

**FY 2021**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**MINE SAFETY AND HEALTH ADMINISTRATION**

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# MINE SAFETY AND HEALTH ADMINISTRATION

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# MINE SAFETY AND HEALTH ADMINISTRATION

## APPROPRIATION LANGUAGE

### SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, [\$379,816,000] \$381,587,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities and not less than \$10,537,000 for State assistance grants: *Provided*, That notwithstanding 31 U.S.C. 3302, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to \$2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: *Provided further*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: *Provided further*, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster. (*Department of Labor Appropriations Act, 2020.*)

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>AMOUNTS AVAILABLE FOR OBLIGATION</b>						
(Dollars in Thousands)						
	<b>FY 2019 Enacted</b>		<b>FY 2020 Enacted</b>		<b>FY 2021 Request</b>	
	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
<b>A. Appropriation</b>	<b>1,984</b>	<b>\$373,816</b>	<b>1,866</b>	<b>\$379,816</b>	<b>1,866</b>	<b>\$381,587</b>
Offsetting Collections From:						
Reimbursements	0	\$1,652	0	\$3,249	0	\$3,249
<i>Subtotal</i>	<i>1,984</i>	<i>\$375,468</i>	<i>1,866</i>	<i>\$383,065</i>	<i>1,866</i>	<i>\$384,836</i>
<b>B. Gross Budget Authority</b>	<b>1,984</b>	<b>\$375,468</b>	<b>1,866</b>	<b>\$383,065</b>	<b>1,866</b>	<b>\$384,836</b>
IT Consolidation	0	\$0	0	\$0	0	\$0
Offsetting Collections to:						
Reimbursements	0	-\$1,652	0	-\$3,249	0	-\$3,249
Shared Services Realignment	-40	\$0	-40	\$0	-40	\$0
<i>Subtotal</i>	<i>1,944</i>	<i>\$373,816</i>	<i>1,826</i>	<i>\$379,816</i>	<i>1,826</i>	<i>\$381,587</i>
<b>C. Budget Authority Before Committee</b>	<b>1,944</b>	<b>\$373,816</b>	<b>1,826</b>	<b>\$379,816</b>	<b>1,826</b>	<b>\$381,587</b>
Offsetting Collections From:						
Reimbursements	0	\$1,652	0	\$3,249	0	\$3,249
<i>Subtotal</i>	<i>1,944</i>	<i>\$375,468</i>	<i>1,826</i>	<i>\$383,065</i>	<i>1,826</i>	<i>\$384,836</i>
<b>D. Total Budgetary Resources</b>	<b>1,944</b>	<b>\$375,468</b>	<b>1,826</b>	<b>\$383,065</b>	<b>1,826</b>	<b>\$384,836</b>
Unobligated Balance Expiring	-118	-\$94	0	\$0	0	\$0
Shared Services Realignment	40	\$0	0	\$0	0	\$0
<b>E. Total, Estimated Obligations</b>	<b>1,866</b>	<b>\$375,374</b>	<b>1,826</b>	<b>\$383,065</b>	<b>1,826</b>	<b>\$384,836</b>

# MINE SAFETY AND HEALTH ADMINISTRATION

## SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2020 Enacted	FY 2021 Request	Net Change
<b>Budget Authority</b>			
General Funds	\$379,816	\$381,587	+ \$1,771
<b>Total</b>	\$379,816	\$381,587	+ \$1,771
<b>Full Time Equivalents</b>			
General Funds	1,826	1,826	0
<b>Total</b>	1,826	1,826	0

Explanation of Change	FY 2020 Base		FY 2021 Change					
	FTE	Amount	Trust Funds		General Funds		Total	
			FTE	Amount	FTE	Amount	FTE	Amount
<b>Increases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Costs of pay adjustments	1,826	\$178,798	0	\$0	0	\$4,044	0	\$4,044
Personnel benefits	0	\$64,241	0	\$0	0	\$0	0	\$0
One day less of Pay	0	\$0	0	\$0	0	\$0	0	\$0
Federal Employees' Compensation Act (FECA)	0	\$7,519	0	\$0	0	\$1,355	0	\$1,355
Benefits for former personnel	0	\$1	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$9,734	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$6,088	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$16,477	0	\$0	0	\$0	0	\$0
Rental payments to others	0	\$115	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$2,691	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$230	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$114	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$4,893	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$51,311	0	\$0	0	\$0	0	\$0
Other Federal sources (DHS Charges)	0	\$770	0	\$0	0	\$0	0	\$0
Other goods and services from Federal sources	0	\$7,431	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$1,506	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$11,064	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$2,976	0	\$0	0	\$0	0	\$0
Equipment	0	\$2,882	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$10,937	0	\$0	0	\$0	0	\$0

# MINE SAFETY AND HEALTH ADMINISTRATION

FY 2021 Change

Explanation of Change	FY 2020 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Insurance claims and indemnities	0	\$38	0	\$0	0	\$0	0	\$0
Land and Structures	0	\$0	0	\$0	0	\$0	0	\$0
<b>Built-Ins Subtotal</b>	<b>1,826</b>	<b>+\$379,816</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$5,399</b>	<b>0</b>	<b>+\$5,399</b>
<b>B. Programs:</b>								
IT Modernization of MSHA's Standardized Information System (MSIS)	45	\$21,583	0	\$0	0	\$2,500	0	\$2,500
<b>Programs Subtotal</b>			<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$2,500</b>	<b>0</b>	<b>+\$2,500</b>
<b>Total Increase</b>	<b>1,826</b>	<b>+\$379,816</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$7,899</b>	<b>0</b>	<b>+\$7,899</b>
<b>Decreases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
One day less of Pay	0	\$0	0	\$0	0	-\$937	0	-\$937
<b>Built-Ins Subtotal</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>-\$937</b>	<b>0</b>	<b>-\$937</b>
<b>B. Programs:</b>								
Reduction in Enforcement	1,450	\$256,988	0	\$0	0	-\$5,191	0	-\$5,191
<b>Programs Subtotal</b>			<b>0</b>	<b>\$0</b>	<b>0</b>	<b>-\$5,191</b>	<b>0</b>	<b>-\$5,191</b>
<b>Total Decrease</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>-\$6,128</b>	<b>0</b>	<b>-\$6,128</b>
<b>Total Change</b>	<b>1,826</b>	<b>+\$379,816</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>+\$1,771</b>	<b>0</b>	<b>+\$1,771</b>



## MINE SAFETY AND HEALTH ADMINISTRATION

<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b> (Dollars in Thousands)								
	<b>FY 2019<sup>1</sup> Enacted</b>		<b>FY 2020<sup>2</sup> Enacted</b>		<b>FY 2021 Request</b>		<b>Diff. FY21 Request / FY20 Enacted</b>	
	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
<b>Mine Safety and Health Enforcement</b>	<b>0</b>	<b>0</b>	<b>1,366</b>	<b>258,913</b>	<b>1,366</b>	<b>256,988</b>	<b>0</b>	<b>-1,925</b>
General Funds	0	0	1,366	258,913	1,366	256,988	0	-1,925
<b>Coal Mine Safety and Health</b>	<b>823</b>	<b>156,704</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
General Funds	823	156,704	0	0	0	0	0	0
<b>Metal and Nonmetal Mine Safety and Health</b>	<b>543</b>	<b>96,209</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
General Funds	543	96,209	0	0	0	0	0	0
<b>Office of Standards, Regulations, and Variances</b>	<b>14</b>	<b>5,382</b>	<b>14</b>	<b>5,382</b>	<b>14</b>	<b>5,416</b>	<b>0</b>	<b>34</b>
General Funds	14	5,382	14	5,382	14	5,416	0	34
<b>Office of Assessments</b>	<b>46</b>	<b>7,445</b>	<b>46</b>	<b>7,445</b>	<b>46</b>	<b>7,555</b>	<b>0</b>	<b>110</b>
General Funds	46	7,445	46	7,445	46	7,555	0	110
<b>Technical Support</b>	<b>196</b>	<b>34,079</b>	<b>196</b>	<b>34,079</b>	<b>196</b>	<b>34,548</b>	<b>0</b>	<b>469</b>
General Funds	196	34,079	196	34,079	196	34,548	0	469
<b>Educational Policy and Development</b>	<b>115</b>	<b>38,559</b>	<b>115</b>	<b>38,559</b>	<b>115</b>	<b>38,834</b>	<b>0</b>	<b>275</b>
General Funds	115	38,559	115	38,559	115	38,834	0	275

<sup>1</sup> FY 2019 Budget Authority reflects a reprogramming as reported in the Department's budget operating plan.

<sup>2</sup> FY 2020 Budget Authority reflects a reprogramming as reported in the Department's budget operating plan.

## MINE SAFETY AND HEALTH ADMINISTRATION

### SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY

(Dollars in Thousands)

	FY 2019 <sup>1</sup> Enacted		FY 2020 <sup>2</sup> Enacted		FY 2021 Request		Diff. FY21 Request / FY20 Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Program Evaluation and Information Resources</b>	<b>28</b>	<b>19,083</b>	<b>28</b>	<b>19,083</b>	<b>28</b>	<b>21,693</b>	<b>0</b>	<b>2,610</b>
General Funds	28	19,083	28	19,083	28	21,693	0	2,610
<b>Program Administration</b>	<b>61</b>	<b>16,355</b>	<b>61</b>	<b>16,355</b>	<b>61</b>	<b>16,553</b>	<b>0</b>	<b>198</b>
General Funds	61	16,355	61	16,355	61	16,553	0	198
<b>Total</b>	<b>1,826</b>	<b>373,816</b>	<b>1,826</b>	<b>379,816</b>	<b>1,826</b>	<b>381,587</b>	<b>0</b>	<b>1,771</b>
<b>General Funds</b>	<b>1,826</b>	<b>373,816</b>	<b>1,826</b>	<b>379,816</b>	<b>1,826</b>	<b>381,587</b>	<b>0</b>	<b>1,771</b>

NOTES: 2019 reflects actual FTE. FTE for all years reflect the Shared Services Realignment.

