

FY 2014

CONGRESSIONAL BUDGET JUSTIFICATION

MINE SAFETY AND HEALTH ADMINISTRATION

MINE SAFETY AND HEALTH ADMINISTRATION

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MINE SAFETY AND HEALTH ADMINISTRATION

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$380,721,000, 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; 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; in addition, the Mine Safety and Health Administration is authorized to collect and retain up to \$2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration is authorized to collect and retain fees for services related to the analysis of rock dust samples, and may utilize such sums to administer such activities, notwithstanding 31 U.S.C. 3302; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; 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; 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; and the Secretary may reallocate among the items funded under this heading up to \$3,000,000 to support inspections or investigations pursuant to section 103 of the Federal Mine Safety and Health Act of 1977: Provided, That the Secretary of Labor may transfer such sums as may be necessary to "Departmental Management" for the Office of the Solicitor move related to the relocation of the Mine Safety and Health Administration headquarters. Note.--A full-year 2013 appropriation for

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this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 112-175). The amounts included for 2013 reflect the annualized level provided by the continuing resolution.

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EXPLANATION OF LANGUAGE CHANGE

“...in addition, the Mine Safety and Health Administration may retain up to \$2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities, notwithstanding 31 U.S.C. 3302;”

This change represents an increase in the retention of fees schedule to match MSHA’s costs associated with the testing of equipment. In FY 2012, the statutory limit was \$1,499,000. This language also clarifies MSHA’s authority to collect and retain these fees.

“... in addition, the Mine Safety and Health Administration is authorized to collect and retain fees for services related to the analysis of rock dust samples, and may utilize such sums to administer such activities, notwithstanding 31 U.S.C. 3302;”

This language authorizes MSHA to charge and retain a fee for the analysis of combustible rock dust samples for determination of compliance. Full implementation of this authority will require rulemaking and the proceeds from the fees are unlikely to be available in the same year as authorization.

“...Provided, That the Secretary of Labor may transfer such sums as may be necessary to "Departmental Management" for the Office of the Solicitor move related to the relocation of the Mine Safety and Health Administration headquarters.”

This language provides for additional funding for the co-located MSHA and Office of Solicitor offices. The current lease has been extended until April 2015. The additional funding is needed in FY 2014 for information technology and tenant improvement build-out costs.

DELETED: “... the Secretary may transfer from amounts provided under this heading up to \$3,000,000 to “Departmental Management” for activities related to the Office of the Solicitor’s caseload before the Federal Mine Safety and Health Review Commission;”

In FY 2012, Congress appropriated up to \$3,000,000 of funding to be transferred to the Departmental Management account for activities related to the backlog of cases before the Federal Mine Safety and Health Review Commission. This transfer authority is not needed in FY 2014.

“... and the Secretary may reallocate among the items funded under this heading up to \$3,000,000 to support inspections or investigations pursuant to section 103 of the Federal Mine Safety and Health Act of 1977.”

This authority provides MSHA with additional flexibility to internally reallocate funding as necessary to ensure the enforcement programs have the necessary resources to effectively conduct mandated inspections or investigations.

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ANALYSIS OF APPROPRIATION LANGUAGE

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

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

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

In the instance of a mine disaster, 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 and mine rescue in the mining industry and consists of representatives from Federal and State Governments, Mining Organizations and Labor. The Association's objectives are to prevent fatalities and injuries and to improve health and safety among officials and employees in all phases of mining.

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AMOUNTS AVAILABLE FOR OBLIGATION						
(Dollars in Thousands)						
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.		FY 2014 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	2,365	\$374,000	2,357	\$375,578	2,338	\$380,721
Reduction pursuant to P.L. 112-74 for FY 2012	0	-\$707	0	\$0	0	\$0
<i>Subtotal Appropriation</i>	2,365	\$373,293	2,357	\$375,578	2,338	\$380,721
Offsetting Collections From: Reimbursements		\$2,249	0	\$2,249	0	\$3,249
Nonexpenditure Transfer to DM	0	-\$770	0	\$0	0	\$0
B. Gross Budget Authority	2,365	\$374,772	2,357	\$377,827	2,338	\$383,970
Offsetting Collections to: Reimbursements		-\$2,249	0	-\$2,249	0	-\$3,249
Nonexpenditure Transfer to DM	0	\$770	0	\$0	0	\$0
C. Budget Authority Before Committee	2,365	\$373,293	2,357	\$375,578	2,338	\$380,721
Offsetting Collections From: Reimbursements		\$1,207	0	\$2,249	0	\$3,249
Nonexpenditure Transfer to DM	0	-\$770	0	\$0	0	\$0
D. Total Budgetary Resources	2,365	\$373,730	2,357	\$377,827	2,338	\$383,970
Unobligated Balance Expiring	-8	-\$741	0	\$0	0	\$0
E. Total, Estimated Obligations	2,357	\$372,989	2,357	\$377,827	2,338	\$383,970

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2012 Revised Enacted	FY 2014 Request	Net Change
Budget Authority			
General Funds	\$373,293	\$380,721	+ \$7,428
Total	\$373,293	\$380,721	+ \$7,428
Full Time Equivalents			
General Funds	2,357	2,338	-19
Total	2,357	2,338	-19

Explanation of Change	FY 2012 Base		Trust Funds		FY 2014 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	2,357	\$190,572	0	\$0	0	\$2,976	0	\$2,976
Personnel benefits	0	\$58,711	0	\$0	0	\$879	0	\$879
One day more of pay	0	\$0	0	\$0	0	\$0	0	\$0
Federal Employees' Compensation Act (FECA)	0	\$8,041	0	\$0	0	\$0	0	\$0
Benefits for former personnel	0	\$60	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$13,748	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$7,376	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$18,216	0	\$0	0	\$291	0	\$291
Rental payments to others	0	\$83	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$5,191	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$436	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$126	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$9,138	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$22,919	0	\$0	0	\$557	0	\$557
Other Federal sources (DHS Charges)	0	\$519	0	\$0	0	\$290	0	\$290
Other goods and services from Federal sources	0	\$3,261	0	\$0	0	\$390	0	\$390
Research & Development Contracts	0	\$15	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$1,184	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$10,227	0	\$0	0	\$1,046	0	\$1,046
Supplies and materials	0	\$4,366	0	\$0	0	\$182	0	\$182
Equipment	0	\$9,086	0	\$0	0	\$592	0	\$592
Grants, subsidies, and contributions	0	\$9,441	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$102	0	\$0	0	\$0	0	\$0
Land and Structures	0	\$0	0	\$0	0	\$0	0	\$0
Built-Ins Subtotal	2,357	+\$373,293	0	\$0	0	+\$7,203	0	+\$7,203

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Explanation of Change	FY 2012 Base		Trust Funds		FY 2014 Change General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
B. Programs:								
MSHA Headquarters Move	93	\$17,768	0	\$0	0	\$4,500	0	\$4,500
Strengthening Coal Enforcement	1,194	\$164,500	0	\$0	0	\$3,164	0	\$3,164
Strengthening Metal and Nonmetal Mine Enforcement	588	\$89,063	0	\$0	0	\$2,640	0	\$2,640
Enforcement Application Enhancements	63	\$18,157	0	\$0	0	\$1,072	0	\$1,072
Increase Educational Field Services	143	\$38,325	0	\$0	6	\$800	6	\$800
Regulatory Staff and Contractors	23	\$4,765	0	\$0	0	\$600	0	\$600
OAASEI Funding to Support the Upper Big Branch Internal Review Recommendations	49	\$7,103	0	\$0	4	\$600	4	\$600
Contractor Conversion	63	\$18,157	0	\$0	0	\$45	0	\$45
Programs Subtotal			0	\$0	10	+\$13,421	10	+\$13,421
Total Increase	2,357	+\$373,293	0	\$0	10	+\$20,624	10	+\$20,624
Decreases:								
A. Built-Ins:								
To Provide For:								
Built-Ins Subtotal	0	\$0	0	\$0	0	\$0	0	\$0
B. Programs:								
Defund State Grants	0	\$8,441	0	\$0	0	-\$8,441	0	-\$8,441
Academy Infrastructure Reduction	143	\$38,325	0	\$0	-5	-\$1,545	-5	-\$1,545
Coal Plan Approval Activities	1,194	\$164,500	0	\$0	-17	-\$1,210	-17	-\$1,210
Conference and Litigation Representative Training	93	\$17,768	0	\$0	0	-\$650	0	-\$650
Reduction for Crandall Canyon Litigation and Administrative Efficiencies	93	\$17,768	0	\$0	-9	-\$575	-9	-\$575
Contractor Conversion	49	\$7,103	0	\$0	5	-\$445	5	-\$445
Small Mines Consultation Program	143	\$38,325	0	\$0	-3	-\$330	-3	-\$330
Programs Subtotal			0	\$0	-29	-\$13,196	-29	-\$13,196
Total Decrease	0	\$0	0	\$0	-29	-\$13,196	-29	-\$13,196
Total Change	2,357	+\$373,293	0	\$0	-19	+\$7,428	-19	+\$7,428

NOTE: FY 2012 reflects actual FTE.

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SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY (Dollars in Thousands)								
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.		FY 2014 Request		Diff. FY 14 Request / FY 12 Rev. Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Coal Mine Safety and Health	1,194	164,499	1,194	165,506	1,177	168,871	-17	4,372
General Funds	1,194	164,499	1,194	165,506	1,177	168,871	-17	4,372
Metal and Nonmetal Mine Safety and Health	588	89,063	588	89,608	588	92,870	0	3,807
General Funds	588	89,063	588	89,608	588	92,870	0	3,807
Office of Standards, Regulations, and Variances	23	4,765	23	4,794	23	5,619	0	854
General Funds	23	4,765	23	4,794	23	5,619	0	854
Office of Assessments, Accountability, Special Enforcement and Investigations	49	7,103	49	7,146	58	8,358	9	1,255
General Funds	49	7,103	49	7,146	58	8,358	9	1,255
Educational Policy and Development	143	38,325	143	38,560	141	29,230	-2	-9,095
General Funds	143	38,325	143	38,560	141	29,230	-2	-9,095
Technical Support	204	33,613	204	33,819	204	34,113	0	500
General Funds	204	33,613	204	33,819	204	34,113	0	500

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SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.		FY 2014 Request		Diff. FY 14 Request / FY 12 Rev. Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Program Evaluation and Information Resources	63	18,157	63	18,268	63	20,268	0	2,111
General Funds	63	18,157	63	18,268	63	20,268	0	2,111
Program Administration	93	17,768	93	17,877	84	21,392	-9	3,624
General Funds	93	17,768	93	17,877	84	21,392	-9	3,624
Total	2,357	373,293	2,357	375,578	2,338	380,721	-19	7,428
General Funds	2,357	373,293	2,357	375,578	2,338	380,721	-19	7,428

NOTE: FY 2012 reflects actual FTE.

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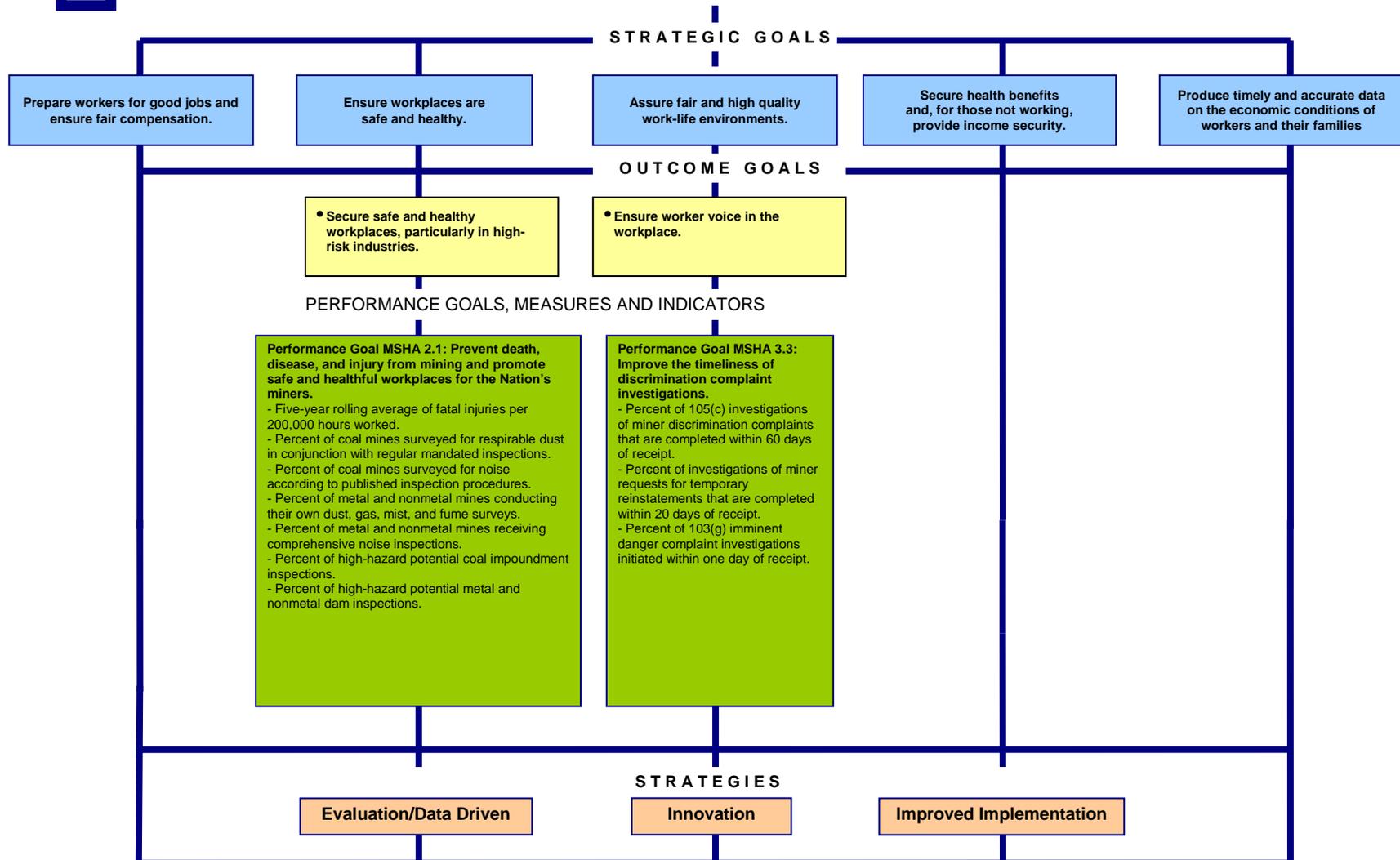
BUDGET AUTHORITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
	Full-Time Equivalent				
	Full-time Permanent	2,344	2,344	2,325	-19
	Other	13	13	13	0
	Total	2,357	2,357	2,338	-19
	Average ES Salary	\$169,842	\$170,479	\$171,327	\$1,485
	Average GM/GS Grade	11/2	11/2	11/2	0
	Average GM/GS Salary	\$77,457	\$77,748	\$78,135	\$678
	Average Salary of Ungraded Positions	51,869	52,064	52,323	454
11.1	Full-time permanent	182,802	183,657	188,966	6,164
11.3	Other than full-time permanent	2,189	2,325	2,196	7
11.5	Other personnel compensation	5,581	5,569	5,581	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	190,572	191,551	196,743	6,171
12.1	Civilian personnel benefits	67,227	67,249	69,417	2,190
13.0	Benefits for former personnel	60	60	60	0
21.0	Travel and transportation of persons	13,748	13,825	13,817	69
22.0	Transportation of things	7,376	7,235	7,566	190
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	18,216	18,188	18,966	750
23.2	Rental payments to others	83	159	83	0
23.3	Communications, utilities, and miscellaneous charges	5,191	4,932	5,184	-7
24.0	Printing and reproduction	436	391	476	40
25.1	Advisory and assistance services	126	144	126	0
25.2	Other services from non-Federal sources	9,138	8,336	8,491	-647
25.3	Other goods and services from Federal sources 1/	26,699	26,729	27,936	1,237
25.4	Operation and maintenance of facilities	1,184	1,184	1,184	0
25.5	Research and development contracts	15	15	15	0
25.7	Operation and maintenance of equipment	10,227	11,277	13,509	3,282
26.0	Supplies and materials	4,366	4,463	4,337	-29
31.0	Equipment	9,086	10,297	11,709	2,623
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	9,441	9,441	1,000	-8,441
42.0	Insurance claims and indemnities	102	102	102	0
	Total	373,293	375,578	380,721	7,428
	1/Other goods and services from Federal sources				
	Working Capital Fund	22,919	22,239	23,476	557
	DHS Services	519	669	809	290
	HHS Services	2,620	2,928	2,883	263
	Services by Other Government Departments	641	893	768	127

NOTE: FY 2012 reflects actual FTE.

