

FY 2011

CONGRESSIONAL BUDGET JUSTIFICATION

MINE SAFETY AND HEALTH ADMINISTRATION

MINE SAFETY AND HEALTH ADMINISTRATION

TABLE OF CONTENTS

Appropriation Language	1
Explanation of Language Change	2
Analysis of Appropriation Language.....	3
Amounts Available for Obligation.....	4
Summary of Changes	5
Summary Budget Authority and FTE by Activity	7
Budget Authority by Object Class	8
Agency Outcome Goals Supporting Good Jobs for Everyone	9
Total Budgetary Resources	10
Summary of Performance	11
Significant Items in Appropriation Committees Reports.....	13
Authorizing Statutes.....	14
Appropriation History.....	15
Overview.....	16
Organization Chart.....	19
Budget Activities	21
Coal Mine Safety and Health.....	21
Metal and NonMetal Mine Safety and Health	31
Office of Standards, Regulations, and Variances	41
Office of Assessments.....	49
Educational Policy and Development.....	57
Technical Support	65
Program Evaluation and Information Resources	73
Program Administration.....	81

MINE SAFETY AND HEALTH ADMINISTRATION

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, [\$357,293,000] \$360,780,000 including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities, [and \$1,450,000 to continue the project with the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams]; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster. (*Department of Labor Appropriations Act, 2010.*)

MINE SAFETY AND HEALTH ADMINISTRATION

EXPLANATION OF LANGUAGE CHANGE

"...and \$1,450,000 to continue the project with the United Mine Workers of America..."

MSHA's request does not include funding for the continuation of this project, which was unrequested in FY 2010.

MINE SAFETY AND HEALTH ADMINISTRATION

ANALYSIS OF APPROPRIATION LANGUAGE

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

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

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

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

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

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

MINE SAFETY AND HEALTH ADMINISTRATION

AMOUNTS AVAILABLE FOR OBLIGATION								
(Dollars in Thousands)								
	FY 2009 Enacted		Recovery Act		FY 2010 Enacted		FY 2011 Request	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	2,361	347,003	0	0	2,425	357,293	2,430	360,780
Offsetting Collections From:	0	0	0	0	0	0	0	0
Reimbursements	0	1,825	0	0	0	1,825	0	1,825
B. Gross Budget Authority	2,361	348,828	0	0	2,425	359,118	2,430	362,605
Offsetting Collections to Reimbursements	0	-1,825	0	0	0	-1,825	0	-1,825
C. Budget Authority Before Committee	2,361	347,003	0	0	2,425	357,293	2,430	360,780
Offsetting Collections From:	0	0	0	0	0	0	0	0
Reimbursements	0	1,825	0	0	0	1,825	0	1,825
D. Total Budgetary Resources	2,361	348,828	0	0	2,425	359,118	2,430	362,605
Unobligated Balance Expiring	0	-530	0	0	0	0	0	0
Additional FTE Usage	13	0	0	0	0	0	0	0
E. Total, Estimated Obligations	2,374	348,298	0	0	2,425	359,118	2,430	362,605

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2010 Enacted	FY 2011 Request	Net Change
Budget Authority			
General Funds	357,293	360,780	+3,487
Trust Funds	0	0	0
Total	357,293	360,780	+3,487
Full Time Equivalents			
General Funds	2,425	2,430	+5
Trust Funds	0	0	0
Total	2,425	2,430	+5

Explanation of Change	FY 2010 Base		Trust Funds		FY 2011 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	2,425	192,167	0	0	0	2,829	0	2,829
Personnel benefits	0	54,535	0	0	0	917	0	917
Federal Employees Compensation Act (FECA)	0	7,681	0	0	0	0	0	0
Benefits for former personnel	0	75	0	0	0	0	0	0
Travel and transportation of persons	0	13,469	0	0	0	0	0	0
Transportation of things	0	6,295	0	0	0	0	0	0
Rental payments to GSA	0	14,069	0	0	0	207	0	207
All Other Rental	0	80	0	0	0	0	0	0
Communications, utilities, and miscellaneous charges	0	3,902	0	0	0	0	0	0
Printing and reproduction	0	653	0	0	0	0	0	0
Advisory and assistance services	0	1,142	0	0	0	0	0	0
Other services	0	9,706	0	0	0	0	0	0
Working Capital Fund	0	18,217	0	0	0	1,000	0	1,000
Other government accounts (DHS Charges)	0	542	0	0	0	0	0	0
Other purchases of goods and services from Government accounts	0	2,766	0	0	0	0	0	0
Operation and maintenance of facilities	0	932	0	0	0	0	0	0
Operation and maintenance of equipment	0	9,041	0	0	0	0	0	0
Supplies and materials	0	4,697	0	0	0	0	0	0
Equipment	0	8,323	0	0	0	0	0	0
State grants	0	8,941	0	0	0	0	0	0
Insurance claims and indemnities	0	60	0	0	0	0	0	0
Built-Ins Subtotal	2,425	357,293	0	0	0	4,953	0	4,953
B. Program:								

MINE SAFETY AND HEALTH ADMINISTRATION

Explanation of Change	FY 2010 Base		FY 2011 Change				Total	
			Trust Funds		General Funds			
Metal and Nonmetal Enforcement and Support Functions	620	86,666	0	0	21	2,300	21	2,300
Mine Emergency Operations	275	48,084	0	0	0	1,000	0	1,000
Regulatory Staff and Contractors	17	3,530	0	0	5	792	5	792
Samples Reengineering	75	16,997	0	0	0	2,000	0	2,000
Programs Subtotal			0	0	+26	+6,092	+26	+6,092
C. Financing:								
Financing	0	0	0	0	0	0	0	0
Financing Subtotal			0	0	0	0	0	0
Total Increase	+2,425	+357,293	0	0	+26	+11,045	+26	+11,045
Decreases:								
A. Built-Ins:								
To Provide For:								
Built-Ins Subtotal	0	0	0	0	0	0	0	0
B. Program:								
Elimination of FY 2010 UMWA Earmark	86	17,634	0	0	0	-1,450	0	-1,450
Elimination of Small Mines Office	159	38,946	0	0	-21	-2,300	-21	-2,300
Reduction of One-time Funding for Spot Inspections	1,217	161,059	0	0	0	-2,000	0	-2,000
Reduction of Unrequested Funds in FY 2009 Associated with UMWA	86	17,634	0	0	0	-1,808	0	-1,808
Programs Subtotal			0	0	-21	-7,558	-21	-7,558
C. Financing:								
Total Decrease	0	0	0	0	-21	-7,558	-21	-7,558
Total Change	+2,425	+357,293	0	0	+5	+3,487	+5	+3,487

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY

(Dollars in Thousands)

	FY 2009 Enacted		Recovery Act		FY 2010 Enacted		FY 2011 Request	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Coal Mine Safety and Health	1,203	154,491	0	0	1,217	158,662	1,217	159,059
General Funds	1,203	154,491	0	0	1,217	158,662	1,217	159,059
Metal and Nonmetal Mine Safety and Health	613	82,427	0	0	620	85,422	641	88,966
General Funds	613	82,427	0	0	620	85,422	641	88,966
Office of Standards, Regulations, and Variances	16	3,031	0	0	17	3,481	22	4,322
General Funds	16	3,031	0	0	17	3,481	22	4,322
Office of Assessments	44	6,134	0	0	51	6,233	51	6,327
General Funds	44	6,134	0	0	51	6,233	51	6,327
Educational Policy and Development	146	38,605	0	0	159	38,605	138	36,646
General Funds	146	38,605	0	0	159	38,605	138	36,646
Technical Support	199	30,117	0	0	200	30,642	200	31,637
General Funds	199	30,117	0	0	200	30,642	200	31,637
Program Evaluation and Information Resources	57	16,514	0	0	75	16,857	75	19,447
General Funds	57	16,514	0	0	75	16,857	75	19,447
Program Administration	96	15,684	0	0	86	17,391	86	14,376
General Funds	96	15,684	0	0	86	17,391	86	14,376
Total	2,374	347,003	0	0	2,425	357,293	2,430	360,780
General Funds	2,374	347,003	0	0	2,425	357,293	2,430	360,780

NOTE: FY 2009 reflects actual FTE.

MINE SAFETY AND HEALTH ADMINISTRATION

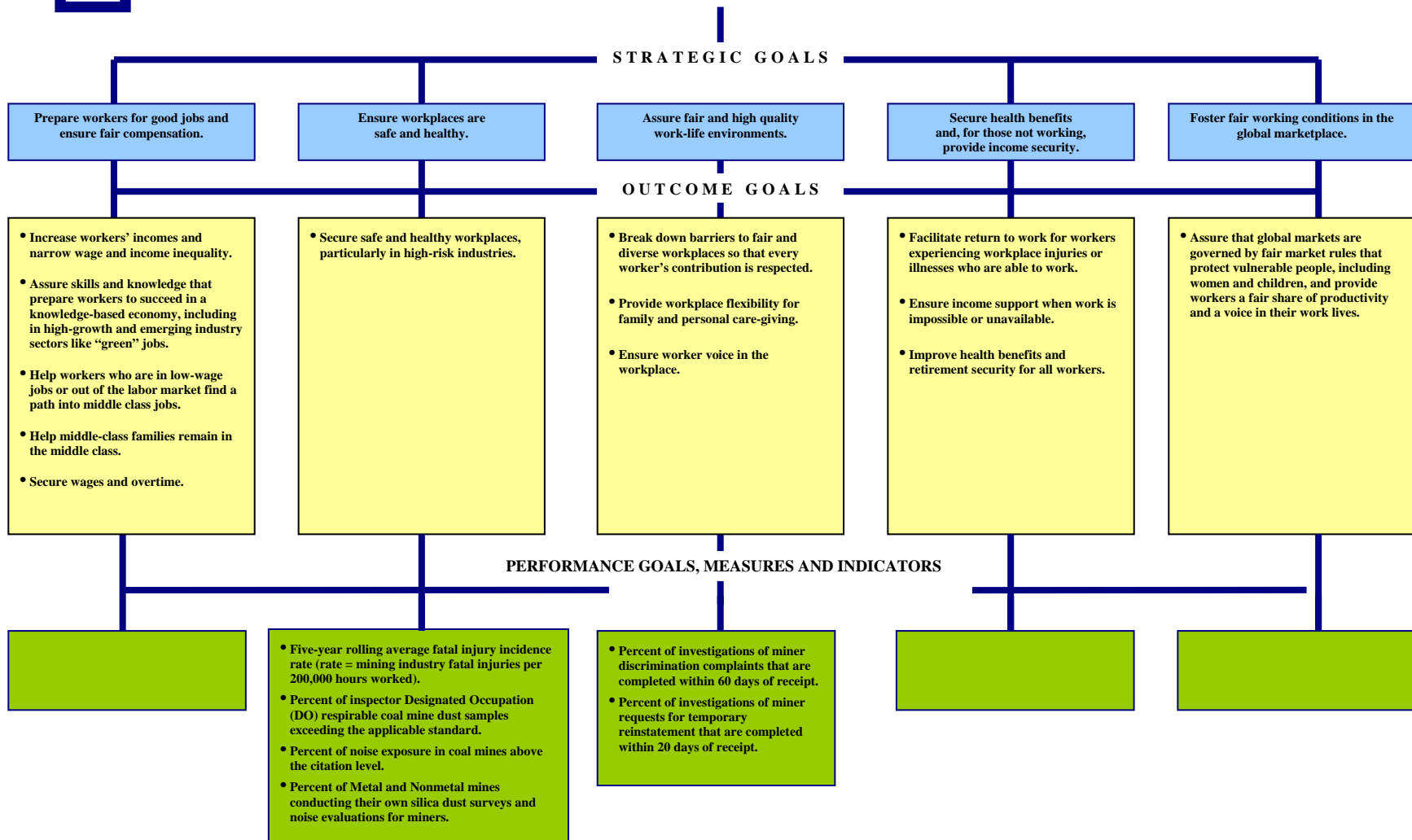
BUDGET AUTHORITY BY OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	Change FY 11 Req. / FY 10 Enacted
	Full-Time Equivalent					
	Full-time Permanent	2,358	0	2,409	2,414	5
	Other	16	0	16	16	0
	Total	2,374	0	2,425	2,430	5
	Total Number of Full-time Permanent Positions	2,374	0	2,425	2,430	5
	Average ES Salary	166,328	0	169,655	176,611	6956
	Average GM/GS Grade	11.03	0	11.03	11.5	0.5
	Average GM/GS Salary	73,545	0	75,016	78,508	3492
	Average Salary of Ungraded Positions	47,646	0	48,599	54,567	5968
11.1	Full-time permanent	174,616	0	182,183	185,104	2921
11.3	Other than full-time permanent	770	0	979	913	-66
11.5	Other personnel compensation	10,670	0	9,005	8,195	-810
11.9	Total personnel compensation	186,056	0	192,167	194,212	2045
12.1	Civilian personnel benefits	60,855	0	62,216	63,239	1023
13.0	Benefits for former personnel	0	0	75	75	0
21.0	Travel and transportation of persons	12,092	0	13,469	12,777	-692
22.0	Transportation of things	6,237	0	6,295	6,295	0
23.1	Rental payments to GSA	14,000	0	14,069	14,443	374
23.2	Rental payments to others	80	0	80	80	0
23.3	Communications, utilities, and miscellaneous charges	3,042	0	3,902	3,804	-98
24.0	Printing and reproduction	797	0	653	603	-50
25.1	Advisory and assistance services	911	0	1,142	1,250	108
25.2	Other services	9,391	0	9,706	7,496	-2210
25.3	Other purchases of goods and services from Government accounts 1/	22,926	0	21,525	22,525	1000
25.4	Operation and maintenance of facilities	1,794	0	932	932	0
25.7	Operation and maintenance of equipment	8,229	0	9,041	11,044	2003
26.0	Supplies and materials	3,602	0	4,697	3,957	-740
31.0	Equipment	7,942	0	8,323	9,047	724
41.0	Grants, subsidies, and contributions	8,941	0	8,941	8,941	0
42.0	Insurance claims and indemnities	108	0	60	60	0
	Total	347,003	0	357,293	360,780	3,487
	1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	19,429	0	18,217	19,217	1000
	DHS Services	540	0	542	542	0
	HHS Services	1,906	0	1,915	1,915	0

NOTE: FY 2009 reflects actual FTE.