## MINE SAFETY AND HEALTH ADMINISTRATION

<b>BUDGET AUTHORITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
	Full-Time Equivalent				
	Full-time Permanent	1,943	1,825	1,825	0
	Other	1	1	1	0
	<b>Total</b>	<b>1,944</b>	<b>1,826</b>	<b>1,826</b>	<b>0</b>
	Average ES Salary	\$186,838	\$190,388	\$184,582	-\$5,806
	Average GM/GS Grade	11/5	11/5	11/6	0
	Average GM/GS Salary	\$86,647	\$88,293	\$90,562	\$2,269
	Average Salary of Wage Grade Positions	55,253	56,303	68,994	12,691
11.1	Full-time permanent	169,881	174,272	175,145	873
11.3	Other than full-time permanent	105	818	818	0
11.5	Other personnel compensation	3,708	3,708	4,644	936
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>173,694</b>	<b>178,798</b>	<b>180,607</b>	<b>1,809</b>
12.1	Civilian personnel benefits	69,682	71,760	72,158	398
13.0	Benefits for former personnel	30	1	1	0
21.0	Travel and transportation of persons	10,399	9,734	7,724	-2,010
22.0	Transportation of things	6,298	6,088	6,088	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	16,477	16,477	16,477	0
23.2	Rental payments to others	95	115	115	0
23.3	Communications, utilities, and miscellaneous charges	2,691	2,691	2,691	0
24.0	Printing and reproduction	230	230	225	-5
25.1	Advisory and assistance services	114	114	114	0
25.2	Other services from non-Federal sources	5,017	4,893	4,868	-25
25.3	Other goods and services from Federal sources 1/	57,267	59,512	59,512	0
25.4	Operation and maintenance of facilities	1,506	1,506	1,506	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	13,564	11,064	13,483	2,419
26.0	Supplies and materials	2,976	2,976	2,654	-322
31.0	Equipment	2,951	2,882	2,389	-493
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	10,787	10,937	10,937	0
42.0	Insurance claims and indemnities	38	38	38	0
	<b>Total</b>	<b>373,816</b>	<b>379,816</b>	<b>381,587</b>	<b>1,771</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	51,566	51,311	51,311	0
	DHS Services	770	770	770	0
	HHS Services	1,465	1,465	1,465	0
	Services by Other Government Departments	870	870	870	0

NOTE: FTE for all years reflect the Shared Services Realignment.

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## 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>
2011					
Base Appropriation...1/	\$360,780		\$377,000	\$363,115	2,328
2012					
Base Appropriation...2/	\$384,277	\$379,854	\$384,277	\$373,293	2,365
2013					
Base Appropriation...3/	\$371,896			\$353,768	2,388
2014					
Base Appropriation	\$380,721			\$375,887	2,366
2015					
Base Appropriation	\$377,234			\$375,887	2,316
2016					
Base Appropriation	\$394,932	\$371,000	\$356,878	\$375,887	2,271
2017					
Base Appropriation	\$397,372			\$373,816	2,152
2018					
Base Appropriation	\$375,172	\$359,975		\$373,816	2,023
2019					
Base Appropriation...4/	\$375,906		\$373,816	\$373,816	1,984
2020					
Base Appropriation...5/ 6/	\$376,043	\$417,290		\$379,816	1,826
2021					
Base Appropriation...6/	\$381,587				1,826

1/ Reflects a \$2,000 transfer to the Office of the Solicitor.

2/ Reflects a \$707 reduction pursuant to P.L. 112-74, and a \$770 transfer to the Office of the Solicitor.

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

4/ 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.

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

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

# MINE SAFETY AND HEALTH ADMINISTRATION

## OVERVIEW

### **Introduction**

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

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

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

The mining industry recorded its second lowest annual fatality rate in mining history in 2019, further the industry's five-year fatality rate is at a historical low. MSHA will utilize 2021 resources to reduce accidents, enforce safety and health standards, provide compliance and technical assistance, and train miners and mine operators on hazard recognition and elimination to decrease fatality and injury rates.

In 2018, MSHA focused its compliance and technical assistance efforts on reducing accidents caused by powered haulage equipment, which continue to be a leading cause of mining fatalities. In 2019, MSHA increased the Agency's emphasis on reducing health hazard in mines, such as respiratory dust in coal mines, silica/quartz in metal and nonmetal mines, diesel particulate matter and noise. MSHA continues to devote sufficient resources toward a competitive grant activity for effective training devoted to emergency response, powered haulage, and hazard recognition in various types of mine conditions. Under MSHA's new enforcement structure, which merged coal and metal and nonmetal enforcement into one budget activity, MSHA made effective and efficient use of the Agency's cadre of experienced personnel to align their skills to address evolving mission needs. Underground coal mines will continue to be inspected by underground coal inspectors. Unique metal/nonmetal mines will continue to be inspected by metal/nonmetal inspectors. That is, specialized hazards will have specialized enforcement. MSHA continues to review placement of office locations with respect to mining operations to ensure district and field offices are located in areas to maximize effective and efficient use of MSHA's resources. The success of the merger is also dependent on the availability of IT

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resources to modernize legacy MSHA IT applications that are the foundation of the Agency's enforcement of safety and health standards. MSHA will measure the Agency Priority Goal (APG) performance of reducing the reportable injury rate associated with powered haulage equipment by four percent per year. This performance goal is based on a rolling five-year average per 200,000 hours worked. In Fiscal Year (FY) 2019, the five-year rolling average of reportable injuries was 0.178, a reduction of nearly two percent from FY 2018.

### **Resources, Priorities, and Performance**

In FY 2021, MSHA is requesting \$381,587,000 and 1,826 FTE. This request builds on the FY 2020 Revised Enacted President's Budget and reflects MSHA's commitment to enforcement of the Mine Act and providing compliance and technical assistance.

MSHA's enforcement program supports the following President's Management Agenda key drivers and goals:

- IT Modernization - Enhance Mission Effectiveness by improving the quality and efficiency of critical citizen-facing services, including through the increased utilization of cloud-based solutions such as email and collaboration tools.
- Shifting from Low-Value to High-Value Work – By merging MSHA's two enforcement programs under a single Administrator, the Agency is providing needed flexibility to address changing industry trends, minimize costs, and increase effectiveness and productivity. This is achieved by eliminating duplicative tasks and focusing resources to ensure the Agency meets statutory obligations and high priority initiatives to ensure the safety and health of our nation's miners.
- People: Workforce for the 21st Century – Under MSHA's new enforcement structure, the Agency will be able to more efficiently use its experienced personnel and align their skills to address evolving mission needs.

MSHA's FY 2021 request includes \$2,500,000 for the modernization of MSHA's Standardized Information System (MSIS). Maintaining MSIS beyond end of life is not practical because of the excessive maintenance cost, risk of system failure and security exposure. Modernization is the most prudent approach to safeguarding MSHA's critical data and moving toward use of more efficient modern technologies in alignment with current industry best practices and DOL policy and strategy lead by the Office of the Chief Information Officer. Currently, MSHA is in year one of its MSIS modernization initiative. Modernization will provide lower maintenance costs, a secure and more efficient system, and increased productivity. MSIS Modernization will be a three-year phased approach to ensure there are no interruptions of MSIS critical enforcement system services. Modernization will enhance mission effectiveness and align MSHA with DOL's target architecture.

# MINE SAFETY AND HEALTH ADMINISTRATION

MSHA will continue to:

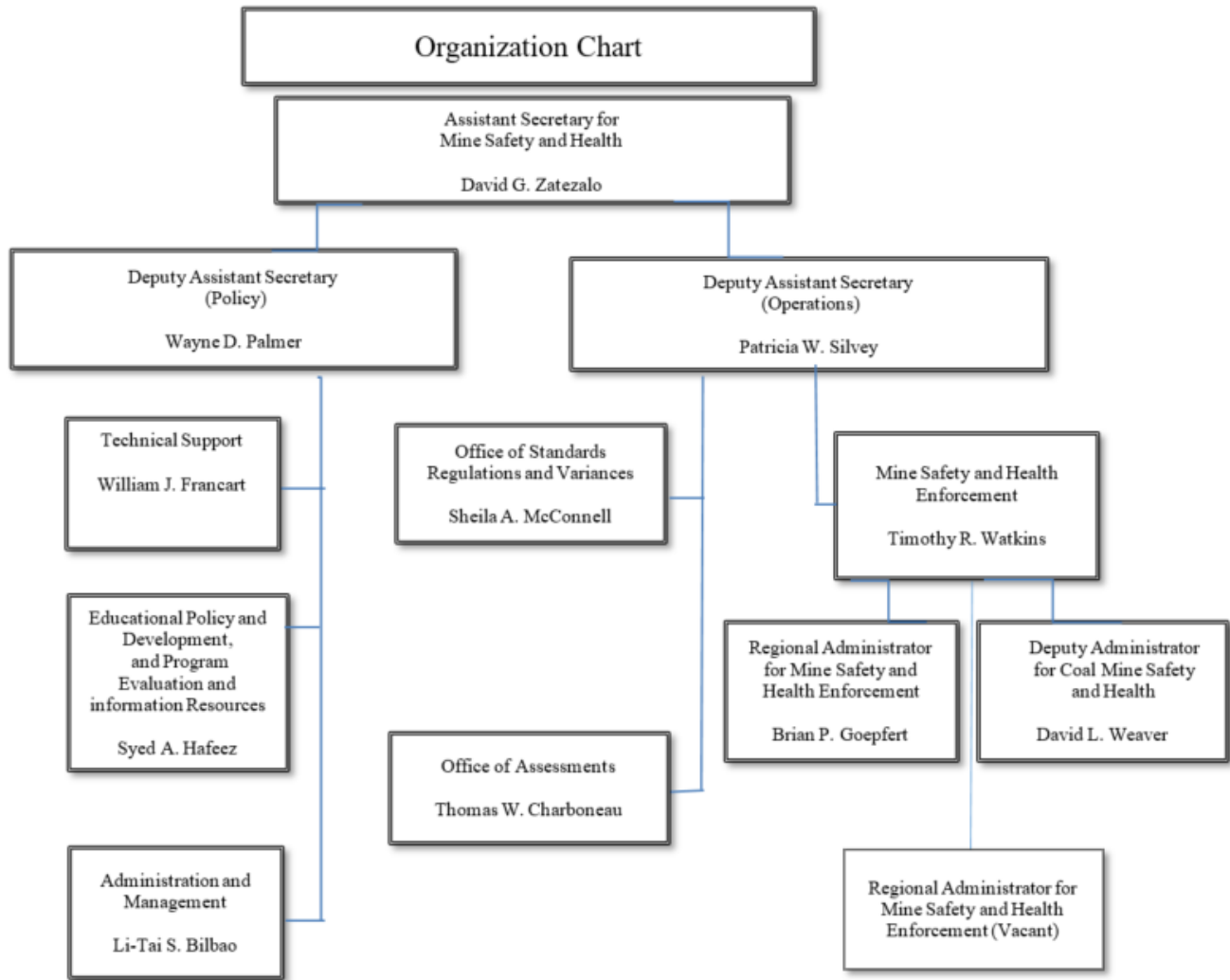
- Meet the Agency's statutory obligations under the Mine Act that include completing its mandatory mine inspections, four inspections per year in underground mines and two inspections per year in surface mines, as well as enforcing mandatory health and safety standards to protect the safety and health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

## **Shared Services**

In FY 2021, the Department is committed to implementing the President's Management Agenda (PMA) and an Enterprise Shared Services delivery model for administrative functions. The purpose of the Enterprise Shared Services initiative is to create an administrative services delivery model that is streamlined, consistent, and efficient. Instead of directly funding information technology, procurement, personnel security, and human resources functions, the Department's current plan is that MSHA will use a shared services provider through the Working Capital Fund (WCF) and the proposed IT Working Capital Fund (IT WCF). Under this plan, 40 FTE will be realigned from MSHA to the WCF and IT WCF as part of the implementation of this model. The FY 2021 President's Budget reflects this FTE realignment and the corresponding realignment of personnel compensation and benefits. The Budget does not include any related changes to non-personnel funding. The Department continues to develop and implement plans for Enterprise Shared Services. All FTE and funding estimates related to the Enterprise Shared Services initiative are preliminary and will be validated before final implementation.