MINE SAFETY AND HEALTH ADMINISTRATION



"Good Jobs for Everyone"



MINE SAFETY AND HEALTH ADMINISTRATION

PERFORMANCE STRUCTURE

Strategic and Outcome Goals Supporting <i>Good Jobs for Everyone</i>	Supporting Budget Activities
Strategic Goal 1 – Prepare Workers for Good Jobs and Ensure Fair Compensation	
1.1 Increase workers’ incomes and narrowing wage and income inequality.	
1.2 Assure skills and knowledge that prepare workers to succeed in a knowledge-based economy, including in high-growth and emerging industry sectors like “green” jobs.	
1.3 Help workers who are in low-wage jobs or out of the labor market find a path into middle class jobs.	
1.4 Help middle-class families remain in the middle class.	
1.5 Secure wages and overtime.	
1.6 Foster acceptable work conditions and respect for workers’ rights in the global economy to provide workers with a fair share of productivity and protect vulnerable people.	
Strategic Goal 2 – Ensure Workplaces Are Safe and Healthy	
2.1 Secure safe and healthy workplaces, particularly in high-risk industries.	Coal Mine Safety and Health Metal and Nonmetal Safety and Health Office of Assessments, Accountability, Special Enforcement and Investigations Office of Standards, Regulations, and Variances Educational Policy and Development Technical Support Program Evaluation and Information Resources Program Administration
Strategic Goal 3 – Assure Fair and High Quality Work-Life Environments	
3.1 Break down barriers to fair and diverse work places so that every worker’s contribution is respected.	
3.2 Provide workplace flexibility for family and personal care-giving.	
3.3 Ensure worker voice in the workplace.	Coal Mine Safety and Health Metal and Nonmetal Safety and Health Office of Assessments, Accountability, Special Enforcement and Investigations Educational Policy and Development
Strategic Goal 4 – Secure Health Benefits and, for Those Not Working, Provide Income Security	
4.1 Facilitate return to work for workers experiencing workplace injuries or illnesses who are able to work.	
4.2 Ensure income support when work is impossible or unavailable.	
4.3 Improve health benefits and retirement security for all workers.	
Strategic Goal 5 – Assure the Production of Timely and Accurate Data on Social and Economic Conditions of Workers and their Families	
5.1 Provide sound and impartial information on labor market activity, working conditions, and price changes in the economy for decision making, including support for the formulation of economic and social policy affecting virtually all Americans.	

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AUTHORIZING STATUTES

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

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APPROPRIATION HISTORY					
(Dollars in Thousands)					
	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
2004					
Base Appropriation...1/	\$266,767	\$266,767	\$270,711	\$268,857	2,269
2005					
Base Appropriation...2/	\$275,567	\$275,567	\$280,002	\$279,136	2,187
2006					
Base Appropriation...3/	\$280,490	\$280,490	\$280,490	\$277,687	2,136
Supplemental	\$0	\$0	\$0	\$25,600	0
2007					
Base Appropriation	\$287,836	\$278,869	\$302,436	\$301,569	2,314
2008					
Base Appropriation...4/	\$313,478	\$313,478	\$340,028	\$333,925	2,306
2009					
Base Appropriation...5/	\$332,061	\$0	\$346,895	\$347,003	2,361
2010					
Base Appropriation...6/	\$353,693	\$353,193	\$357,443	\$357,293	2,425
Supplemental	\$0	\$0	\$0	\$7,259	0
2011					
Base Appropriation...7/	\$360,780	\$0	\$377,000	\$361,844	2,328
2012					
Base Appropriation...8/	\$384,277	\$379,854	\$384,277	\$372,524	2,365
2013					
Base Appropriation...9/	\$371,896	\$0	\$0	\$0	0
2014					
Base Appropriation	\$380,721	\$0	\$0	\$0	2,338

1/ Reflects a \$1,968 reduction pursuant to P.L. 108-199.

2/ Reflects a \$2,400 reduction pursuant to P.L. 108-447.

3/ Reflects a \$2,805 reduction pursuant to P.L. 109-148.

4/ Reflects a \$5,937 reduction pursuant to P.L. 110-161, and a \$2,078 transfer to the Office of the Solicitor.

5/ This bill was only reported out of Subcommittee and was not passed by the Full House.

6/ Does not include \$7,259 provided to MSHA for the Upper Big Branch mine investigation and the caseload backlog at the Federal Mine Safety and Health Review Commission in the Supplemental Appropriations Act, P.L. 111-212. This amount was transferred from the Departmental Management account via a nonexpenditure transfer.

7/ This bill was only reported out of Subcommittee and was not passed by the Full House. Reflects a \$2,000 transfer to the Office of the Solicitor.

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

9/ A full year FY 2013 appropriation for this account was not enacted at the time the budget was prepared.

MINE SAFETY AND HEALTH ADMINISTRATION

OVERVIEW

Introduction

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

MSHA supports the vision of *Good Jobs for Everyone* and budget themes: *Enhancing worker safety and Fostering compliance through worker education and worker voice* through the following goals:

- Strategic Goal 2: Ensure workplaces are safe and healthy.
 - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
 - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the Nation's miners.
- Strategic Goal 3: Assure fair and high quality work-life environments.
 - Outcome Goal 3.3: Ensure worker voice in the workplace.
 - Performance Goal MSHA 3.3: Improve the timeliness of discrimination complaint investigations.
- Department of Labor (DOL) Priority Goal: Reduce the mining fatality rate by 5 percent per year based on a rolling five-year average.

Our nation suffered a historic tragedy on April 5th, 2010, with the explosion at the Upper Big Branch (UBB) Mine which killed twenty-nine miners and injured two. This disaster shook the very foundation of mine safety and caused MSHA to take a deeper look at the weaknesses in the safety net expected to protect the nation's miners and redouble agency efforts to instill a culture of prevention in mining. Over the last three years, MSHA has undertaken a comprehensive evaluation of mine safety practices.

In the wake of the disaster, MSHA conducted a thorough investigation into the cause of the accident and an Internal Review (IR) of MSHA's actions leading up to the incident.

MSHA's extensive investigation of the UBB tragedy identified a workplace culture promoted by the operator that valued production over safety, including practices that intimidated workers and fostered non-compliance. This budget reflects the lessons learned from the IR and incorporates many of the recommendations in the final report. The tragedy identified that MSHA needs to do more to protect the right of miners to report their concerns in the workplace and the agency must be more aggressive in the use of the tools provided under the Mine Act to enforce the law.

While MSHA began taking a number of actions immediately after the tragedy to improve oversight of mine safety and to enhance enforcement, MSHA is also taking corrective actions to implement the IR recommendations. These actions include:

- Comprehensive review of agency directives and guidance.

MINE SAFETY AND HEALTH ADMINISTRATION

- Complete overhaul of the mine inspector's handbook to make it more clear and concise.
- Overhaul of agency policy directive system.
- Review of regulatory needs related to the UBB tragedy.
- Improved oversight within the agency and increased staff training.

Better Enforcement

MSHA has established new and improved practices to address the type of noncompliance that was so prevalent at UBB. MSHA's Impact Inspection program, which targets mines with specific compliance problems, is an important new tool in agency enforcement efforts. Many of the inspections conducted under this program have identified and cited hazards to miners that operators had managed to conceal from inspectors during regular inspections. MSHA has leveraged its authority at mines that merit increased attention and enforcement due to poor compliance histories or particular compliance concerns.

Evidence indicates that compliance has improved at mines after receiving impact inspections. Since launching the program following the UBB disaster, MSHA has conducted 565 impact inspections at coal and metal/nonmetal mines. These inspections resulted in 9,840 citations, 922 orders, and 40 safeguards for a total of 10,802 issuances with the following impact on compliance at those mines:

- After mines received an initial impact inspection, violations per inspection hour decreased 16 percent;
- Significant and substantial (S&S) violation rates decreased 21 percent;
- Rates of Section 104(d) unwarrantable violations for operators' failure to comply with mandatory safety and health standards decreased by 50 percent; and
- Lost time injury rates decreased by 10 percent.

MSHA also strengthened its process for screening mines to determine if they met the criteria for a Pattern of Violations (POV) and to ensure they took the appropriate corrective steps to ensure compliance and avoid POV closure orders. There is evidence that the POV process has made mines safer. In the first year screening following the revisions in 2010 after UBB, 53 mines were identified for review under the POV process and 17 mines received potential POV notices as a result. By October 2012, a screening identified just 20 mines, only 4 of which received POV notices, showing a significant reduction of mines meeting the screening criteria. MSHA reviewed the violation and injury records of all mines that have received POV notices and at least one complete inspection since undergoing the POV process. Enforcement data revealed the following improvements:

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- Total violation rate among the mines decreased by 34 percent;
- Total S&S rate decreased by 56 percent;
- Rate of unwarrantable failure violations decreased by 80 percent; and
- The lost time injury rate dropped by 39 percent.

The POV final rule, effective March 25, 2013, will simplify the existing POV criteria, improve consistency in applying the POV criteria, and more effectively achieve the statutory intent. It also places MSHA in a better position to identify operators that demonstrate a disregard for the health and safety of miners and have not responded to other enforcement measures.

Working Smarter

MSHA is working smarter, not just harder. Below are several important initiatives currently underway that focus on preventing common causes of injuries to miners. In addition, MSHA has developed stronger regulations to prevent reoccurrences of what occurred at UBB.

- "Rules to Live By": Phase I of this multiphase initiative focused on the most common mining deaths and standards cited in mining death investigations. Phase II focused on preventing catastrophic accidents, and Phase III highlights 14 safety standards chosen because violations related to each have been cited as contributing to at least five mining accidents and at least five deaths during a 10-year period from 2001-2010.
- Guarding Compliance: Two years ago, the most commonly cited violations involved guarding of equipment and conveyer belts in metal and nonmetal mining. Following the publication of "Guarding Conveyer Belts at Metal and Nonmetal Mines," compliance has improved and guarding citations and orders are down 36 percent from 2010 levels.
- Regulatory Actions: MSHA will continue regulatory efforts to require proximity detection systems on mobile equipment in underground mines and revise the agency's legal identity requirements.

Enhancing Worker Safety in FY 2014

MSHA contributes directly to the attainment of safe and healthy workplaces through efforts to reduce mining fatalities and serious injuries and illnesses. In FY 2014, MSHA will use the following performance indicators to gauge success in promoting safer and healthier mining workplaces:

- Five-year rolling average of fatal injuries per 200,000 hours worked.
- Percent of coal mines surveyed for respirable dust in conjunction with regular mandated inspections.

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- Percent of coal mines surveyed for noise according to published inspection procedures. Percentage of metal and nonmetal mines conducting their own dust, gas, mist, and fume surveys.
- Percent of metal and nonmetal mines receiving comprehensive noise inspections.
- Percent of high-hazard potential coal impoundment inspections.
- Percent of high-hazard potential metal and nonmetal dam inspections.
- Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt.
- Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt.
- Percent of 103(g) imminent danger complaint investigations initiated within one day of receipt.

MSHA Priorities for FY 2014

The budget request demonstrates fiscal discipline and targets resource allocations to those critical areas identified in the findings of the UBB Internal Review report. These resources support a continued shift to priority activities such as strengthening enforcement; increasing oversight of training effectiveness; expanding skills training opportunities for mine rescue team members; and improving the information technology (IT) systems that support MSHA's mission. The request prioritizes activities and applies limited budgetary resources to those areas where they will have the greatest impact.

In FY 2014, MSHA will strengthen program efficiency and effectiveness by building upon key investments such as strengthening the enforcement capability within the Coal Mine Safety and Health (CMSH) and Metal and Nonmetal Mine Safety and Health (MNMSH) budget activities and addressing recommendations included in the IR report. Key strategies include:

- Address personnel and training requirement issues within the enforcement programs;
- Implement a succession plan to improve the timeliness of vacancy replacements;
- Strengthen the accountability function;
- Increase targeted rulemaking activities;
- Improve the timeliness of proposed assessments;
- Expand investigations of discrimination;
- Centralize and simplify the MSHA internal directives system; and
- Invest in information technology to improve data management and workflow processes for a more efficient workforce.

MSHA expects that these evidence-based investments will have a significant impact on the effectiveness of MSHA's core functions and a resultant improvement in operators' compliance with mandatory health and safety standards.

- ***Ensure Workplaces in the Mining Industry are Safe and Healthy.*** While improvements in mining methods and technology have reduced many of the hazards associated with the industry, mining occurs in an inherently dangerous environment with too many injuries

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and fatalities. To reduce these numbers, MSHA will focus efforts on improving enforcement, meaningful outreach, and special emphasis programs intended to prevent fatalities, accidents, and illness over the long term. Strategies to address this priority in FY 2014 include:

- Conducting thorough mandated regular inspections. MSHA's goal is to complete all mandated inspections and to ensure that those inspections are thorough and well-documented, that inspectors identify non-compliant operators, and that consequences for non-compliance are applied timely and consistently.
 - Targeting the most egregious and persistent violators using MSHA's most effective enforcement measures, such as Impact Inspections, the POV program and Special Emphasis Respirable Dust inspections.
 - Providing for additional resources to meet new requirements that have been added to enforcement personnel's duties over the last few years and to maintain adequate staffing levels while new inspectors go through training.
 - Enhancing enforcement of regulations associated with the most common causes of fatal mine accidents and disasters.
 - Addressing IT system improvements that will enable better utilization of enforcement staff time, improve data storage and accessibility, and streamline automated processes.
- ***Ensure Miners have a Voice in the Workplace.*** A key finding in the UBB investigation was that workers in the mining industry fear reprisal or retaliation for raising valid safety concerns. Additionally, miners often do not fully understand their rights and protections under the law which undermines those statutory protections and limits the ability of MSHA to carry out its mission. MSHA investigates all miner discrimination complaints under Section 105(c) of the Mine Act to assure miners a voice in the workplace. Strategies to address this priority in FY 2014 will include:
 - **Prompt investigations.** Providing additional resources for strengthening workers voice protection through improving the Special Investigations program, special assessments capability, and accountability functions. MSHA will conduct a headquarters' review of all miner discrimination complaint investigations conducted by the enforcement personnel. This will provide an added level of accountability for the discrimination investigation process and will demonstrate MSHA's commitment to protecting a miner's right to report health and safety hazards without fear of retaliation.
 - **Effective outreach and communication.** MSHA will inform the industry and miners of their rights and responsibilities under the Mine Act by providing miners with the knowledge to exercise their rights through training and the distribution of

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educational materials at the mine site. Workers with increased knowledge of their rights and protections are more empowered to exercise their rights.

- **Monitoring and oversight.** Expand the monitoring of MSHA-approved instructors who conduct miners' rights training to ensure they are providing effective training.
- **Modernize Training.** MSHA has identified inadequate or ineffective miner training as a contributing factor in a number of mine fatalities. For example, MSHA evaluated data on fatal accidents that occurred between 2006 and 2012. During that time, MSHA investigated a total of 371 fatal mining injuries and approximately 300 of those mines were cited for inadequate training. The data indicate a critical link between training and mining industry safety outcomes.

Additionally, mine inspectors require continuous training to be successful in understanding their responsibilities, recognizing hazards and violations, and conducting consistent, high-quality inspections. Ongoing training of both new and experienced inspectors is essential to assure familiarity with new mining processes and equipment, and to keep pace with changes in the law and regulations. Strategies to address this priority in FY 2014 include:

- Expand cost-effective delivery approaches to training, such as distance learning for inspectors and industry;
- Expand the use of video conferencing; and
- Expand education, compliance assistance, and outreach to the mining industry to foster a culture of safety and reduce injuries and deaths.

MSHA, through its Small Mines Consultation Program (SMCP) is forging stronger relationships with associations representing aggregate mine operators or other groups of operators in several states to leverage the work of the SMCP. The associations help with outreach to operators and miners who would benefit from the SMCP services.

MSHA's Alliance program enables organizations committed to mine safety and health to collaborate with MSHA to prevent injuries and illnesses in the workplace. Alliances serve as a means for parties to participate in a voluntary cooperative relationship with MSHA for purposes such as training and education, outreach and communication, technical assistance, and promoting a dialogue on mine safety and health. For example, the National Stone, Sand and Gravel Association and the Industrial Minerals Association – North America both recently provided valuable input in development of a fall protection program policy letter and the Portland Cement Association collaborated with MSHA to develop a successful explosion prevention training resource for coal-fired pyro-processing plants.

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- ***Manage the Backlog of Contested Cases before the Federal Mine Safety and Health Review Commission.*** Delays in the swift resolution of contested cases before the Federal Mine Safety and Health Review Commission (FMSHRC) undermine the effectiveness of MSHA's enforcement tools. A sustained commitment to manage the backlog of penalty cases is essential. The total backlog was reduced from approximately 89,000 violations in January 2011 to approximately 50,000 violations at the end of 2012. During that same period, MSHA resolved more than 100,000 violations. Strategies to address this priority in FY 2014 include:
 - Work collaboratively with the Department's Office of the Solicitor (SOL) to develop global settlements with mine operators that reduce the number of contested cases and put measures in place to improve compliance, thus reducing the number of future violations contributing to the backlog.
 - Continue efforts in MSHA districts to conduct pre-assessment safety and health conferencing.
 - Continue efforts to improve compliance, such as MSHA's final rule on examinations for underground coal mines which went into effect on August 6, 2012. The new rule requires mine operators to record and correct violations of health or safety standards related to ventilation, methane, roof control, combustible materials, rock dust and guarding found during the examinations. This places the mine operator in a proactive role by requiring them to correct violations before MSHA cites them, reducing the numbers of violations in the system and improving protections for miners in underground coal mines.
 - Train inspectors to perform Conference Litigation Representative (CLR) functions as a collateral duty, to assist in resolving cases when not performing inspector duties.