MINE SAFETY AND HEALTH ADMINISTRATION



Secretary's Vision: "Good Jobs for Everyone"



MINE SAFETY AND HEALTH ADMINISTRATION

TOTAL BUDGETARY RESOURCES													
FY 2009 - 2011													
(Dollars in Thousands)													
	FY 2009 Enacted				Recovery Act	FY 2010 Enacted				FY 2011 Request			
	Activity Approp.	Other Approp. ^{1/}	Other Resrcs. ^{2/}	Total		Activity Approp.	Other Approp. ^{1/}	Other Resrcs. ^{2/}	Total	Activity Approp.	Other Approp. ^{1/}	Other Resrcs. ^{2/}	Total
Mine Safety and Health Administration	347,003	0	1,825	348,828	0	357,293	0	1,825	359,118	360,780	0	1,825	362,605
Coal Mine Safety and Health	154,491	13,927	0	168,418	0	158,662	14,745	0	173,407	159,059	14,484	0	173,543
Metal and Nonmetal Mine Safety and Health	82,427	6,337	0	88,764	0	85,422	6,776	0	92,198	88,966	6,349	0	95,315
Office of Standards, Regulations, and Variances	3,031	273	0	3,304	0	3,481	290	0	3,771	4,322	281	0	4,603
Office of Assessments	6,134	1,346	0	7,480	0	6,233	1,398	0	7,631	6,327	1,497	0	7,824
Educational Policy and Development	38,605	2,666	750	42,021	0	38,605	2,865	750	42,220	36,646	2,621	750	40,017
Technical Support	30,117	7,649	1,075	38,841	0	30,642	7,924	1,075	39,641	31,637	8,591	1,075	41,303
Program Evaluation and Information Resources	16,514	-16,514	0	0	0	16,857	-16,857	0	0	19,447	-19,447	0	0
Program Administration	15,684	-15,684	0	0	0	17,391	-17,141	0	250	14,376	-14,376	0	0
Total	347,003	0	1,825	348,828	0	357,293	0	1,825	359,118	360,780	0	1,825	362,605

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

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

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY OF PERFORMANCE										
Mine Safety and Health Administration										
<i>Strategic Goal 2: Ensure workplaces are safe and healthy. Outcome Goal 2: Secure safe and healthy workplaces, particularly in high-risk industries.</i>										
<i>Strategic Goal 3: Assure fair and high quality work-life environments. Outcome Goal 11: Ensure worker voice in the workplace.</i>										
	FY 2006		FY 2007		FY 2008		FY 2009		FY 2010	FY 2011
	Goal Not Achieved		Goal Substantially Achieved		Goal Substantially Achieved		Goal Achieved			
Performance Indicator	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
<i>Previous indicators</i>										
Mine industry fatalities per 200,000 hours worked. Note: (This indicator has been revised – MSHA will track fatal injury rates on a 5-year rolling average. See current indicators below).	0.0208	.0225	.0201	.0200	.0191	.0152	0.0147	0.0141	--	--
Mine industry injuries per 200,000 hours worked.	3.13	3.72	2.82	3.50	3.41	3.27	3.09	3.05	N/A	N/A
Percent of successful interventions of hazards that require annual sampling (metal and nonmetal mines).	--	--	--	--	--	--	Baseline	11.63	--	--
Percent of successful interventions of hazards that require annual sampling (metal and nonmetal mines).	--	--	--	--	--	--	Baseline	2.67	--	--
<i>Current indicators</i>										
Five-year rolling average of fatal injuries per 200,000 hours worked.	--	--	--	--	--	--	Baseline	.0180	.0171	.0162
Percent of Metal and Nonmetal mines conducting their own silica dust surveys and noise evaluations for miners.	--	--	--	--	--	--	--	--	Baseline	TBD
Percent of inspector respirable coal mine dust samples exceeding the applicable standard for designated occupations.	9.5%	11.3%	9.0%	12.20%	11.5%	9.74%	9.55%	7.78%	7.62%	7.47%
Percent of noise exposures in coal mines above the citation level.	5.0%	4.4%	4.8%	3.66%	3.59%	4.54%	4.45%	4.02%	3.94%	3.86%

MINE SAFETY AND HEALTH ADMINISTRATION

Percent of investigations of miner discrimination complaints that are completed within 60 days of receipt.	--	--	--	--	--	--	Baseline	68%	75%	80%
Percent of investigations of miner requests for temporary reinstatement that are completed within 20 days of receipt.	--	--	--	--	--	--	Baseline	39%	50%	60%

MINE SAFETY AND HEALTH ADMINISTRATION

SIGNIFICANT ITEMS IN APPROPRIATION COMMITTEES' REPORTS

Explanatory Statement: Within funds available for the EPD activity, the Committee also encourages MSHA to consider a comprehensive review of safety and health training programs.

Response: MSHA will convene a committee to review all aspects of safety and health training programs, particularly the curriculum and delivery methods.

MINE SAFETY AND HEALTH ADMINISTRATION

AUTHORIZING STATUTES

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

MINE SAFETY AND HEALTH ADMINISTRATION

APPROPRIATION HISTORY					
(Dollars in Thousands)					
	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
2001....1/	242,247	233,000	244,747	246,306	2,357
2002....2/	246,306	251,725	256,093	253,143	2,310
2003....3/	254,323	254,323	261,841	272,955	2,299
2004....4/	266,767	266,767	270,711	268,858	2,269
2005....5/	275,567	275,567	280,002	279,135	2,187
2006....6/	280,490	280,490	280,490	303,285	2,314
2007	287,836	278,869	302,436	301,569	2,314
2008....7/	313,478	313,478	340,028	331,847	2,306
2009....8/	332,061	0	346,895	347,003	2,361
2010	353,693	353,193	357,443	357,293	2,425
2011	360,780	0	0	0	2,430

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

MINE SAFETY AND HEALTH ADMINISTRATION

OVERVIEW

The Mine Safety and Health Administration (MSHA) protects the safety and health of the nation's miners under the provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended by the Mine Improvement and New Emergency Response Act of 2006 (MINER Act). MSHA's mission is to prevent injury, disease, and death from mining. MSHA pursues its mission by reducing hazardous exposures through enforcing compliance with mandatory safety and health standards; promoting effective training; encouraging adoption of new technologies and improved work practices; and, through its leadership, engaging with stakeholders in order to promote improved safety and health conditions. MSHA's vision is to lead the way to zero accidents and fatalities and to put an end to occupational illness in mining through the enforcement of mandatory safety and health standards, mandated inspections which require four complete inspections annually at active underground mines and two complete inspections annually at active surface mines, and miner training and compliance assistance.

MSHA supports the Secretary's vision *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
 - Outcome Goal 2: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
 - Outcome Goal 11: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes by 5 percent in mining sites per year.
- FY 2010 MSHA Performance Agreement.

In FY 2011, MSHA proposes to improve safety and health conditions in the mining workplace by:

- Targeting the most common causes of fatal accidents;
- Reducing health risks;
- Improving training of new and inexperienced miners and contractors;
- Targeting the most egregious and persistent violators;
- Improving impoundment safety;
- Improving MSHA and mining industry emergency response preparedness; and
- Protecting miners' rights against discrimination for reporting hazardous conditions.

Secure Safe and Healthy Workplaces, Particularly In High-Risk Industries. MSHA contributes directly to the attainment of safe and healthy workplaces by its efforts to reduce mining fatalities and serious injuries and illnesses, which are reflected in its performance indicators below. MSHA's fatality rate calculates the number of fatalities per 200,000 hours worked over a five-year period in the mining industry. The following indicators for safer mining workplaces will be measured in FY 2011:

MINE SAFETY AND HEALTH ADMINISTRATION

Enforcement

- Five-year rolling average of fatal injuries per 200,000 hours worked
- Percent of inspector respirable coal mine dust samples exceeding the applicable standard for Designated Occupations
- Percent of noise exposures in coal mines above the citation level
- Percent of Metal and Nonmetal Mines conducting their own silica dust surveys and noise evaluations for miners

Improve the Timeliness of Discrimination Complaint Investigations

- Percent of investigations of miner discrimination complaints that are completed within 60 days of receipt
- Percent of investigations of miner requests for temporary reinstatement that are completed within 20 days of receipt

MSHA will implement several initiatives to reach the targets for its performance indicators and achieve its high priority goal to *Reduce Workplace Deaths*. MSHA has evaluated the historical data and will target the 24 most frequently cited standards that cause or contribute to fatal accidents. MSHA intends to enhance enforcement to target these violations of the identified standards and concurrently develop and implement training strategies for improving compliance. MSHA will enhance its efforts to screen mine operators for potential patterns of violations which most frequently cause or contribute to fatal accidents and require that mine operators who are found to have a potential pattern of violations develop and implement an ongoing comprehensive safety and health management program that targets the reduction of conditions which most frequently contribute to significant accidents.

MSHA will contribute to the attainment of healthy workplaces by its efforts to reduce miners' exposure to coal and silica dust and other health hazards. MSHA will address respirable coal dust by the development and implementation of a comprehensive black lung strategy which involves rulemaking, education and training, health outreach, and enhanced enforcement. These efforts will include using focused audits to target the most egregious and persistent violators by aggressively investigating and acting on unlawful respirable dust sampling practices. MSHA will increase the surveillance in the metal and nonmetal mining sector.

Voice in the Workplace. Miners will be encouraged to report any hazardous conditions that they encounter via telephone or by using the Hazardous Condition Complaint form located on MSHA's internet site. MSHA will improve its process to investigate miners' discrimination complaints and complete investigations of knowing and willful violations.

MSHA expects that by implementing these initiatives it can effect significant and measurable reductions in mining deaths and health risks.

Cost Model

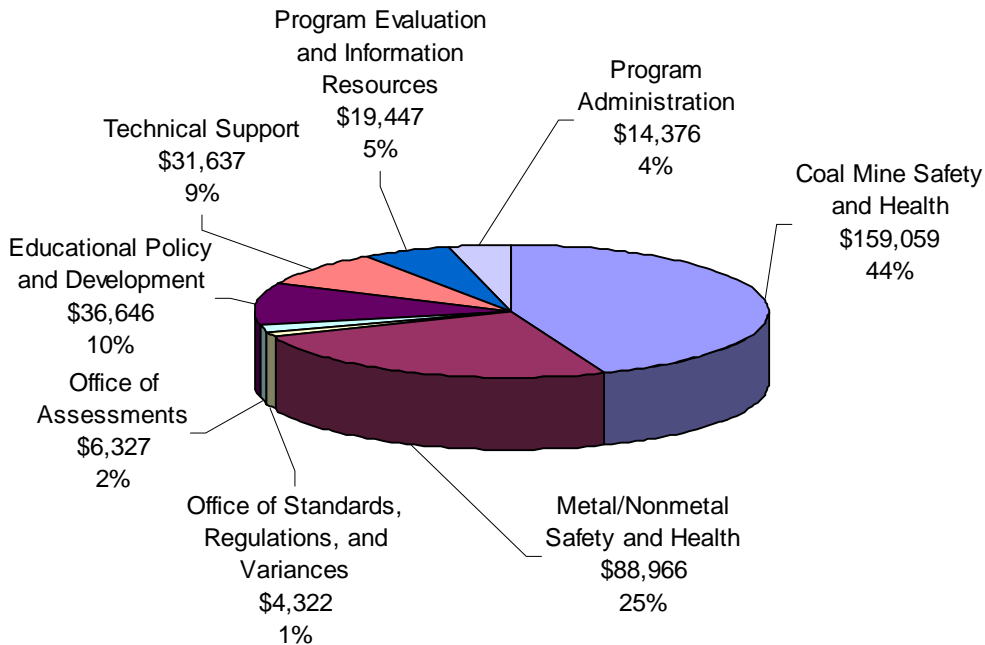
MSHA requests a total of \$360,780,000, an increase of \$3,487,000 over the FY 2010 enacted level. This level of funding will enable MSHA to meet its highest priority performance goals and objectives during FY 2011.

MINE SAFETY AND HEALTH ADMINISTRATION

MSHA requests \$2,300,000 and 21 FTE for the Metal and Nonmetal Mine Safety and Health budget activity to bolster enforcement and litigation staff. The Coal Mine Safety and Health budget activity will decrease by \$2,000,000 to eliminate one-time funding provided for additional dust sampling in FY 2010. The Educational Policy and Development activity will eliminate the Small Mines Office for a reduction of \$2,300,000 and 21 FTE. The request includes \$792,000 to provide contract support and five FTE to the Office of Standards, Regulations, and Variances.

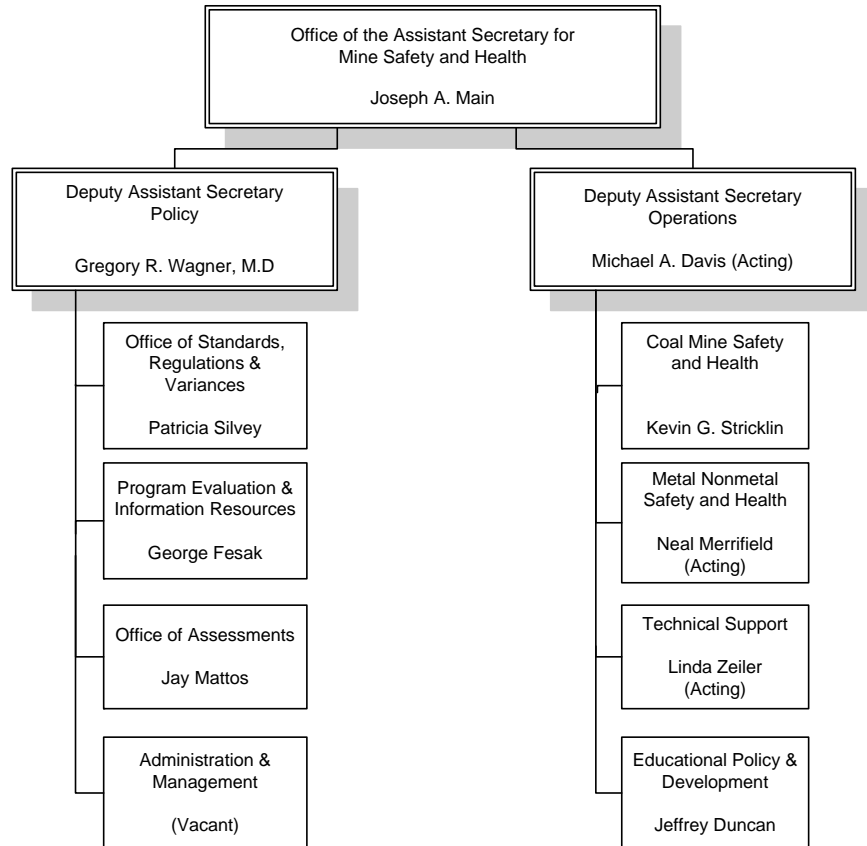
The budget includes a request of \$550,000 for the Technical Support activity and \$450,000 for the Program Evaluation and Information Resources activity for mine emergency operations and equipment. For the Program Evaluation and Information Resources activity, MSHA is requesting \$2,000,000 to provide for reengineering of the health samples database. This request also includes reductions in the Program Administration activity of \$1,450,000 for elimination of an FY 2010 UMWTA earmark and \$1,808,000 of unrequested funding in FY 2009 directed to the United Mine Workers of America. The requested funds by program area are displayed in the following chart.