# MINE SAFETY AND HEALTH ADMINISTRATION





## MINE SAFETY AND HEALTH ENFORCEMENT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
<b>Activity Appropriation</b>	<b>0</b>	<b>258,913</b>	<b>256,988</b>	<b>-1,925</b>
FTE	0	1,366	1,366	0

NOTE: FTE for all years reflect the Shared Services Realignment.

### **Introduction**

Historically, MSHA's enforcement function has been bifurcated into Coal and Metal/Nonmetal program areas, each with its own Administrator and culture. In 2019, MSHA decided to blur the lines within its enforcement structure and consolidate the two programs into one unified reporting structure with one Administrator. The new enforcement structure provides the flexibility to address industry changes and maximizes the efficient use of MSHA's resources. The enforcement merger created a single enforcement budget activity, Mine Safety and Health Enforcement (MSHE), by combining the Coal Mine Safety and Health (CMSH) budget activity with the Metal and Nonmetal Mine Safety and Health (MNMSH) budget activity. In the last few years MSHA has made great strides in cross training inspectors. However, underground coal mines will continue to be inspected by underground coal inspectors. Unique metal/nonmetal mines will continue to be inspected by metal/nonmetal inspectors. That is, specialized hazards will have specialized enforcement.

MSHE will continue to administer the provisions of the Mine Act, as amended by the MINER Act, to promote compliance with safety and health standards, prevent fatalities, reduce the frequency and severity of accidents, and minimize health hazards in the nation's approximately 1,200 coal mines and 12,200 metal and nonmetal mines. MSHE will continue to inspect all active underground mines four times per year and all surface mines twice per year. These inspections form the core of MSHA's efforts, regularly providing a first-hand look at conditions in each of the nation's mines.

The majority of MSHE employees are located across 15 district offices and 84 field/satellite offices throughout the United States and Puerto Rico. Most field 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.

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

- **Enforcing mandatory health and safety standards through complete inspections of each mine.** MSHE will complete mandated inspections four times per year in underground mines and twice per year in surface mines.

## MINE SAFETY AND HEALTH ENFORCEMENT

- **Inspection and enforcement effectiveness.** MSHE will continue to enhance its enforcement efforts of violations that contribute to fatalities and serious accidents with emphasis on powered-haulage accidents through:
  - **Special (Targeted) inspections.** MSHE will continue the Agency’s targeted inspections initiative, as needed. These inspections target mines with specific conditions, problems, or compliance issues; the actual number of inspections will depend on how many mines need additional inspections.
  - **Promote adoption of prevention-focused, health and safety programs by mine operators.** MSHE will conduct health sampling activities to ensure that miners’ overexposure to respirable dust, silica, and noise are addressed by mine operators. Technical investigations, which evaluate the root causes of hazards and accidents in mines, will be conducted. MSHE will also conduct accident prevention inspections in response to specific mine hazards.
- **Enhance compliance assistance activities** related to powered haulage hazards and other identified safety and health initiatives.
- **Protect miners from discrimination.** MSHE will conduct timely investigations of discrimination complaints and enhance miners’ knowledge regarding their rights and responsibilities under the Mine Act.

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2020	\$260,500	1,366

NOTE: For the previous four fiscal years, prior to MSHA’s consolidation of its Coal and Metal/Nonmetal program areas, amounts are available by summing the amounts of the Coal and Metal/Nonmetal Budget Activity History tables.

### FY 2021

In FY 2021, MSHA requests \$256,988,000 and 1,366 FTE for MSHE which comprises the formerly separate Coal Mine Safety and Health (CMSH) and the Metal and Nonmetal Mine Safety and Health (MNMSH) budget activities. CMSH will receive \$155,206,713 (60%) and MNMSH will receive \$101,781,287 (40%) of MSHE’s budget totaling \$256,988,000.

Program	Funding Total	FTE
<b>CMSH</b>	\$155,206,713	815
<b>MNMSH</b>	\$101,781,287	551
<b>Total</b>	\$256,988,000	1,366

## **MINE SAFETY AND HEALTH ENFORCEMENT**

Funding will support MSHA's continued efforts to encourage the mining community to develop and implement safety and health programs and to use an integrated approach toward the prevention of serious accidents, injuries and occupational illnesses in the mining industry. In FY 2021, MSHE will continue to ensure safe and healthful workplaces for the nation's miners through the following:

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

MSHE projects that it will conduct approximately 20,200 mandated inspections. The actual number of mandated inspections completed will depend on the number of operating mines. MSHE will conduct other enhanced enforcement activities, such as targeted inspections. These inspections target not only mines with a poor compliance history, but also those that have adverse conditions such as increased methane liberation. The program will focus inspection activity on improved impoundment safety by conducting inspections of all impoundments classified as high-hazard potential.

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

MSHE will conduct compliance assistance activities to prevent fatalities, injuries, and occupationally-related illnesses. These activities include assisting mine operators in solving difficult health and safety problems, distributing training materials to mine operators, conducting seminars, and speaking on mine health and safety in critical areas. MSHE will offer these services especially to small mine operators, contractors, and miners who have not received adequate training. It will continue to provide compliance assistance to new mine operators, which often employ less experienced miners and need additional initial assistance to establish safe and healthful workplaces.

MSHE will continue to conduct accident and technical investigations, including root cause analyses. These investigations will allow MSHE to analyze accidents to identify conditions and practices that contribute to injuries and deaths such as safety standards violated, root causes, and abatement practices. MSHE will also perform accident prevention and outreach activities such

## MINE SAFETY AND HEALTH ENFORCEMENT

as Winter Alert campaign, Spring Thaw workshops, the Preventive Roof/Rib Outreach Program, and Powered Haulage Outreach.

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

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

MSHE will also continue to implement regular mine safety inspection efficiencies. Currently MSHA conducts full inspections at mines that have entered into active non-producing status. Mines are considered to be in active non-producing status when the work of all miners has been terminated and production related activities has ceased.

### **FY 2020**

In FY 2020, MSHA's budget includes \$258,913,000 and 1,366 FTE for MSHE. CSMH will receive \$156,369,308 (60%) and MNMSH will receive \$102,543,692 (40%).

<b>Program</b>	<b>Total</b>	<b>FTE</b>
<b>CMSH</b>	\$156,369,308	825
<b>MNMSH</b>	\$102,543,692	541
<b>Total</b>	\$258,913,000	1,366

In FY 2020, MSHA began to reduce inspection hours spent at mines in active non-producing status. MSHA estimates that recalibrating to a lower level of inspection will achieve projected savings of 25 FTE while maintaining the same level of safety and health. MSHA is recalibrating a full inspection as a mine enters and exits active non-producing status, with less than full but appropriate levels of periodic inspections in the interim, to ensure safety for any miners who maintain such a mine.

### **FY 2019**

See the CSMH and MNMSH budget activity narratives on pages 23 - 28 and 29 - 34, respectively.

## MINE SAFETY AND HEALTH ENFORCEMENT

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2019 Enacted</b>		<b>FY 2020 Enacted</b>	<b>FY 2021 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 - Promote Safe Jobs and Fair Workplaces for All Americans</b>					
<b>Strategic Objective MSHA 2.2 - Prevent fatalities, disease, and injury from mining, and secure safe and healthful working conditions for America's miners.</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-01.1	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	85%	92%	88%	88%
MSHA-02.1	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	85%	86%	85%	85%
MSHA-03.1	Number of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%

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

\* During FY 2019, the Mine Safety and Health Enforcement activity did not exist. These target and result number from the Coal and Metal/Nonmetal activities are shown here for context.

## MINE SAFETY AND HEALTH ENFORCEMENT

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

- *MSHA-INSP1 and MSHA-INSP2*: In FY 2021, MSHE projects it will complete 100 percent of its regular mandated inspections. These inspections provide an examination of mining conditions and play a key role in assuring the safety and health of the nation's miners. The actual number of surface and underground inspections completed will depend on the number of active mines for each year. The projected number of underground and surface mandated inspections in FY 2021 is 20,200. MSHE will conduct targeted inspections at mines with a poor compliance history or that have adverse conditions such as increased methane liberation. MSHE will inspect all existing high-hazard impoundments during regular mandated inspections in order to reduce the risk to miners, the general public, and the environment should these impoundments fail.

The Mine Act gives miners the right to participate in their safety and health by participating in the inspection process through a representative of their choosing, speaking out about hazards, refusing to work in dangerous conditions, and exercising other rights. MSHE will continue to ensure that all miner requests for temporary reinstatements, investigations of 105(c) miner discrimination complaints, and 103(g) imminent danger complaints are investigated within the established timeframes. Prompt investigation of discrimination complaints and reported hazardous conditions is of utmost importance in assuring miners that MSHA will protect their rights through the following efforts in FY 2021:

- *MSHA-01*: Complete 88 percent of 105(c) investigations of miner discrimination complaints within 60 days of receipt of a complaint.
- *MSHA-02*: Complete 85 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 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
11.1	Full-time permanent	0	127,721	127,761	40
11.3	Other than full-time permanent	0	522	522	0
11.5	Other personnel compensation	0	2,759	3,403	644
11.9	<b>Total personnel compensation</b>	<b>0</b>	<b>131,002</b>	<b>131,686</b>	<b>684</b>
12.1	Civilian personnel benefits	0	55,242	55,277	35
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	0	8,714	6,714	-2,000
22.0	Transportation of things	0	5,561	5,561	0
23.1	Rental payments to GSA	0	13,833	13,833	0
23.2	Rental payments to others	0	36	36	0
23.3	Communications, utilities, and miscellaneous charges	0	840	840	0
24.0	Printing and reproduction	0	36	36	0
25.1	Advisory and assistance services	0	14	14	0
25.2	Other services from non-Federal sources	0	356	356	0
25.3	Other goods and services from Federal sources 1/	0	35,798	35,798	0
25.4	Operation and maintenance of facilities	0	8	8	0
25.7	Operation and maintenance of equipment	0	3,540	3,540	0
26.0	Supplies and materials	0	1,903	1,581	-322
31.0	Equipment	0	2,027	1,705	-322
42.0	Insurance claims and indemnities	0	3	3	0
	<b>Total</b>	<b>0</b>	<b>258,913</b>	<b>256,988</b>	<b>-1,925</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	0	33,885	33,885	0
	DHS Services	0	636	636	0
	HHS Services	0	610	610	0
	Services by Other Government Departments	0	667	667	0

# MINE SAFETY AND HEALTH ENFORCEMENT

## CHANGES IN FY 2021

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$2,960
Personnel benefits	0
One day less of Pay	-686
Federal Employees' Compensation Act (FECA)	992
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	0
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

**Built-Ins Subtotal** **\$3,266**

**Net Program** **-\$5,191**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$262,179</b>	<b>1,366</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</b>
<b>Program Decrease</b>	<b>-\$5,191</b>	<b>0</b>

# COAL MINE SAFETY AND HEALTH

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
<b>Activity Appropriation</b>	<b>156,704</b>	<b>0</b>	<b>0</b>	<b>0</b>
FTE	823	0	0	0

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 was 887.