Cost Model

MSHA requests a total of \$380,721,000 and 2,338 FTE, an increase of \$7,428,000 over the FY 2012 Enacted. This funding level will enable MSHA to meet its highest priority performance plan goals and objectives.

- For the **Coal Mine Safety and Health** budget activity, the request includes an increase of \$3,164,000 to fully fund enforcement personnel, provide for equipment to be purchased on a regular replacement cycle, and to respond to the additional tasks necessary during inspection activities. Within its plan approval activities function, this budget activity will decrease by 17 clerical FTE and \$1,057,000.
- For the **Metal and Nonmetal Mine Safety and Health** budget activity, MSHA is requesting an increase of \$2,640,000 to fully fund enforcement personnel and provide for equipment needs.

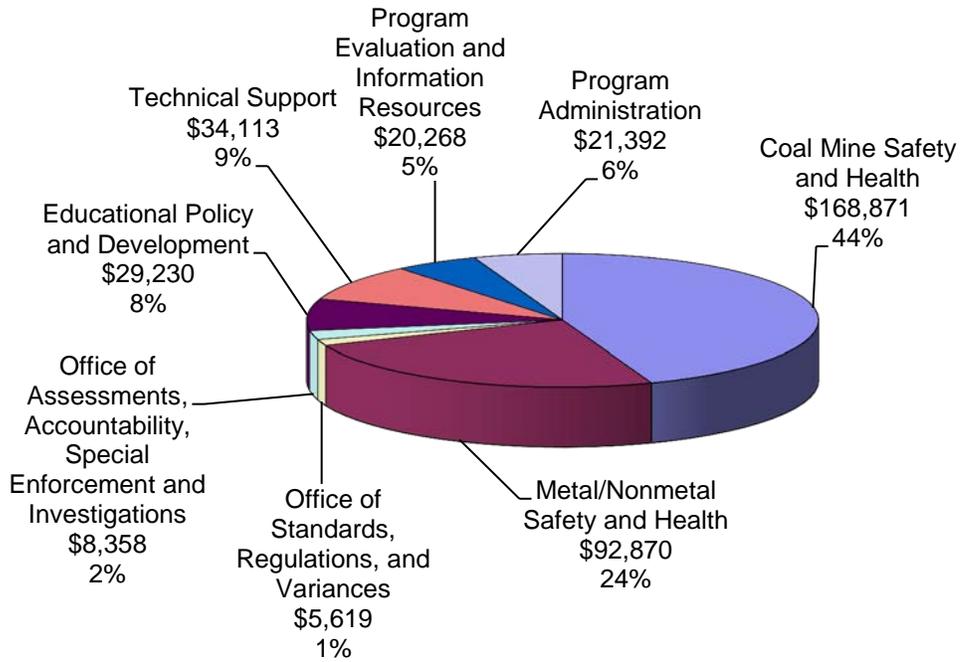
MINE SAFETY AND HEALTH ADMINISTRATION

- For the **Office of Standards, Regulations, and Variances** budget activity, MSHA requests an increase of \$600,000 to support targeted rulemaking activities.
- For the **Office of Assessments, Accountability, Special Enforcement and Investigations** budget activity, the request proposes a decrease of \$445,000 and an increase of five FTE for this budget activity to convert contract positions into Federal staff. The request also proposes an increase of \$600,000 and four FTE to improve the timeliness of special assessments and implement corrective actions contained in the Upper Big Branch Internal Review report.
- For the **Educational Policy and Development** budget activity, the request includes a decrease of \$303,000 and three FTE in the Small Mines Consultation Program, a decrease of \$8,441,000 to its State Grants Program, and a decrease of \$1,500,000 and five FTE to the National Mine Health and Safety Academy. The request includes an increase of \$800,000 and six FTE for increased activities in its Educational Field Services program to implement IR recommendations.
- For the **Technical Support** budget activity, the request includes the following changes in reimbursable budget authority:
 - Increase fees retained for Approval and Certification Center equipment approvals from \$1,499,000 to a total reimbursable authority of \$2,499,000.
 - Institute a fee for rock dust sample analyses.
- For the **Program Evaluation and Information Resources** budget activity, MSHA is requesting a decrease of \$261,000 for information technology services PEIR provides to MSHA employees due to an overall FTE decrease in FY 2014. The request also includes an increase of \$1,072,000 for enforcement applications to improve collecting and analyzing rock dust samples, completing inspection forms, and reviewing potentially flagrant violations, to address IR recommendations.
- For the **Program Administration** budget activity, MSHA is requesting a program decreases of \$494,000 due to completion of a one-time expenditure for the Crandall Canyon litigation, \$650,000 for Conference Litigation Representative training that has been completed, and a reduction of nine FTE for administrative efficiencies. MSHA is requesting an increase of \$4,500,000 for the Headquarters and SOL office move.

The requested funds by program area are displayed in the following chart.

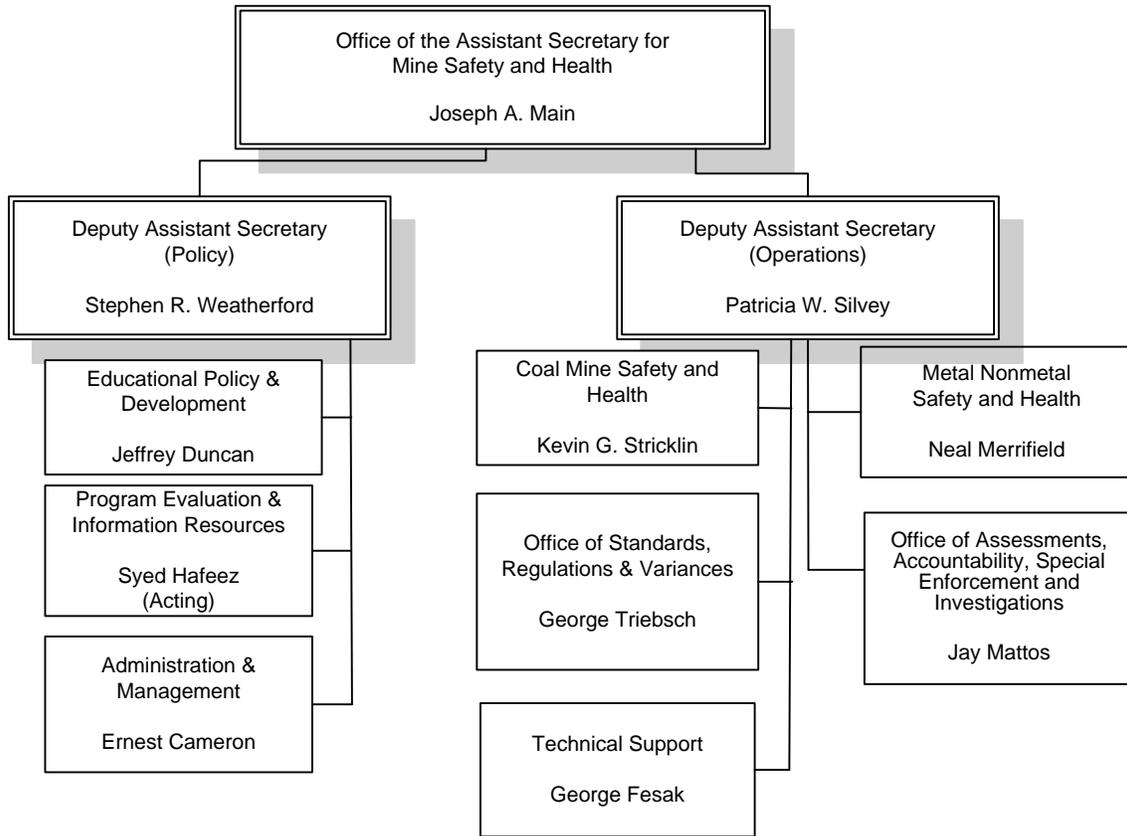
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FY 2014 President's Request by Budget Activity
Total MSHA Budget Request \$380,721
(Dollars in Thousands)



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Organization Chart



COAL MINE SAFETY AND HEALTH

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	164,499	165,506	168,871	4,372
FTE	1,194	1,194	1,177	-17

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 1,187.

Introduction

The Coal Mine Safety and Health (CMSH) budget activity administers the provisions of the Mine Act and 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 approximately 2,300 coal mines. CMSH inspects all active underground mines four times per year and all surface mines twice per year. These inspections form the core of MSHA's enforcement, regularly providing a first-hand look at conditions in each of the nation's mines.

Most of the CMSH employees are located across 12 district offices and 45 field offices throughout the United States. The majority of field employees are mine safety and health enforcement personnel who perform inspection activities and investigations of fatal accidents, non-fatal and/or non-injury investigations, verbal and written hazard complaints, and discrimination complaints.

CMSH supports the vision of *Good Jobs for Everyone* and budget themes: *Enhancing worker safety and Fostering compliance through worker education and worker voice* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy.
 - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
 - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the Nation's miners.
- Strategic Goal 3: Assure fair and high quality work-life environments.
 - Outcome Goal 3.3: Ensure worker voice in the workplace.
 - Performance Goal MSHA 3.3: Improve the timeliness of discrimination complaint investigations.
- DOL Priority Goal: Reduce the mining fatality rate by 5 percent per year based on a rolling five-year average.

In FY 2014, CMSH will remain committed to encouraging the development of a health and safety culture throughout the mining industry. CMSH proposes to improve safety and health conditions in the mining workplace through the following:

- **Inspection and enforcement effectiveness** - CMSH will enhance its enforcement efforts for violations of the standards associated with fatalities and serious accidents.

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- **Targeted Inspections and Enhanced Enforcement.** CMSH will target inspections based on specific mine conditions and mines screened for inclusion in the Pattern of Violations (POV) program. CMSH will work with the Office of the Solicitor (SOL) in egregious cases of non-compliance to seek injunctive relief or pursue criminal actions against scofflaw operators. CMSH will use its authority under the Mine Act and MINER Act and the associated health and safety standards to improve the safety and health of the miners.
- **Impact Inspection Program.** CMSH will continue its Impact Inspection program. The program targets mines that merit increased agency attention and enforcement due to their poor compliance history, including high numbers of violations or closure orders; frequent hazard complaints; plan compliance issues; numerous accidents or fatalities; adverse conditions such as increased methane liberation, faulty roof conditions, and inadequate ventilation; inadequate workplace examinations and respirable dust. CMSH estimates it will conduct approximately 144 impact inspections at mines identified following review of relevant factors; however the extent to which inspections are conducted will depend upon the number of mines that meet the criteria.
- **Promote adoption of prevention-focused, health and safety programs by mine operators.** CMSH will support MSHA's "End Black Lung – ACT NOW" campaign, a comprehensive strategy to end black lung disease. CMSH will continue its health sampling activities to ensure that all miners' overexposures to noise and respirable dust are cited and promptly corrected by mine operators. CMSH will focus on technical investigations which evaluate the root causes of hazards and accidents in mines. CMSH will also conduct accident prevention inspections in response to specific mine hazards.
- **Collaborate with the SOL to manage the contested case backlog.** CMSH will work with SOL to develop global settlements with mine operators and decrease the time required for violations to reach final order status, which will impact an operator's history for penalty calculations and the determination of a POV. These efforts will improve regulatory compliance and create a safer workplace. Strategies to address this priority in FY 2014 include:
 - Work collaboratively with the Department's Office of the Solicitor (SOL) to develop global settlements with mine operators that reduce the number of contested cases and put measures in place to improve compliance, thus reducing the number of future violations contributing to the backlog.
 - Continue efforts in MSHA districts to conduct pre-assessment safety and health conferencing.
 - Continue efforts to improve compliance, such as enforcing MSHA's final rule on examinations for underground coal mines which went into effect on August 6, 2012. The new rule requires mine operators to identify and correct violations of

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standards related to ventilation, methane, roof control, combustible materials, rock dust and other safeguards and guarding, placing them in a proactive role by requiring them to remove many of the conditions that could lead to danger, and improving protections for miners.

- Train inspectors to perform Conference Litigation Representative (CLR) functions as a collateral duty, to assist in resolving cases when not performing inspector duties.
- **Protect Miners from Discrimination.** CMSH will conduct timely investigations of discrimination complaints and enhance miners' knowledge regarding their rights and responsibilities under the Mine Act.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$154,491	1,186
2010	\$158,662	1,217
2011	\$160,369	1,181
2012	\$164,500	1,187
2013	\$165,506	1,194

FY 2014

MSHA requests \$168,871,000 and 1,177 FTE for the CMSH activity. This request includes additional funding for the following initiative:

- Strengthening Coal Enforcement: \$3,164,000 and 0 FTE. This funding will allow CMSH to fund its enforcement staff vacancies which will increase its capacity to strengthen enforcement activities such as the Impact Inspection program and Respirable Dust Emphasis inspections. The additional funding will also allow CMSH to replace aged equipment such as dosimeters, anemometers, dust pumps, and cap lamps.

The request also reflects the following decrease:

- A reduction of \$1,057,000 and 17 FTE for mine plan approvals. The FTE reductions represent clerical positions supporting enforcement staff that evaluate and approve plans for new mining operations and existing mines. Plans address complex issues, such as unique geological conditions and ventilation issues, and assess the effectiveness of operator dust control and sampling programs. The time to complete plan approvals will increase and CMSH will adjust its performance goals accordingly. In the wake of the Upper Big Branch (UBB) accident and investigation MSHA shifted priorities towards strengthening its enforcement programs. The FY 2014 request prioritizes activities MSHA performs and applies limited budgetary resources to those areas where they will have the greatest impact.

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In FY 2014, CMSH will continue to:

- Conduct all regular mandated inspections;
- Enhance enforcement through the Impact Inspection program;
- Conduct the Special Emphasis Respirable Dust inspections;
- Perform accident prevention and outreach activities;
- Vigorously pursue accident investigations (including root cause analysis);
- Conduct investigations of hazard and discrimination complaints made by miners or their representatives; and
- Manage the contested case backlog at the Federal Mine Safety and Health Review Commission (FMSHRC).

CMSH estimates it will conduct approximately 5,100 mandatory inspections, but this number may vary depending on the number of operating mines. CMSH will also conduct other enforcement activities, such as investigations of hazard complaints, accident investigations, spot inspections, and follow-up visits. CMSH will also focus on improved impoundment safety by conducting inspections at impoundments classified as high-hazard. CMSH will focus on mine operators who fail to meet noise standards or reduce a miner's exposure to noise. CMSH estimates that it will conduct approximately 33 special Respirable Dust Emphasis inspections and 144 impact inspections.

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

FY 2012

CMSH completed all mandatory underground and surface inspections, as well as investigations due to serious accidents, hazard complaints, discrimination complaints, and willful or knowing violations within established goals. CMSH inspected all of the high-hazard potential impoundments that are co-located with underground and surface coal mines.

In efforts to further protect the nation's miners, CMSH distributed various safety alerts/flyers to miners, such as an accident prevention alert which focused on miners who had one year or less experience performing the task they were doing when they were killed or had one year or less experience working at the mine.

In FY 2012, CMSH expanded its Special Emphasis Respirable Coal Mine Dust Inspection program. The inspection team modified their inspection technique and mine selection process on a quarterly basis to ensure that operators comply with all aspects of dust control. In conjunction with regular inspections, CMSH reviewed the operators' dust monitoring programs and assured

COAL MINE SAFETY AND HEALTH

that approved dust sampling units used by the operators were properly maintained and calibrated. CMSH conducted 32 special emphasis dust inspections and collected approximately 275 valid respirable dust samples. These inspections resulted in 160 health violations and 53 safety violations for a total of 213 issuances. In FY 2012, both MSHA and the operator Designated Occupation sample results recorded the lowest yearly average respirable dust concentration ever in underground coal mines.

CMSH surveyed 100 percent of coal mines for respirable dust in conjunction with regular mandated inspections, as well as 100 percent of coal mines surveyed for noise according to published inspection procedures.

CMSH completed 122 impact inspections at mines with significant compliance or other health or safety issues. These inspections resulted in approximately 1,700 citations and 202 orders and 16 safeguards.

CMSH worked to ensure the safety of the surrounding communities by continuing education and outreach programs, including *Winter Alert*, *Stay Out – Stay Alive*, and *Preventive Roof/Rib Outreach Program*. These activities focused on unsafe conditions that miners and the general population should avoid.

CMSH continued its support for the FMSHRC backlog project throughout FY 2012. CMSH worked jointly with the FMSHRC and the SOL on the FMSHRC Petition e-Filing System Pilot program which went live on August 27, 2012. CMSH supported MSHA's pre-assessment conferencing procedures which reduce the backlog of cases that go before the FMSHRC by resolving disputes before litigation occurs.