FY 2011 President's Budget Request by Budget Activity
Total MSHA Budget Request \$360,780
(Dollars in Thousands)



MINE SAFETY AND HEALTH ADMINISTRATION

Organization Chart



COAL MINE SAFETY AND HEALTH

BUDGET AUTHORITY BEFORE THE COMMITTEE					
(Dollars in Thousands)					
	FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	Diff. FY 11 Req. / FY 10 Enacted
Activity Appropriation	154,491	0	158,662	159,059	397
FTE	1,203	0	1,217	1,217	0

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 1,186.

Introduction

The Coal Mine Safety and Health (CMSH) budget activity administers the provisions of the Mine Act, the MINER Act, and the standards outlined in Title 30, Code of Federal Regulations, to protect the safety and health of miners in the nation's 2,100 coal mines. The CMSH activity is comprised of coal mine inspectors, specialists, and engineers with expertise in critical mine specialties such as electrical, ventilation, roof control and health. MSHA's mission is carried out across 11 CMSH districts and 45 CMSH field offices where MSHA personnel perform essential mine inspections, as well as accident investigations. These activities include mandated inspections at active underground coal mines four times a year and at surface mines and installations twice a year. MSHA complements mandated inspections with outreach initiatives, and conducts summits, workshops, and meetings to involve miners and industry organizations in the mining workplace to prevent, identify and remedy violations.

CMSH supports the Secretary's vision *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
 - Outcome Goal 2: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
 - Outcome Goal 11: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes by 5 percent in mining sites per year.
- FY 2010 MSHA Performance Agreement.

In FY 2011, CMSH proposes to improve safety and health conditions in the mining workplace by:

- Targeting the most common causes of fatal accidents – CMSH will focus on improving miners' health and enhancing enforcement activity related to the fatality and disaster prevention program. A coordinated crosscutting strategy will be used to foster consistent compliance with the identified standards and will rely heavily on aggressive enforcement by inspectors and specialists.
- Reducing health risks – CMSH will aggressively support its comprehensive black lung campaign.
- Targeting the most egregious and persistent violators – CMSH will evaluate respirable dust controls and monitoring programs in these coal mines to determine if they are providing protection for all miners. These mines will be targeted for special health inspections.
- Improving impoundment safety – CMSH will place emphasis on regular inspections of all high hazard impoundments.

COAL MINE SAFETY AND HEALTH

- Protecting miners' rights against discrimination for reporting hazardous conditions - CMSH will take steps to expedite investigations of discrimination complaints and enhance miners' knowledge regarding their rights and responsibilities under the Mine Act.

MSHA has set ambitious targets for reducing coal mine fatalities, which will form the basis for evaluating success in reaching the Secretary's outcome goal to secure safe and healthy workplaces for coal miners.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	136,355	1,186
2007	120,395	1,186
2008	150,123	1,186
2009	154,491	1,186
2010	158,662	1,217

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

FY 2011

Coal Mine Safety and Health's (CMSH) primary goal is to ensure the Nation's miners work in safe and healthy workplaces. As the foundation of this goal, CMSH will conduct inspections of underground coal mines four times per year and surface mines twice per year as mandated by the Mine Act and MINER Act. They will also conduct other mandated investigations prompted by serious accident, safety or discrimination complaints. CMSH will target those mine operators who continue to demonstrate reckless disregard for safety and health standards or refuse to comply with orders issued under the Mine Act and MINER Act (Flagrant Violations). In addition, the CMSH specialists will investigate fatal accidents and serious nonfatal accidents. These investigations provide valuable information used by MSHA, state agencies, industry, and labor organizations to develop strategies to prevent similar occurrences and to promote awareness of potential hazards.

The FY 2011 request reflects a program decrease of \$2,000,000 from the FY 2010 enacted level in the CMSH activity. This is a reduction of one-time funding provided for increased respirable coal dust spot inspections in FY 2010. The decrease is commensurate with a 10 percent decline in mechanized mining units during Calendar Year (CY) 2009.

CMSH will continue to work to protect miners from the hazards associated with exposure to respirable coal dust and quartz (silica). In FY 2011, the elimination of black lung disease will continue to be high priority. CMSH will take aggressive action to reduce miners' overexposures to respirable dust by continuing with the strategies introduced in 2010 with the "End Black Lung, Act Now!" campaign. CMSH will systematically review dust controls in approved mine ventilation and dust control plans and expand its Dust Emphasis Program to target a larger percentage of coal mines for special dust emphasis inspections and monitor operator sampling

COAL MINE SAFETY AND HEALTH

activities. In conjunction with regular inspections, CMSH will review operators' dust monitoring programs and assure that approved dust sampling units used by mine operators are properly maintained and calibrated. CMSH will continue to work with National Institute for Occupational Safety and Health (NIOSH) to develop a toolbox of best practices for controlling respirable dust and quartz dust and continue to collaborate with major mining equipment manufacturers to identify the most effective engineering control measures currently available and promote their use. On its website, MSHA will continue to update its homepage and black lung page with information relating to "best practices."

CMSH will continue to work with the mining industry, labor unions, and the states to improve training programs on hearing loss prevention strategies in order to reduce overexposures to noise. CMSH will review mining operations' previous year compliance histories, compliance action plans, and other data to identify outstanding compliance issues associated with mining occupations, types of mining equipment, and/or mining environments.

CMSH will strive not only to keep the Nation's miners safe, but also the surrounding mining communities. CMSH will continue to share many educational and outreach programs with these communities. Programs such as Winter Alert, 'Stay Out--Stay Alive' (SOSA), and Preventive Roof/Rib Outreach Program (PROP) focus on unsafe conditions that should be avoided by miners and the general population, especially small children.

Inconsistent enforcement of the Mine Act and MINER Act can result in higher rates of contested citations. CMSH will continue to review inspection data to ensure consistent enforcement of these Acts. MSHA will provide training to its workforce when necessary.

Miners must have a *Voice in the Workplace* and be free to exercise their right to identify hazardous conditions and request Agency inspections without discrimination. Empowering miners to report hazards is critical in reducing safety and health risks. CMSH will implement policy and procedures to ensure miners are aware of their rights to report hazards without fear of discrimination, and ensure these complaints, including those in Spanish, are investigated and resolved in a timely manner.

CMSH will sponsor the National Mine Rescue Contest. The contest sharpens skills and tests the knowledge of team members who respond in the event of a mine emergency.

CMSH will contribute funding to the Program Administration activity to support the Office of Accountability.

FY 2010

CMSH plans to complete 100 percent of its mandated inspections as the central component of its effort to provide safe and healthy environments for our Nation's miners. They will also implement initiatives to ensure miners a voice in their workplace, reduce dust exposures and prevent fatalities.

COAL MINE SAFETY AND HEALTH

CMSH will take many steps to improve workplace safety and health. CMSH will implement a fatality and disaster prevention program that will target the most common causes of fatal accidents. The agency will analyze historical data to determine which standards should be for enhanced enforcement. CMSH will develop strategies for outreach, education and training to improve compliance. CMSH will design ways to intervene to prevent injuries and fatalities and evaluate the outcomes.

CMSH will use many strategies aimed at reducing health risks of our Nation's miners. While considerable progress has been made in reducing dust levels in coal mines, miners continue to develop coal workers' pneumoconiosis, a.k.a. "black lung" disease, a debilitating and potentially fatal occupational lung disease. CMSH is an integral part of MSHA's "End Black Lung, Act Now!" program which will implement a comprehensive strategy that includes rulemaking, enhanced enforcement, collaborative outreach and education and training to end black lung disease.

CMSH plans to conduct 12 special emphasis respirable coal mine dust inspections in FY 2010. It will revise and improve coal mine dust related inspections as a result of the lessons learned from the FY 2009 "Dustbuster" pilot program. It also will initiate reviews of the quality of dust controls in mine ventilation and dust control plans to foster continued improvement. Sampling data will be reviewed quarterly. Best practices will be shared via the agency website for controlling exposures to respirable dust, silica and noise.

CMSH will review inspection data and audit field offices where discrepancies are identified to ensure consistent enforcement of the Mine Act and MINER Act throughout all coal offices. Follow-up training provided to enforcement personnel will promote consistent enforcement of laws. Consistent enforcement should help reduce the number of pre-penalty settlement modifications of violations.

CMSH will shift the burden, responsibility and accountability for compliance to the mine operator and continue to target the most egregious and persistent violators. CMSH will work with mine operators who have shown a pattern of violations to develop programs that will target the conditions that contribute to significant accidents.

The mining industry will continue to experience a transition from a highly experienced and aged workforce to a workforce that consists of a significant number of new and inexperienced workers. CMSH will collaborate with the Educational Policy and Development budget activity in efforts to evaluate the sufficiency of the new and inexperienced miners' training.

CMSH will continue to educate miners of their rights to report hazards without fear of discrimination, and have these complaints, including those in Spanish, investigated and resolved in a timely manner. These efforts will guarantee miners' *Voice in the Workplace*.

CMSH will continue to explore the most efficient and effective way to deploy and organize its personnel and resources to handle its workload.

COAL MINE SAFETY AND HEALTH

FY 2009

CMSH completed 100 percent of its regular underground and surface inspections. To achieve this goal, enforcement personnel were temporarily assigned to other districts where assistance was needed to conduct plan reviews and complete the required inspections. Through this strategic reassignment overtime costs were significantly reduced from FY 2008 levels. Overtime was required primarily in District 4 (Mt. Hope, WV), District 8 (Vincennes, IN), and District 9 (Denver, CO).

During FY 2009, CMSH increased enforcement activities above the FY 2008 levels. The number of events opened increased by 8.17%, and the number of citations and orders issued increased by .085%. The percentage of citations that were 30+ days overdue when terminated decreased from .07% to .05%.

As enforcement increased during FY 2009, fatalities and injuries decreased. The coal mining industry did not experience an underground fatality within an eight-month period during that timeframe. During CY 2009, the coal mining industry reported 18 fatalities, a 40% reduction below the CY 2008 total of 30 fatalities.

CMSH promoted and encouraged the integration of root cause analysis into all aspects of the inspection program. Root cause analysis in enforcement programs seeks to identify and correct the underlying causes of violations, particularly repeat violations. CMSH shares this information with the mining community and others for the purpose of preventing similar occurrences.

According to National Institute for Occupational Safety and Health (NIOSH) reports, coal workers' pneumoconiosis, or black lung disease, is increasing in prevalence and severity among coal miners. MSHA has increased enforcement of current requirements to provide respirable dust controls that will protect miners from exposure to harmful quantities of respirable coal mine dust and quartz (silica). In FY 2009, the increased enforcement work included utilizing a team of experienced health enforcement personnel (Dustbusters) to conduct inspections at selected coal mines to evaluate occupational exposures to respirable coal mine dust and quartz dust. The team assessed the effectiveness of operator dust control and sampling programs through multi-shift sampling, data collection, observations of mining cycle and work practices, and interviews. The data collected will form the basis of appropriate enforcement actions. Mines were inspected in each district by teams of 6-8 health enforcement personnel that concentrated on the evaluation of the respirable dust controls and monitoring programs. Enforcement actions were taken to address significant deficiencies in controls and the proper monitoring of dust levels in the mine environment. In addition, based on information derived during the inspections, MSHA is in the process of notifying agents of the mine operator that they may lose their MSHA certification to both collect respirable dust samples and maintain/calibrate sampling equipment.

CMSH met its performance goals of reducing work related illness in mines by decreasing the percentage of dust and noise samples taken with results that are less than half the permissible exposure limit by more than 2%.

COAL MINE SAFETY AND HEALTH

CMSH collaboratively worked with Office of Standards and Variances on the Final Rules for the Refuge Alternatives for Underground Coal Mines and Flame Resistant Conveyor Belt, Fire Prevention and Detection and Use of Air from Belt Entry. CMSH worked with NIOSH in developing the proposed revision of 30 CFR Part 74 - Approval Criteria for Respirable Dust Monitoring Devices. They also drafted the Comprehensive Black Lung Reduction Strategy and revisions to the respirable dust regulatory requirements in 30 CFR Parts 70, 71 and 90.

CMSH conducted many outreach programs to help protect our Nation's miners and their families. The Preventive Roof/Rib Outreach Program (PROP) addressed the need to increase awareness among coal mine operators and miners of the hazards that can lead to roof/rib fall accidents, and the precautions necessary to prevent these accidents. Winter Alert addressed the hazards that exist in the mining community during the cold winter months. SOSA addresses the dangers of abandoned mines. Each of these programs is intended to keep the miners and/or their families safe.

CMSH provided support for the 2009 National Mine Rescue Contest. This contest had 89 mine rescue teams participating which was the fourth highest number in the contest's history.

COAL MINE SAFETY AND HEALTH

WORKLOAD SUMMARY				
	FY 2009		FY 2010	FY 2011
	Target	Result	Target	Target
Coal Mine Safety and Health				
Total Number of Mines	2,150	2,100 (r)	2,120	2,130
Total Number of Inspections	17,200	18,835 (r)	18,060	17,700

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

The workload figures reflect total numbers of inspections which include mandated, regular safety and health inspections (E01) and all inspections outside of E01. CMSH expects to complete 100% of E01 inspections in FY 2010 and FY 2011. With the slight increase in the number of mines in FY 2010 and FY 2011, the number of E01 inspections will increase accordingly. However, because the time required to complete an E01 inspection is longer than most inspections outside of E01, CMSH expects the total number of inspections to decrease.

