, metal-nonmetal contaminant samples, and samples reporting.

Qualification and Certification (MSHA Individual Identification Number). MSHA progressed with including functions to manage qualifications and certifications of miners for a variety of responsibilities at mines, as well as manage the process of qualifying instructors to teach courses required for certain miner certifications. It will use the MSHA Individual Identification Number in place of social security numbers.

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

## PROGRAM EVALUATION AND INFORMATION RESOURCES

E-TPA (Electronic Training Plan Advisor) Reports. MSHA continues to enhance the search and reporting functionality for submitted training plans for Part 46 and Part 48 mines.

Impoundment Reports. MSHA continues to enhance the management and reporting of mine impoundment structures.

MSHA's Miner Safety and Health app. MSHA's free mobile app, available for iOS and Android devices, is now available in Spanish as well. That provides timely information directly to miners is now available in Spanish. The app puts information directly in the hands of miners, providing them a tool to use at mine sites and outside of working hours to review best mine safety and health practices, better understand their rights and responsibilities as miners, and report hazardous work condition complaints. The app also sends users notifications of mining fatalities and information on how to prevent them. In FY 2023, the app also sent out push notifications for MSHA priorities, such as health and safety alerts, silica rule, and *Stand Down to Save Lives*.

Diesel Inventory. MSHA continues to enhance the management and reporting of mine diesel equipment inventory.

**PROGRAM EVALUATION AND INFORMATION RESOURCES**

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>				
	<b>FY 2023 Enacted</b>		<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Program Evaluation and Information Resources</b>				
<b>Strategic Goal 2 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces</b>				
<b>Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.</b>				
MSHA-13      Major program evaluations conducted	2	2	2	2

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

## PROGRAM EVALUATION AND INFORMATION RESOURCES

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		FY 2023 Enacted	FY 2024 Estimate	FY 2025 Request	Diff. FY25 Request / FY24 Estimate
11.1	Full-time permanent	2,890	2,890	3,062	172
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	33	33	33	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>2,923</b>	<b>2,923</b>	<b>3,095</b>	<b>172</b>
12.1	Civilian personnel benefits	1,132	1,132	1,199	67
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	20	20	20	0
22.0	Transportation of things	4	4	4	0
23.1	Rental payments to GSA	319	319	319	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	311	311	311	0
24.0	Printing and reproduction	8	8	8	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	40	40	40	0
25.3	Other goods and services from Federal sources 1/	13,045	13,045	13,089	44
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	0	0	0	0
26.0	Supplies and materials	8	8	8	0
31.0	Equipment	0	180	180	0
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	180	0	0	0
	<b>Total</b>	<b>17,990</b>	<b>17,990</b>	<b>18,273</b>	<b>283</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,793	1,793	1,837	44
	DHS Services	55	55	55	0
	HHS Services	16	16	16	0
	Services by Other Government Departments	11,181	11,181	11,181	0

# PROGRAM EVALUATION AND INFORMATION RESOURCES

## CHANGES IN FY 2025

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$172
Personnel benefits	67
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	44
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

**Built-Ins Subtotal** **\$283**

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

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$18,273</b>	<b>36</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## PROGRAM ADMINISTRATION

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2023 Enacted</b>	<b>FY 2024 Estimate</b>	<b>FY 2025 Request</b>	<b>Diff. FY25 Request / FY24 Estimate</b>
<b>Activity Appropriation</b>	<b>16,000</b>	<b>16,000</b>	<b>16,777</b>	<b>777</b>
FTE	78	81	81	0

NOTE: FY 2023 reflects actual FTE. Authorized FTE for FY 2023 was 84.

### **Introduction**

Program Administration (PA) provides executive direction as well as administrative and management advice and services to support all of MSHA’s activities. Program Administration consists of the Office of Assistant Secretary (OAS) and the Directorate of Administration and Management (A&M). The A&M Directorate supports all the Agency’s program areas providing the Agency with essential services in grant management, budget, finance, medical reviews for inspectors and other technical personnel, emergency management, construction and design, facility management supporting 87 locations over the United States, territories and Puerto Rico, personal property management, fleet management, employee safety and health, Workers’ Compensation claims management, and significant liaison activities.

The program’s services are critical for the Agency to carry out its mission. Successful execution of PA’s mission will help eliminate fatal mining accidents, reduce the frequency and severity of accidents, and minimize health hazards through enforcement of mandatory safety and health standards and regulations in the mining industry. PA supports and strengthens all of MSHA’s program activities by providing leadership, policy direction, and administrative support services, and enabling the agency to meet annual performance goals and objectives.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2020	\$15,838	61
2021	\$15,838	52
2022	\$15,838	74
2023	\$16,000	84
2024	\$0	80

NOTE: A full-year 2024 appropriation for this account was not enacted at the time the budget was prepared.