In FY 2012, MSHA released the Upper Big Branch accident investigation and internal review reports. CMSH addressed recommendations and implemented corrective actions which stemmed from these investigations.

COAL MINE SAFETY AND HEALTH

DETAILED WORKLOAD AND PERFORMANCE					
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request	
	Target	Result	Target	Target	
Coal Mine Safety and Health					
Strategic Goal 2 - Ensure workplaces are safe and healthy.					
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries.					
MSHA- HPPG- 01	Five-year rolling average of fatal injuries per 200,000 hours worked (All MSHA Rate)	0.0156	0.0150	.0143	TBD
MSHA- CM-01	Percent of regular mandated coal inspections	100%	100%	100%	100%
MSHA- CM-01.1	Number of regular mandated coal underground inspections	2,300	2,308	2,300	2,300
MSHA- CM-01.2	Number of regular mandated coal surface inspections	2,800	2,809	2,800	2,800
MSHA- INSP1- Q	Percent of violations vacated	--	--	1%	1%
MSHA- CM-02	Number of impact inspections of coal mines	132[p]	122	132[p]	144[p]
MSHA- CM-04	Percent of coal mines surveyed for respirable dust in conjunction with regular mandated inspections	100%	100%	100%	100%
MSHA- CM-05	Percent of coal mines surveyed for noise according to published inspection procedures	100%	100%	100%	100%

COAL MINE SAFETY AND HEALTH

DETAILED WORKLOAD AND PERFORMANCE					
		FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
		Target	Result	Target	Target
MSHA- CM-08	Number of special emphasis respirable coal mine dust inspections	--	--	20	33
MSHA- CM-03	Percent of high-hazard potential coal impoundment inspections	100%	100%	100%	100%
MSHA- CM-06.1	Percent of new roof control plan reviews completed within 44 days	80%	82%	80%	75%
MSHA- CM-06.2	Percent of roof control plan addenda reviews completed within 22 days	80%	78%	80%	75%
MSHA- CM-07.1	Percent of new ventilation plan reviews completed within 59 days	80%	79%	80%	70%
MSHA- CM-07.2	Percent of ventilation plan addenda reviews completed within 22 days	75%	74%	75%	66%
MSHA- 09	Number of internal review recommendations addressed	--	--	26	TBD
MSHA- 08	Percent of petitions filed within the required timeframe of a timely contest	100%	100%	100%	100%
Strategic Goal 3 - Assure fair and high quality work-life environments.					
Outcome Goal 3.3 - Ensure worker voice in the workplace.					
MSHA- 03	Percent of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%

COAL MINE SAFETY AND HEALTH

DETAILED WORKLOAD AND PERFORMANCE					
		FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
		Target	Result	Target	Target
MSHA-01	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	85%	85%	85%	85%
MSHA-02	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	70%	80%	70%	70%

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

Footnote: MSHA-HPPG-01: MSHA's fatality rate reflects the number of fatalities per 200,000 hours worked during the prior five-year period. The FY 2013 result is required to calculate the five-year average in FY 2014; therefore this budget will not include a FY 2014 target for this measure.

COAL MINE SAFETY AND HEALTH

In FY 2014, CMSH will continue to implement recommendations included in the Upper Big Branch internal review and will move forward with the corrective actions in order improve the agency's performance and safety and health of the nation's miners. CMSH will continue its enhanced enforcement strategies and initiatives. CMSH directly supports MSHA's priorities through the following efforts:

- CMSH will complete all mandated inspections. These inspections provide a direct look at mining conditions and play a key role in assuring the safety and health of the nation's miners. In conjunction with the mandated inspection activities, CMSH will inspect all of the existing high-hazard impoundments in order to reduce the risk to miners, the general public, and the environment should these impoundments fail.
- CMSH will continue its Impact Inspection program. CMSH expects that year by year mines will improve and CMSH will conduct fewer impact inspections. A recent review indicates overall compliance is improving at mines after receiving impact inspections. CMSH will continue to evaluate the progress of this initiative. In FY 2014, CMSH expects to conduct approximately 144 impact inspections. These targets are data-driven and subject to change dependent on the mining industry data and performance.
- CMSH will continue its current Respirable Dust Emphasis program and take aggressive action to reduce miners' overexposure to respirable coal dust. These efforts support MSHA's Comprehensive Black Lung Reduction strategy which includes enhanced enforcement, education and training, and health outreach. In FY 2014, CMSH will conduct approximately 33 special dust emphasis inspections. In conjunction with regular inspections, CMSH will review operators' dust monitoring programs and assure that operators are properly calibrating and maintaining dust sampling units. CMSH will continue to work with mining equipment manufacturers to identify the most effective engineering control measures and promote their use. These activities will help ensure the respiratory health of the nation's miners.
- CMSH will continue to take measures to ensure proper ventilation and roof control standards are being applied in a mine to ensure a safer mining environment, although the time to complete plan approvals will increase due to the proposed decrease in funding for plan approvals,.
- CMSH's efforts to reduce miners' overexposures to noise will continue with the mining industry, labor unions, and the states to improve training programs on hearing loss prevention strategies. 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.

COAL MINE SAFETY AND HEALTH

- CMSH will strive to ensure that all miner requests for temporary reinstatement, investigations of 105(c) miner discrimination complaints and 103(g) imminent danger complaints are investigated in a timely manner. Miners must have a *voice in the workplace* and be free to exercise their right to identify hazardous conditions and request inspections without operator retaliation or discrimination. Empowering miners to report hazards is critical to reducing safety and health risks. Timely vindication of the rights of miners discriminated against and the prompt investigation of reported hazardous conditions is of utmost importance in assuring miners that MSHA will protect their rights. These efforts support Outcome Goal 3.3: *Ensure worker voice in the workplace.*
- CMSH will continue its efforts with the SOL to manage the backlog of contested cases before the Federal Mine Safety and Health Review Commission. CMSH will also continue its efforts in support of the pre-assessment conferencing procedures.

COAL MINE SAFETY AND HEALTH

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	85,939	86,399	87,614	1,675
11.3	Other than full-time permanent	1,243	1,243	1,247	4
11.5	Other personnel compensation	3,366	3,355	3,366	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	90,548	90,997	92,227	1,679
12.1	Civilian personnel benefits	35,415	35,519	36,279	864
13.0	Benefits for former personnel	38	38	38	0
21.0	Travel and transportation of persons	3,643	3,603	3,717	74
22.0	Transportation of things	4,085	3,985	4,218	133
23.1	Rental payments to GSA	10,161	10,161	10,606	445
23.2	Rental payments to others	12	12	12	0
23.3	Communications, utilities, and miscellaneous charges	2,220	1,784	2,240	20
24.0	Printing and reproduction	63	63	63	0
25.1	Advisory and assistance services	10	10	10	0
25.2	Other services from non-Federal sources	1,133	1,205	1,133	0
25.3	Other goods and services from Federal sources 1/	12,393	12,174	12,999	606
25.4	Operation and maintenance of facilities	35	35	35	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	1,494	1,633	1,683	189
26.0	Supplies and materials	1,490	1,779	1,669	179
31.0	Equipment	1,750	2,499	1,933	183
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	9	9	9	0
	Total	164,499	165,506	168,871	4,372
	1/Other goods and services from Federal sources				
	Working Capital Fund	11,223	10,887	11,466	243
	DHS Services	294	349	474	180
	HHS Services	876	491	1,059	183
	Services by Other Government Departments	0	447	0	0

COAL MINE SAFETY AND HEALTH

CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$975
Personnel benefits	316
One day more of pay	0
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	163
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	243
Other Federal sources (DHS Charges)	180
Other goods and services from Federal sources	183
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	63
Supplies and materials	65
Equipment	77
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$2,265**

Net Program **\$2,107**

Direct FTE **-17**

	Estimate	FTE
Base	\$166,764	1,194
Program Increase	\$3,164	0
Program Decrease	-\$1,057	-17

NOTE: Base reflects actual FY 2012 FTE.

METAL AND NONMETAL MINE SAFETY AND HEALTH

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	89,063	89,608	92,870	3,807
FTE	588	588	588	0

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 597.

Introduction

The Metal and Nonmetal Mine Safety and Health (MNMSH) budget activity administers the Mine Act, 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 11,600 metal and nonmetal mines. Most of the MNMSH employees are located across six district offices and 47 field offices throughout the United States and Puerto Rico. The majority of field employees are mine safety and health professionals who perform inspection activities and investigations, including fatal accident investigations, non-fatal and/or non-injury accident investigations, verbal and written hazard complaint investigations, and discrimination complaint investigations.

MNMSH supports the vision of *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy.
 - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
 - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the Nation's miners.
- Strategic Goal 3: Assure fair and high quality work-life environments.
 - Outcome Goal 3.3: Ensure worker voice in the workplace.
 - Performance Goal MSHA 3.3: Improve the timeliness of discrimination complaint investigations.
- DOL Priority Goal: Reduce the mining fatality rate by 5 percent per year based on a rolling five-year average.

In FY 2014, MNMSH will improve safety and health conditions in the mining workplace through the following strategies:

- **Increase inspection and enforcement effectiveness** - As part of MSHA's "Rules to Live By" initiatives, MNMSH will enhance enforcement efforts for violations of the standards associated with fatalities and serious accidents. MNMSH will place emphasis on conducting regular inspections of all high-hazard potential dams. MNMSH will focus on improved impoundment safety by continuing inspection activity at the impoundments classified as high-hazard.
- **Impact Inspections** - MNMSH will continue its Impact Inspection program. MSHA projects that a smaller number of mines will meet the criteria for impact inspections as a

METAL AND NONMETAL MINE SAFETY AND HEALTH

result of increased enforcement efforts. Therefore, MNMSH estimates that it will conduct approximately 30 impact inspections at metal and nonmetal mines during FY 2014. The actual number of mines will depend on how many meet the criteria for needing additional inspections.

- **Promote adoption of prevention-focused, health and safety programs by mine operators** - MNMSH will conduct health sampling activities to ensure that all miners' overexposures to airborne contaminants are cited and promptly corrected by the mine operator. It will place increased emphasis on mine operators' responsibility for conducting required health surveys to measure airborne contaminants.
- **Collaborate with the Office of the Solicitor (SOL) to manage the backlog of contested cases before the Federal Mine Safety and Health Review Commission (FMSHRC)** - MSHA will work with SOL to develop global settlements with mine operators and decrease the time required for violations to reach final order status, which will impact an operator's history for penalty calculations and the determination of a POV. These efforts will improve regulatory compliance and create a safer workplace. Strategies to address this priority in FY 2014 include:
 - Work collaboratively with the Department's Office of the Solicitor (SOL) to develop global settlements with mine operators that reduce the number of contested cases and put measures in place to improve compliance, thus reducing the number of future violations contributing to the backlog.
 - Continue efforts in MSHA districts to conduct pre-assessment safety and health conferencing.
- **Increase efforts to protect miners from discrimination** - MNMSH will process miners' discrimination complaints in a timely manner. During safety talks, MNMSH will distribute training materials to help ensure that miners are aware of their rights and responsibilities and that they know MSHA is committed to protecting their right to report health and safety hazards without fear of retaliation.

More than 227,000 people work directly in the metal and nonmetal mining sector. This industry provides essential raw materials for the nation's transportation infrastructure, construction and housing, communications, medicine, the arts, manufacturing, consumer goods, and agricultural industries. 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. 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.

METAL AND NONMETAL MINE SAFETY AND HEALTH

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$82,427	598
2010	\$85,422	620
2011	\$87,644	589
2012	\$89,063	597
2013	\$89,608	588

FY 2014

MSHA requests \$92,870,000 and 588 FTE for the MNMSH budget activity. The request includes additional funding for the following initiative:

- Strengthening Metal and Nonmetal Mine Enforcement: \$2,640,000 and 0 FTE. This will fully fund MNMSH enforcement staff positions, which will strengthen the agency's capacity to accomplish enforcement activities, including impact inspections, health inspections, impoundment/dam inspections, and to effectively respond to miners' discrimination complaints. The additional funding will also provide for replacement of aged equipment.

The MNMSH activity will support the following:

MNMSH will inspect all active underground mines four times per year and all active surface mines twice per year, as required by the Mine Act. MNMSH estimates that it will conduct 16,850 regular mandated inspections.

In addition to the regular and follow-up inspections mandated by the Mine Act, MNMSH will conduct other important activities to ensure the health and safety of the miner. These activities include spot inspections of gassy mines such as salt and trona mines at intervals required by the Mine Act, accident investigations (including root cause analysis), spot inspections based on reported injuries and occupational illnesses, and investigations of safety and discrimination complaints made by miners or their representatives.

MSHA projects that a smaller number of mines will meet the criteria for Impact Inspections as a result of increased enforcement efforts in FY 2013. Therefore, MNMSH estimates that it will conduct fewer Impact Inspections at metal and nonmetal mines during FY 2014. The actual number of mines will depend on how many meet the criteria for needing additional inspections.

MNMSH will continue to encourage an industry-wide culture in which mine operators take ownership of health and safety through effective, prevention-oriented health and safety management programs; thorough inspections and robust enforcement; stakeholder outreach, education, and training; and improved regulations.

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MNMSH will continue to focus on improving dam safety by continuing inspection activity at dams classified as high-hazard potential.

MNMSH will continue to conduct comprehensive noise and health inspections. Increased resources will allow MNMSH to explore additional innovative initiatives to target other health hazards, update policy and procedures, and more effectively administer the health program.

MNMSH will continue to manage the backlog of contested cases before FMSHRC. It will conduct video conferencing to facilitate and improve collaboration between the SOL attorneys and MSHA enforcement personnel in settling or litigating contested violations. MNMSH will hold conferences with mine operators to resolve issues and reach settlements, and will work with SOL to develop global settlements with mine operators that reduce the number of contested cases and put measures in place to improve compliance, thus reducing the number of future violations contributing to the backlog. MNMSH will also continue efforts to educate operators on its health and safety standards to improve compliance and reduce citations.

Each year MNMSH receives approximately 1,200 emails and phone calls on MSHA's One Call Does It All hotline regarding hazard complaints that require hazard complaint inspections. MNMSH will continue to investigate all complaints consistent with the Agency's statutory and policy timeframes when an imminent danger situation does not exist. It will investigate imminent danger complaints immediately. MNMSH special investigators will process miner discrimination complaints promptly. It will continue to demonstrate to miners MSHA's commitment to protect their right to report health and safety hazards without fear of retaliation.

MNMSH will provide 21 weeks of entry-level training programs for new MNMSH inspectors, and 48 hours of journeyman inspector retraining. In addition, field office supervisors will attend a two-week training program. MNMSH will utilize new technology such as videoconferencing and online courses to provide effective and cost efficient training whenever possible.

MNMSH will continue in its effort to ensure that non-complex FOIA requests are completed within established timeframes.

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

FY 2012

In FY 2012, MNMSH conducted a total of 16,620 regular mandated safety and health inspections and issued 63,181 citations and orders during these inspections. Of the total violations issued, 11.4 percent were designated as high negligence or reckless disregard. MNMSH also completed a total of 9,419 other inspection or investigation events at metal and

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nonmetal mines. These enforcement activities included compliance follow-up inspections, spot inspections, accident investigations, investigations of hazardous condition complaints, and investigations of discrimination complaints made by miners or their representatives.

MNMSH participated in MSHA's Impact Inspections program which began in April 2010 following the explosion at the Upper Big Branch coal mine. MNMSH conducted Impact Inspections at 39 metal and nonmetal mines which resulted in over 617 citations and 51 orders being written.

MNMSH focused on improving impoundment safety by inspecting 195 high-hazard impoundments during FY 2012.

MNMSH effectively administered its Health Program. It revised two chapters in the health inspection manual and updated two areas in the program policy manual. MNMSH exceeded MSHA's Operating Plan target for the number of mines conducting their own surveys and/or exposure monitoring for noise and air contaminants by 14 percent.

MNMSH continued to utilize support personnel in the districts in support of conference litigation work. Support personnel drafted documents, printed exhibits, assembled hearing packets, copied inspection files, maintained case files, entered data into the information system, and filed documents and related correspondence.

MNMSH met its timeliness goals in conducting investigations for Sections 103(g) imminent danger complaints and 105(c) miner discrimination complaints consistent with Agency policy and procedures. MNMSH continued to update the Miners Rights and Responsibilities website and developed various materials to educate and inform miners of their rights.

MNMSH issued hazard alerts, safety flyers, fatality alerts and distributed various materials to miners to enhance their awareness and reduce future mining incidents. MNMSH proactively developed publications, such as Program Policy Letter on Safety Belts and Lines (Fall Protection), Conveyor Guarding Phase I, and Guarding Machinery Phase II to educate miners. The mining industry has experienced a 36 percent reduction in conveyor belt violations since the publication of Conveyor Guarding Phase I.