COAL MINE SAFETY AND HEALTH

SUMMARY OF PERFORMANCE										
Coal Mine Safety and Health										
<i>Strategic Goal 2: Ensure workplaces are safe and healthy. Outcome Goal 2: Secure safe and healthy workplaces, particularly in high-risk industries.</i>										
<i>Strategic Goal 3: Assure fair and high quality work-life environments. Outcome Goal 11: Ensure worker voice in the workplace.</i>										
	FY 2006		FY 2007		FY 2008		FY 2009		FY 2010	FY 2011
	Goal Not Achieved		Goal Substantially Achieved		Goal Substantially Achieved		Goal Achieved			
Performance Indicator	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
<i>Previous indicators</i>										
Mine industry fatalities per 200,000 hours worked. Note: (This indicator has been revised – MSHA will track fatal injury rates on a 5-year rolling average. See current indicators below).	0.0301	.0384	.0292	.0301	.0295	.0245	0.0241	0.0160	--	--
Mine industry injuries per 200,000 hours worked.	4.15	4.55	3.76	4.28	4.19	3.95	3.75	3.71	N/A	N/A
<i>Current indicators</i>										
Five-year rolling average of fatal injuries per 200,000 hours worked.	--	--	--	--	--	--	Baseline	.0259	.0246	.0234
Percent of inspector respirable coal mine dust samples exceeding the applicable standard for designated occupations.	9.5%	11.3%	9.0%	12.20%	11.5%	9.74%	9.55%	7.78%	7.62%	7.47%
Percent of noise exposures in coal mines above the citation level.	5.0%	4.4%	4.8%	3.66%	3.59%	4.54%	4.45%	4.02%	3.94%	3.86%
Percent of investigations of miner discrimination complaints that are completed within 60 days of receipt.	--	--	--	--	--	--	Baseline	68%	75%	80%
Percent of investigations of miner requests for temporary reinstatement that are completed within 20 days of receipt.	--	--	--	--	--	--	Baseline	39%	50%	60%

COAL MINE SAFETY AND HEALTH

BUDGET ACTIVITY by OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	FY 11 Req. / FY 10 Enacted
11.1	Full-time permanent	82,405	0	86,538	87,753	1,215
11.3	Other than full-time permanent	334	0	435	441	6
11.5	Other personnel compensation	6,295	0	6,153	5,544	-609
11.9	Total personnel compensation	89,034	0	93,126	93,738	612
12.1	Civilian personnel benefits	32,601	0	32,855	33,339	484
13.0	Benefits for former personnel	0	0	37	37	0
21.0	Travel and transportation of persons	2,333	0	3,055	2,655	-400
22.0	Transportation of things	3,801	0	3,575	3,575	0
23.1	Rental payments to GSA	7,810	0	7,849	7,965	116
23.2	Rental payments to others	37	0	37	37	0
23.3	Communications, utilities, and miscellaneous charges	973	0	1,267	1,267	0
24.0	Printing and reproduction	159	0	172	172	0
25.1	Advisory and assistance services	239	0	180	180	0
25.2	Other services	1,418	0	825	825	0
25.3	Other purchases of goods and services from Government accounts 1/	10,488	0	9,720	10,205	485
25.4	Operation and maintenance of facilities	79	0	66	66	0
25.7	Operation and maintenance of equipment	598	0	928	928	0
26.0	Supplies and materials	1,942	0	2,000	1,500	-500
31.0	Equipment	2,879	0	2,918	2,518	-400
42.0	Insurance claims and indemnities	100	0	52	52	0
	Total	154,491	0	158,662	159,059	397
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	9,686	0	8,923	9,408	485
	DHS Services	293	0	294	294	0
	HHS Services	410	0	412	412	0

COAL MINE SAFETY AND HEALTH

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$1,312

Personnel benefits 484

Rental payments to GSA 116

Working Capital Fund 485

Built-Ins Subtotal 2,397

Net Program -2,000

	Estimate	FTE
Base	161,059	1,217
Program Decrease	-2,000	0

METAL AND NONMETAL MINE SAFETY AND HEALTH

BUDGET AUTHORITY BEFORE THE COMMITTEE					
(Dollars in Thousands)					
	FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	Diff. FY 11 Req. / FY 10 Enacted
Activity Appropriation	82,427	0	85,422	88,966	3,544
FTE	613	0	620	641	21

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 598.

Introduction

The Metal and Nonmetal Mine Safety and Health (MNMSH) budget activity administers provisions of the Mine Act, provisions of the MINER Act, and ensures compliance with regulations to eliminate fatalities, reduce the frequency and severity of accidents, and minimize health hazards in the nation's nearly 12,700 metal and nonmetal mines. Most of the MNMSH employees are located across six district offices and 47 field offices throughout the United States and in Puerto Rico. The majority of field employees are mine safety and health professionals, who perform essential inspection activities and many types of investigations (i.e. fatal accident investigations, non-fatal and/or non-injury accident investigations, verbal and written hazard complaint investigations, discrimination complaint investigations, etc.).

MNMSH supports the Secretary's vision *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
 - Outcome Goal 2: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
 - Outcome Goal 11: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes by 5 percent in mining sites per year.
- FY 2010 MSHA Performance Agreement.

In FY 2011, MNMSH proposes to improve safety and health conditions in the mining workplace by:

- Targeting the most common causes of fatal accidents – MNMSH will enhance enforcement for violations of the standards associated with fatalities and will continue to impose penalties that are consistent with the seriousness of the violation and act as effective deterrents through the special investigations of possible Section 110 violations of the Mine Act.
- Reducing health risks – MNMSH will monitor health sampling activities to assure that all overexposures of contaminants are cited and promptly corrected by the operator.
- Targeting the most egregious and persistent violators – MNMSH will initiate elevated enforcement actions to mine operators who fail to conduct health surveys.
- Improving impoundment safety – MNMSH will place emphasis on regular inspections of all high hazard impoundments.
- Improve training of new and inexperienced miners and contractors and protecting miners' rights against discrimination for reporting hazardous conditions – MNMSH

METAL AND NONMETAL MINE SAFETY AND HEALTH

will distribute training materials during safety talks to enhance miners' knowledge regarding their rights and responsibilities under the Mine Act.

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

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

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

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	68,063	543
2007	72,506	543
2008	74,420	543
2009	82,427	598
2010	85,422	620

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

FY 2011

Metal and Nonmetal Safety and Health (MNMSH) will conduct 100 percent of its mandated inspections, accident prevention and health outreach activities such as "Spring Thaw" and "Winter Alert," accident investigations (including root cause analysis), and investigations of hazardous condition and discrimination complaints made by miners or their representatives. MNMSH is projected to conduct 32,500 inspections for FY 2011.

Included in the request are funds to hire an additional 21 FTE for enforcement and conference litigation functions. These personnel will be spread across all districts to handle increased workload as a result of increased production and increased litigation of citations. New MSHA regulations enacted in April 2007 along with the reinvigoration of its enforcement program have significantly increased civil penalties across all types of violations. An increase in the number of violations proposed for assessment has resulted in increased litigation because of the higher

METAL AND NONMETAL MINE SAFETY AND HEALTH

proposed penalty amounts, and therefore a subsequent increased workload. Therefore, MSHA anticipates even more of an increase in the number of mine operator requested conferences to contest proposed penalties. Traditionally, Conference Litigation Representatives are drawn from the inspectorate ranks due to their expertise in mining, conducting MSHA inspections and investigations, and extensive knowledge of the Mine Act, MINER Act and MSHA regulations. As individuals are selected, MSHA will aggressively backfill their former positions to maintain a strong inspector corps.

MNMSH contributes funding to the Program Administration activity to support the Office of Accountability.

FY 2010

In FY 2010, MNMSH will conduct 100 percent of its mandated inspections, and conduct accident investigations (which include root cause analysis). MNMSH will also conduct investigations of hazardous conditions and discrimination complaints made by miners or their representatives. MSHA will continue to conduct accident prevention and health outreach activities such as “Spring Thaw” and “Winter Alert” to ensure that increased production pressures within the industry do not compromise safety and health.

In FY 2008, the Department and Office of Management and Budget approved the program’s health sampling strategy. These 5-year goals require personal sampling of twenty identified contaminants either annually or every five years at mining and milling operations. The goals focus the Agency’s enforcement personnel on the most hazardous contaminants. They became effective on October 1, 2009, with FY 2009 being the baseline year.

However, MNMSH believes this strategy can be stronger because it relies on MSHA inspectors conducting health sampling to verify operator compliance with mandatory contaminant standards. While mines provide *Good Jobs for Everyone* (a goal of the Secretary of Labor) MSHA cannot be everywhere, every day of the year to verify that these workplaces are safe and healthy. A safe and healthy workplace is a key component of a having a good job. MNMSH has two standards (§56/57.5002 and 30 Code of Federal Regulations § 62.110(a)) requiring mine operators to conduct periodic dust surveys and monitor noise levels to determine continuing compliance with applicable standards.

To ensure that operators are complying with the above standards and to ensure continuing compliance, MNMSH will change the way it monitors dust and noise levels in mines:

- Recorded results of surveys for dust and monitoring of noise levels conducted by mine operators will be reviewed by MSHA personnel during every mandated inspection.
- Enforcement action will be initiated for operators who have not conducted those surveys or noise monitoring and for operators who do not periodically survey or monitor noise levels for continued compliance. MSHA inspectors will reduce their sampling activities to a level that allows them to “spot check” operator compliance on an as needed basis.

METAL AND NONMETAL MINE SAFETY AND HEALTH

During FY 2010, MNMSH personnel will conduct health sampling in the manner currently practiced. However, during the year, MNMSH will seek to:

- Develop, with assistance from the Office of the Solicitor, policies for two new standards: respirable crystalline silica and impoundments;
- Transmit the developed policy to the Department and OMB for review and approval as a significant guidance document;
- Publish the documents in the Federal Register for review and comment by the industry;
- Review comments and publish the final policies; and,
- Conduct an extensive outreach program with industry to inform them of these changes.

Another initiative planned for FY 2010 focuses on more efficient use of MNMSH field office space. Many of the MNMSH field offices are not geographically located near active mining operations and office space remains unused while inspectors are typically working at mines in the field all week. This has led MNMSH to develop a plan to locate field offices in closer proximity to active mining operations. MSHA will work with the Department to explore satellite offices and “shared space” concepts to redesign field office configurations and reduce square footage. Two pilot offices are planned in FY 2010 contingent upon the outcome of NCFLL negotiations.

Also for FY 2010, MNMSH plans to hire additional civil engineers to conduct inspections of impoundments which have been evaluated as being high hazard. Inspections of high hazard impoundments, which occur during critical phases of construction and verify the adequacy of long-term maintenance, are important elements of MSHA’s impoundment safety program and reduce any potential environmental impact caused by an impoundment failure. Some Districts were unable to meet impoundment inspection goals last year; these additional engineers will allow all districts to complete these inspections. MNMSH will utilize its regular inspector cadre to inspect existing impoundments during their regular inspection activities. The specialized skills of civil engineers will target High Hazard Impoundments and new impoundments during all stages of development. This measure will ensure that all impoundments will be inspected for compliance and sound construction.

FY 2009

For only the second time since the passage of the Federal Mine Safety and Health Act of 1977, MNMSH completed 100 percent of the mandated inspections for FY 2009.

There were 16 total fatalities reported in the Metal sector in Calendar Year 2009, the lowest recorded number of fatalities in history. In addition, MNMSH conducted a total of 29,088 inspection events; issued 69,362 citations and orders, an increase of 2% from FY 2008, with 28% considered significant and substantial (S&S), an increase of 25% in the FY 2008 S&S rate. The percentage of citations 30+ days overdue when terminated decreased from 0.13% of citations issued in FY 2008 to 0.01% for FY 2009.

Besides the annual and follow-up inspections mandated by the Mine Act, MNMSH conducted other activities to ensure that production pressures within the industry did not compromise miner

METAL AND NONMETAL MINE SAFETY AND HEALTH

safety and health. These activities included conducting limited additional inspections of gassy underground mines (gassy mines are currently inspected in their entirety four times per year as are all underground mines) based on methane liberation, accident investigations (including root cause analysis), investigating hazardous condition and discrimination complaints made by miners or their representatives, and collecting health contaminant samples to establish the baseline for the MNMSH new health sampling strategy.

In order to keep communication channels open, MNMSH management actively participated in company safety meetings, seminars, and summits, as well as national and state trade association meetings. The districts staff conducted 155 events at mines specifically focused on accident reduction. For example, field offices in the Southeast District began a Fatal Awareness Initiative after a series of fatalities occurred in the District. All mine operators within the District were contacted and provided with copies of fatalgrams. In order to promote safe and healthy workplaces, inspectors in all districts attended numerous Holmes Safety Chapter Meetings, where health and safety information was discussed and distributed. Furthermore, MNMSH developed a Best Practices auditing program where safety and health best practice audits were conducted by the District Safety Specialist or Health Specialist at mines where vast improvement was necessary. The results of this program were shared with the mine operator at the conclusion of the audit, and the outcome was reduced incidence rates and a cleaner work environment in the targeted mines. MNMSH managers also traveled to mines with the worst incidence rates and the worst compliance record, submitted up-to-date data and provided recommendations for improvement to affect mine operators. As a result, mine operators devised plans that were shared with the District Manager regarding strategic initiatives developed by the operator to improve compliance and incidence rates at the mine.

MNMSH continued its efforts to recruit new Federal mine inspectors for the Federal Career Intern Program. MNMSH participated in numerous job fairs across the country, working with MSHA's human resources staff to ensure MNMSH has the inspectors we need as the current workforce retires. In FY 2009, a total of 45 Federal Career Intern Inspectors were brought on board. MSHA held multiple job fairs at targeted field office and district locations. Some of these job fairs were held in concert with the Diversity Conferences and Job Fairs in support of the Department's Diversity Hiring Initiative.

METAL AND NONMETAL MINE SAFETY AND HEALTH

WORKLOAD SUMMARY				
	FY 2009		FY 2010	FY 2011
	Target	Result	Target	Target
Metal and Nonmetal Mine Safety and Health				
Total Number of Mines	12,800	12,701 (r)	13,440	13,500
Total Number of Inspections	32,500	29,088 (r)	31,000	32,500

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

The workload estimates reflect the total number of inspections. MNMSH completed 100% of mandated inspections in FY 2009 and plans to complete all mandated inspections in FY 2010. In FY 2011, MSHA estimates an increase in all inspections, largely due to increased aggregate mining demands in the metal and nonmetal mining industry.