## Introduction

Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health were aligned under one budget activity in FY 2020.

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2016	\$167,859	1,099
2017	\$160,000	995
2018	\$156,704	933
2019	\$160,000	887
2020	\$0	0

## FY 2021

See the MSHE budget activity narrative on pages 15 -18.

## FY 2020

In FY 2020, MSHA will create a single enforcement budget activity (Mine Safety and Health Enforcement) by combining between CSMH and the MNMSH.

## FY 2019

CSMH continued an integrated approach toward the prevention of serious accidents, injuries and occupational illnesses in the coal mining industry. CSMH continued to ensure safe and healthful workplaces for the nation’s miners through the following:

- Conduct all regular mandated inspections;
- Enforce respirable dust standards;
- Conduct targeted inspections;
- Perform accident prevention and outreach activities including various aspects of powered haulage;
- Perform accident investigations (including root cause analyses);
- Conduct special initiatives to address particular issues;

## COAL MINE SAFETY AND HEALTH

- Conduct investigations of safety and discrimination complaints made by miners or their representatives.

CMSH conducted 100% mandated inspections. CMSH conducted other enhanced enforcement activities, such as targeted inspections. These inspections targeted not only mines with a poor compliance history, but also those that had adverse conditions such as increased methane liberation and miners' overexposures to silica. The program focused inspection activity on improved impoundment safety by conducting inspections of all impoundments classified as high-hazard potential. CMSH also focused its efforts on mine operators that failed to meet dust and noise standards.

CMSH continued to enforce health standards to reduce miners' exposure to respirable coal mine dust. The standard reduces the allowable amount of respirable dust to which a miner can be exposed as well as increases the frequency of dust sampling and requires coal operators to take immediate action when dust levels exceed the standard. MSHA continued to update and share best practices for controlling exposures to respirable dust, quartz/silica, and noise.

CMSH continued to conduct accident and technical investigations, including root cause analyses. These investigations allow CMSH to analyze accidents to identify conditions and practices that contribute to injuries and deaths such as safety standards violated, root causes, and abatement practices. CMSH also performed accident prevention and outreach activities such as Winter Alert campaign and the Preventive Roof/Rib Outreach Program.

CMSH investigated hazard complaints and miner discrimination complaints in a timely manner. CMSH continued to educate miners on their rights under the Mine Act through its outreach programs. CMSH also continued to encourage miners to report hazards through the use of the MSHA.gov website, MSHA's National Hazard Reporting Page, and the 1-800 "One Call Does It All" phone number. This is critical in reducing safety and health risks. CMSH continued to encourage an industry-wide culture in which mine operators take ownership of health and safety through effective prevention-oriented health and safety management programs; conduct thorough inspections and robust enforcement; promote stakeholder outreach, education, and training; and propose improved regulations.

## COAL MINE SAFETY AND HEALTH

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2019 Enacted</b>		<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Coal Mine Safety and Health</b>					
<b>Strategic Goal 2 - Promote Safe Jobs and Fair Workplaces for All Americans</b>					
<b>Strategic Objective MSHA 2.2 - Prevent fatalities, disease, and injury from mining, and secure safe and healthful working conditions for America's miners.</b>					
MSHA-01	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	85%	92%	--	--
MSHA-02	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	85%	86%	--	--
MSHA-03	Number of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	--	--

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

## COAL MINE SAFETY AND HEALTH

CMSH will continue enforcement strategies and initiatives through the following:

- *MSHA-INSP1 and MSHA-INSP2*: CMSH projects it will complete 100 percent of its regular mandated inspections. The actual number of surface and underground inspections completed will depend on the number of active coal mines for each year. CMSH will conduct targeted inspections at mines with a poor compliance history or that have adverse conditions.

The Mine Act gives miners the right to have a role in their safety and health by participating in the inspection process through a representative of their choosing, speaking out about hazards, refusing to work in dangerous conditions, and exercising other rights. These efforts support workers' rights through the following in FY 2020:

- *MSHA-01*: Complete 85 percent of 105(c) investigations of miner discrimination complaints within 60 days of receipt of a complaint.
- *MSHA-02*: Complete 85 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.

## COAL MINE SAFETY AND HEALTH

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		FY 2019 Enacted	FY 2020 Enacted	FY 2021 Request	Diff. FY21 Request / FY20 Enacted
11.1	Full-time permanent	72,914	0	0	0
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	1,715	0	0	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>74,629</b>	<b>0</b>	<b>0</b>	<b>0</b>
12.1	Civilian personnel benefits	33,160	0	0	0
13.0	Benefits for former personnel	29	0	0	0
21.0	Travel and transportation of persons	1,586	0	0	0
22.0	Transportation of things	2,942	0	0	0
23.1	Rental payments to GSA	8,648	0	0	0
23.2	Rental payments to others	20	0	0	0
23.3	Communications, utilities, and miscellaneous charges	354	0	0	0
24.0	Printing and reproduction	23	0	0	0
25.1	Advisory and assistance services	10	0	0	0
25.2	Other services from non-Federal sources	188	0	0	0
25.3	Other goods and services from Federal sources 1/	31,286	0	0	0
25.4	Operation and maintenance of facilities	8	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	2,214	0	0	0
26.0	Supplies and materials	745	0	0	0
31.0	Equipment	861	0	0	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	1	0	0	0
	<b>Total</b>	<b>156,704</b>	<b>0</b>	<b>0</b>	<b>0</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	30,114	0	0	0
	DHS Services	397	0	0	0
	HHS Services	378	0	0	0
	Services by Other Government Departments	397	0	0	0

# COAL MINE SAFETY AND HEALTH

## CHANGES IN FY 2021

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	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	0
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** **\$0**

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

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$0</b>	<b>0</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## METAL AND NONMETAL MINE SAFETY AND HEALTH

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
<b>Activity Appropriation</b>	<b>96,209</b>	<b>0</b>	<b>0</b>	<b>0</b>
FTE	543	0	0	0

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 was 573.

### **Introduction**

Metal and Nonmetal Mine Safety and Health and Coal Mine Safety and Health were aligned under one budget activity in FY 2020.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2016	\$91,697	598
2017	\$94,500	589
2018	\$96,209	558
2019	\$94,500	573
2020	\$0	0

### **FY 2021**

See the MSHE budget activity narrative on pages 15 - 18.

### **FY 2020**

In FY 2020, MSHA will create a single enforcement budget activity (Mine Safety and Health Enforcement) by blurring the lines between CSMH and the MNMSH.

### **FY 2019**

MNMSH continued an integrated approach toward the prevention of serious accidents, injuries and occupational illnesses in the mining industry. MNMSH continued to ensure safe and healthful workplaces for the nation's miners through the following:

- Conduct all of its regular mandated inspections;
- Conduct targeted inspections;
- Conduct comprehensive health inspections;
- Perform accident prevention and outreach activities including various aspects of powered haulage;
- Perform accident investigations (including root cause analyses);

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

- Conduct investigations of safety and discrimination complaints made by miners or their representatives.

MNMSH conducted over 16,300 inspections. These include over 16,000 regular mandated inspections, as well as other enforcement activities, including investigations of hazard complaints, special investigations and accident investigations, spot inspections, and follow-up visits. MNMSH also focused on improving dam safety by increasing inspection activity at the dams classified as high-hazard potential.

MNMSH continued its targeted inspections program. MNMSH selected mines for targeted inspections based on several criteria, including compliance and accident and injury history.

Miners must be free to exercise their right to identify hazardous conditions and request MSHA inspections without fear of retaliation or discrimination. MNMSH continued to encourage miners to report hazards through the use of the MSHA.gov website, MSHA's National Hazard Reporting Page, and the 1-800 "One Call Does It All" phone number. This is critical in reducing safety and health risks. MNMSH special investigators continued to monitor, manage, and reduce the time to process miner discrimination complaints and complete investigations of knowing and willful violations. MSHA continued to demonstrate to miners its commitment to protect their right to report health and safety hazards without fear of retaliation.

MNMSH conducted health inspections at 26 percent of mines under its jurisdiction. Inspections assess the effectiveness of controls and sampling programs through data collection, observations of mining cycle and work practices, interviews, plan reviews, and sampling. The data collected formed the basis of appropriate enforcement actions as well as assuring that mine operators adequately protected miners from overexposures to airborne contaminants.

MSHA continued to provide entry-level training programs for new inspectors, and retraining every two years for journeyman inspectors. In addition, field office supervisors attended a two-week training program. All new supervisors attended appropriate training as required by DOL. MSHA continued to utilize technology such as video teleconferencing and online courses to provide some of the training as a cost-effective method of delivery.

## METAL AND NONMETAL MINE SAFETY AND HEALTH

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2019 Enacted</b>		<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Metal and Nonmetal Mine Safety and Health</b>					
<b>Strategic Goal 2 - Promote Safe Jobs and Fair Workplaces for All Americans</b>					
<b>Strategic Objective MSHA 2.2 - Prevent fatalities, disease, and injury from mining, and secure safe and healthful working conditions for America's miners.</b>					
MSHA-01	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	85%	92%	--	--
MSHA-02	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	85%	86%	--	--
MSHA-03	Number of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	--	--

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

## METAL AND NONMETAL MINE SAFETY AND HEALTH

MNMSH will continue its enforcement strategies and initiatives through the following:

- *MSHA-INSP1 and MSHA-INSP2*: MNMSH will continue to complete all regular mandated inspections. The actual number of surface and underground inspections completed will be dependent on the number of active metal and nonmetal mines for each year. MNMSH will conduct targeted inspections at mines with poor compliance history or that have adverse conditions.