MNMSH continued to provide representatives to serve and share expertise on regulatory committees to strengthen health and safety regulations. This resulted in a more streamlined, robust approach to rulemaking and higher visibility for safety and health issues affecting miners.

METAL AND NONMETAL MINE SAFETY AND HEALTH

DETAILED WORKLOAD AND PERFORMANCE					
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request	
	Target	Result	Target	Target	
Metal and Nonmetal Mine Safety and Health					
Strategic Goal 2 - Ensure workplaces are safe and healthy.					
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries.					
MSHA- HPPG- 01	Five-year rolling average of fatal injuries per 200,000 hours worked (All MSHA Rate)	0.0156	0.0150	.0143	TBD
MSHA- MNM- 01	Percent of regular mandated MNM inspections	100%	100%	100%	100%
MSHA- MNM- 01.1	Number of regular mandated MNM underground inspections	790	850	840	850
MSHA- MNM- 01.2	Number of regular mandated MNM surface inspections	15,000	15,770	15,510	16,000
MSHA- INSP1- Q	Percent of violations vacated	--	--	1%	--
MSHA- MNM- 02	Number of impact inspections of MNM mines	40[p]	39	30[p]	30[p]

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DETAILED WORKLOAD AND PERFORMANCE					
		FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
		Target	Result	Target	Target
MSHA- MNM- 04	Percent of Metal and Nonmetal mines conducting their own dust, gas, mist, and fume surveys	34%	48%	51%	68%
MSHA- MNM- 05	Percent of Metal and Nonmetal mines receiving comprehensive noise inspections	20%	31%	20%	20%
MSHA- MNM- 03	Percent of high-hazard potential MNM dam inspections	100%	100%	100%	100%
MSHA- 08	Percent of petitions filed within the required timeframe of a timely contest	100%	100%	100%	100%
MSHA- 09	Number of internal review recommendations addressed	--	--	26	--
Strategic Goal 3 - Assure fair and high quality work-life environments.					
Outcome Goal 3.3 - Ensure worker voice in the workplace.					
MSHA- 03	Percent of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%
MSHA- 01	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	85%	85%	85%	85%

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DETAILED WORKLOAD AND PERFORMANCE				
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
	Target	Result	Target	Target
MSHA-02	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt			
	70%	80%	70%	70%

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

Footnotes: MSHA-PG-01: MSHA's fatality rate reflects the number of fatalities per 200,000 hours worked during the prior five-year period. The FY 2013 result is required to calculate the five-year average in FY 2014; therefore this budget will not include a FY 2014 target for this measure.

METAL AND NONMETAL MINE SAFETY AND HEALTH

The MNMSH budget activity will support the Strategic Goals through Outcome Goal 2.1 *Securing safe and healthy workplaces* and Outcome Goal 3-1 *Ensuring workers have a voice in the workplace*. It will accomplish the following to support MNMSH performance measures:

- MNMSH will continue to conduct all of its regular mandated inspections. Operators must promptly abate citations resulting from these inspections. This is the most effective tool that MSHA possesses to secure safe and healthy work environments in the mining industry. Completing all mandated inspections is critical in preventing injuries and fatalities in the mining industry. In the last three years MNMSH completed all mandated inspections and during that time the industry had a record low number of fatalities.
- MNMSH will continue its Impact Inspection program. MNMSH will select mines for impact inspections based on several criteria, including compliance and accident and injury history. MSHA projects that fewer mines will meet the criteria in FY 2014 than in FY 2012 because it estimates that mine operators will have improved their compliance. These targets are data-driven and subject to change dependent on the mining industry data and performance. MNMSH expects to conduct approximately 30 impact inspections.
- MNMSH will conduct inspections of all high-hazard potential metal and nonmetal dams.
- MNMSH will conduct comprehensive health inspections at a minimum of 20 percent of mines under its jurisdiction. Inspections will assess the effectiveness of controls and sampling programs through data collection, observations of mining cycle and work practices, interviews, plan reviews, and sampling. The data it collects forms the basis for appropriate enforcement actions as well as assuring that mine plans are adequate to protect miners from overexposures of airborne contaminants. Increased health resources will also allow MNMSH to explore additional innovative initiatives to target other health hazards, update policy and procedures, and more effectively administer the health program.
- MNMSH will continue work to manage the existing backlog of contested cases before FMSHRC and prevent a future backlog. MNMSH staff will hold conferences with mine operators to resolve issues and reach settlements. MNMSH will continue to utilize clerical personnel in the districts in support of conference litigation work.
- MNMSH receives approximately 1,200 phone calls or emails related to hazard complaints per year that require hazard complaint inspections. MNMSH will investigate hazard complaints consistent with the Agency's statutory and policy timeframes when an imminent danger situation does not exist. It will begin investigations of imminent danger complaints immediately. MNMSH special investigators will process miner discrimination complaints and complete investigations of knowing and willful violations. MNMSH will continue to demonstrate to miners its commitment to protect their right to report health and safety hazards without fear of retaliation.

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- In addition to the annual and follow-up inspections mandated by the Mine Act, MNMSH will conduct other important activities to ensure the health and safety of the miner. These activities include spot inspections of gassy mines such as salt and trona mines at intervals required by the Mine Act, accident investigations (including root cause analysis), and spot inspections based on reported injuries and occupational illnesses.
- MNMSH will work with personnel from the Small Mines Consultation Program (within the Educational Policy and Development budget activity) on outreach efforts with state aggregate groups. Outreach efforts will include establishing working groups with state aggregates to focus on educating mine operators on MSHA regulations and requirements.

METAL AND NONMETAL MINE SAFETY AND HEALTH

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	44,376	44,906	46,365	1,989
11.3	Other than full-time permanent	605	711	608	3
11.5	Other personnel compensation	1,132	1,139	1,132	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	46,113	46,756	48,105	1,992
12.1	Civilian personnel benefits	16,302	16,378	16,939	637
13.0	Benefits for former personnel	16	16	16	0
21.0	Travel and transportation of persons	8,129	8,100	8,175	46
22.0	Transportation of things	2,625	2,584	2,682	57
23.1	Rental payments to GSA	5,027	5,027	5,225	198
23.2	Rental payments to others	42	42	42	0
23.3	Communications, utilities, and miscellaneous charges	956	1,130	961	5
24.0	Printing and reproduction	26	26	26	0
25.1	Advisory and assistance services	21	21	21	0
25.2	Other services from non-Federal sources	546	363	589	43
25.3	Other goods and services from Federal sources 1/	6,025	5,917	6,324	299
25.4	Operation and maintenance of facilities	2	2	2	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	804	710	1,059	255
26.0	Supplies and materials	1,119	1,082	1,186	67
31.0	Equipment	1,308	1,452	1,516	208
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	2	2	2	0
	Total	89,063	89,608	92,870	3,807
1/Other goods and services from Federal sources					
	Working Capital Fund	5,538	5,374	5,687	149
	DHS Services	157	203	232	75
	HHS Services	0	186	0	0
	Services by Other Government Departments	330	154	405	75

METAL AND NONMETAL MINE SAFETY AND HEALTH

CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$502
Personnel benefits	148
One day more of pay	0
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	80
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	149
Other Federal sources (DHS Charges)	75
Other goods and services from Federal sources	75
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	34
Supplies and materials	48
Equipment	56
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$1,167**

Net Program **\$2,640**

Direct FTE **0**

	Estimate	FTE
Base	\$90,230	588
Program Increase	\$2,640	0

NOTE: Base reflects actual FY 2012 FTE.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	4,765	4,794	5,619	854
FTE	23	23	23	0

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 24.

Introduction

The Office of Standards, Regulations and Variances (OSRV), in coordination with the Office of the Solicitor, Mine Safety and Health Division and other MSHA program offices, develops standards and regulations for the mining industry that protect the safety and health of miners. These standards and regulations establish enforcement requirements for compliance in accordance with the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response (MINER) Act of 2006. OSRV also administers MSHA’s Freedom of Information Act (FOIA) program and MSHA’s information collection activities under the Paperwork Reduction Act of 1995.

OSRV maintains MSHA’s rulemaking docket and posts public comments and public submissions at www.Regulations.gov. OSRV also processes and publishes petitions from mine operators for variances from safety standards (Petitions for Modification).

OSRV supports the vision of “*Good Jobs for Everyone*” through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy.
 - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
 - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the Nation’s miners.
- Strategic Goal 3: Assure fair and high quality work-life environments.
 - Outcome Goal 3.3: Ensure worker voice in the workplace.
 - Performance Goal MSHA 3.3: Improve the timeliness of discrimination complaint investigations.
- DOL Priority Goal: Reduce the mining fatality rate by 5 percent per year based on a rolling five-year average.

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

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

In accordance with Executive Orders (E.O.) 12866 and 13563, MSHA performs an analysis of anticipated benefits and costs of each significant regulatory action, develops and publishes MSHA's Semi-Annual Regulatory Agenda and Regulatory Plan, and reviews existing rules to identify regulations that are inconsistent with E.O. policy directives.

In FY 2014, OSRV proposes to improve safety and health conditions in the mining workplace by:

- Reducing health risks through rulemaking by developing a standard to reduce exposure to respirable crystalline silica.
- Addressing hazards in mines by implementing improved technology requirements including proximity detection systems for mobile equipment in underground mines.
- Developing regulatory actions in response to recommendations resulting from investigation of the Upper Big Branch coal mine explosion.
- Improving efficiencies and streamlining the approval process through proposed revisions to existing approval requirements in Part 18.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$3,031	17
2010	\$3,481	17
2011	\$4,352	22
2012	\$4,765	24
2013	\$4,794	23

FY 2014

MSHA requests \$5,619,000 and 23 FTE for the Office of Standards, Regulations and Variances (OSRV). The request for this budget activity includes an initiative for \$600,000 to support increased regulatory activity. Funding supports MSHA's priority to strengthen regulatory efforts through work on the following:

- A health standard to reduce miners' exposure to respirable crystalline silica.
- A rule that would require proximity detection systems on mobile equipment in underground mines.
- A rule that would revise the Agency's legal identity requirements to allow MSHA to better target the most egregious and persistent violators and more effectively deter future violators.
- A rule that would revise electrical product approval requirements for electrically-operated machines and accessories intended for use in underground gassy mines.
- A rule that would revise the existing civil penalty regulations to improve the efficiency of the Agency's efforts and facilitate the resolution of enforcement issues.
- A rule to modify the fee structure to recover costs associated with testing, evaluating, and approving mining equipment.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

- Additionally, depending on input from stakeholders, MSHA may engage in regulatory actions to improve miners' working conditions in response to the explosion at the Upper Big Branch coal mine, such as certification, rock dusting, ventilation, and mine examinations and the use of the coal dust explosibility meter.
- Process requests for variances from safety standards (Petitions for Modification).
- Process requests for information under the FOIA program in accordance with the President's Memorandum on Transparency and Open Government.
- In accordance with the Paperwork Reduction Act of 1995, OSRV will develop and publish Federal Register Notices for supporting statements to accompany new or revised regulations and information collection renewals.

In FY 2014, OSRV expects to process approximately 80 Petitions for Modification and 27 paperwork packages. OSRV will also provide oversight to the processing of approximately 2,000 FOIA requests. OSRV will maintain MSHA's rulemaking docket with a consistent on-line docket, and post public comments and submissions at www.Regulations.gov.

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

FY 2012

MSHA's regulatory agenda in FY 2012 focused on eliminating or reducing serious safety and health hazards. OSRV supported the Outcome Goal of 'Securing safe and healthy workplaces, particularly in high-risk industries' by proposing and promulgating health and safety standards and regulations on MSHA's regulatory agenda. MSHA continued to execute a regulatory strategy to eliminate or reduce safety and health hazards in mining.

OSRV continued to work on two high-priority, comprehensive health standards to reduce miners' exposure to respirable coal mine dust and respirable crystalline silica.

Work continued on a rule to require underground coal mine operators to equip continuous mining machines with proximity detection systems to prevent crushing and pinning injuries in underground mines. OSRV also continued work on a proposal for requiring proximity detection systems for other mobile equipment in underground mines.

Also in FY 2012, OSRV worked to revise MSHA's Legal Identity, Civil Penalty, and Pattern of Violations requirements to allow the Agency to better target the most egregious and persistent violators.

OSRV held a public meeting to gather information on effective, comprehensive safety and health management programs for all mines which will enable miners and mine operators to be more

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proactive in their approach to health and safety matters. This information will supplement information the Agency has received on safety and health management programs.

OSRV published a final rule that requires operators to examine work areas in underground coal mines for violations of nine mandatory safety or health standards.

In FY 2012, OSRV processed 189 Petitions for Modification and 16 paperwork packages. The increased number of Petitions for Modification in FY 2012 is due to a spike in petitions for electrical products. OSRV also provided oversight to the processing of approximately 2,025 FOIA requests. OSRV maintained MSHA's rulemaking docket in addition to a consistent on-line docket, and posting public comments and submissions at www.Regulations.gov.

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DETAILED WORKLOAD AND PERFORMANCE					
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request	
	Target	Result	Target	Target	
Office of Standards, Regulations, and Variances					
Strategic Goal 2 - Ensure workplaces are safe and healthy.					
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries.					
MSHA- OSRV- 01	Number of Final Rules published in Federal Register	4	1	3	4
MSHA- OSRV- 02	Percent of FOIA requests that are completed within 20 working days of receipt	70%	75%	70%	70%
OSRV- 01	Number of Pre-proposals	2	--	1	--
OSRV- 02	Number of Proposed Rules	5	--	5	4
OSRV- 03	Variances Processed	70	189	70	80
OSRV- 04	Paperwork Reduction Packages	14	16	16[p]	27[p]

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

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In FY 2014, OSRV will support DOL Strategic Goal 2 – “*Ensure workplaces are safe and healthy*” and Outcome Goal 2.1 – “*Secure safe and healthy workplaces, particularly in high-risk industries*” through work on the following:

As part of MSHA’s regulatory strategy, in FY 2014 OSRV will issue a health standard to reduce miners’ exposure to respirable crystalline silica to reduce occupational lung disease in miners.

OSRV will continue its regulatory efforts to require proximity detection systems on mobile equipment in underground mines, revise the agency’s legal identity requirements to allow MSHA to more effectively target the most egregious and persistent violators, and streamline MSHA’s electrical product approval requirements for electrically-operated machines and accessories intended for use in underground gassy mines. Depending on input from stakeholders and in response to the explosion at the Upper Big Branch coal mine, MSHA may engage in regulatory actions, such as decertification, and the use of the coal dust explosibility meter to improve miners’ working conditions.

OSRV will continue to process requests for variances from safety standards (Petitions for Modification). OSRV will also continue to process and provide oversight to processing requests for information under the FOIA program in accordance with the President’s Memorandum on Transparency and Open Government. MSHA has taken additional steps to implement its FOIA program consistent with the President’s instructions, including the review of information to be posted on MSHA’s website.

In accordance with the Paperwork Reduction Act of 1995, OSRV will (1) develop supporting statements to accompany new or revised regulations; and (2) publish Federal Register notices to notify the public that MSHA is reviewing information collection requirements in existing regulations and that it is requesting comments. The data shown on the table are for existing paperwork packages. The increase reflects the number of information collection requests that are due for renewal in FY 2014. As MSHA develops new rules, it will require additional paperwork packages.

OSRV will continue to post background documents, comments, and transcripts for each rulemaking at www.Regulations.gov.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	3,040	2,786	3,580	540
11.3	Other than full-time permanent	0	30	0	0
11.5	Other personnel compensation	52	44	52	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	3,092	2,860	3,632	540
12.1	Civilian personnel benefits	751	659	913	162
13.0	Benefits for former personnel	3	3	3	0
21.0	Travel and transportation of persons	38	184	44	6
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	232	204	264	32
23.2	Rental payments to others	20	96	20	0
23.3	Communications, utilities, and miscellaneous charges	6	9	6	0
24.0	Printing and reproduction	119	74	159	40
25.1	Advisory and assistance services	32	50	32	0
25.2	Other services from non-Federal sources	215	244	215	0
25.3	Other goods and services from Federal sources 1/	186	363	195	9
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	11	11	47	36
26.0	Supplies and materials	25	24	30	5
31.0	Equipment	35	13	59	24
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	4,765	4,794	5,619	854
1/Other goods and services from Federal sources					
	Working Capital Fund	174	169	181	7
	DHS Services	6	7	8	2
	HHS Services	0	11	0	0
	Services by Other Government Departments	6	176	6	0

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CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$181
Personnel benefits	57
One day more of pay	0
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	4
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	7
Other Federal sources (DHS Charges)	2
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	1
Equipment	2
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$254**

Net Program **\$600**

Direct FTE **0**

	Estimate	FTE
Base	\$5,019	23
Program Increase	\$600	0

NOTE: Base reflects actual FY 2012 FTE.

**OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL
ENFORCEMENT AND INVESTIGATIONS**

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	7,103	7,146	8,358	1,255
FTE	49	49	58	9

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 50.

Introduction

The Office of Assessments, Accountability, Special Enforcement and Investigations (OAASEI) 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. OAASEI administers the Mine Act, MINER Act, mine safety and health standards pertaining to civil penalty assessments, special investigations and MSHA's Accountability Program.