METAL AND NONMETAL MINE SAFETY AND HEALTH

SUMMARY OF PERFORMANCE										
Metal and Nonmetal Mine Safety and Health										
<i>Strategic Goal 2: Ensure workplaces are safe and healthy. Outcome Goal 2: Secure safe and healthy workplaces, particularly in high-risk industries.</i>										
<i>Strategic Goal 3: Assure fair and high quality work-life environments. Outcome Goal 11: Ensure worker voice in the workplace.</i>										
	FY 2006		FY 2007		FY 2008		FY 2009		FY 2010	FY 2011
	Goal Achieved		Goal Substantially Achieved		Goal Achieved		Goal Achieved			
Performance Indicator	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
<i>Previous indicators</i>										
Mine industry fatalities per 200,000 hours worked. Note: (This indicator has been revised – MSHA will track fatal injury rates on a 5-year rolling average. See current indicators below).	0.0160	.0137	.0155	.0146	.0143	.0100	0.0094	0.0128	--	--
Mine industry injuries per 200,000 hours worked.	2.68	3.26	2.42	3.08	3.02	2.89	2.73	2.59	N/A	N/A
Percent of successful interventions of hazards that require annual sampling (metal and nonmetal mines).	--	--	--	--	--	--	Baseline	11.63	--	--
Percent of successful interventions of hazards that require annual sampling (metal and nonmetal mines).	--	--	--	--	--	--	Baseline	2.67	--	--
<i>Current indicators</i>										
Five-year rolling average of fatal injuries per 200,000 hours worked.	--	--	--	--	--	--	Baseline	.0136	.0129	.0122
Percent of Metal and Nonmetal mines conducting their own silica dust surveys and noise evaluations for miners.	--	--	--	--	--	--	--	--	Baseline	TBD
Percent of investigations of miner discrimination complaints that are completed within 60 days of receipt.	--	--	--	--	--	--	Baseline	68%	75%	80%
Percent of investigations of miner requests for temporary reinstatement that are completed within 20 days of receipt.	--	--	--	--	--	--	Baseline	39%	50%	60%

METAL AND NONMETAL MINE SAFETY AND HEALTH

BUDGET ACTIVITY by OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	FY 11 Req. / FY 10 Enacted
11.1	Full-time permanent	43,101	0	45,037	47,163	2,126
11.3	Other than full-time permanent	188	0	177	180	3
11.5	Other personnel compensation	2,374	0	1,018	1,068	50
11.9	Total personnel compensation	45,663	0	46,232	48,411	2,179
12.1	Civilian personnel benefits	15,226	0	16,081	16,728	647
13.0	Benefits for former personnel	0	0	19	19	0
21.0	Travel and transportation of persons	7,200	0	7,910	7,930	20
22.0	Transportation of things	2,000	0	2,012	2,012	0
23.1	Rental payments to GSA	3,858	0	3,882	4,075	193
23.2	Rental payments to others	9	0	9	9	0
23.3	Communications, utilities, and miscellaneous charges	576	0	584	595	11
24.0	Printing and reproduction	86	0	88	91	3
25.1	Advisory and assistance services	72	0	75	75	0
25.2	Other services	547	0	449	449	0
25.3	Other purchases of goods and services from Government accounts 1/	5,112	0	4,972	5,220	248
25.4	Operation and maintenance of facilities	9	0	0	0	0
25.7	Operation and maintenance of equipment	171	0	273	275	2
26.0	Supplies and materials	727	0	939	949	10
31.0	Equipment	1,163	0	1,889	2,120	231
42.0	Insurance claims and indemnities	8	0	8	8	0
	Total	82,427	0	85,422	88,966	3,544
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	4,782	0	4,405	4,653	248
	DHS Services	156	0	157	157	0

METAL AND NONMETAL MINE SAFETY AND HEALTH

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$702

Personnel benefits 237

Rental payments to GSA 57

Working Capital Fund 248

Built-Ins Subtotal 1,244

Net Program 2,300

Direct FTE 21

	Estimate	FTE
Base	86,666	620
Program Increase	2,300	21

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

BUDGET AUTHORITY BEFORE THE COMMITTEE					
(Dollars in Thousands)					
	FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	Diff. FY 11 Req. / FY 10 Enacted
Activity Appropriation	3,031	0	3,481	4,322	841
FTE	16	0	17	22	5

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 17.

Introduction

The Office of Standards, Regulations, and Variances (OSRV), in coordination with the Office of the Solicitor’s Mine Safety and Health Division and other MSHA program offices, develops standards and regulations for the mining industry to provide protection for the safety and health of miners. These standards and regulations establish enforcement requirements for compliance. OSRV works on safety and health rulemaking activities required under the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response (MINER) Act of 2006. OSRV also has responsibility for processing and publishing documents related to approximately 90 Petitions for Modification submitted to MSHA on an annual basis, and for administering MSHA’s Freedom of Information Act (FOIA) program.

OSRV supports the Secretary’s vision *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
 - Outcome Goal 2: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
 - Outcome Goal 11: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes by 5 percent in mining sites per year.
- FY 2010 MSHA Performance Agreement.

In FY 2011, OSRV proposes to improve safety and health conditions in the mining workplace by:

- Reducing health risks - OSRV will support rulemaking efforts to reduce the exposure limit for respirable coal mine dust.
- OSRV will develop a notice of proposed rulemaking - Notification of Legal Identity - which revises the Agency’s legal identity requirements to allow MSHA to better target the most egregious violators by identifying the controlling entities for individual mine operations. This allows MSHA to more effectively deter future violations by imposing penalties and other remedies on those violators.
- Improving impoundment safety - Rulemaking will continue on the proper design, construction and other safety issues related to the water, sediment, and slurry impoundments for metal and nonmetal mining and milling operations.

MSHA proposes and promulgates new and improved safety and health standards on the basis of information submitted to the Secretary by interested parties, representatives of any organization of employers or employees, nationally recognized standards-producing organizations, the Secretary of Health and Human Services (HHS), HHS’s National Institute for Occupational Safety and Health

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

(NIOSH), states or political subdivisions, or on the basis of information developed by the Secretary or otherwise available. MSHA promulgates all standards and regulations under statutory and administrative procedures providing the opportunity for public comment.

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

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	2,481	17
2007	2,727	17
2008	3,180	17
2009	3,031	17
2010	3,481	17

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

FY 2011

MSHA's regulatory agenda in FY 2011 will primarily focus on eliminating or reducing serious safety and health hazards. The FY 2011 request includes a program increase of \$792,000 and five FTE to provide services needed in the promulgation of standards related to reducing the health hazards associated with exposure to respirable coal mine dust and crystalline silica. Regulatory action concerning health hazards requires an assessment of the hazards involved; the determination of the relationship between the magnitude of the exposure and the probability of its effects; and the determination of the extent of human exposure before or after application of regulatory controls.

OSRV will continue to comprehensively address high priority health initiatives related to reducing and ultimately eliminating black lung. OSRV will continue to work on a rule: Lowering Miners' Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors.

OSRV will also continue to work on (1) reducing exposure to silica in coal and metal and nonmetal mines; (2) a proximity detection system to address crushing and pinning hazards associated with the operation of machinery in underground mines; (3) revising electrical product approval requirements for electrically operated machines and accessories intended for use in underground gassy mines; and (4) revising requirements for impoundment design, construction, operation, and maintenance in metal and nonmetal mines.

MSHA will issue a proposed rule to expand the information mine operators would be required to submit to the Agency (legal identity). By expanding the required information, this regulation would allow MSHA to better target the most egregious and persistent violators and more effectively deter future violations by imposing penalties and other remedies on those violators.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

OSRV expects to process approximately 70 Petitions for Modification in FY 2011. The office will continue to respond expeditiously to approximately 1,600 FOIA requests.

FY 2010

On October 14, 2009, MSHA issued a Request for Information related to the use of the CPDM as a sampling device to measure a miner's exposure to respirable coal mine dust. The comment period closed on December 14, 2009.

On December 29, 2009, MSHA issued a direct final rule and a companion proposed rule on Parts 50 and 100. This direct final rule and the companion proposed rule make nonsubstantive organizational changes to the existing regulations for reporting accidents and determining penalty amounts for failure to report certain accidents. These changes will allow MSHA to automate the assessment process for violations involving immediate notification of an accident.

OSRV will continue to develop the following activities during FY 2010:

- Final rule establishing new requirements that both NIOSH and MSHA would use to approve coal mine dust personal samplers. The requirements would permit the approval of a new type of device, the CPDM. The final rule would also update design specifications for the coal mine dust personal sampler unit to include improvements made to this device in the past 15 years.
- Final rule to establish design requirements for approval of high-voltage continuous mining machines operating where miners work in underground mines. The final rule would also establish new electrical safety standards for the installation, use, and maintenance of the high-voltage continuous mining machines in underground coal mines.
- A proposed rule to lower miners' exposure to respirable coal mine dust – Lowering Miners' Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors - combines the following four rulemakings into one: (1) Occupational Exposure to Coal Mine Dust (Lowering Exposure); (2) Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust (Plan Verification); (3) Determination of Concentration of Respirable Coal Mine Dust (Single Sample); and (4) Use of the Continuous Personal Dust Monitor.
- Proposed rule to address continued risk to miners from exposure to respirable crystalline silica, the cause of silicosis, an irreversible and sometimes fatal lung disease. MSHA intends to use the Occupational Safety and Health Administration's (OSHA) work on the health effects of occupational exposure to silica and OSHA's risk assessment, adapting it as necessary for the mining industry.
- Proposed rule to update the MSHA's intrinsic safety approval requirements which ensure that mining products do not cause a fire or explosion in gassy underground mines. The proposed rule would address existing mining products such as gas detectors and atmospheric

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

monitoring systems as well as new technology such as the wireless communication and electronic tracking devices mandated by the MINER Act.

- Proposed rule to expand the information mine operators would be required to submit to MSHA (legal identity). By expanding the required information, this regulation would allow the Agency to better target the most egregious and persistent violators and more effectively deter future violations by imposing penalties and other remedies on those violators.
- Request for Information relative to the use of a proximity detection system to address crushing and pinning hazards associated with the operation of machinery underground.
- Advance notice of proposed rulemaking to determine whether the Metal and Nonmetal standards should be revised to improve requirements for impoundment design, construction, operation, and maintenance.

OSRV expects to process approximately 70 Petitions for Modification in FY 2010. OSRV will continue to expeditiously respond to approximately 1,600 FOIA requests.

FY 2009

During FY 2009, OSRV continued to work on safety and health rulemaking activities required under the MINER Act of 2006.

On December 31, 2008, the Final Rules were published on refuge alternatives for underground coal mines and flame-resistant conveyor belts, fire prevention and detection, and use of air from the belt entry.

On January 16, 2009, a proposed rule was issued that established new requirements that both NIOSH and MSHA would use to approve coal mine dust personal samplers. The requirements would permit the approval of a new type of device, the CPDM. The proposed rule would also update design specifications for the coal mine dust personal sampler unit to include improvements made to this device in the past 15 years. MSHA held a public hearing on the proposal on July 8, 2009. The comment period closed on August 14, 2009.

On January 16, 2009, a Program Policy Letter (PPL) was issued to provide mine operators guidance in implementing: (1) alternatives to fully wireless post-accident two-way communication between underground and surface personnel and (2) electronic tracking systems, both of which are required by the MINER Act.

On April 29, 2009, MSHA issued and posted on its website compliance guides for refuge alternatives for underground coal mines and flame-resistant conveyor belts, fire prevention and detection, and use of air from the belt entry.

On April 29, 2009, MSHA issued and posted on its website a compliance guide on compliance with post-accident two-way communications and electronic tracking requirements of the MINER Act.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

On June 17, 2009, a Final Rule was issued revising MSHA's existing standards for mine rescue teams for underground coal mines. On February 10, 2009, the United States Court of Appeals for the District of Columbia Circuit (Court) held that MSHA's Mine Rescue Teams rule, issued on February 8, 2008, is inconsistent with Section 4 of the MINER Act in three respects. The final rule revises those portions of the existing rule in accordance with the MINER Act, consistent with the Court's decision.

OSRV responded to 1,571 FOIA requests in FY 2009. OSRV processed 59 Petitions for Modification in FY 2009.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

WORKLOAD SUMMARY				
	FY 2009		FY 2010	FY 2011
	Target	Result	Target	Target
Office of Standards, Regulations, and Variances				
Proposed Rules	2	1 (r)	5	2
Final Rules	3	3 (r)	3	4
Variances Processed	90	59 (r)	70	70
FOIAs	1,600	1,571 (r)	1,600	1,600

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

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

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

BUDGET ACTIVITY by OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	FY 11 Req. / FY 10 Enacted
11.1	Full-time permanent	1,924	0	2,240	2,737	497
11.3	Other than full-time permanent	0	0	5	5	0
11.5	Other personnel compensation	113	0	97	108	11
11.9	Total personnel compensation	2,037	0	2,342	2,850	508
12.1	Civilian personnel benefits	457	0	479	615	136
13.0	Benefits for former personnel	0	0	1	1	0
21.0	Travel and transportation of persons	20	0	30	42	12
23.1	Rental payments to GSA	178	0	179	213	34
23.3	Communications, utilities, and miscellaneous charges	29	0	9	12	3
24.0	Printing and reproduction	11	0	1	2	1
25.1	Advisory and assistance services	50	0	199	307	108
25.2	Other services	48	0	55	55	0
25.3	Other purchases of goods and services from Government accounts 1/	158	0	155	163	8
25.4	Operation and maintenance of facilities	6	0	0	0	0
25.7	Operation and maintenance of equipment	6	0	5	6	1
26.0	Supplies and materials	14	0	1	6	5
31.0	Equipment	17	0	25	50	25
	Total	3,031	0	3,481	4,322	841
	1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	151	0	139	147	8
	DHS Services	6	0	6	6	0

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$31

Personnel benefits 7

Rental payments to GSA 3

Working Capital Fund 8

Built-Ins Subtotal 49

Net Program 792

Direct FTE 5

	Estimate	FTE
Base	3,530	17
Program Increase	792	5

OFFICE OF ASSESSMENTS

BUDGET AUTHORITY BEFORE THE COMMITTEE					
(Dollars in Thousands)					
	FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	Diff. FY 11 Req. / FY 10 Enacted
Activity Appropriation	6,134	0	6,233	6,327	94
FTE	44	0	51	51	0

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 51.

Introduction

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

The Office of Assessments supports the Secretary’s vision *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
 - Outcome Goal 2: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
 - Outcome Goal 11: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes by 5 percent in mining sites per year.
- FY 2010 MSHA Performance Agreement.

In FY 2011, the Office of Assessments proposes to improve safety and health conditions in the mining workplace by:

- Targeting the most common causes of fatal accidents – The office will increase the frequency of its reviews of violators exhibiting a potential pattern of violations and incorporate review criteria that identify violators who fail to prevent conditions that contribute to fatal accidents. The office will also more quickly refer delinquent debt to the Department of Treasury’s financial management services for collection, increasing the likelihood of Treasury collecting the debt.
- Targeting the most egregious and persistent violators – The office will increase the frequency of the pattern of violations reviews.
- Protecting miners’ rights against discrimination for reporting hazardous conditions – The Office of Assessments will take steps to expedite investigations of discrimination complaints and enhance miners’ knowledge regarding their rights and responsibilities under the Mine Act. This will include the development of publications and training materials that clearly address miners’ rights.