### **FY 2025**

MSHA requests \$16,777,000 and 81 FTE for the PA budget activity. This request includes an increase of \$777,000 to support the PA budget activity and existing staff levels and help mitigate further staff reductions from pay raises and increased benefit costs. The additional resources will also allow PA to continue to advance the Administration’s priorities.

## **PROGRAM ADMINISTRATION**

In FY 2025, PA will continue to support MSHA's Annual Performance Goals as well as the Departmental strategic goals and objectives, to prevent fatalities, illness, and injury from mining and promote safe and healthful workplaces for America's miners.

In accordance with OMB's National Strategy for Real Property (National Strategy) and the Reduce the Footprint Policy, PA will support MSHA's efforts to further reduce its footprint in FY 2025 by moving its Headquarters location to the Department of Labor's Frances Perkins Building. This will provide a reduction of approximately 30,000 rentable square feet.

PA will continue to support the Administration's goal to transition MSHA's vehicle fleet to clean and zero emission vehicles (ZEV). PA will strategically prioritize ZEVs implementation based on vehicle replacement schedules, usage, and locations. PA also plans on expanding Electric Vehicle Supply Equipment (EVSE) infrastructure throughout MSHA locations to support new zero-emission vehicles.

PA will continue to reduce employee injury and illness, absenteeism and compensation rates and improve processes which ensure safety compliance, using data analytics techniques to identify occupational injury and illness root causes and prioritize safety and health training, equipment, and actions.

Program Administration will continue development of outreach for opioid hazard awareness suitable for miners, new miners, and employers. This initiative involves adopting best practices and engaging with miners, mine operators, and mining communities.

### **FY 2024**

Figures for FY 2024 are an estimate. Discretionary amounts shown for FY 2024 reflect an annualized Continuing Resolution (Division A of P.L. 118-15, as amended), as a full-year appropriation, had not been enacted at the time the budget was produced.

### **FY 2023**

The PA budget activity utilized appropriated resources to enhance operations that allowed the program to provide executive direction as well as administrative and management advice and services to support all MSHA activities.

As the program spearheading MSHA's hiring process, PA focused on supporting this effort by planning and executing the hiring of priority mine safety and health inspectors and other critical Enforcement positions. This hiring initiative ensured MSHA enforcement and support positions can efficiently and effectively protect the safety and health of the nation's miners as the mining industry continues to experience demand for increased production.

## PROGRAM ADMINISTRATION

### PA provided:

**Mission Support.** PA supported Departmental activities associated with Agency reform and consolidation for several administrative functions. PA facilitated means to reduce employee injury and illness rates and workers' compensation costs by prioritizing actions with the greatest impact on employee health and safety. This data-driven approach focused Agency actions, enabled conversations, and improved safety and health awareness, resulting in a 9.3 percent decrease in occupational injuries and illnesses.

**Ensuring workforce racial and gender equity by focusing on Diversity, Equity, Inclusion, and Accessibility (DEIA).** Aligning with the President's Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, PA helped ensure the promotion of racial and socioeconomic equity as a priority in recruitment, hiring, and retention to develop a more vibrant and diverse MSHA workforce. This included hiring outreach in Latino, African American, and Native American communities, such as the Western United States to address the expanding diverse bilingual mining communities in that region. In parallel, PA also increased recruitment and outreach efforts in underserved communities.

**Equity Balanced Outreach Expansion.** PA continued to ensure increased and inclusive outreach to any interested party in the mining community through quarterly calls to help reduce deaths, injuries, and illnesses; improve mine safety and health; and include special emphasis discussions on fatal accidents and health hazards, emerging and troubling trends in safety and health hazards, and best practices and information to protect miners' safety and health. PA focused on the translation of MSHA documents and social media to Spanish to reach miners with Spanish as their first language. MSHA continued to ensure Agency information and communication technology is accessible and usable by individuals with disabilities in compliance with the final rule of Section 508 of the Rehabilitation Act of 2017.

**Increasing efficiencies while decreasing footprint.** In accordance with OMB's National Strategy for Real Property (National Strategy) and the Reduce the Footprint Policy, PA implemented strategies to improve efficiencies in telework. MSHA is at the forefront of digitizing temporary records to facilitate and improve work efficiencies and reduce redundant processes. MSHA has been preparing for the transition to all electronic records in June of 2024. In FY 2023, MSHA initiated plans for a relocation of an existing office at the Denver Federal Center to a smaller space in a separate building that will reduce the office size by approximately 33,000 rentable square feet. MSHA was also able to consolidate its headquarters and reduce its footprint by 20,000 rentable square feet. These moves, along with anticipated reductions in other lease actions in FY 2023, should result in an overall reduction in the agency's portfolio of approximately 50,000 rentable square feet. MSHA amended the Agency's occupational health services contract, eliminating clinic services in the MSHA headquarters building and saving \$180,000 annually after data showed a 94.6 percent decrease in clinic use since 2019.