These efforts support the Outcome Goal *secure and healthy workplaces, particularly in high-risk industries*. Civil penalties serve to encourage compliance and promote a safe and healthy workplace for miners. The Technical Compliance and Investigation Office within OAASEI provide oversight of the investigation process involving Section 105(c) miner discrimination complaints and Section 110 knowing or willful civil and criminal violations. OAASEI coordinates MSHA's Pattern of Violations (POV) program which is responsible for identifying mines exhibiting a potential POV as described in Section 104(e) of the Mine Act.

OAASEI supports the vision of *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
 - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
 - Outcome Goal 3.3: Ensure worker voice in the workplace.

In FY 2014, OAASEI will support the budget theme '*fostering compliance through worker education and worker voice*' through the following initiative:

- Technical Compliance and Investigations personnel for miner discrimination complaints.

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Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$6,134	51
2010	\$6,233	51
2011	\$6,221	46
2012	\$7,103	50
2013	\$7,146	49

FY 2014

MSHA requests \$8,358,000 and 58 FTE for the OAASEI budget activity. This request includes an increase of \$600,000 and 4 FTE to manage the increased workload associated with special enforcement activity targeting chronic violators of health and safety standards, and to address Accountability Program recommendations included in the Upper Big Branch Internal Review Report. This request also reflects a reduction of \$445,000 and an increase of five FTE for contractor conversion.

In FY 2014, OAASEI proposes to improve safety and health conditions in the mining workplace by:

- **Increasing Inspection and Enforcement Effectiveness** – OAASEI will implement new regulations effective in March, 2013 for violators exhibiting a POV and incorporate review criteria that identify violators who fail to prevent conditions that contribute to fatal accidents.
- **Increasing Efforts to Protect Miners from Discrimination** – In support of MSHA’s ‘*Voice in the Workplace*’ initiative, OAASEI will ensure that miner discrimination complaints are investigated and resolved in a timely manner. OAASEI is requesting one FTE to support a 100 percent headquarters review of all discrimination investigations conducted by the enforcement programs.
- **Improvements of MSHA’s Accountability Program** - OAASEI conducts audits to ensure that MSHA carries out enforcement policies and procedures effectively. In support of the “Upper Big Branch Internal Review Report” and an Office of the Inspector General recommendation, the OAASEI will revise the Accountability Handbook to include a new requirement for Accountability Office reviews to evaluate the effectiveness of corrective actions. OAASEI is requesting two FTE to allow MSHA to include the tracking and review of corrective actions implemented in the enforcement program areas.
- **Support of the “Rules to Live By” (RTL) initiative** - the OAASEI will assess 80 percent of violations recommended for special assessment within 225 days of issuance. Because of the increased workload generated by the RTL initiative, MSHA

OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT AND INVESTIGATIONS

assessed just 50 percent of the special assessments within 225 days during the first half of FY 2012. OAASEI is requesting one FTE to enable MSHA to improve the timeliness of special assessments and again meet its goal.

- **Contractor Conversion.** In support of the Multi-Sector Workforce Initiative, OAASEI will achieve \$445,000 in savings by converting contracted positions for civil penalty payment application and mailroom services to Federal employee positions. OAASEI will realign funding from contractual services, to salaries and benefits to accommodate a budget request increase of 5 FTE.

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

- Size of the mining operation
- History of previous violations
- Degree of operator negligence
- Gravity of the violation
- 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 \$242,000.

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committees in a separate communication.

FY 2012

In FY 2012, MSHA reorganized the Office of Assessments to include the current Office of Assessments as well as the Office of Accountability and a division to support the effective management of MSHA's special enforcement strategies. Effective February 12, 2012, the new Office of Assessments, Accountability, Special Enforcement and Investigations (OAASEI)

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became responsible for all aspects of MSHA's civil penalty and accountability programs, special enforcement and special investigation coordination.

In FY 2012, the OAASEI mailed 30,251 Notices of Proposed Civil Penalty Assessments, proposing \$160 million in civil penalties for 143,157 citations and orders. The proposed civil penalties were an increase of 10 percent over FY 2011 and the third highest annual amount recorded. The Office proposed 2,434 special assessments totaling almost \$50.4 million. The total proposed penalty amounts for special assessments were the most ever recorded.

OAASEI received 38,736 payments totaling \$134.2 million in FY 2012, both record highs and the fifth year in a row of record amounts in both the number of payments and total payment amounts received. The number and amounts were, respectively, 13 percent and 34 percent higher than the previous highs set in FY 2011.

OAASEI served as the clearing house for receiving civil penalty hearing requests from mine operators, notifying FMSHRC of the contested cases, then recording every decision the FMSHRC renders. OAASEI processed 6,731 hearing requests in FY 2012, the third highest number ever received and processed in a single year. With the significant increase in the contested civil penalty cases adjudicated by SOL's Backlog Project Teams in FY 2011 and FY 2012, FMSHRC issued a record number of decisions and orders. Consequently, OAASEI recorded decisions for 20,000 cases (dockets) and over 100,000 citations and orders in FY 2011-2012, twice as many decisions as the previous two years.

In FY 2012, MSHA became one of ten Federal agencies participating in the Treasury Department's Centralized Receivables Service (CRS) pilot project. The goal is for Treasury to manage the civil penalty receivables once MSHA has established a debt. The anticipated benefits include increased collection of current receivables and delinquent debts; a reduction in the number of debts that become seriously delinquent; decreased expenditures on collection systems infrastructure; improved data quality and visibility into debt owed to the government; and furtherance of the government-wide all-electronic initiative.

In November, 2011, the Office of the Inspector General (OIG) issued an audit report on MSHA's civil penalty collection practices. The OIG made four recommendations to: assure timely application of civil penalty payments; assure consistent referrals to Treasury; identify all potential scofflaw violators; and implement controls to assure appropriate and consistent write-off of uncollectable civil penalties. OAASEI completed actions that resulted in the OIG resolving and closing the recommendations by April, 2012.

OAASEI conducted a Pattern of Violations (POV) review in November, 2011. The review identified 15 mines that met all of the POV screening criteria, and another 27 mines that met all but the severity measure criterion. In addition, the Office monitored the compliance behavior of mines that had previously met their POV goals, ensuring that all mines maintained adequate compliance levels.

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MSHA resolved 198 possible knowing and willful investigations. Approximately 104 cases resulted in civil penalties; nine were referred to the Department of Justice for criminal prosecution; and two cases resulted in criminal prosecutions and convictions.

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ENFORCEMENT AND INVESTIGATIONS**

DETAILED WORKLOAD AND PERFORMANCE					
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request	
	Target	Result	Target	Target	
Office of Assessments, Accountability, Special Enforcement and Investigations					
Strategic Goal 2 - Ensure workplaces are safe and healthy.					
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries.					
MSHA-04	Percent reduction of mines meeting the PPOV screening criteria	--	--	10%	--
MSHA-AS-01	Percent of Civil Penalties assessed under the regular formula within 60 days of issuance	85%	82%	85%	85%
MSHA-AS-02	Percent of Civil Penalties special assessed within 225 days of issuance	80%	64%	80%	80%
Strategic Goal 3 - Assure fair and high quality work-life environments.					
Outcome Goal 3.3 - Ensure worker voice in the workplace.					
MSHA-01-Q	Percent of discrimination investigations reviewed by headquarters	--	--	100%	100%

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

OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT AND INVESTIGATIONS

In FY 2014, the Office of Assessments, Accountability, Special Enforcement and Investigations (OAASEI) will work towards the Departmental Strategic Goals and Outcome Goals: *Ensure Workplaces in the Mining Industry are Safe and Healthy, and Ensure Mining Industry Workers Have a Voice in the Workplace.*

OAASEI will conduct the required screening for POV and revise the screening criteria and procedures for identifying mines exhibiting a pattern of violations. OAASEI will determine the FY 2014 target once the Final Rule is published. The new procedures include more meaningful corrective action programs and measures to help ensure long-term compliance on the part of mine operators. A mine placed on a potential POV must meet more stringent goals to avoid the sanctions of a POV.

MSHA will work with mine operators who are found to have a POV to develop and implement ongoing safety and health management programs that target the conditions at each mine that result in violations. MSHA has proposed revisions to the civil penalty regulations to simplify the penalty criteria, provide for more objectivity in enforcement, which could lead to earlier resolution of enforcement issues.

OAASEI will bolster its special investigations program to protect miners' rights to a safe, healthy and discrimination free workplace. In FY 2014, MSHA will continue to review the special investigations program and consider areas of improvement. MSHA will also continue to improve the timeliness of Section 105(c) and Section 110 investigations.

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ENFORCEMENT AND INVESTIGATIONS**

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	4,020	4,030	4,998	978
11.3	Other than full-time permanent	39	39	39	0
11.5	Other personnel compensation	44	44	44	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	4,103	4,113	5,081	978
12.1	Civilian personnel benefits	1,176	1,179	1,435	259
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	61	61	61	0
22.0	Transportation of things	1	1	1	0
23.1	Rental payments to GSA	563	563	580	17
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	185	185	150	-35
24.0	Printing and reproduction	5	5	5	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	249	199	9	-240
25.3	Other goods and services from Federal sources 1/	468	484	492	24
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	132	196	269	137
26.0	Supplies and materials	95	95	99	4
31.0	Equipment	62	62	171	109
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	3	3	3	0
	Total	7,103	7,146	8,356	1,253
	1/Other goods and services from Federal sources				
	Working Capital Fund	453	440	472	19
	DHS Services	15	20	18	3
	HHS Services	0	22	0	0
	Services by Other Government Departments	0	2	2	2

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CHANGES IN FY 2014
(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$592
Personnel benefits	160
One day more of pay	0
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	9
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	19
Other Federal sources (DHS Charges)	3
Other goods and services from Federal sources	2
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	208
Supplies and materials	4
Equipment	103
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$1,100**

Net Program **\$155**

Direct FTE **9**

	Estimate	FTE
Base	\$8,203	49
Program Increase	\$600	4
Program Decrease	-\$445	5

NOTE: Base reflects actual FY 2012 FTE.

EDUCATIONAL POLICY AND DEVELOPMENT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	38,325	38,560	29,230	-9,095
FTE	143	143	141	-2

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 149.

Introduction

The Educational Policy and Development (EPD) budget activity 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 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 MSHA with a skilled enforcement workforce. The Academy also provides professional education and training services and consultation to all members of MSHA and the mining community.

Educational Field Services (EFS) training specialists review training plans, monitor and assist industry instructors to develop and improve their skills, and assist mine operators with their health and safety programs. EFS specialists also distribute educational materials and provide assistance to the miners to better understand their rights and responsibilities under the Mine Act. These efforts will ensure that miners have a voice in the workplace.

The Small Mines Consultation Program (SMCP) ensures small mine operators understand the focus of the program. SMCP assists small mines (mines with five or fewer employees) with limited resources to develop effective safety, health and training programs. The SMCP offers on-site safety and health assistance to small mine operators who request the expertise of safety and health professionals to assist with hazard identification and correction. Generally, these operators do not have the resources to provide their own full-time health and safety expertise, or to purchase the services of consultants. The goal is to improve health and safety for miners working at small mines.

Both the EFS and SMCP programs work in tandem with MSHA's enforcement efforts, providing hazard identification, assessment, outreach and training to workers and mine operators, both big and small.

EPD manages the Brookwood-Sago Mine Safety Grants program which was established through a provision in the Mine Improvement and New Emergency Response Act of 2006 (MINER Act). These grants provide funds for mine safety and health training and education programs for workers and mine operators, to better identify, avoid, and prevent unsafe working conditions in and around mines.

EDUCATIONAL POLICY AND DEVELOPMENT

EPD directly supports MSHA's priorities and budget themes: *Enhancing worker safety and Fostering compliance through worker education and worker voice* through the following efforts:

- Strategic Goal 2: Ensure workplaces are safe and healthy.
 - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
 - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the Nation's miners.
- Strategic Goal 3: Assure fair and high quality work-life environments.
 - Outcome Goal 3.3: Ensure worker voice in the workplace.
 - Performance Goal MSHA 3.3: Improve the timeliness of discrimination complaint investigations.
- DOL Priority Goal: Reduce the mining fatality rate by 5 percent per year based on a rolling five-year average.

Training plays a critical role in preventing deaths, injuries, and illnesses on the job. By providing effective training, miners are able to recognize possible hazards and understand the safe procedures to follow. MSHA will continue its increased visibility and emphasis on training because it is critically important to making progress in reducing the number of injuries and fatalities. This emphasis includes the development and distribution of materials, as well as targeted safety sweeps to educate and assist miners and operators 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 grassroots safety and health programs and activities for the mining community.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$38,605	148
2010	\$38,605	159
2011	\$38,148	136
2012	\$38,325	149
2013	\$38,560	143

FY 2014

MSHA requests \$29,230,000 and 141 FTE for the Educational Policy and Development (EPD) activity. The request includes an increase of \$800,000 and 6 FTE for additional Educational Field Services resources needed to review required training records and monitor contractor training. This initiative will allow MSHA to address deficiencies identified during the Upper Big Branch investigations. This request also includes the following reductions:

EDUCATIONAL POLICY AND DEVELOPMENT

- **\$1,500,000 and 5 FTE - Mine Academy Infrastructure.** EPD will reduce the development and distribution of printed and multimedia training products provided to the mining industry. Additionally, there will be deferral of capital improvement and infrastructure repairs in order to reallocate funding to higher priority needs. The impact would be minimal due to the completion of recent renovations.
- **\$303,000 and 3 FTE - Small Mines Consultation Program (SMCP).** This modest cut to SMCP will be balanced by enhanced training and field coordination reforms, which started in FY 2012. The reduction is necessary to allow MSHA to prioritize and reposition resources to support enforcement functions.
- **\$8,441,000 and 0 FTE - State Grants Program.** To meet the demand of the agency's higher priority enforcement activities, MSHA will defund the State Grants program and shift the responsibility for training back to mine operators. Mine operators will be required to develop their own programs or contract these services.

In the wake of the Upper Big Branch (UBB) accident and investigation MSHA shifted priorities towards strengthening its enforcement programs. The FY 2014 request prioritizes activities MSHA performs and applies limited budgetary resources to those areas where they will have the greatest impact. Every budget activity supports functions that prevent death, disease, and injuries from mining, but MSHA considers effective enforcement a top priority and proactive strategy to ensure workplaces in the mining industry are safe and healthy.

In FY 2014, EPD will foster a culture of improving safety and health conditions in the mining workplace through the following strategies:

Expand education, compliance assistance and outreach to the mining industry

- The Academy plans to host various seminars and conferences, which includes the Training Resources Applied to Mining (TRAM) conference that routinely attracts more than 500 attendees annually. EPD will continue its efforts to provide outreach products to the mining industry, which includes new and updated health and safety audio materials.
- EPD will provide approximately 64,000 hours of assistance to the mining industry. The total hours will include 17,000 hours of compliance assistance and 47,000 hours of injury and illness prevention training activities.
- EPD will continue onsite monitoring of approved instructors to ensure they are providing qualitative, effective health and safety training to miners. The Educational Field Services (EFS) training specialists will continue to review training plans and evaluate training programs and instructors as required by the Mine Act. These specialists will also participate in special emphasis programs that address safety and health hazards in coal and metal/nonmetal mines.

EDUCATIONAL POLICY AND DEVELOPMENT

- EPD anticipates distributing 4,000,000 publications and training materials, including material on Miners' Rights.

Expand MSHA's Distance Learning Program

- EPD will expand its distance learning curriculum to add 10 additional online courses for a total of 92 online training courses designed for entry-level and journeymen inspectors.
- EPD will continue developing online media compliance information for the regulated community.
- EPD, through the Academy, will continue to provide professional instruction for MSHA inspectors and the mining community in support of MSHA's workforce development. Based on projected attrition rates within the Coal and Metal and Nonmetal enforcement programs, EPD estimates that 18 entry level inspector groups will begin their training in FY 2014. EPD will provide MSHA managers and supervisors with training to enhance their supervisory skills. The Academy anticipates conducting 1,350 course days of training in FY 2014.
- EPD, through EFS, will evaluate the effectiveness of training instructors, training materials and mine-operator training plans, as required under Title 30 CFR Part 46 and Part 48. The EFS will evaluate and monitor approximately 675 instructors to assess the effectiveness of training provided to miners. EPD will also assess how the mine operators and contract trainers address the specific hazards and safety issues.
- EPD will also make improvements to its Mine Simulation Laboratory to provide a more realistic training experience for MSHA enforcement personnel and the nation's miners. In FY 2014, EPD plans to install a communication and tracking system to better prepare mine rescue team members in the event of a mine emergency. To enhance the learning experience, EPD will incorporate virtual reality training to supplement the experiences gained in the Mine Simulation Laboratory.

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committees in a separate communication.