OFFICE OF ASSESSMENTS

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

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

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

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

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	5,391	51
2007	6,556	51
2008	6,134	51
2009	6,134	51
2010	6,233	51

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

FY 2011

The Office of Assessments will continue to assess civil monetary penalties for all violations of the Act consistently and in accordance with statutory criteria, timely assess those penalties at a level that will encourage compliance, account for all penalty cases in litigation before the Federal Mine Safety and Health Review Commission (FMSHRC), and collect and account for penalties paid. MSHA believes that the substantial increase in civil penalties established in FY 2007 will continue to result in mine operators taking additional steps to prevent health and safety conditions that result in violations. Consequently, MSHA estimates that it will assess 170,000 violations totaling \$153,000,000 in FY 2011, fewer penalties than were assessed in FY 2009 and FY 2010.

Enhancements to the system that processes civil penalty assessments and payments are scheduled for deployment in FY 2010. The modification will replace the current civil penalty notification with a billing statement that provides supplementary information on the status of a company's civil

OFFICE OF ASSESSMENTS

penalties. The office is replacing the manual process of applying civil penalty payments from mine operators for civil penalties with an automated process. These enhancements will increase the accuracy and timeliness of civil penalty processing at a reduced cost. This will also remove the need for MSHA to issue demands for delinquent payments and allow for faster referral of delinquent debt to the Department of the Treasury for collection. MSHA's routine debt collection activities will virtually be eliminated. The resultant cost savings will allow MSHA to devote additional resources to its "Scofflaw" program and aggressively pursue legal sanctions against mine operators who continually fail to pay their civil penalties and from whom Treasury is unable to collect.

In addition, MSHA will continue to work with the FMSHRC and Treasury Department's Financial Management Services to develop enhancements to their IT systems to streamline the docketing, decision, and debt referral processes.

FY 2010

The Office of Assessments will continue to assess civil monetary penalties for all violations of the Act consistently and in accordance with statutory criteria, timely assess those penalties at a level that will encourage compliance, account for all penalty cases in litigation before the FMSHRC, and collect and account for penalties paid. MSHA will take advantage of the fully integrated violation, assessment, and case management functions of MSHA's Standardized Information System. This system, accessible to MSHA enforcement staff, Office of Assessments personnel, and the Office of the Solicitor (SOL), will allow for better management of violation data and contested case, docket, and decision information. The result will be improved timeliness of processing contested violations and assessments. Together with SOL, MSHA will continue to explore and implement solutions to reduce the backlog of civil penalty contest cases as well as steps to reduce the number of penalties mine operators are contesting. The Office of Assessments will discuss with the FMSHRC business process and systems enhancements that can be implemented to expedite shared case management processes.

The office will continue its referral of delinquent debt to the Department of the Treasury (Treasury) for cross-servicing. MSHA's goal is to refer debt to Treasury as soon as possible after the debt becomes delinquent. These debt collection activities will ensure compliance with the provisions of the Debt Collection Improvement Act of 1996 and the Federal Financial Management Improvement Act.

The Office of Assessments will conduct more than the minimum required screening for pattern of violations and incorporate into the screening criteria for identifying mines exhibiting a potential pattern of violations those significant and substantial violations that most frequently cause or contribute to fatal accidents. MSHA will work with mine operators who are found to have a potential pattern of violations to develop and implement ongoing comprehensive safety and health management programs that target the conditions which most frequently contribute to fatal accidents.

The Office of Assessments will develop and implement policy and procedures to ensure that miner discrimination complaints are timely investigated and resolved, with specific goals to increase the percentage of investigations of miner discrimination that are completed within 60 days of receipt and to increase the percentage of miner requests for temporary reinstatement that are completed within 20 days of receipt.

OFFICE OF ASSESSMENTS

FY 2009

It is the Office of Assessments' responsibility to timely assess penalties against mine operators for health and safety violations at a level that will encourage compliance. The office is also responsible for processing mine operator hearing requests when the operators file civil penalty contests with the FMSHRC. In FY 2009, MSHA assessed 181,500 civil penalties, compared with 180,000 in FY 2008. The dollar amount of assessed penalties decreased from \$166,000,000 in FY 2008 to \$162,000,000 in FY 2009.

New regulations that became effective in FY 2007 triggered a significant escalation in the rate at which mine operators contested the civil penalties before the FMSHRC. Mine operators historically contested approximately six percent of the violations assessed civil penalties. In FY 2009, the contest rate increased to 25 percent of the violations representing 67 percent of the dollar amounts assessed.

MSHA continued to improve collection efforts through the timely referral of delinquent debt to the U.S. Department of the Treasury for cross-servicing. These improvements in MSHA debt collection activities helped to ensure that MSHA was in compliance with the provisions of the Debt Collection Improvement Act of 1996. As of December 15, 2009, mine operators had paid \$55 million of the \$70 million in civil penalties that had become final orders of the FMSHRC in FY 2009. The Treasury Department collected \$2.3 million of delinquent fines in FY 2009.

The office worked toward the goal of making debt collection and hearing request activities less labor-intensive so that MSHA will be better positioned to handle the increase in workload associated with the higher penalties and contest rates. In FY 2008, the office developed requirements to discontinue the manual payments data feed from the Treasury lockbox provider to which penalty payments are sent, replacing the manual process with an automated one. In addition, requirements for automated payment applications and a new monthly billing statement were finalized. Development and testing of these system enhancements commenced in FY 2008 and FY 2009 and are scheduled for deployment in FY 2010.

The Office of Assessments coordinates MSHA's Pattern of Violations program which, by regulation, requires the agency to annually screen all mines to determine if a potential pattern of violations exists. In FY 2009, the office conducted two pattern of violations screenings of all mines. These screenings resulted in the enforcement branches notifying 23 mines that they faced pattern of violation sanctions unless they reduced their level of violations. The office established goals for each operation to achieve and monitored each mine to determine if the mine was making progress in achieving their specific targets of violations. All identified mining operations met their target goals, resulting in a reduction of their serious violation rates by an overall average of 72 percent.

The Office of Assessments coordinates MSHA's discrimination complaint processing to protect miners from discrimination when they exercise their right to report health and safety hazards without fear of retaliation. MSHA received 173 discrimination complaints in FY 2009.

OFFICE OF ASSESSMENTS

WORKLOAD SUMMARY				
	FY 2009		FY 2010	FY 2011
	Target	Result	Target	Target
Office of Assessments				
Number of Violations Assessed	190,000	181,500 (r)	175,000	170,000
Penalties assessed (\$ in 000s)	\$200,000.00	\$162,000.00 (r)	\$158,000.00	\$153,000.00

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

MSHA published new civil penalty regulations, effective April 23, 2007, that significantly increased fines for health and safety violations. In FY 2009, MSHA assessed 181,500 violations with fines totaling \$162,000,000. With the increased monetary incentive to prevent violations, MSHA expects the number of violations cited and assessed to decline in future years.

OFFICE OF ASSESSMENTS

BUDGET ACTIVITY by OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	FY 11 Req. / FY 10 Enacted
11.1	Full-time permanent	3,354	0	3,291	3,342	51
11.3	Other than full-time permanent	0	0	5	5	0
11.5	Other personnel compensation	150	0	132	134	2
11.9	Total personnel compensation	3,504	0	3,428	3,481	53
12.1	Civilian personnel benefits	904	0	864	877	13
13.0	Benefits for former personnel	0	0	2	2	0
21.0	Travel and transportation of persons	20	0	70	70	0
22.0	Transportation of things	1	0	0	0	0
23.1	Rental payments to GSA	433	0	435	441	6
23.3	Communications, utilities, and miscellaneous charges	167	0	177	177	0
24.0	Printing and reproduction	19	0	0	0	0
25.2	Other services	551	0	697	697	0
25.3	Other purchases of goods and services from Government accounts 1/	412	0	436	458	22
25.4	Operation and maintenance of facilities	9	0	0	0	0
25.7	Operation and maintenance of equipment	10	0	21	21	0
26.0	Supplies and materials	36	0	25	25	0
31.0	Equipment	68	0	78	78	0
	Total	6,134	0	6,233	6,327	94
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	391	0	360	382	22
	DHS Services	15	0	15	15	0

OFFICE OF ASSESSMENTS

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$53

Personnel benefits 13

Rental payments to GSA 6

Working Capital Fund 22

Built-Ins Subtotal 94

	Estimate	FTE
Base	6,327	51

EDUCATIONAL POLICY AND DEVELOPMENT

BUDGET AUTHORITY BEFORE THE COMMITTEE					
(Dollars in Thousands)					
	FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	Diff. FY 11 Req. / FY 10 Enacted
Activity Appropriation	38,605	0	38,605	36,646	-1,959
FTE	146	0	159	138	-21

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 148.

Introduction

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

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

EPD supports the Secretary's vision *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
 - Outcome Goal 2: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
 - Outcome Goal 11: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes by 5 percent in mining sites per year.
- FY 2010 MSHA Performance Agreement.

In FY 2011, EPD proposes to improve safety and health conditions in the mining workplace by:

- Targeting the most common causes of fatal accidents and reducing health risks – The Academy will develop training and awareness materials that directly address the identified standards and the tragic consequence of noncompliance.
- Improve training of new and inexperienced miners and contractors – The Academy will provide training to inexperienced miners and educate miners of their right to report a health or safety hazard and protect their right to do so.
- Protecting miners' rights against discrimination for reporting hazardous conditions - EPD will develop an initiative to educate miners regarding compliance with regulations and miners' rights. The office will also distribute the training materials and stress the importance of compliance during their safety talks with miners.

EDUCATIONAL POLICY AND DEVELOPMENT

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

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

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	35,996	156
2007	35,326	156
2008	36,239	148
2009	38,605	148
2010	38,605	159

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

FY 2011

Educational Policy and Development (EPD) will continue to monitor and evaluate the effectiveness of mine safety and health training programs for compliance with federal mine safety and health regulations. Mine safety training experts monitor training classes provided to miners to determine whether they are effective. The monitoring program includes detailed review and evaluation of approved training plans and programs, lesson plans, course objectives, training materials, training methods, and course evaluation methods. EPD will emphasize monitoring of more new miner training and annual refresher training classes over the coming year.

EPD will develop an additional 10 on-line courses for MSHA inspector training. This will bring the total number of online courses to 40.

MSHA will continue pilot projects to identify viable mobile computers and software applications that can improve efficiencies for field staff. The pilots will test various industry products to determine applicability for broad use by MSHA field staff, possibly extending to enforcement staff.

The Mine Health and Safety Academy located in Beaver, WV, will continue to provide professional instruction and training materials for MSHA inspectors and the mining community.

EDUCATIONAL POLICY AND DEVELOPMENT

The Academy anticipates conducting in excess of 60,000 student days of training including 24 entry level inspector groups. Training materials in excess of 6 million items will be distributed.

The MSHA State Grants Program is administered through EPD to provide funds to assist states in mine safety related activities as provided in Section 503 of the Mine Act. EPD anticipates making awards to provide training in 49 states and the Navajo Nation. It is anticipated that more than 225,000 miners and contractors will be trained under the State Grants Program in FY 2011.

EPD will continue the Brookwood-Sago Mine Safety Grant to develop educational and training programs and training materials for mine emergency preparedness.

The request includes a proposal to terminate the Small Mines Office (SMO) and to integrate the personnel throughout the Agency to fill vacancies where they meet the qualifications required for a position. Integrating SMO personnel throughout its programs will allow MSHA to use their expertise at all mines and provide more meaningful compliance assistance, leading to lower overall fatality and accident rates at all mines. The funds from this program decrease will be used to partially offset program increases in the Metal and Nonmetal Mine Safety and Health activity.

EPD field training specialists will continue to approve and evaluate all training activities and qualify and certify miners to carry out critical duties required by the Mine Act. Special emphasis programs will continue to address safety and health hazards in underground and surface coal mines and metal/nonmetal mines. Accident investigations will continue for the purpose of determining accident causes and prevention methods. Training specialists will continue to provide critical enforcement activities related to training and education requirement of the Mine Act.

FY 2010

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

In FY 2010, MSHA expects an increased need for mining safety and health training assistance as an aging workforce leaves the industry and is replaced with inexperienced miners. In 2007 the Bureau of Labor Statistics estimated that the median age of coal mine workers was 45.9 years old while the median age for all U.S. employees was 41 years. Through EPD, MSHA will provide first-line assistance to operators and miners to meet the increased need for training. EPD's outreach efforts will provide assistance to help the industry develop and provide quality effective training to prevent accidents, illnesses, and violations. EPD will develop a measurable training assessment tool and develop a survey instrument for voluntary feedback from miners.

EPD field training specialists will continue to approve and evaluate training plans and instructors, qualify and certify miners, conduct job task analyses, and support and participate in

EDUCATIONAL POLICY AND DEVELOPMENT

MSHA-wide special emphasis programs. These programs address surface haulage accidents, exposure to respirable dust, diesel emissions, noise hazards, explosive gases in underground mines, and contractor and small mine accidents which occur at a higher than average rate.

The Academy will provide professional instruction to entry level and journeyman-level MSHA inspectors and the mining community. EPD will continue with the design and delivery of new training courses, instructional materials, and innovative education programs to assist in reducing fatalities, injuries, and illnesses in mining. EPD will develop new distance learning programs, increasing the number of online courses to 16 to 30. This will reduce the length of training at the Academy without sacrificing the quality of training and will assist the Agency in reducing travel costs and overtime costs associated with mine inspector training. EPD will develop new training materials to address consistency throughout MSHA's inspectorate.

The Academy will conduct approximately 60,000 student days of training, and 18 entry-level inspector groups will attend training. EPD will continue to develop and distribute training materials and publications needed to support MSHA's safety and health goals. MSHA will continue to expand its distance and distributive learning approach to training.

The Academy will distribute approximately 6 million publications and training materials to the mining industry.

FY 2009

EPD continued its primary responsibility of implementing and managing mine safety and health training programs and initiatives throughout the United States and its territories.

One component of this mission is the detailed review and evaluation of approved training plans and programs, lesson plans, course objectives, training materials, training methods, and course evaluation methods. MSHA also continued monitoring and evaluating the effectiveness of mine safety and health training programs for compliance with federal mine safety and health regulations. Mine safety training experts conducted the monitoring to determine if training classes were effective.

EPD awarded grants through the State Grants program to provide training in 49 states and the Navajo Nation. In FY 2009, EPD placed emphasis on state grant program evaluations and holding a State Grant Business meeting. MSHA also coordinated grantees' use of the DOL E-grants Reporting System for monitoring the status of federal funds disbursed to the recipients. All grant recipients were required to submit financial reports (SF-269) through the E-Grants System. MSHA staff ensured that the grants were administered in accordance with new regulations related to the administration and management of federal grants.

MSHA managed the Brookwood-Sago Grant that provided funds to providing training assistance to operators and miners on mine emergency and mine rescue. Six competitive grant awards were made totaling \$500,000.