The Mine Act gives miners the right to be full stakeholders in their own safety and health by participating in the inspection process through a representative of their choosing, speaking out about hazards, refusing to work in dangerous conditions, and exercising other rights. These efforts support workers' rights through the following in FY 2020:

- *MSHA-01*: Complete 85 percent of 105(c) investigations of miner discrimination complaints within 60 days of receipt of a complaint.
- *MSHA-02*: Complete 85 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.

## METAL AND NONMETAL MINE SAFETY AND HEALTH

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		FY 2019 Enacted	FY 2020 Enacted	FY 2021 Request	Diff. FY21 Request / FY20 Enacted
11.1	Full-time permanent	50,416	0	0	0
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	1,044	0	0	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>51,460</b>	<b>0</b>	<b>0</b>	<b>0</b>
12.1	Civilian personnel benefits	20,061	0	0	0
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	7,705	0	0	0
22.0	Transportation of things	2,808	0	0	0
23.1	Rental payments to GSA	5,185	0	0	0
23.2	Rental payments to others	10	0	0	0
23.3	Communications, utilities, and miscellaneous charges	486	0	0	0
24.0	Printing and reproduction	13	0	0	0
25.1	Advisory and assistance services	4	0	0	0
25.2	Other services from non-Federal sources	168	0	0	0
25.3	Other goods and services from Federal sources 1/	4,588	0	0	0
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	1,326	0	0	0
26.0	Supplies and materials	1,158	0	0	0
31.0	Equipment	1,235	0	0	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	2	0	0	0
	<b>Total</b>	<b>96,209</b>	<b>0</b>	<b>0</b>	<b>0</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	3,847	0	0	0
	DHS Services	239	0	0	0
	HHS Services	232	0	0	0
	Services by Other Government Departments	270	0	0	0

# METAL AND NONMETAL MINE SAFETY AND HEALTH

## CHANGES IN FY 2021

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
One day less of Pay	0
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	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	0
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** **\$0**

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

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$0</b>	<b>0</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</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 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
<b>Activity Appropriation</b>	<b>5,382</b>	<b>5,382</b>	<b>5,416</b>	<b>34</b>
FTE	14	14	14	0

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 was 13.

### **Introduction**

The Office of Standards, Regulations, and Variances (OSRV) develops standards and regulations for the mining industry that protect the safety and health of miners. These standards and regulations, developed in coordination with the Office of the Solicitor Mine Safety and Health Division and other MSHA program offices, establish enforcement requirements for compliance in accordance with the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006. OSRV assures transparency in the regulatory process by posting all rulemaking documents on Regulations.gov and by maintaining MSHA’s rulemaking docket.

OSRV guides all of MSHA’s rulemaking activities from the pre-proposal stage to the publication of the final rule. Each year, it publishes MSHA’s Semi-Annual Regulatory Agenda and Regulatory Plan. OSRV reviews existing rules to identify regulations that are inconsistent with the Administration’s policy directives. It also proposes and promulgates new and improved safety and health standards and regulations. In the process, it draws on many sources of information and data including the information submitted to the Secretary by interested parties, including representatives of any organization of employers or employees, nationally recognized standards-producing organizations, the Secretary of Health and Human Services (HHS), HHS’s National Institute for Occupational Safety and Health (NIOSH), and State or municipal government entities. In addition, OSRV develops the estimates of the anticipated benefits and costs for each significant regulatory action in accordance with Executive Orders (E.O.s) 12866 and 13563.

OSRV also manages three programs for MSHA: the Petition for Modification program, through which mine operators or representatives of miners can request changes in the application of any mandatory safety standards; the Freedom of Information Act (FOIA) program; and information collection under the Paperwork Reduction Act of 1995.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2016	\$5,416	24
2017	\$4,500	18

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

2018	\$5,382	11
2019	\$4,500	13
2020	\$4,500	14

### FY 2021

MSHA requests \$5,416,000 and 14 FTE for OSRV. Funding supports MSHA's priority to strengthen regulatory efforts through the following:

#### Regulatory Reform of Existing Standards

- Continue to work with stakeholders on regulatory reform of existing standards in accordance with E.O. 13771, "Reducing Regulation and Controlling Regulatory Costs" and E.O. 13777, "Enforcing the Regulatory Reform Agenda".

#### Improving Safety and Health of Miners

- 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 and continue to work with NIOSH and the coal mining community. In 2018, MSHA published a request for information soliciting stakeholder information and data to assist the Agency with conducting a retrospective study of the existing standards; OSRV will continue to review and analyze the submitted information and data until the comment period closes on July 9, 2022.
- Assess how existing standards protect miners' health from exposure to quartz in respirable dust. Working with NIOSH and the mining community, MSHA will identify the most feasible ways to protect miners' health, examining a variety of options from setting an appropriately reduced limit of permissible exposure to using new protective technologies, and to offering technical and educational assistance.
- Continue to work on a rulemaking with the potential to require mine operators to develop a safety program for mobile equipment at surface mines and surface areas of underground mines.

FY 2021 funding will also support OSRV's efforts to process and publish documents related to requests for variances from mandatory safety standards (Petitions for Modification). For FY 2021, OSRV estimates that 54 requests for variances will be processed.

In addition, at the FY 2021 funding level, OSRV will administer MSHA's FOIA program and information collection under the Paperwork Reduction Act of 1995, as follows:

- Process approximately 1,200 requests for information under FOIA.
- Publish an estimated 19 *Federal Register* notices to notify the public that MSHA is reviewing the Agency's information collection requirements and requesting public comments in accordance with the Paperwork Reduction Act of 1995. OSRV will conduct



## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

a retrospective review of paperwork requirements to ensure information collection is done efficiently and effectively. As new rules are drafted, additional paperwork packages will be developed, as appropriate.

### FY 2020

FY 2020 funding will support MSHA's priority to strengthen regulatory efforts through the following:

#### Regulatory Reform of Existing Standards

- In accordance with E.O. 13771, "Reducing Regulation and Controlling Regulatory Costs," and E.O. 13777, "Enforcing the Regulatory Reform Agenda," MSHA will: update standards to reflect technological advancements of electronic detonators; consider modifying standards for MSHA to accept non-MSHA product safety standards for electric motor-driven mine equipment and accessories approvals; and consider revisions to safety standards to allow the use of non-permissible surveying equipment in underground coal mines.

#### Improving Safety and Health of Miners

- Work on a proposed rule with the potential to require mine operators to develop a safety program for mobile equipment at surface mines and surface areas of underground mines.
- Work with NIOSH and the mining community on MSHA's retrospective review of the final rule entitled, "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors" that was published in May 2014.
- Continue to review information and data received in response to a request for information on exposure to quartz in respirable dust. MSHA will examine a wide range of options including a lower limit of permissible exposure, emerging protective technologies, technical assistance, and educational training, in order to identify the most feasible ways to protect miners' health.

FY 2020 funding also supports OSRV's efforts to process and publish documents related to requests for variances from existing safety standards (Petitions for Modification). In FY 2020, OSRV estimates 54 requests for variances from safety standards will be processed.

In addition, at the FY 2020 funding level, OSRV plans to administer MSHA's FOIA program and information collection under the Paperwork Reduction Act of 1995, as follows:

- Process approximately 1,000 requests for information under FOIA.
- Publish an estimated 19 *Federal Register* notices to notify the public that MSHA is reviewing the Agency's information collection requirements and requesting public comments in accordance with the Paperwork Reduction Act of 1995. OSRV will ensure

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

that MSHA collects information efficiently and effectively. As new rules are drafted, additional paperwork packages will be developed, as appropriate.

### FY 2019

FY 2019 funding supported MSHA's priority to strengthen regulatory efforts through work on the following:

#### Regulatory Reform of Existing Standards

- In accordance with E.O. 13771, "Reducing Regulation and Controlling Regulatory Costs," and E.O. 13777, "Enforcing the Regulatory Reform Agenda," OSRV: drafted a direct final rule aimed at updating standards to reflect technological advancements of electronic detonators; developed a proposed rule that would allow the use of non-permissible surveying equipment in underground coal mines; and initiated a proposed rule on MSHA's acceptance of non-MSHA product safety standards for electric motor-driven mine equipment and accessories approvals. MSHA also promulgated a final rule concerning the examinations of working places in metal and nonmetal mines.

#### Improving Safety and Health of Miners

- Began work on a rulemaking with the potential to require mine operators to develop a safety program for mobile equipment at surface mines and surface areas of underground mines.
- Continued to work with NIOSH and the mining community on approaches to control and monitor miners' exposure to diesel exhaust in underground coal and metal and nonmetal mines. MSHA and NIOSH Diesel Health Effects Partnership sponsored a Diesel Technology Workshop on January 23, 2019.
- Published a request for data and information on economically and technologically feasible best practices to protect coal and metal and nonmetal miners' health from exposure to quartz; these practices include a lower limit of permissible exposure, new protective technologies, and/or technical and educational assistance.
- Published a *Federal Register* notice seeking public comments on a guidance document on escapeways and refuges in underground metal and nonmetal mines. This document would guide mine operators in providing required escapeways in an emergency and, when miners cannot escape, refuges to enable miners to shelter safely in place until they can be rescued.

FY 2019 funding supported OSRV's efforts to process and publish documents related to requests for variances from existing safety standards (Petitions for Modification). A total of 80 requests for variances were processed in FY 2019.

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

At the FY 2019 funding level, OSRV worked on MSHA's FOIA program and information collection under the Paperwork Reduction Act of 1995, as follows:

- Processed approximately 1,000 requests for information under FOIA. OSRV identified and posted agency information in anticipation of potential FOIA requests.
- Published an estimated 26 *Federal Register* notices to notify the public that MSHA is reviewing the Agency's information collection requirements and requesting public comments in accordance with the Paperwork Reduction Act of 1995.

## OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
11.1	Full-time permanent	2,318	2,318	2,341	23
11.3	Other than full-time permanent	0	8	8	0
11.5	Other personnel compensation	33	33	48	15
11.8	Special personal services payments	0	0	0	0
<b>11.9</b>	<b>Total personnel compensation</b>	<b>2,351</b>	<b>2,359</b>	<b>2,397</b>	<b>38</b>
12.1	Civilian personnel benefits	679	682	693	11
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	25	19	9	-10
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	167	167	167	0
23.2	Rental payments to others	22	27	27	0
23.3	Communications, utilities, and miscellaneous charges	6	6	6	0
24.0	Printing and reproduction	76	76	71	-5
25.1	Advisory and assistance services	62	62	62	0
25.2	Other services from non-Federal sources	39	30	30	0
25.3	Other goods and services from Federal sources 1/	1,910	1,909	1,909	0
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	38	38	38	0
26.0	Supplies and materials	6	6	6	0
31.0	Equipment	1	1	1	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>5,382</b>	<b>5,382</b>	<b>5,416</b>	<b>34</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,878	1,877	1,877	0
	DHS Services	8	8	8	0
	HHS Services	23	23	23	0
	Services by Other Government Departments	1	1	1	0

# OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

## CHANGES IN FY 2021

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$30
Personnel benefits	0
One day less of Pay	-7
Federal Employees' Compensation Act (FECA)	11
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	0
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** **\$34**

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

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$5,416</b>	<b>14</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 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
<b>Activity Appropriation</b>	<b>7,445</b>	<b>7,445</b>	<b>7,555</b>	<b>110</b>
FTE	46	46	46	0

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 was 44.