FY 2012

In FY 2012, EPD expanded its distance learning program by an additional 24 online courses developed for use by MSHA's entry-level inspectors, bringing the number of available courses to 70. EPD also created additional online journeyman-level inspector classes and new programs designed for the mining industry. EPD provided professional instruction and training for

EDUCATIONAL POLICY AND DEVELOPMENT

approximately 208 MSHA inspectors as well as the mining community. EPD produced and distributed approximately 5,000,000 publications.

EPD managed MSHA's State Grants Program and the Brookwood-Sago Mine Safety Grant Program. In FY 2012, the State Grants Program trained 180,000 miners in 47 states and the Navajo Nation.

EFS field training specialists conducted training program analysis, reviewed training plans, and provided qualification examinations for miners. The SMCP personnel were strategically relocated, increasing their access to the small mining operations and enhancing the level of consultation services provided. EFS and SMCP staff provided 20,584 compliance assistance hours and 48,074 injury and illness prevention training hours to the mining industry. Due to attrition within SMCP staff, new personnel were recruited and received comprehensive training. EPD also participated in special emphasis programs which addressed safety and health hazards in coal and metal and nonmetal mines.

EDUCATIONAL POLICY AND DEVELOPMENT

DETAILED WORKLOAD AND PERFORMANCE					
		FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
		Target	Result	Target	Target
Educational Policy and Development					
Strategic Goal 2 - Ensure workplaces are safe and healthy.					
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries.					
Course days of training					
MSHA-EPD-02	Course days of training provided to MSHA	1,200[p]	1,271	1,200[p]	1,190[p]
MSHA-EPD-03	Course days of training provided to industry	140[p]	273	150[p]	150[p]
Total		1,340	1,544	1,350	1,340
EPD-01	Publications distributed	6,000,000	5,000,000	6,000,000	4,000,000 [p]
MSHA-EPD-01	Compliance assistance hours provided	26,600	17,361	20,000	17,000
MSHA-EPD-04	Number of new online courses	10	24	12	10
MSHA-EPD-06	Number of approved instructor evaluations	675	715	675	675
MSHA-EPD-07	Injury and illness prevention training hours provided	38,400	49,298	48,000	47,000

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

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EPD's workload measures help determine the program's success in supporting the Departmental Strategic Goals, Outcome Goals, and MSHA's Priority Performance Measures: *Ensure Workplaces in the Mining Industry are Safe and Healthy, Ensure Mining Industry Workers have a Voice in the Workplace and Modernize Training* through the following:

The "Academy Course Days of Training" measure indicates the amount of time spent training a variety of government and mining personnel, (i.e. MSHA employees, mine operators and supervisors, etc.). The inspector workforce receives initial and refresher training to conduct effective inspections. This training is critical to maintain a highly skilled workforce capable of addressing the potential health and safety hazards found in mines. EPD conducts training for industry and labor unions on safety issues such as ventilation, electrical, fire, geological hazards, mine rescue, health issues (i.e. dust and noise) and mining disciplines.

In FY 2014, EPD's field components will provide 64,000 hours of assistance to the mining industry. The total hours includes 17,000 hours of compliance assistance and 47,000 hours of injury and illness prevention training activities. The primary methodology that EPD uses to prevent injury and illness in the Nation's mines is through training. These activities include: monitor instructors; establish qualification and certification; revise training plans; and customize appropriate training workshops and training analysis *i.e. TMD (Training Makes a Difference); Train the Trainer Workshops; JTA (Job Task Analysis)*. EPD will focus on the development and implementation of our Nation's mine and miners health and safety programs by providing operators with legal identification numbers, initial filing of training plans, monitor instructors; establish qualification and certification; and customize appropriate training plans, workshops and revisions; conduct workplace examinations, hazard recognition and to point out other non-compliant conditions.

EPD will continue to manage quality education and training programs and policies including inspector training programs, mining industry training and outreach, and the Brookwood-Sago Grants Program. EPD anticipates the Brookwood-Sago Grants Program will provide additional quality skills training to mine rescue team members.

EPD will produce and distribute 4,000,000 publications throughout the year. These publications advise miners and those who train miners of potential health and safety hazards, miners' rights as workers, and opportunities for training. These publications are distributed in the various formats, i.e. electronically, DVDs, pamphlets, training manuals, posters, etc.

EDUCATIONAL POLICY AND DEVELOPMENT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	12,698	12,729	13,090	392
11.3	Other than full-time permanent	63	63	63	0
11.5	Other personnel compensation	193	193	193	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	12,954	12,985	13,346	392
12.1	Civilian personnel benefits	3,965	3,974	4,068	103
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	838	838	881	43
22.0	Transportation of things	466	466	466	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	626	626	659	33
23.2	Rental payments to others	1	1	1	0
23.3	Communications, utilities, and miscellaneous charges	984	984	987	3
24.0	Printing and reproduction	185	185	185	0
25.1	Advisory and assistance services	4	4	4	0
25.2	Other services from non-Federal sources	4,859	4,959	3,859	-1,000
25.3	Other goods and services from Federal sources 1/	1,530	1,530	1,611	81
25.4	Operation and maintenance of facilities	321	321	321	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	868	868	659	-209
26.0	Supplies and materials	730	730	567	-163
31.0	Equipment	470	565	533	63
41.0	Grants, subsidies, and contributions	9,441	9,441	1,000	-8,441
42.0	Insurance claims and indemnities	83	83	83	0
	Total	38,325	38,560	29,230	-9,095
1/Other goods and services from Federal sources					
	Working Capital Fund	1,497	1,453	1,548	51
	DHS Services	19	24	29	10
	HHS Services	14	53	34	20

EDUCATIONAL POLICY AND DEVELOPMENT

CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$136
Personnel benefits	33
One day more of pay	0
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	10
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	51
Other Federal sources (DHS Charges)	10
Other goods and services from Federal sources	20
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	37
Supplies and materials	31
Equipment	21
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$349**

Net Program **-\$9,444**

Direct FTE **-2**

	Estimate	FTE
Base	\$38,674	143
Program Increase	\$800	6
Program Decrease	-\$10,244	-8

NOTE: Base reflects actual FY 2012 FTE.

TECHNICAL SUPPORT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	33,613	33,819	34,113	500
FTE	204	204	204	0

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 204.

Introduction

The Technical Support budget activity provides engineering and scientific expertise to MSHA and the mining industry. It conducts field and laboratory forensic investigations to resolve technical problems associated with implementing the Mine Act and MINER Act; administers a fee program at the Approval and Certification Center (A&CC) in Triadelphia, WV, to approve equipment, materials, and explosives for use in mines; analyzes data relative to the cause, frequency, and circumstances of accidents, injuries, illnesses, and occupational diseases; and evaluates new technology for potential to enhance miners' safety and health.

Technical Support's responsibilities include the following:

- Approving and certifying equipment, instruments, materials, explosives, and personal protective apparatus that can be used in mines and performing audits of previously approved products to ensure they meet the same standards as when MSHA initially granted approval;
- Providing specialized scientific and engineering expertise for MSHA 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;
- Participating in and providing leadership in mine emergency response efforts, including providing and managing on-site analytical equipment, communications links, and other sophisticated equipment essential to critical decisions in rescue/recovery operations;
- Investigating problems of compliance with safety and health standards, and recommending solutions to MSHA and stakeholders;
- Providing analyses of existing environmental conditions and projections of future technological developments;
- Conducting in-depth studies to define true causes of accidents, injuries, and occupational illnesses, determining trends and impact, and recommending improvements and solutions to MSHA;
- Investigating new communication and tracking technology products and developing programs to deploy products with potential to improve miners' health and safety; and
- Providing scientific and engineering technical expertise in the development of standards and regulations.

Technical Support conducts these activities through cooperative efforts with other MSHA personnel, including Coal Mine Safety and Health (CMSH) and Metal and Nonmetal Mine Safety and Health (MNMSH) inspectors and specialists, and Program Evaluation and

TECHNICAL SUPPORT

Information Resources, Educational Policy and Development, and the Office of Standards, Regulations, and Variances personnel.

Technical Support supports the vision of *Good Jobs for Everyone* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy
 - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
- Strategic Goal 3: Assure fair and high quality work-life environments
 - Outcome Goal 3.3: Ensure worker voice in the workplace.
- DOL Priority Goal: Reduce the mining fatality rate by five percent per year based on a rolling five-year average.

Technical Support will improve safety and health conditions in the mining workplace through the following activities:

- Foster the development of more advanced communication and tracking and other technologies to be used underground and in mine emergency situations.
- Work towards the implementation of proximity/collision avoidance technology to protect miners working near a wide variety of mining equipment including continuous mining machines, shuttle cars, feeder breakers, and conveyor belts.
- Continue improving impoundment/dam safety by conducting inspections of high-hazard potential sites.
- Continue targeting the most common causes of fatal accidents in support of the fatality and disaster prevention programs by continuing to assist CSMH and MNMSH enforcement in accident investigations in the field and by analyzing fatal accident data.
- Continue mine emergency operations upgrades and improvements.
- Continue cooperative efforts with CSMH and MNMSH in developing materials and advancing the “Rules to Live By” initiatives.
- Provide engineering and technical assistance to MSHA and the mining industry.
- Conduct field investigations and laboratory analyses and studies to develop solutions to specific problems to assist enforcement personnel and mine operators in achieving compliance with Federal regulations intended to protect the health and safety of miners.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$30,117	200
2010	\$30,642	200
2011	\$31,031	199
2012	\$33,613	204
2013	\$33,819	204

FY 2014

MSHA requests \$34,113,000 and 204 FTE for the Technical Support budget activity. This budget activity strives to reduce accidents, injuries, and illnesses from mining by approving

TECHNICAL SUPPORT

mining equipment and materials, providing engineering and scientific support to MSHA's enforcement programs, conducting engineering reviews of mining plans, and providing training to MSHA enforcement personnel.

In FY 2014, Technical Support will:

- Continue to support implementation of the MINER Act by testing, evaluating, and approving wireless communication and electronic tracking systems, refuge alternatives, fire-resistant conveyor belts, and seals used in underground coal mines.
- Continue to provide technical and scientific expertise for field investigations, engineering plan reviews, product testing and approval, litigation, and laboratory analyses.
- Continue to approve and certify mining equipment, materials, instruments, explosives, and respirators with a focus on reducing the approval backlog.
- Continue to audit repair shops to ensure rebuilt permissible equipment conforms to the original approval specifications.
- Continue to provide assistance to MSHA enforcement staff in the technical review of complex mining plans, including, impoundment, ventilation, and ground control plans.
- Continue to work towards accreditation for the National Air and Dust Laboratory (NADL). Technical Support will continue to improve its quality assurance and control testing of rock dust sample analyses.
- Continue to analyze respirable dust samples collected by both mine operators and MSHA enforcement personnel to enforce compliance with respirable dust exposure limits in order to prevent new cases of coal workers' pneumoconiosis. Technical Support will provide training to enforcement personnel on the use of the Continuous Personal Dust Monitor and on other engineering disciplines. It will also provide calibration and repair of noise dosimeters used by MSHA enforcement personnel.
- Continue to prepare, train, and maintain equipment in order to provide a timely and effective response to a mine emergency.
- Continue development of the Midwest Mine Rescue Station in Madisonville, KY to improve emergency response time to mines in the Midwest.
- Continue to provide expert engineering and scientific analyses to assist MSHA enforcement personnel in the investigation of accidents. Technical Support staff will participate in accident investigations and analyze fatal and non fatal accident data in support of fatality and disaster prevention programs with a focus on preventing surface haulage accidents.

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The FY 2014 request includes the following initiatives:

- A&CC Fees -- MSHA proposes an increase to its reimbursable budget authority for mining equipment certification fees from \$1,499,000 to \$2,499,000. The increase in fees will capture overhead costs that were not previously part of the formula in calculating the current fee structure. Examples include laboratory maintenance; information technology systems maintenance; additional building and equipment depreciation; and employee training. MSHA will conduct a thorough analysis of all related annual costs for a revised fee structure.
- Rock Dust Analysis Fees -- MSHA requests reimbursable budget authority to implement a new fee structure for sample analyses processed at the NADL. MSHA requests this authority to recover costs of providing this service to mine operators. MSHA recognizes the need to balance mine operator compliance mandates with its health and safety mission in a resource constrained environment. Proceeds from the fees are unlikely to be available in the same year as authorization

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

FY 2012

In FY 2012 MSHA received funding for Technical Support to expand and modernize the NADL located in Mt. Hope, WV. The lab analyzed rock dust and mine atmosphere samples collected by enforcement personnel and performed other sample analyses. Technical Support renovated the laboratory and hired ten full time employees. During FY 2012, the NADL processed 59,288 rock dust samples.

MSHA has three Mine Emergency Unit stations located in Bruceton, PA; Price, UT; and Beckley, WV. In FY 2012, MSHA received additional funding to improve MSHA's mine emergency response operations and rescue capabilities. MSHA purchased a state-of-the-art communications system for its Pittsburgh station to improve mine rescue team communications underground. It also purchased a new engineering trailer and MEO vehicles (generator truck, surface communication team truck, mine rescue communications utility vehicle, underground mine rescue communications vehicle, and trailer).

In FY 2011, MSHA identified the need to establish a mine rescue station in the Midwest to improve the agency's response to emergencies at mines in this geographical area, currently the fastest growing coal producing region. In FY 2012, Technical Support purchased a mobile gas laboratory trailer, a gas chromatograph, and mine rescue equipment in preparation for the opening of the Midwest mine rescue station in Madisonville, KY in FY 2013.

TECHNICAL SUPPORT

Technical Support provided engineering, scientific, and laboratory expertise to reduce exposure to respirable coal mine dust, silica, and noise. Technical Support performed 190,287 respirable dust analyses to assess compliance and made recommendations to MSHA enforcement staff to reduce miners' exposure to hazardous conditions.

Technical Support received 1,120 field investigation requests and completed 78 percent within 90 days, meeting the target set in MSHA's FY 2012 Operating Plan.

Technical Support expanded the Repair Shop program to audit rebuilt permissible equipment and machines to ensure conformance to original approval specifications. Technical Support engineers provided technical expertise for accident investigations and other mine conditions.

Technical Support approved and certified mine equipment, materials, instruments, explosives, and respirators and reduced product approval backlogs from 518 to 443 (14 percent). It also evaluated the safe design of seals, mine ventilation systems, impoundments, and ground control systems.

Technical Support provided engineering and scientific expertise for rulemaking for exposure to coal mine dust, respirable crystalline silica, dust monitors, proximity detection for underground mines, refuge alternatives, underground wireless communication, and electronic tracking systems. Technical Support personnel chaired a rulemaking committee to promote proximity protection for miners and conducted testing to evaluate problems related to mining equipment radio frequency interference.

Technical Support conducted mine plan review requests specific to mine waste impoundments, roof control, stoppings, highwall stability, and ventilation and reviewed amendments to these mine plans. Technical Support reviewed 183 impoundment plans.

MSHA's DOL Dam Safety Officer (DSO) evaluated MSHA's efforts to reduce the likelihood of failure of any high-hazard potential impoundment or dam. Technical Support staff trained MSHA enforcement personnel on impoundment inspections. The DSO completed the yearly report to document the status of high-hazard potential impoundments and dams.

TECHNICAL SUPPORT

DETAILED WORKLOAD AND PERFORMANCE					
		FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request
		Target	Result	Target	Target
Technical Support					
Strategic Goal 2 - Ensure workplaces are safe and healthy.					
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries.					
TS-01	Approval Actions (New and Modifications)	800	899	800	750
TS-02	Samples Analyzed	250,000	249,575	275,000	288,100
TS-03	Calibrations (photometers, anemometers, noise, radiation)	5,400	5,460	5,400	5,300
TS-04	Number of Impoundment Plans Reviewed	180	183	190	190
TS-05	Seal Plan Approvals	12	17	12	12
MSHA- TS-01	Percent of product approvals (electrical and mechanical equipment, materials, and refuge alternatives) completed within 120 days	75%	78%	60%	75%

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

Footnote: TS-02: Increase in samples analyzed as a result of the Mt. Hope laboratory restructure.

TS-05: Decrease in Seal Plan Approvals due to UBB related testing and report writing requirements that continue to affect workload.

Technical Support expects approval actions to return to close to historical levels in 2014.