EDUCATIONAL POLICY AND DEVELOPMENT

EPD conducted 6,600 compliance assistance activities, including mine site accident prevention visits. During these visits, specialists evaluated safety and health programs and provided assistance in improving these programs.

MSHA piloted a mobile electrical safety training program to the mining industry. EFS staff took the Mobile Electrical Training Laboratories to various mine sites where staff provided hands-on practical training to more than 3,000 miners (coal and metal/nonmetal) throughout the United States.

The Academy continued to provide professional instruction and training materials for MSHA inspectors and the mining community. The Academy conducted more than 39,000 student days of training for over 7,000 students; provided 85 courses for mine inspectors; shipped more than 5 million training materials to the mining industry; and printed more than 2.8 million impressions of mine health and safety materials for the Agency and mining industry.

MSHA completed a number of capital improvements and distance learning enhancements to the Academy to provide a healthier and safer learning environment.

MSHA continued to develop its inventory of Spanish language training materials to help enhance training opportunities for miners whose first language, and in many cases only language, is Spanish. MSHA also continued updating and improving training materials, such as the Miners' Rights pamphlet.

MSHA continued supporting the Qualifications and Certifications (Q&C) Unit which issues qualification and certification credentials for critical safety and health tasks at mines. The Q&C Unit handled 3,826 requests for services and approximately another 1,000 requests for information on electronic training plans, policy information, training information, and information on MSHA regulations.

EDUCATIONAL POLICY AND DEVELOPMENT

WORKLOAD SUMMARY				
	FY 2009		FY 2010	FY 2011
	Target	Result	Target	Target
Educational Policy and Development				
Course Days of Training:				
MSHA	1,200	1,851 (r)	1,150	1,150
Industry	275	164 (r)	275	275
Total	1,475	2,015	1,425	1,425
Publications Distributed	6,000,000	5,435,567 (r)	6,000,000	6,000,000
Compliance Assistance Activities	5,300	6,600 (r)	6,600	4,200

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

In FY 2010 and FY 2011, EPD is expecting a decline in the number of entry level groups to train as the cadre of inspectors hired in 2008 and 2009 complete their training. An increase in the number of training days for industry will become available as a result.

EDUCATIONAL POLICY AND DEVELOPMENT

BUDGET ACTIVITY by OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	FY 11 Req. / FY 10 Enacted
11.1	Full-time permanent	13,121	0	13,715	12,251	-1,464
11.3	Other than full-time permanent	203	0	120	122	2
11.5	Other personnel compensation	473	0	519	489	-30
11.9	Total personnel compensation	13,797	0	14,354	12,862	-1,492
12.1	Civilian personnel benefits	3,710	0	3,833	3,456	-377
13.0	Benefits for former personnel	0	0	5	5	0
21.0	Travel and transportation of persons	1,400	0	1,220	1,096	-124
22.0	Transportation of things	308	0	523	523	0
23.1	Rental payments to GSA	483	0	483	490	7
23.2	Rental payments to others	2	0	2	2	0
23.3	Communications, utilities, and miscellaneous charges	562	0	862	850	-12
24.0	Printing and reproduction	376	0	161	157	-4
25.1	Advisory and assistance services	180	0	610	610	0
25.2	Other services	5,153	0	4,275	4,273	-2
25.3	Other purchases of goods and services from Government accounts 1/	1,442	0	1,245	1,307	62
25.4	Operation and maintenance of facilities	756	0	756	756	0
25.7	Operation and maintenance of equipment	256	0	276	276	0
26.0	Supplies and materials	498	0	538	523	-15
31.0	Equipment	741	0	521	519	-2
41.0	Grants, subsidies, and contributions	8,941	0	8,941	8,941	0
	Total	38,605	0	38,605	36,646	-1,959
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	1,290	0	1,189	1,251	62
	DHS Services	19	0	19	19	0
	HHS Services	9	0	9	9	0

EDUCATIONAL POLICY AND DEVELOPMENT

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$216

Personnel benefits 56

Rental payments to GSA 7

Working Capital Fund 62

Built-Ins Subtotal 341

Net Program -2,300

Direct FTE -21

	Estimate	FTE
Base	38,946	159
Program Decrease	-2,300	-21

TECHNICAL SUPPORT

BUDGET AUTHORITY BEFORE THE COMMITTEE					
(Dollars in Thousands)					
	FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	Diff. FY 11 Req. / FY 10 Enacted
Activity Appropriation	30,117	0	30,642	31,637	995
FTE	199	0	200	200	0

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 200.

Introduction

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

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

Technical Support supports the Secretary's vision *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
 - Outcome Goal 2: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
 - Outcome Goal 11: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes by 5 percent in mining sites per year.
- FY 2010 MSHA Performance Agreement.

TECHNICAL SUPPORT

In FY 2011, Technical Support proposes to improve safety and health conditions in the mining workplace by:

- Targeting the most common causes of fatal accidents - Technical Support will continue to analyze fatal accident data in support of the fatality and disaster prevention program.
- Improving impoundment safety – Inspections of high hazard dams, including critical phases of construction and verifying the adequacy of long-term maintenance, are important elements of Technical Support’s dam safety program.
- Improving MSHA and mining industry emergency response preparedness - Technical Support will evaluate MSHA’s mine rescue and mine emergency response preparedness to identify gaps that could impair successful mine emergency response.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	26,079	200
2007	29,237	200
2008	29,476	200
2009	30,117	200
2010	30,642	200

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

FY 2011

In FY 2011, Technical Support budget activity will support further implementation of the requirements of the MINER Act, including approvals for refuge alternatives and improvements in/approvals for communication and tracking technologies. Technical Support will also provide expertise for new rulemaking anticipated in FY 2011 regarding respirable dust exposure in underground coal mines, including field performance evaluations of the personal continuous dust monitor and laboratory analyses.

The FY 2011 request includes an increase of \$550,000 for Technical Support to upgrade mine emergency response and rescue capabilities available for rapid response in case of an emergency.

Technical Support will approve and certify mine equipment, materials, instruments, explosives and respirators with a focus to reducing backlogs. Technical Support will utilize its specialized scientific expertise and establish criteria for environmental controls for health protection based upon analyses of samples collected by MSHA. They will also evaluate the safe designs of seals, mine ventilation systems, and ground control.

In order to meet testing requirements related to the MINER Act regarding flame-resistant conveyor belts, Technical Support will continue the purchase of equipment required for testing requirements, such as installation of fire suppression systems and response-to-fire characteristics of materials and equipment in simulated underground conditions.

TECHNICAL SUPPORT

FY 2010

MSHA will upgrade its mine emergency response and rescue capabilities available for rapid response in case of an emergency. It will ensure MSHA's response during mine emergencies is timely, effective and appropriate to the given situation, accounting for the unique circumstances of each event. Technical Support will conduct evaluations of MSHA, mining industry and mine rescue team and mine emergency response structure, capabilities and preparedness to identify gaps; identify internal agency, mine emergency plans, training, regulatory and/or policy changes needed.

Technical Support will work to provide engineering, scientific and laboratory expertise to reduce respirable coal mine dust, silica and noise exposures. Technical Support plans to conduct an analysis of estimated 160,000 samples exceeding the applicable standards and develop recommendations or solutions to reduce exposures. Technical Support will provide engineering and scientific expertise as appropriate in the Agency rulemaking process to include Exposure to Coal Mine Dust, Exposure to Respirable Crystalline Silica, Continuous Personal Dust monitors, and Proximity Detection Systems for Underground mines.

Technical Support plans to make comparative studies of statistical information of fatal and nonfatal injury related injuries and make recommendations for solutions through sound science practices. The recommendations may include technological or work practice improvements.

In order to meet testing requirements related to the MINER Act regarding flame-resistant conveyor belts, Technical Support will explore the feasibility of the construction of a "burn building" to accommodate the newly required approval testing necessitated when the conveyor belt flammability regulations were finalized in December, 2008. This building will allow relocation of all related testing materials into one location for pollution control, improved efficiency, and address employee safety and health concerns.

MSHA's Dam Safety Officer will conduct an evaluation of the new MSHA efforts to reduce the likelihood of failure of any high hazard potential impoundment under MSHA jurisdiction. Reviews of current regulations will be conducted to identify areas of improvement for the protection of miners and persons off mine property who may be affected by the failure of a mining impoundment or dam.

FY 2009

In FY 2009, Technical Support resources supported MINER Act rulemaking activities, i.e. Mine Refuge Chamber and Alternative Regulations and approval program; implementation of the new Belt-Air regulations ("Flame-Resistant Conveyor Belt, Fire Prevention and Detection, and Use of Air from the Belt Entry") including adopting the Belt Evaluation Laboratory Test as an approval test and the procedures for use in approving fire-resistant conveyor belt for coal mines. Technical Support continued efforts to introduce and adopt proximity detection/collision avoidance technology accidents by chairing the rulemaking committee to develop a Request for Information for proximity detection. Progress continued toward improvements to communications and tracking technologies.

TECHNICAL SUPPORT

The MINER Act regulations and requirements regarding flame-resistant conveyor belts, other products required to be non-flammable and other fire technology related needs, requires the infrastructure upgrade at the Approval and Certification Center in Triadelphia, WV. The design phase contract was awarded to construct a “burn building” due to the need for additional space at the current facility to accommodate the required approval testing necessitated when the conveyor belt flammability regulations were finalized December 31, 2008.

MSHA maintained an American Industrial Hygiene Association (AIHA) accredited Lab rating. The Lab received added accreditation for Diesel Particulate Matter in addition to receiving reaccreditation for dust weighing, silica analysis, metals and organics analysis.

Technical Support conducted the following health-related related initiatives:

- Air-arc gouging hearing loss reduction;
- Integrated health exposure monitoring system;
- Investigations to assist the special dust emphasis team involving coal mine dust, quartz investigations in MNMSH mines, diesel particulate and asbestos fibers; and
- Continued testing prototype of continuous personal dust monitors.

Additional mine emergency equipment was purchased to establish and equip mine rescue stations at the Pittsburgh, PA, and Beckley, WV and a truck was relocated to Price, UT.

Technical Support provided oversight and significant review of the updated “Engineering and Design Manual: Coal Refuse Disposal Facilities.”

In support of the Independent Lab Rule, MSHA continued to accept test and evaluation results from international labs provided the lab was an accredited organization and the results reflected compliance with MSHA requirements.

TECHNICAL SUPPORT

WORKLOAD SUMMARY				
	FY 2009		FY 2010	FY 2011
	Target	Result	Target	Target
Technical Support				
Approval Actions (New and Modifications)	800	800	800	800
Field Investigations	950	950	950	900
Samples Analyzed	140,000	155,000 (r)	160,000	155,000
Calibrations (photometers, anemometers, noise, radiation)	5,100	5,100	5,100	5,100
Impoundment Plans Reviewed	185	192 (r)	190	190
Seal Plans Approvals	25	20 (r)	16	8

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

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

TECHNICAL SUPPORT

BUDGET ACTIVITY by OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	FY 11 Req. / FY 10 Enacted
11.1	Full-time permanent	16,654	0	17,118	17,405	287
11.3	Other than full-time permanent	15	0	30	30	0
11.5	Other personnel compensation	925	0	485	492	7
11.9	Total personnel compensation	17,594	0	17,633	17,927	294
12.1	Civilian personnel benefits	4,515	0	4,547	4,614	67
13.0	Benefits for former personnel	0	0	6	6	0
21.0	Travel and transportation of persons	770	0	744	744	0
22.0	Transportation of things	118	0	179	179	0
23.1	Rental payments to GSA	88	0	88	89	1
23.3	Communications, utilities, and miscellaneous charges	254	0	504	504	0
24.0	Printing and reproduction	22	0	37	37	0
25.1	Advisory and assistance services	60	0	68	68	0
25.2	Other services	294	0	789	789	0
25.3	Other purchases of goods and services from Government accounts 1/	3,310	0	3,147	3,230	83
25.4	Operation and maintenance of facilities	654	0	107	107	0
25.7	Operation and maintenance of equipment	267	0	328	328	0
26.0	Supplies and materials	264	0	696	696	0
31.0	Equipment	1,907	0	1,769	2,319	550
	Total	30,117	0	30,642	31,637	995
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	1,737	0	1,600	1,683	83
	DHS Services	3	0	3	3	0
	HHS Services	1,481	0	1,488	1,488	0

TECHNICAL SUPPORT

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$294

Personnel benefits 67

Rental payments to GSA 1

Working Capital Fund 83

Built-Ins Subtotal 445

Net Program 550

	Estimate	FTE
Base	31,087	200
Program Increase	550	0

PROGRAM EVALUATION AND INFORMATION RESOURCES

BUDGET AUTHORITY BEFORE THE COMMITTEE					
(Dollars in Thousands)					
	FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	Diff. FY 11 Req. / FY 10 Enacted
Activity Appropriation	16,514	0	16,857	19,447	2,590
FTE	57	0	75	75	0

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 75.

Introduction

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

PEIR supports the Secretary’s vision *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
 - Outcome Goal 2: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
 - Outcome Goal 11: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes by 5 percent in mining sites per year.
- FY 2010 MSHA Performance Agreement.

In FY 2011, PEIR proposes to improve safety and health conditions in the mining workplace by:

- Targeting the most common causes of fatal accidents – PEIR provides data support by modifying the Inspector’s Portable Application for Laptops (IPAL) to notify inspectors when they have cited a standard that is linked to a high incidence of fatal injuries. Additionally, PEIR will post listings of engineering controls and other resources for eliminating hazardous conditions and practices that most frequently contribute to fatal accidents and share best practices for improved methods for improved methods for preventing fatalities and disasters on MSHA’s website.
- Reducing health risks - PEIR will participate with the rulemaking committees to identify requirements for potential changes to the respirable dust systems. They will also participate in the field tests of the Continuous Personal Dust Monitor (CPDM)

PROGRAM EVALUATION AND INFORMATION RESOURCES

and identify potential requirements for processing CPDM data. PEIR will publish best practices for improved methods for controlling exposures to respirable coal mine dust, silica, and noise on the MSHA website.

- Improving MSHA and mining industry emergency response preparedness - PEIR will assist Technical Support in conducting a comprehensive evaluation of MSHA, mining industry, and mine rescue team emergency response preparedness.
- Protecting miners' rights against discrimination for reporting hazardous conditions - PEIR will implement enhancements to the Hazard Conditions Complaints (HCC) computer system as identified by the HCC program evaluation. They will also monitor program area corrective actions resulting from the evaluation and will develop new Key Indicator Reports to allow better monitoring of HCC evaluations. PEIR will revise the online HCC system to accept miner complaints in Spanish. They will examine the feasibility of using a survey instrument to ascertain miners' (including Spanish-speaking miners) understanding of their rights under section 103(g) to identify hazardous conditions and section 105(c) to request Agency inspections without discrimination and the degree to which they believe they are protected should discrimination occur.