### **Introduction**

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

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

Finally, OA administers MSHA’s accountability program, which ensures enforcement policies and procedures are executed properly and efficiently. During FY 2019, they measured the effectiveness of cross-trained inspectors and provided assistance to the districts in developing corrective action plans for specific violations. During FY 2019, the effectiveness of cross-trained inspectors were monitored and additional assistance provided to the districts in developing corrective action plans for specific violations. The plans identify root causes and corrective actions used to prevent recurrences of violations.

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2016	\$6,976	52
2017	\$6,627	56
2018	\$7,445	44
2019	\$6,627	44
2020	\$6,627	46

### **FY 2021**

## OFFICE OF ASSESSMENTS

MSHA requests \$7,555,000 and 46 FTE for the OA budget activity. In FY 2021, OA will continue the following efforts:

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

Historically, about seven percent of mine operators allowed penalties to lapse into delinquency. Since the Scofflaw Program was launched in 2007, over \$60 million in delinquent penalties have accrued; however, until 2018, MSHA issued few citations for failure to pay final penalties. Beginning in the spring of that year, MSHA began delivery of 30-day demand letters to an initial list of non-compliant scofflaw operators. These letters reminded them of the debt they owe, and provided an opportunity to establish a payment plan if they cannot pay in full, and made clear the consequences of non-payment.

In 2021, MSHA will repeat this process monthly until all collectible amounts are accounted for.

### **FY 2020**

In FY 2020, OA will continue to support the following efforts:

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

OA anticipates conducting approximately 3–5 enforcement field office reviews annually by the Technical Compliance Investigation Division for purposes of ensuring compliance with required investigative practices and procedures. OA anticipates conducting 14 accountability audits for the purpose of monitoring MSHA districts' compliance with established policies and directives for conducting inspection activities and tracking and review of corrective actions. OA will conduct an annual screening to identify mines exhibiting a Pattern of Violations (POV) under Section 104 of the Mine Act.

Additionally OA plans to comply with Congress's instruction to "audit and publically report findings from reviews of crossover mine inspections and monitor corrective actions to ensure MSHA activities adhere to its policies and procedures and meet the requirements of such Act."

### **FY 2019**



## OFFICE OF ASSESSMENTS

In FY 2019, OA continued to support DOL's strategic objective to protect workers' rights through MSHA's performance goal to protect miners from discrimination. To ensure that enforcement personnel conduct quality investigations, OA reviewed all discrimination investigations conducted by enforcement personnel. This provided an added level of accountability for the discrimination investigation process and demonstrated MSHA's commitment to protecting a miner's right to report health and safety hazards without fear of retaliation. To this end, MSHA confirmed that over 95 percent of discrimination investigation reports were complete and accurate without return for further development.

OA conducted accountability reviews of the Coal and Metal and Nonmetal enforcement activities. OA conducted an annual screening to identify mines exhibiting a POV under Section 104 of the Mine Act. The FY 2019 POV screening, conducted on September 30, 2019, resulted in no mines meeting the POV criteria. No mines have met the POV criteria since FY 2014. OA continued to support MSHA's Scofflaw Program initiative to bring about improved health and safety conditions at mines by leveraging the legal actions available when civil penalties are not being paid.

## OFFICE OF ASSESSMENTS

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
11.1	Full-time permanent	4,465	4,465	4,542	77
11.3	Other than full-time permanent	0	16	16	0
11.5	Other personnel compensation	85	85	110	25
11.8	Special personal services payments	0	0	0	0
<b>11.9</b>	<b>Total personnel compensation</b>	<b>4,550</b>	<b>4,566</b>	<b>4,668</b>	<b>102</b>
12.1	Civilian personnel benefits	1,445	1,450	1,483	33
13.0	Benefits for former personnel	1	1	1	0
21.0	Travel and transportation of persons	70	59	59	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	202	202	202	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	152	152	152	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	41	34	9	-25
25.3	Other goods and services from Federal sources 1/	864	861	861	0
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	104	104	104	0
26.0	Supplies and materials	10	10	10	0
31.0	Equipment	5	5	5	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>7,445</b>	<b>7,445</b>	<b>7,555</b>	<b>110</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	796	793	793	0
	DHS Services	21	21	21	0
	HHS Services	42	42	42	0
	Services by Other Government Departments	5	5	5	0

# OFFICE OF ASSESSMENTS

## CHANGES IN FY 2021

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$100
Personnel benefits	0
One day less of Pay	-23
Federal Employees' Compensation Act (FECA)	33
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	0
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** **\$110**

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

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$7,555</b>	<b>46</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 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
<b>Activity Appropriation</b>	<b>38,559</b>	<b>38,559</b>	<b>38,834</b>	<b>275</b>
FTE	115	115	115	0

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 was 127.

### **Introduction**

The Directorate of Educational Policy and Development (EPD) administers MSHA’s training programs. EPD plans, monitors, and evaluates all MSHA education and training programs and provides entry-level and journeyman training for MSHA’s enforcement staff. EPD also coordinates training programs with other public and private organizations.

EPD 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 government, industry, and labor officials, as well as MSHA mine inspectors and other MSHA technical and administrative staff. In 2019, EPD collected \$80,550 in fees from the Academy for room, board, tuition, and the sale of training materials, and can retain up to \$750,000 of collected fees annually.

EPD also administers the Educational Field and Small Mine Services (EFSMS) program which provides compliance assistance to mine operators of all sizes across the country. EFSMS works closely with MSHA’s enforcement programs to identify industry needs and provides compliance assistance to mines with safety and health issues. EFSMS training specialists review mine operator training plans, monitor and assist industry instructors to develop and improve their skills, and assist mine operators with their safety and health programs. EFSMS training specialists also assist miners to understand their rights and responsibilities under the Mine Act.

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 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 Grants Program and the Brookwood-Sago Mine Safety Grants Program. The State Grants Program supports quality training programs for miners in 48 states, US Pacific Territories, Native Village of Barrow, AK, and the Navajo Nation. The Brookwood-Sago competitive grants provide funds for mine safety and health training and education programs with a focus on powered haulage safety (such as reducing vehicle-on-vehicle collisions, increasing seat belt use, and improving belt conveyor safety), emergency prevention and preparedness, examinations of working places at metal and nonmetal mines, or other programs to prevent unsafe conditions in and around mines.

### **Resource and Program Data**

# EDUCATIONAL POLICY AND DEVELOPMENT

## Educational Policy and Development

Data Category	FY 2018 Enacted	FY 2019 Enacted	FY 2020 Enacted	FY 2021 President's Budget
<b><u>Resource Data:</u></b>				
Service Grant				
Formula	\$10,537,000	\$10,537,000	\$10,537,000	\$10,537,000
Competitive	\$250,000	\$400,000	\$400,000	\$400,000
Research Evaluation				
Demonstration Development				
Training/Technical Assistance	\$14,500	\$15,730	\$15,730	\$15,730
Program Support				
<b>Total Resources</b>	<b>\$10,801,500</b>	<b>\$10,952,730</b>	<b>\$10,952,730</b>	<b>\$10,952,730</b>
<b><u>Program Data:</u></b>				
Total Grants	55	55	55	55
New Starts				
#	0	0	0	0
\$	\$0	\$0	\$0	\$0
Continuing				
#	55	55	55	55
\$	\$10,787,000	\$10,937,000	\$10,937,000	\$10,937,000
Contracts				
#	0	0	0	0
\$	0	0	0	0
Interagency Agreements				
#	2	2	2	2
\$	\$14,500	\$15,730	\$15,730	\$15,730

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2016	\$36,320	143
2017	\$39,320	138
2018	\$38,559	131
2019	\$39,320	127
2020	\$39,320	115

### **FY 2021**

## EDUCATIONAL POLICY AND DEVELOPMENT

In FY 2021, MSHA requests \$38,834,000 and 115 FTE for the EPD budget activity. EPD will continue to strengthen and modernize training and education through the following:

- Provide industry outreach and support in various health and safety and training initiatives focused on reducing workplace injuries, illnesses, and fatalities.
- Continue onsite monitoring of instructors to evaluate the effectiveness of miner training and to address the shortcomings of inadequate training.
- Transform the Academy into a training hub where content is distributed using new technology for communications, including new methods of training, e.g., virtual reality and distance learning. EPD will develop additional online courses for use by MSHA's entry-level and journeyman level inspector classes, and new online programs designed for the mining industry.
- Continue to manage MSHA's State Grants Program in which the grantees provide high-quality effective safety and health training and retraining for miners and mine operators in all states and the Territories. Training will have an emphasis on powered haulage safety, such as reducing vehicle-on-vehicle collisions, increasing seat belt use, and improving belt conveyor safety.
- Continue to enhance MSHA's distance learning program to complement a library of hundreds of online courses developed for MSHA's entry-level inspectors and journeyman level inspector classes. New online programs designed for the mining industry will also be created.
- Evaluate instructors in the classroom to ensure miners are receiving adequate and effective training.
- Provide compliance assistance to the mining industry through EFSMS, including special attention to small mine operators.

### **FY 2020**

In FY 2020, in order to foster a culture of safety and improve safety and health conditions in the mining workplace, EPD will strengthen and modernize training and education through the following:

- Provide industry outreach and support in various health and safety and training initiatives focused on reducing workplace injuries, illnesses, and fatalities.
- Continue onsite monitoring of instructors to evaluate the effectiveness of miner training and to address the shortcomings of inadequate training.
- Transform the Academy into a training hub where content is distributed using new technology for communications, including new methods of training, e.g., virtual reality and distance learning. EPD is developing additional online courses for use by MSHA's entry-level and journeyman level inspector classes, and new online programs designed for the mining industry.
- Continue to manage MSHA's State Grants Program in which the grantees provide high-quality effective safety and health training and retraining for miners and mine operators in all states and the Territories. Training will have an emphasis on powered haulage safety, such as reducing vehicle-on-vehicle collisions, increasing seat belt use, and improving belt conveyor safety.

## EDUCATIONAL POLICY AND DEVELOPMENT

- Continue to enhance MSHA's distance learning program to complement a library of hundreds of online courses developed for MSHA's entry-level inspectors and journeyman level inspector classes. New online programs designed for the mining industry will also be created.
- Evaluate instructors in the classroom to ensure miners are receiving adequate and effective training.
- Provide compliance assistance to the mining industry through EFSMS, including special attention to small mine operators.