TECHNICAL SUPPORT

In Support of Strategic Goal 2: *Ensure workplaces are safe and healthy* and MSHA's priority to *Ensure Workplaces in the Mining Industry are Safe and Healthy*, Technical Support will utilize resources to reduce fatal accidents and health risks to miners through the following efforts:

- **Field Investigation Reports.** In response to requests for assistance from MSHA enforcement personnel, Technical Support conducts field investigations and laboratory studies of coal and metal and nonmetal mines to develop solutions to specific problems. Based on findings, Technical Support issues recommendations to enforcement personnel and the mining industry to further achieve compliance with Federal regulations.
- **Approval Actions.** Technical Support approves equipment for use in underground mines by miners and mine emergency responders. It conducts testing and quality control auditing of mining equipment and materials to ensure manufacturers' products continue to meet MSHA standards. The types of equipment it reviews include:
 - Advanced communication and tracking technologies for use in mine emergency situations. Communication and tracking devices assist in accurately locating miners in a post-accident environment for mine emergency responders during rescue and recovery.
 - Proximity detection systems. To prevent accidents, these devices stop machines if a miner is in a dangerous location. They protect miners working in the vicinity of mining equipment, including continuous mining machines, shuttle cars, feeder breakers, and conveyor belts.
- **Samples Analyzed**
 - Technical Support will work toward accreditation of the NADL for conducting rock dust sample analysis and air sample analysis. MSHA expects an increase in the number of samples as a result of additional requirements, including the final rule "Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines" published in FY 2011.
 - Technical Support's analytical laboratories located in Pittsburgh, PA are accredited by the American Industrial Hygiene Association. The labs perform analytical sample analyses for enforcement personnel and the mining industry to assess exposures to various contaminants in the mining environment, including respirable dust, silica, metal dusts and fumes, diesel particulate matter, and organic vapors. This ensures that the operator has established compliance with permissible exposure limits.
- **Calibrations.** MSHA enforcement personnel require calibrated sampling equipment, such as noise dosimeters and radiation monitoring devices, to accurately assess exposures to hazardous contaminants or hazardous environmental conditions. Technical Support calibrates MSHA equipment bi-annually or annually to ensure the accuracy and proper functioning of instrumentation.

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- **Impoundment Plans.** Upon request of MSHA enforcement programs, Technical Support conducts reviews of engineering plans of the impoundments/dams that are of significant size or hazard potential. These reviews can prevent failures and protect persons living downstream. MSHA anticipates an increase in the number of impoundment plans reviewed in FY 2013 due to increasing enforcement activity at the impoundments classified as high-hazard, and expects this to remain steady into FY 2014.
- **Seal Plan Approvals.** Technical Support reviews and approves mine plans for seals to ensure that designs are in compliance with 30 CFR Part 75 Sealing of Abandoned Areas. The regulation includes requirements for seal strength, design, construction, maintenance, and repair of seals and monitoring and control of atmospheres behind seals in order to reduce the risk of seal failure and the risk of explosions in abandoned areas of underground coal mines.

TECHNICAL SUPPORT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	17,403	17,444	17,595	192
11.3	Other than full-time permanent	117	117	117	0
11.5	Other personnel compensation	445	445	445	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	17,965	18,006	18,157	192
12.1	Civilian personnel benefits	5,302	5,315	5,349	47
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	721	721	721	0
22.0	Transportation of things	196	196	196	0
23.1	Rental payments to GSA	114	114	116	2
23.2	Rental payments to others	2	2	2	0
23.3	Communications, utilities, and miscellaneous charges	557	557	557	0
24.0	Printing and reproduction	17	17	17	0
25.1	Advisory and assistance services	15	15	15	0
25.2	Other services from non-Federal sources	393	393	393	0
25.3	Other goods and services from Federal sources 1/	3,995	4,098	4,104	109
25.4	Operation and maintenance of facilities	824	824	824	0
25.5	Research and development contracts	15	15	15	0
25.7	Operation and maintenance of equipment	394	394	411	17
26.0	Supplies and materials	505	505	527	22
31.0	Equipment	2,598	2,647	2,709	111
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	33,613	33,819	34,113	500
1/Other goods and services from Federal sources					
	Working Capital Fund	2,013	1,953	2,052	39
	DHS Services	3	4	8	5
	HHS Services	1,729	2,117	1,774	45
	Services by Other Government Departments	250	24	270	20

TECHNICAL SUPPORT

CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$192
Personnel benefits	47
One day more of pay	0
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	2
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	39
Other Federal sources (DHS Charges)	5
Other goods and services from Federal sources	65
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	17
Supplies and materials	22
Equipment	111
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

Built-Ins Subtotal **\$500**

Net Program **\$0**

Direct FTE **0**

Estimate **FTE**

Base **\$34,113** **204**

NOTE: Base reflects actual FY 2012 FTE.

PROGRAM EVALUATION AND INFORMATION RESOURCES

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	18,157	18,268	20,268	2,111
FTE	63	63	63	0

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 62.

Introduction

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

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 IT resources, including the agency’s website, support the 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.

PEIR supports the Open Government initiative by publishing comprehensive data regarding safety and health records of the nation’s mines. The data sets contain MSHA’s data from calendar year 2000 to the present regarding mine locations, accidents, injuries, production, violations and inspections.

PEIR manages MSHA’s Enterprise Architecture (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 the EA 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.

Among its other responsibilities, PEIR also: (1) serves as liaison between MSHA and the Office of the Inspector General (OIG) and the Government Accountability Office (GAO); (2) ensures transparency across MSHA by providing relevant information to the public; (3) 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; (4) continues development of a single integrated database application system for managing and utilizing MSHA data in a web-based environment through accelerated IT modernization; (5) improves the performance and reliability of MSHA’s wide area network; (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

PROGRAM EVALUATION AND INFORMATION RESOURCES

achieves cost-effective security; and (8) ensures risks are mitigated and contingency plans are in place and up-to-date.

PEIR supports the vision of *Good Jobs for Everyone* and budget themes: *Enhancing worker safety and Fostering compliance through worker education and worker voice* through the following:

- Strategic Goal 2: Ensure workplaces are safe and healthy.
 - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
 - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the Nation’s miners.
- Strategic Goal 3: Assure fair and high quality work-life environments.
 - Outcome Goal 3.3: Ensure worker voice in the workplace.
 - Performance Goal MSHA 3.3: Improve the timeliness of discrimination complaint investigations.
- DOL Priority Goal: Reduce the mining fatality rate by 5 percent per year based on a rolling five-year average.

In FY 2014, PEIR will support efforts to enhance worker safety and foster compliance through worker education and worker voice through the following strategies:

- Increase Inspection and Enforcement Effectiveness
- Promote Adoption of Prevention-focused Health and Safety Management Programs by Mine Operators
- Improve Mine Emergency Response Preparedness
- Increase Efforts to Protect Miners from Discrimination

PEIR’s efforts will improve safety and health conditions in the mining workplace in support of MSHA’s priorities:

- Ensure Workplaces in the Mining Industry are Safe and Healthy
- Strengthen Regulatory Efforts
- Ensure Mining Industry Workers Have a Voice in the Workplace
- Modernize Training
- Reduce the Backlog of Contested Cases before the Federal Mine Safety and Health Review Commission

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$16,514	75
2010	\$16,857	75
2011	\$18,173	61
2012	\$18,157	62
2013	\$18,268	63

PROGRAM EVALUATION AND INFORMATION RESOURCES

FY 2014

MSHA requests \$20,268,000 and 63 FTE for the PEIR budget activity. This includes a decrease of \$261,000 for information technology services PEIR provides to MSHA employees due to an overall FTE decrease in 2014. The request also includes an increase for the following:

- Enforcement Application Enhancements (\$1,072,000 and 0 FTE) to address IR recommendations and improve MSHA's IT systems through the following:
 - Integrating the collection and analysis of rock dust samples into MSHA's enterprise system. This will allow MSHA to more effectively enforce the statutory provision to maintain proper incombustible content of rock and coal dust to prevent propagation of an explosion. This upgrade will allow a faster turnaround of rock dust sample results to inspectors which would affect MSHA's ability to identify unsafe mine conditions and unnecessarily puts miner's lives at risk.
 - Allowing inspectors more time at the mine site by limiting their administrative time inputting information into the data entry forms. The data entry forms would be prefilled with available information such as Mine Identification Number, Mine Name, Operator Name, etc.
 - Automating the entire workflow for the review and evaluation of potentially flagrant violations and increase processing of violators identified from 50 to 80 percent. This is primarily a manual process for the mine inspectors to identify a possible flagrant violation (two or more related incidences).

PEIR will continue its efforts to improve MSHA's directives system and address the shortcomings identified by the IR.

PEIR will promote mine operator adoption of prevention-focused health and safety management programs and strengthen regulatory efforts through participation with the rulemaking committees to implement changes to the respirable dust systems to process Continuous Personal Dust Monitor data. PEIR will also publish best practices for improved methods for controlling exposures to respirable coal mine dust, silica, and noise on the MSHA website.

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committee in a separate communication.

PROGRAM EVALUATION AND INFORMATION RESOURCES

FY 2012

PEIR advanced MSHA's mission by operating and managing the Agency's transmission of information infrastructure, including a Wide Area Network (WAN) supporting 99 field locations and 3 data centers. PEIR operated and maintained MSHA's major application systems; supported and maintained the Agency's online electronic government filing application; developed new software systems for the Agency's evolving technology needs; and provided technology training for the Agency's computer user community.

PEIR continued to develop and implement software to support MSHA's efforts to protect the health of the nation's miners by eliminating "Black Lung" by reengineering health samples and 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.

PEIR continued to support MSHA's Operating Plan by providing information technology solutions to improve Mine Emergency Response Preparedness. PEIR designed and implemented a secure wireless mesh that will allow safe communications from the Mine Emergency Operations command vehicle to other locations at the mine site.

PEIR completed its Telepresence project by adding 10 additional video teleconference sites for a total of 20 throughout the United States.

PROGRAM EVALUATION AND INFORMATION RESOURCES

DETAILED WORKLOAD AND PERFORMANCE					
	FY 2012 Revised Enacted		FY 2013 Full Year C.R.	FY 2014 Request	
	Target	Result	Target	Target	
Program Evaluation and Information Resources					
Strategic Goal 2 - Ensure workplaces are safe and healthy.					
Outcome Goal 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries.					
MSHA- PEIR-01	Number of data sets deployed to data.gov	--	--	2	2

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

PROGRAM EVALUATION AND INFORMATION RESOURCES

In FY 2014, PEIR will accomplish the following:

- PEIR will continue to support the Data.gov initiative. The program will deploy two additional data sets. These data sets provide information to the public and industry ultimately improving mine safety and health.

PROGRAM EVALUATION AND INFORMATION RESOURCES

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	6,155	6,170	6,455	300
11.3	Other than full-time permanent	10	10	10	0
11.5	Other personnel compensation	159	159	159	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	6,324	6,339	6,624	300
12.1	Civilian personnel benefits	1,805	1,809	1,901	96
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	105	105	105	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	654	654	664	10
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	50	50	50	0
24.0	Printing and reproduction	8	8	8	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	192	192	192	0
25.3	Other goods and services from Federal sources 1/	600	661	633	33
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	6,086	6,240	7,316	1,230
26.0	Supplies and materials	198	44	46	-152
31.0	Equipment	2,130	2,161	2,724	594
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	5	5	5	0
	Total	18,157	18,268	20,268	2,111
1/Other goods and services from Federal sources					
	Working Capital Fund	600	590	623	23
	DHS Services	0	27	5	5
	HHS Services	0	44	5	5

PROGRAM EVALUATION AND INFORMATION RESOURCES

CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$300
Personnel benefits	96
One day more of pay	0
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	10
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	23
Other Federal sources (DHS Charges)	5
Other goods and services from Federal sources	5
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	668
Supplies and materials	2
Equipment	191
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$1,300**

Net Program **\$811**

Direct FTE **0**

	Estimate	FTE
Base	\$19,457	63
Program Increase	\$1,117	0
Program Decrease	-\$306	0

NOTE: Base reflects actual FY 2012 FTE.

PROGRAM ADMINISTRATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY 14 Request / FY 12 Rev. Enacted
Activity Appropriation	17,768	17,877	21,392	3,624
FTE	93	93	84	-9

NOTE: FY 2012 reflects actual FTE. Authorized FTE for FY 2012 was 92.

Introduction

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

PA directly supports MSHA's priorities and budget themes: *Enhancing worker safety and Fostering compliance through worker education and worker voice* through the following efforts:

- Strategic Goal 2: Ensure workplaces are safe and healthy.
 - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
 - Performance Goal MSHA 2.1: Prevent death, disease, and injury from mining and promote safe and healthful workplaces for the Nation's miners.
- Strategic Goal 3: Assure fair and high quality work-life environments.
 - Outcome Goal 3.3: Ensure worker voice in the workplace.
 - Performance Goal MSHA 3.3: Improve the timeliness of discrimination complaint investigations.
- DOL Priority Goal: Reduce the mining fatality rate by 5 percent per year based on a rolling five-year average.

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. Support services include personnel management, financial management, procurement and contracting, employee training, safety, health, and diversity programs for MSHA employees. PA supports and strengthens all of MSHA's program activities by providing leadership, policy direction, and administrative support services; enabling the agency to meet or exceed annual safety and health performance goals and objectives.

PROGRAM ADMINISTRATION

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2009	\$15,684	86
2010	\$17,391	86
2011	\$15,906	94
2012	\$16,998	92
2013	\$17,877	93

FY 2014

MSHA requests \$21,392,000 and 84 FTE for the PA activity.

This request includes an increase of \$4,500,000 to support the Headquarters and Office of the Solicitor (SOL) office move. The current lease on the building in which these two agencies are co-located expires in April 2015; funding is necessary in FY 2014 for tenant improvement build-out and IT requirements such as network cabling and equipment. The new lease will reduce leased space costs, centralize and streamline operations, and maximize space utilization. The request also includes decreases of \$650,000 for completion of Conference Litigation Representative (CLR) training, \$494,000 for completion of a one-time expenditure in support of Crandall Canyon litigation, and a reduction of nine FTE for administrative efficiencies.

PA will continue to implement its comprehensive human capital plan with the aim of significantly reducing mission-critical skill gaps.

PA will support DOL's Priority Goal, as well as Departmental Strategic and Outcome Goals, while promoting a safe and healthful work environment for MSHA employees.

In FY 2014, PA will support MSHA's program activities to improve safety and health conditions in the mining workplace.

FY 2013

Figures shown for FY 2013 reflect the annualized Continuing Resolution (P.L. 112-175) as a full-year appropriation, which had not been replaced or amended at the time the budget was produced. In addition, these numbers do not reflect the impact of sequestration. The operating plans for Department of Labor programs for FY 2013 including sequestration are being provided to the Committees in a separate communication.

FY 2012

PA provided leadership and administration management to support MSHA's FY 2012 Operating Plan, Departmental Strategic Goals and Outcome Goals.

PROGRAM ADMINISTRATION

In FY 2012, Program Administration received an additional \$3,200,000 above the President's Request for continued progress on the elimination of mine safety and health appeals backlog at the Federal Mine Safety and Health Review Commission (FMSHRC). The Department transferred \$770,000 of this increase from MSHA to SOL to hire additional attorneys, on a term basis, which enabled SOL to accept additional cases from MSHA's CLR's. Additionally, MSHA reallocated \$1,000,000 to CSMH and MNMSH (\$600,000 and \$400,000 respectively) to support the backlog reduction initiative. This funding provided additional CLR's and backlog managers who directly supported FMSHRC-related activities.

MSHA also provided funding for Crandall Canyon litigation and a case processing training module for CLR's to strengthen their ability to resolve cases efficiently and effectively. The training included matters such as proper handling of contested citations, simplified FMSHRC proceedings, negotiations, settlement documentation, and sessions on improving case management workflow.

PROGRAM ADMINISTRATION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2012 Revised Enacted	FY 2013 Full Year C.R.	FY 2014 Request	Diff. FY14 Request / FY 12 Rev. Enacted
11.1	Full-time permanent	9,171	9,193	9,269	98
11.3	Other than full-time permanent	112	112	112	0
11.5	Other personnel compensation	190	190	190	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	9,473	9,495	9,571	98
12.1	Civilian personnel benefits	2,511	2,416	2,533	22
13.0	Benefits for former personnel	3	3	3	0
21.0	Travel and transportation of persons	213	213	113	-100
22.0	Transportation of things	3	3	3	0
23.1	Rental payments to GSA	839	839	852	13
23.2	Rental payments to others	6	6	6	0
23.3	Communications, utilities, and miscellaneous charges	233	233	233	0
24.0	Printing and reproduction	13	13	13	0
25.1	Advisory and assistance services	44	44	44	0
25.2	Other services from non-Federal sources	1,551	781	2,101	550
25.3	Other goods and services from Federal sources 1/	1,502	1,502	1,578	76
25.4	Operation and maintenance of facilities	2	2	2	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	438	1,225	2,063	1,625
26.0	Supplies and materials	204	204	213	9
31.0	Equipment	733	898	2,064	1,331
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	17,768	17,877	21,392	3,624
1/Other goods and services from Federal sources					
	Working Capital Fund	1,421	1,373	1,447	26
	DHS Services	25	35	35	10
	HHS Services	1	4	11	10
	Services by Other Government Departments	55	90	85	30

PROGRAM ADMINISTRATION

CHANGES IN FY 2014

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$98
Personnel benefits	22
One day more of pay	0
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	13
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	26
Other Federal sources (DHS Charges)	10
Other goods and services from Federal sources	40
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	19
Supplies and materials	9
Equipment	31
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$268**

Net Program **\$3,356**

Direct FTE **-9**

	Estimate	FTE
Base	\$18,036	93
Program Increase	\$4,500	0
Program Decrease	-\$1,144	-9

NOTE: Base reflects actual FY 2012 FTE.