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

PEIR collects, analyzes, and publishes data obtained from mine operators and contractors on the prevalence of work-related injuries and illnesses in the mining industry. MSHA's information technology resources, including the Agency's website, support the Secretary's innovation strategies aimed at using openness, transparency and effective communications as means of ensuring broad-based and continuing compliance. MSHA, the mining community, and the public use this data to assess progress in preventing occupational injuries and illnesses in the mining industry.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	17,014	75
2007	21,185	75
2008	15,936	75
2009	16,514	75
2010	16,857	75

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

PROGRAM EVALUATION AND INFORMATION RESOURCES

FY 2011

Program Evaluation and Information Resources (PEIR) will advance MSHA's mission by operating and managing the Agency's telecommunications infrastructure including a Wide Area Network (WAN) supporting 99 field locations and three data centers. PEIR will also operate and maintain MSHA's major application systems; support and maintain the Agency's online electronic government filing application; and develop new software systems for the Agency's evolving technology needs.

The FY 2011 request includes an increase for the following initiatives:

- \$2,000,000 to Reengineering Health Samples for transforming the current outdated health database system to a modernized and stable system compatible with MSHA's enterprise data system to ensure the integrity of the samples data and to support compliance reporting.
- \$450,000 for upgrading Mine Emergency Operations (MEO) capabilities by purchasing two MEO vehicles, a second satellite dish, and wireless mesh access points. This will enable MSHA to rapidly deploy to both western and eastern MEO events (or to two simultaneous MEO events).

FY 2010

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

- Operation and maintenance of MSHA's Standardized Information System (MSIS).
- Operation and maintenance of the MSHA Data Warehouse.
- Completion of Monthly Statement Redesign - This is a multi-year project for the Office of Assessments and is in the final phase of development.
- Support for the Technical Support System Integration (TSSI) project database development – The TSSI project began in 2004 and is scheduled for completion in June 2011. Upon completion, TSSI will integrate all Technical Support data and applications into MSIS, including the Weekly Activity and Project Analysis reports.

PEIR will also focus on the following:

- IPAL changes for Fatality and Disaster Prevention Program - Modify the IPAL system to notify inspectors when a standard that is linked to a high incidence of fatal injuries is cited.
- MEO Mapping - Deploy a web-based application that will assist the mining community in locating mine rescue teams, equipment, and materials needed to respond to mine emergencies.

PROGRAM EVALUATION AND INFORMATION RESOURCES

- CPDM Requirements - Collect requirements for the Model 3600 CPDM, develop a testing strategy that will comprehensively evaluate the mine readiness and full range the CPDM capabilities, participate in the field tests and identify potential requirements for processing CPDM data.
- Intake Air Samples - Implement the system changes needed to support Coal Mine Safety and Health's plan to use inspector intake air samples to void low weight gain operator samples.
- Section 105(c) Database Consolidation - Convert the 18 independent databases used to track section 105(c) investigations to a unified application running on MSIS.
- HCC Enhancements - Implement the seven enhancements to the Hazardous Condition Complaints (HCC) system as identified in the HCC program evaluation with a specific focus on resolving the issues associated with manually re-entering complaint information into the HCC database, which results in errors and omissions to complaint data and therefore permits users to enter conflicting complaint dates and times. The enhancements will maximize the efficiency of the system and ensure that all complaints are captured accurately and investigated in a timely fashion.
- Hazard Complaints in Spanish - Revise the online HCC system to accept miner complaints in Spanish. The project is under development and scheduled for release in early January.

FY 2009

In FY 2009, PEIR developed strategies to achieve improvements to the network infrastructure with the goal of providing a communication platform that accommodates change resulting from new technologies. PEIR also maintained and enhanced the management information systems to provide efficient and timely access to critical information. PEIR continued the use of Enterprise Architecture principles to collaborate with stakeholders to develop a slate of projects that were customer driven and supported the agency's mission to protect the safety and health of miners.

During FY 2009, PEIR accomplished the following task:

- Completed the conversion from Sprint to the DOLNet Verizon Network.
- Replaced Metal and Nonmetal Safety and Health wireless field office switches with new Cisco switches.
- Installed inline Wide Area Application Services (WAAS) devices for better performance in offices that are co-located with another DOL agency.
- Upgraded WAAS IOS for better performance.
- Completed the following for Part 50 of Title 30 Code of Federal Regulations (CFR) document management system:
 - o A scanning utility for Sentinels of Safety that furthered automation efforts.
 - o A scanning utility for fatality reviews.
 - o Implementation of a test environment to mitigate risks associated with system upgrades.

PROGRAM EVALUATION AND INFORMATION RESOURCES

- Provided new reports and maintaining existing reports for internal and external customers from the MSHA Data Warehouse, as well as MSIS. Reports included standard user-initiated reports and ad hoc reports.

In an effort to meet the needs of clients and to provide better service, PEIR conducted surveys of MSIS users to determine current performance by identifying user expectations and relative levels of satisfaction and dissatisfaction. Customer satisfaction levels for FY 2009 have increased over FY 2008 with a 113 percent increase in participation.

PEIR purchased a new satellite receiver, installed a dedicated Mine Emergency Operations (MEO) voice/data line in Arlington and purchased voice and data communications equipment. This equipment will enable the Command Center to communicate securely with the other MEO vehicles at the mine site and with headquarters during mine emergencies.

PEIR developed an MEO Logbook application which enables the Mine Emergency Unit to enter gas readings and narrative updates which can be viewed in real-time with headquarters and others who are authorized to view the pages.

PEIR provided satellite voice and data communications to support the Metal and Nonmetal Mine Emergency Response Drill in Beckley, WV in August 2009.

PEIR worked collaboratively with Occupational and Safety and Health Administration and DOL's Emergency Management Center to develop joint incident reporting for MEO, Continuity of Operation and other emergencies. As part of this effort, the team configured and tested AlertFind, a software application, to send out automatic voice and email messages to top staff at DOL and MSHA during mine emergencies.

PROGRAM EVALUATION AND INFORMATION RESOURCES

BUDGET ACTIVITY by OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	FY 11 Req. / FY 10 Enacted
11.1	Full-time permanent	5,205	0	5,440	5,519	79
11.3	Other than full-time permanent	0	0	73	74	1
11.5	Other personnel compensation	110	0	187	190	3
11.9	Total personnel compensation	5,315	0	5,700	5,783	83
12.1	Civilian personnel benefits	1,618	0	1,468	1,490	22
13.0	Benefits for former personnel	0	0	2	2	0
21.0	Travel and transportation of persons	100	0	91	91	0
22.0	Transportation of things	4	0	1	1	0
23.1	Rental payments to GSA	502	0	505	512	7
23.3	Communications, utilities, and miscellaneous charges	127	0	288	288	0
24.0	Printing and reproduction	98	0	68	68	0
25.2	Other services	147	0	126	126	0
25.3	Other purchases of goods and services from Government accounts 1/	656	0	565	593	28
25.4	Operation and maintenance of facilities	20	0	0	0	0
25.7	Operation and maintenance of equipment	6,891	0	7,025	9,075	2,050
26.0	Supplies and materials	103	0	79	79	0
31.0	Equipment	933	0	939	1,339	400
	Total	16,514	0	16,857	19,447	2,590
	1/Other Purchases of Goods and Services From Government Accounts					
	Working Capital Fund	524	0	483	511	28
	DHS Services	21	0	21	21	0

PROGRAM EVALUATION AND INFORMATION RESOURCES

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$83

Personnel benefits 22

Rental payments to GSA 7

Working Capital Fund 28

Built-Ins Subtotal 140

Net Program 2,450

	Estimate	FTE
Base	16,997	75
Program Increase	2,450	0

PROGRAM ADMINISTRATION

BUDGET AUTHORITY BEFORE THE COMMITTEE					
(Dollars in Thousands)					
	FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	Diff. FY 11 Req. / FY 10 Enacted
Activity Appropriation	15,684	0	17,391	14,376	-3,015
FTE	96	0	86	86	0

NOTE: FY 2009 reflects actual FTE. Authorized FTE for FY 2009 was 86.

Introduction

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

PA supports the Secretary's vision *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
 - Outcome Goal 2: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
 - Outcome Goal 11: Ensure worker voice in the workplace.
- High Priority Performance Goal: Reduce fatalities resulting from the most common causes by 5 percent in mining sites per year.
- FY 2010 MSHA Performance Agreement.

In FY 2011, PA will support MSHA's program activities to improve safety and health conditions in the mining workplace. PA plans and directs the full range of administrative management within MSHA ensuring that, through effective utilization of resources, MSHA remains a viable and efficient organization responsive to the changing policy and program needs of MSHA and the mining industry. Activity support services include personnel management, financial management, procurement and contracting, employee training, safety, health, and diversity programs for MSHA employees, property management, and management analysis. By providing leadership, policy direction, and administrative support services, PA supports and strengthens all of MSHA's program activities enabling MSHA to meet or exceed annual safety and health performance goals and objectives.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2006	11,906	86
2007	13,637	86
2008	16,339	86
2009	15,684	86
2010	17,391	86

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

PROGRAM ADMINISTRATION

FY 2011

Program Administration (PA) will continue to implement its comprehensive human capital plan with the aim of significantly reducing mission-critical skill gaps. It will support the Federal Career Intern Program in order to promote the job screening program to ensure that qualified candidates are available for timely replacement as separations occur. PA will seek recruitment strategies and improvement of the assessment process. PA will continue its partnership with DOL's Civil Rights Center and the Assistant Secretary for Administration and Management to recruit a qualified, diverse workforce through continued participation in career fairs, diversity conferences, and professional associations.

PA will support the Departmental Strategic Goals and Outcome Goals. They will also provide data for the update of the Annual Performance and Accountability Report.

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

Accountability reviews will be conducted to ensure that management controls are in place and effective enforcement levels adhere to MSHA's policies and procedures. The reviews will ensure that guidance is being complied with consistently and that the agency is accomplishing its mission-critical activities.

PA will receive funding assistance from Coal Mine Safety and Health and Metal and Nonmetal Safety and Health program activities to support the Office of Accountability.

This request includes a program reduction of \$3,258,000 for the following:

- \$1,450,000 for the elimination of FY 2010 Earmark for the United Mine Workers of America (UMWA)
- \$1,808,000 for a Reduction of Unrequested Funds in FY 2009 associated with UMWA

FY 2010

PA will continue to work with MSHA's enforcement program activities to ensure that its administrative resource programs work cooperatively to ensure these program areas maximize their finite resources.

MSHA will target specific geographic areas with a diverse qualified workforce from which to recruit. It will also continue its ongoing partnership with DOL's Civil Rights Center and Office of the Assistant Secretary for Administration and Management (OASAM) begun in FY 2009 to implement its diversity hiring plan. MSHA will partner with the Occupational Safety and Health Administration (OSHA) in its diversity hiring efforts. Approximately 20 diversity conferences will be conducted during FY 2010.

PROGRAM ADMINISTRATION

MSHA will target its recruitment efforts to ensure a qualified and diverse health and safety professional applicant pool through continued active participation in career fairs, diversity conferences, and professional associations. In partnership with OASAM, in FY 2010, MSHA will explore the use of novel recruitment efforts to attract a qualified diverse talent pool specific to MSHA's diversity hiring strategies, goals and challenges. During FY 2010, approximately 35 career fairs will be held.

MSHA will continue to conduct accountability audits to ensure enforcement consistency and uniformity nationwide. Approximately 24 audits will be conducted in FY 2010.

MSHA will award \$1,450,000 to the United Mine Workers of America for the continuation of the Mine Rescue Training Program.

FY 2009

PA conducted 23 job fairs in which 1,117 candidates were screened and 476 candidates were referred for selection. These qualified candidates far exceeded the needs of the Coal Mine Safety and Health and Metal and Nonmetal Safety and Health budget activities and ensured that the programs had an abundant pool from which to maintain congressionally mandated inspectorate levels.

PA attended 14 diversity conferences and received interest from 653 minority job seekers.

MSHA's fleet management program exceeded expectations in FY 2009. MSHA increased its Alternate Fuel Vehicle (AFV) numbers by 7% to a total of 732 vehicles, or 51% of the entire fleet. MSHA also exceeded the DOL goal of 75% AFV ordering by achieving 100%.

During FY 2009, the Office of Accountability conducted 24 audits. The findings and recommendations were reported to Congress in July 2009.

MSHA awarded \$1,808,000 to the United Mine Workers of America for the continuation of the Mine Rescue Training Program at the Mine Rescue Training Center, located in Ruff Creek, PA.

PROGRAM ADMINISTRATION

BUDGET ACTIVITY by OBJECT CLASS						
(Dollars in Thousands)						
		FY 2009 Enacted	Recovery Act	FY 2010 Enacted	FY 2011 Request	FY 11 Req. / FY 10 Enacted
11.1	Full-time permanent	8,852	0	8,804	8,934	130
11.3	Other than full-time permanent	30	0	134	56	-78
11.5	Other personnel compensation	230	0	414	170	-244
11.9	Total personnel compensation	9,112	0	9,352	9,160	-192
12.1	Civilian personnel benefits	1,824	0	2,089	2,120	31
13.0	Benefits for former personnel	0	0	3	3	0
21.0	Travel and transportation of persons	249	0	349	149	-200
22.0	Transportation of things	5	0	5	5	0
23.1	Rental payments to GSA	648	0	648	658	10
23.2	Rental payments to others	32	0	32	32	0
23.3	Communications, utilities, and miscellaneous charges	354	0	211	111	-100
24.0	Printing and reproduction	26	0	126	76	-50
25.1	Advisory and assistance services	310	0	10	10	0
25.2	Other services	1,233	0	2,490	282	-2,208
25.3	Other purchases of goods and services from Government accounts 1/	1,348	0	1,285	1,349	64
25.4	Operation and maintenance of facilities	261	0	3	3	0
25.7	Operation and maintenance of equipment	30	0	185	135	-50
26.0	Supplies and materials	18	0	419	179	-240
31.0	Equipment	234	0	184	104	-80
	Total	15,684	0	17,391	14,376	-3,015
1/Other Purchases of Goods and Services From Government Accounts						
	Working Capital Fund	868	0	1,118	1,182	64
	DHS Services	27	0	27	27	0
	HHS Services	6	0	6	6	0

PROGRAM ADMINISTRATION

CHANGES IN FY 2011

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments \$138

Personnel benefits 31

Rental payments to GSA 10

Working Capital Fund 64

Built-Ins Subtotal 243

Net Program -3,258

	Estimate	FTE
Base	17,634	86
Program Decrease	-3,258	0