### **FY 2019**

In FY 2019, in order to foster a culture of safety and improve safety and health conditions in the mining workplace, EPD strengthened and modernized training and education through the following:

- Provided industry outreach and support in various health and safety and training initiatives focused on reducing workplace injuries, illnesses and fatalities.
- Evaluated EPD instructors in the classroom to ensure miners are receiving adequate and effective training. In FY 2019, MSHA conducted 1,050 approved instructor evaluations.
- Provided compliance assistance to the mining industry through EFSMS, including special attention to small mine operators.
- Worked to transform the Academy into a training hub where content is distributed using new technology for communications. This expanded the customer base and evolved the Academy from a historically inward-focused curriculum to a Center of Excellence for industry-wide training content.
- Continued onsite monitoring of approved instructors to ensure they are providing effective health and safety training to miners. EPD placed special emphasis on the evaluation of contract instructors.
- Expanded its distance learning program to include additional online courses developed for use by MSHA's entry-level and journeyman level inspector classes, and new online programs designed for the mining industry.



## EDUCATIONAL POLICY AND DEVELOPMENT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
11.1	Full-time permanent	11,808	11,808	11,999	191
11.3	Other than full-time permanent	30	75	75	0
11.5	Other personnel compensation	212	212	277	65
11.8	Special personal services payments	0	0	0	0
<b>11.9</b>	<b>Total personnel compensation</b>	<b>12,050</b>	<b>12,095</b>	<b>12,351</b>	<b>256</b>
12.1	Civilian personnel benefits	4,344	4,356	4,440	84
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	547	541	541	0
22.0	Transportation of things	323	320	320	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	736	736	736	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	806	806	806	0
24.0	Printing and reproduction	109	109	109	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	3,845	3,803	3,803	0
25.3	Other goods and services from Federal sources 1/	4,032	3,876	3,876	0
25.4	Operation and maintenance of facilities	126	126	126	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	526	526	526	0
26.0	Supplies and materials	256	256	256	0
31.0	Equipment	72	72	7	-65
41.0	Grants, subsidies, and contributions	10,787	10,937	10,937	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>38,559</b>	<b>38,559</b>	<b>38,834</b>	<b>275</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	3,856	3,700	3,700	0
	DHS Services	34	34	34	0
	HHS Services	57	57	57	0
	Services by Other Government Departments	85	85	85	0

# EDUCATIONAL POLICY AND DEVELOPMENT

## CHANGES IN FY 2021

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$249
Personnel benefits	0
One day less of Pay	-58
Federal Employees' Compensation Act (FECA)	84
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	0
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** **\$275**

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

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$38,834</b>	<b>115</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 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
<b>Activity Appropriation</b>	<b>34,079</b>	<b>34,079</b>	<b>34,548</b>	<b>469</b>
FTE	196	196	196	0

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 was 211.

### **Introduction**

The Directorate of Technical Support is authorized 196 full-time employees who work in the Pittsburgh Safety & Health Technology Center (PSHTC) in Pittsburgh, PA, the Approval and Certification Center (A&CC) in Triadelphia, WV, the PSHTC-operated National Air and Dust Laboratory (NADL) in Mount Hope, WV (relocating to Beckley, WV at the Academy), the Technical Support Headquarters in Arlington, VA, and mine emergency staff and personnel duty stationed throughout the country.

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 consequently rely heavily on Technical Support’s predominantly technical staff to carry out scientific studies aimed at resolving complex mine safety and health problems. These scientists, engineers, and hygienists provide engineering analyses of complex mining plans to MSHA enforcement programs. They also participate in accident investigations, and identify causes and measures to prevent similar accidents. Additionally, Technical Support conducts field and laboratory investigations to help resolve technical problems associated with implementing the Mine Act, as amended by the MINER Act.

Technical Support’s laboratories located in Pittsburgh, PA and Mount Hope, WV provide MSHA enforcement programs with analyses of gas, dust, and other industrial hygiene samples to determine compliance with regulations. In 2019, Technical Support’s laboratories analyzed nearly 120,000 samples and calibrated or repaired over 5,000 pieces of test equipment, ensuring that MSHA enforcement sampling and testing equipment are compliant with applicable standards. These laboratories are accredited by national oversight organizations to assure accurate and reliable test data.

Technical Support maintains a mine emergency response capability that provides equipment and expertise in the event of a mine emergency, such as an inundation of water or gas, fire, or an explosion. Technical Support mine emergency personnel respond to every major US mine emergency. These mine emergency personnel direct and engage in mine rescue and recovery operations, devise rescue plans, provide high level mining expertise, and participate in the post-accident investigations. They also maintain and operate a fleet of mine emergency response vehicles, including vehicles for command and control, mobile laboratories for gas analysis, ventilation support, seismic detection and location of trapped miners, robotics support and many other functions. Technical Support can dispatch equipment and specially trained personnel from

## TECHNICAL SUPPORT

mine emergency stations located in Pittsburgh, PA; Beckley, WV; Madisonville; KY, Denver, CO; and Price, UT.

Technical Support is also accountable for an approval program that evaluates 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 Center also audits manufacturers of mining and rescue equipment to maintain the highest level of quality assurance. In 2019, the A&CC collected \$1,481,900 in fees from equipment manufacturers for testing and approval of equipment and products used in the mining industry. MSHA is authorized to retain up to \$2,499,999 of collected fees annually. Technical Support also provides training for MSHA enforcement to assist the mining industry and equipment manufacturers in achieving compliance with MSHA 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**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2016	\$33,791	207
2017	\$35,041	208
2018	\$34,079	208
2019	\$35,041	211
2020	\$35,041	196

### **FY 2021**

In FY 2021, MSHA requests \$34,548,000 and 196 FTE for the Technical Support activity.

Technical Support will continue to:

- Evaluate safety of mine equipment, materials, and instruments, with a focus on reducing time to complete approvals;
- Evaluate the design of seals, mining impoundments, mine ventilation systems, and ground control systems;
- Provide engineering and scientific technical expertise to evaluate complex health and safety issues, identify causes of accidents, and to support MSHA litigation cases;
- Provide laboratory support for MSHA enforcement by analyzing airborne dust samples, atmospheric gas samples, mine rock dust samples, and other industrial hygiene related samples collected to determine compliance with health and safety standards; and
- Participate and provide leadership in mine emergency response efforts, including providing and managing onsite analytical equipment, communications links, and other sophisticated equipment essential to making critical decisions in rescue/recovery operations.

# TECHNICAL SUPPORT

## **FY 2020**

In FY 2020, Technical Support continues to:

Approve equipment for use in underground mines and conduct testing and quality control auditing of mining equipment and materials to ensure manufacturers' products continue to meet MSHA standards. Technical Support projects completing approximately 300 approval actions in FY 2020, similar to the actions completed in FY 2019. Since FY 2012, the number of new approval applications received in each fiscal year has trended downward, primarily due to the general decline in coal mining in the United States. The type of equipment Technical Support evaluates and approves includes the following:

- Proximity detection systems in underground coal mines;
- Permissible electric equipment including longwall mining machines, continuous mining machines, shuttle cars, and other equipment powered by either Alternating or Direct Current power sources;
- Portable emergency refuges in underground coal mines;
- Underground diesel equipment, including diesel engines, diesel power packages, diesel machines, and dust collector systems; and
- Flame resistant materials.

MSHA collects fees for the approval and certification of equipment, materials, and explosives for use in mines. Projections for FY 2020 include approximately \$1,200,000 in approval fees, which is slightly less than the amount collected for FY 2019. Applications from manufacturers and associated fees have trended downward, which is due to the decline in US coal production.

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 estimates that its laboratories will analyze 150,000 samples in support of the enforcement of mine safety and health regulations in FY 2020.

## **FY 2019**

In FY 2019, Technical Support:

- Provided assistance to enforcement personnel in implementing MINER Act requirements for wireless communication and electronic tracking systems, refuge alternatives, and fire resistant conveyor belts in underground mines;
- Continued to approve and certify mine equipment, materials, instruments, and explosives, with a focus on minimizing backlogs and evaluating the safe design of seals, mining impoundments, mine ventilation systems, and ground control;
- Analyzed fatal accident data in support of the fatality and disaster prevention program with a focus on prevention of surface haulage accidents. Technical Support worked with enforcement (Coal and Metal and Nonmetal) to evaluate safety programs and issue written report of findings and recommendations by the engineers;

## TECHNICAL SUPPORT

- Continued to provide laboratory support for MSHA enforcement by analyzing airborne dust samples, atmospheric gas samples, mine rock dust samples, and other industrial hygiene related samples to determine compliance with health and safety standards;
- Provided technical assistance in the use of the Continuous Personal Dust Monitor to assist industry in evaluating and controlling respirable coal mine dust hazards and meeting the requirements of the respirable coal mine dust rule;
- Participated in and provide leadership in mine emergency response efforts, including providing and managing onsite analytical equipment, communications links, and other sophisticated equipment essential to making critical decisions in rescue/recovery operations;
- Continued to further develop and improve the seismic location system, which can remotely detect and locate trapped miners from a surface location;
- Maintained equipment for MSHA's mine rescue stations for use during mine emergency response;
- Evaluated the sections of ground control plans that address blasting and assisted in the evaluation and investigation of concerns regarding explosives as requested by MSHA's enforcement programs;
- Conducted fire protection design reviews and assisted in the evaluation and investigation of concerns related to fire protection issues as requested by MSHA's enforcement programs;
- Reviewed complex mine plans specific to mine waste impoundments, roof control, seals, and ventilation, and reviewed amendments to these mine plans as requested by MSHA's enforcement programs; and
- Provided scientific and engineering technical expertise in the development of standards and regulations, and in support of MSHA litigation cases.

Technical Support approved equipment for use in underground mines. It conducted testing and quality control auditing of mining equipment and materials to ensure manufacturers' products continue to meet MSHA standards. Technical Support completed 300 approval actions in FY 2019. Technical Support analyzed 120,000 health and safety compliance samples in FY 2019.