**Building framework for fleet electrification goals.** The increase in enforcement workforce and activity requires increases in MSHA's fleet of motor vehicles. PA continued to support the Administration's goal to transition MSHA's vehicle fleet to clean and zero emission vehicles

## PROGRAM ADMINISTRATION

(ZEV). The Agency is prioritizing resources for the operation and procurement of electric vehicles (including plug-in hybrid technology), associated charging infrastructure, and for longer term electrification goals mandated by Executive Order 14057. The transition to ZEV will include initial costs but will result in future savings. MSHA performed and completed a site assessment for EVSE infrastructure at the Mine Health and Safety Academy and is conducting market research on charging station acquisition.

**Responsible procurement with equity mindset.** MSHA exceeded the small business procurement goals set by the Department of Labor, which include goals for Small Disadvantaged Businesses and HUB Zones, by continuing to do outreach through small business outreach events, Small Business Administration (SBA) local officers and through diligent market research for each procurement action. MSHA attended four virtual events and two major face-to-face events hosted by the SBA. The Agency researched innovative options for conducting mobile audiograms, identifying service providers with potential to reduce costs by \$140,000 annually and improve employee experiences.

**Planning for MSHA's Future.** MSHA continued to prioritize work on recruitment, retention, training, and succession planning to ensure MSHA is able to meet its statutory obligations, organization goals, and mission to protect miners' safety and health now and into the future.

**Opioid outreach.** Continued development of outreach for opioid hazard awareness suitable for miners, new miners, and employers. This initiative involves adopting best practices and engaging with miners, mine operators, and mining communities.

**Health and Safety Outreach.** PA continued to expand health initiatives associated with the agency's overarching *Miner Health Matters* initiative, including the Part 90 Education and Awareness Campaign, engagement with black lung clinics and health professionals who treat miners, and sponsoring vaccine and health outreach in underserved mining communities.

On May 17, 2023, MSHA held the inaugural *Stand Down for Safety* event to educate miners and operators as part of a national campaign to encourage the nation's mining community to take steps to prevent injuries and illnesses and stop an alarming rise in the number of miners killed on the job. The event reached thousands of miners, mine operators, and stakeholders to emphasize the need for adhering to best safety practices to reduce fatalities and injuries. MSHA established a *Stand Down to Save Lives* webpage with resources for the mining community, including a toolkit. The *Stand Down to Save Lives* is now an annual event for the entire mining community to come together and focus on protecting miners' lives.

**Apprenticeship Outreach.** PA continued this outreach effort to hire an experienced workforce to increase staffing levels that were recently at the lowest level in a decade, and to fill gaps resulting from MSHA's high attrition rate. MSHA on-boarded 76 employees into the Apprenticeship program. As of the end of FY 2023, 100 percent of the apprentice participants started the entry-level inspector training.

**Grant Programs.** Supported grant activities ensuring compliance with rules and regulations. Processed and awarded \$1,000,000 to nine applicants under the Brookwood-Sago grant program

## PROGRAM ADMINISTRATION

and \$10,537,000 to 49 states, territories, and Native American nations under the state grant program. The MSHA grant programs provided education and health and safety training to new miners and refresher training for experienced miners and mine operators. Emphasis was placed on grant recipient accountability through grant compliance evaluations and review of the grantees' training programs.

**Supported facility and space related initiatives.** This was done by analyzing space usage and identifying opportunities to consolidate and improve cost effectiveness.

## PROGRAM ADMINISTRATION

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		FY 2023 Enacted	FY 2024 Estimate	FY 2025 Request	Diff. FY25 Request / FY24 Estimate
11.1	Full-time permanent	9,238	9,238	9,824	586
11.3	Other than full-time permanent	333	333	333	0
11.5	Other personnel compensation	373	373	373	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>9,944</b>	<b>9,944</b>	<b>10,530</b>	<b>586</b>
12.1	Civilian personnel benefits	2,111	2,111	2,237	126
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	65	65	65	0
22.0	Transportation of things	24	24	24	0
23.1	Rental payments to GSA	715	715	715	0
23.2	Rental payments to others	32	32	32	0
23.3	Communications, utilities, and miscellaneous charges	15	15	15	0
24.0	Printing and reproduction	14	14	14	0
25.1	Advisory and assistance services	8	8	8	0
25.2	Other services from non-Federal sources	174	174	174	0
25.3	Other goods and services from Federal sources 1/	2,758	2,758	2,823	65
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	20	20	20	0
26.0	Supplies and materials	110	110	110	0
31.0	Equipment	10	10	10	0
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>16,000</b>	<b>16,000</b>	<b>16,777</b>	<b>777</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	2,622	2,622	2,687	65
	DHS Services	71	71	71	0
	HHS Services	55	55	55	0
	Services by Other Government Departments	10	10	10	0

# PROGRAM ADMINISTRATION

## CHANGES IN FY 2025

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$586
Personnel benefits	124
Federal Employees' Compensation Act (FECA)	2
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	65
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

**Built-Ins Subtotal** **\$777**

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

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$16,777</b>	<b>81</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>