## TECHNICAL SUPPORT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
11.1	Full-time permanent	17,958	17,958	18,285	327
11.3	Other than full-time permanent	75	144	144	0
11.5	Other personnel compensation	382	382	488	106
11.8	Special personal services payments	0	0	0	0
<b>11.9</b>	<b>Total personnel compensation</b>	<b>18,415</b>	<b>18,484</b>	<b>18,917</b>	<b>433</b>
12.1	Civilian personnel benefits	6,802	6,822	6,964	142
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	317	291	291	0
22.0	Transportation of things	215	197	197	0
23.1	Rental payments to GSA	167	167	167	0
23.2	Rental payments to others	22	27	27	0
23.3	Communications, utilities, and miscellaneous charges	274	274	274	0
24.0	Printing and reproduction	3	3	3	0
25.1	Advisory and assistance services	26	26	26	0
25.2	Other services from non-Federal sources	465	426	426	0
25.3	Other goods and services from Federal sources 1/	3,913	3,902	3,902	0
25.4	Operation and maintenance of facilities	1,372	1,372	1,372	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	666	666	666	0
26.0	Supplies and materials	695	695	695	0
31.0	Equipment	726	726	620	-106
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	1	1	1	0
	<b>Total</b>	<b>34,079</b>	<b>34,079</b>	<b>34,548</b>	<b>469</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	3,239	3,228	3,228	0
	DHS Services	8	8	8	0
	HHS Services	662	662	662	0
	Services by Other Government Departments	4	4	4	0

# TECHNICAL SUPPORT

## CHANGES IN FY 2021

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$425
Personnel benefits	0
One day less of Pay	-98
Federal Employees' Compensation Act (FECA)	142
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	0
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** **\$469**

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

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$34,548</b>	<b>196</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 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
<b>Activity Appropriation</b>	<b>19,083</b>	<b>19,083</b>	<b>21,693</b>	<b>2,610</b>
FTE	28	28	28	0

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 was 45.

### **Introduction**

The Directorate of Program Evaluation and Information Resources (PEIR) manages MSHA’s program evaluation and information technology (IT) program. PEIR evaluates the effectiveness of the Agency programs, and conducts follow-up reviews to assure that appropriate corrective actions have been taken. PEIR manages MSHA’s directive system and uses current and emerging technologies to provide enforcement personnel, mine operators, and other stakeholders with updated handbooks, manuals, and related directives.

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

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

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2016	\$17,990	57
2017	\$17,990	53
2018	\$19,083	47
2019	\$17,990	45
2020	\$17,990	28

### **FY 2021**

MSHA requests \$21,693,000 and 28 FTE for the PEIR budget activity. The funding includes support for 18 FTE that will be aligned under Shared Services.

The FY 2021 request includes \$2,500,000 for the modernization of MSIS, MSHA’s 20-year-old core mission system that has outlived its useful life. Maintaining MSIS beyond end of life is not practical

## **PROGRAM EVALUATION AND INFORMATION RESOURCES**

because of the excessive maintenance cost, risk of system failure and security exposure. Modernization is the most prudent approach to safeguarding MSHA's critical data and moving toward use of more efficient modern technologies in alignment with current industry best practices and DOL policy and strategy led by the Office of the Chief Information Officer. Currently, MSHA is in year one of its MSIS modernization initiative. Modernization will provide lower maintenance costs, a secure and more efficient system, and increased productivity. MSIS modernization will be a three-year phased approach to ensure there are no interruptions of MSIS critical enforcement system services. Modernization will enhance mission effectiveness and align MSHA with DOL's target architecture.

### **FY 2020**

In FY 2020, PEIR will continue to counter Cybersecurity risks, redundancies, and other system inefficiencies, and leverage investments across the agencies through reuse, collaboration, cost sharing, and common governance to produce the most effective use of Information Technology to address critical business needs. This aligns with the Presidential Executive Order of promoting more secure, efficient, and economical use of information technology to achieve the Agency's mission.

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

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

## **PROGRAM EVALUATION AND INFORMATION RESOURCES**

- Continue to provide satellite solutions to improve redundancies for mine emergency operations.
- Provide information technology solutions to improve mine emergency operations such as communication enhancements.

### **FY 2019**

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

- Continued the development of Service Oriented Architecture (SOA) that provides a basis/foundation for all MSHA's program infrastructure as part of the MSIS Modernization. This phase of Modernization focused on MSHA specific applications to assist in Sampling, Assessments, Enforcements, and Technical Support.
- Continued to improve MSHA's intranet and internet sites, in an effort to make the websites compliant and more resource efficient. MSHA continued to use a content management system based on DRUPAL (a free content management platform).
- Continued support for satellite solution for mine emergency operations.
- Continued to provide technology solutions to improve mine emergency operations.
- Evaluating the effectiveness of the agency policies and program operations and supporting other agency programs in developing processes that review and ensure compliance with these policies and procedures.
- Continued to support BI Solutions and implemented new BI models to support improved data analytics.

## PROGRAM EVALUATION AND INFORMATION RESOURCES

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
11.1	Full-time permanent	3,351	3,351	3,428	77
11.3	Other than full-time permanent	0	20	20	0
11.5	Other personnel compensation	88	88	117	29
11.8	Special personal services payments	0	0	0	0
<b>11.9</b>	<b>Total personnel compensation</b>	<b>3,439</b>	<b>3,459</b>	<b>3,565</b>	<b>106</b>
12.1	Civilian personnel benefits	1,207	1,214	1,247	33
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	64	40	40	0
22.0	Transportation of things	1	1	1	0
23.1	Rental payments to GSA	502	502	502	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	540	540	540	0
24.0	Printing and reproduction	2	2	2	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	112	112	112	0
25.3	Other goods and services from Federal sources 1/	5,002	7,499	7,499	0
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	8,084	5,584	8,055	2,471
26.0	Supplies and materials	63	63	63	0
31.0	Equipment	43	43	43	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	24	24	24	0
	<b>Total</b>	<b>19,083</b>	<b>19,083</b>	<b>21,693</b>	<b>2,610</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	2,299	2,296	2,296	0
	DHS Services	23	23	23	0
	HHS Services	16	16	16	0
	Services by Other Government Departments	68	68	68	0

# PROGRAM EVALUATION AND INFORMATION RESOURCES

## CHANGES IN FY 2021

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$100
Personnel benefits	0
One day less of Pay	-23
Federal Employees' Compensation Act (FECA)	33
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	0
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** **\$110**

**Net Program** **\$2,500**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$19,193</b>	<b>28</b>
<b>Program Increase</b>	<b>\$2,500</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 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
<b>Activity Appropriation</b>	<b>16,355</b>	<b>16,355</b>	<b>16,553</b>	<b>198</b>
FTE	61	61	61	0

NOTE: FTE for all years reflect the Shared Services Realignment.

NOTE: FY 2019 reflects actual FTE. Authorized FTE for FY 2019 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. The support of PA will help to eliminate fatal mining accidents, reduce the frequency and severity of accidents, and minimize health hazards through enforcement of mandatory safety and health standards in the mining industry.

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

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

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2016	\$15,838	91
2017	\$15,838	95
2018	\$16,355	91
2019	\$15,838	84
2020	\$15,838	61

### **FY 2021**

In FY 2021, MSHA requests \$16,553,000 and 61 FTE for the PA budget activity. PA will continue to support MSHA's Agency Priority Goal (APG), as well as the Departmental strategic goals and objectives, to prevent fatalities, illness, and injury from mining and promote safe and healthful workplaces for America's miners. MSHA's APG is: By September 30, 2021, reduce the reportable injury rate associated with powered haulage equipment, the primary cause of miners' injuries, by four percent per year based on a rolling five-year average per 200,000 hours worked.

PA will support the continued efforts of the Agency to merge the enforcement workforce to help ensure miners' safety and health. PA will support Departmental activities associated with Agency reform and consolidation for several administrative functions. PA will continue to

## **PROGRAM ADMINISTRATION**

reduce workers' compensation costs through improved employee health and safety programs, and proactive management of the workers' compensation program.

### **FY 2020**

In FY 2020, PA will continue to support MSHA's APG, as well as the Departmental strategic goals and objectives, to prevent fatalities, illness, and injury from mining and promote safe and healthful workplaces for America's miners.

PA will support the continued efforts of the Agency to merge the enforcement workforce to help ensure miners' safety and health. PA will support Departmental activities associated with Agency reform and consolidation for several administrative functions. PA will continue to reduce workers' compensation costs through improved employee health and safety programs, and proactive management of the workers' compensation program. PA will continue to drive employee engagement and coordinate employee training and development.

PA will continue to support grants activities ensuring compliance with program administration rules and regulations.

PA will focus on vehicle fleet management initiatives improving operations and enhancing program support.

PA will continue to support facility and space related initiatives by analyzing space usage and identifying opportunities to consolidate or improve cost effectiveness.

### **FY 2019**

In FY 2019, MSHA's PA program:

- Supported enhanced enforcement, regulatory, and education initiatives. PA continued efforts to reduce workers' compensation costs through improved employee health and safety programs.
- Continued to support MSHA's acquisition programs by leveraging small and disadvantaged businesses and ensuring best value acquisitions. Continued facility and vehicle fleet management initiatives that maintain mission support in the most cost effective manner.
- Continued work to support the President's initiative to "Reduce the Footprint" by analyzing space usage throughout the country to determine if other offices can be merged or closed without negatively affecting MSHA's mission or unduly impacting employees.



## PROGRAM ADMINISTRATION

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2019 Enacted</b>	<b>FY 2020 Enacted</b>	<b>FY 2021 Request</b>	<b>Diff. FY21 Request / FY20 Enacted</b>
11.1	Full-time permanent	6,651	6,651	6,789	138
11.3	Other than full-time permanent	0	33	33	0
11.5	Other personnel compensation	149	149	201	52
11.8	Special personal services payments	0	0	0	0
<b>11.9</b>	<b>Total personnel compensation</b>	<b>6,800</b>	<b>6,833</b>	<b>7,023</b>	<b>190</b>
12.1	Civilian personnel benefits	1,984	1,994	2,054	60
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	85	70	70	0
22.0	Transportation of things	9	9	9	0
23.1	Rental payments to GSA	870	870	870	0
23.2	Rental payments to others	21	25	25	0
23.3	Communications, utilities, and miscellaneous charges	73	73	73	0
24.0	Printing and reproduction	3	3	3	0
25.1	Advisory and assistance services	12	12	12	0
25.2	Other services from non-Federal sources	159	132	132	0
25.3	Other goods and services from Federal sources 1/	5,672	5,667	5,667	0
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	606	606	554	-52
26.0	Supplies and materials	43	43	43	0
31.0	Equipment	8	8	8	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	10	10	10	0
	<b>Total</b>	<b>16,355</b>	<b>16,355</b>	<b>16,553</b>	<b>198</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	5,537	5,532	5,532	0
	DHS Services	40	40	40	0
	HHS Services	55	55	55	0
	Services by Other Government Departments	40	40	40	0

# PROGRAM ADMINISTRATION

## CHANGES IN FY 2021

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$180
Personnel benefits	0
One day less of Pay	-42
Federal Employees' Compensation Act (FECA)	60
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	0
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** **\$198**

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

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$16,553</b>	<b>61</b>
<b>Program Increase</b>	<b>\$0</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>