

FY 2015

CONGRESSIONAL BUDGET JUSTIFICATION

MINE SAFETY AND HEALTH ADMINISTRATION

MINE SAFETY AND HEALTH ADMINISTRATION

TABLE OF CONTENTS

Appropriation Language	1
Explanation of Language Change	3
Analysis of Appropriation Language	4
Amounts Available for Obligation.....	5
Summary of Changes	6
Summary Budget Authority and FTE by Activity	8
Budget Authority by Object Class	10
Significant Items in Appropriation Committees' Reports	11
Authorizing Statutes.....	13
Appropriation History	14
Overview	15
Organization Chart.....	21
Budget Activities	23
Coal Mine Safety and Health	23
Metal and NonMetal Mine Safety and Health	37
Office of Standards, Regulations, and Variances	49
Office of Assessments, Accountability, Special Enforcement and Investigations	59
Educational Policy and Development	69
Technical Support	79
Program Evaluation and Information Resources	91
Program Administration.....	101

MINE SAFETY AND HEALTH ADMINISTRATION

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, [\$375,887,000] \$377,234,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities [and not less than \$8,441,000 for state assistance grants; in addition]: *Provided, That notwithstanding 31 U.S.C. 3302, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities [, notwithstanding 31 U.S.C. 3302; and,]: Provided further, [in addition,] That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration [may retain] is authorized to collect and retain up to \$2,499,000 [in this fiscal year and each fiscal year thereafter] from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities[;]: Provided further, That notwithstanding 31 U.S.C. 3302, 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: Provided further, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in co-operation with other agencies, Federal, State, or private[;]: Provided further, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations[;]: Provided further, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization[; and]: Provided further, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: [Provided, That the Secretary 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]Provided further, That the Secretary may reallocate among the*

MINE SAFETY AND HEALTH ADMINISTRATION

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. (Department of Labor Appropriations Act, 2014.)

MINE SAFETY AND HEALTH ADMINISTRATION

EXPLANATION OF LANGUAGE CHANGES

DELETED: "...and not less than \$8,441,000 for state assistance grants; in addition"

Moving from a state grants based model to a new training model provides MSHA the flexibility to be more engaged in how training is developed and delivered in accordance with requirements of the Mine Act.

"...Provided further, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to \$2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities"

This language clarifies MSHA's authority to collect and retain these fees. While the FY 2014 enacted language gives MSHA the authority to retain these fees indefinitely, this language pairs the collection and retention as appropriations authority.

"... 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 collect 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.

DELETED: "...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."

The additional funding was needed in FY 2014 for information technology and tenant improvement build-out costs.

"Provided further, That 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.

MINE SAFETY AND HEALTH ADMINISTRATION

ANALYSIS OF APPROPRIATION LANGUAGE

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

This authority has been included in the appropriations 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.

MINE SAFETY AND HEALTH ADMINISTRATION

AMOUNTS AVAILABLE FOR OBLIGATION						
(Dollars in Thousands)						
	FY 2013 Enacted		FY 2014 Enacted		FY 2015 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	2,388	\$373,293	2,366	\$375,887	2,390	\$377,234
Reduction Pursuant to P.L. 113-6 for FY 2013	0	-\$746	0	\$0	0	\$0
Reduction Pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985	0	-\$18,779	0	\$0	0	\$0
<i>Subtotal Appropriation</i>	2,388	\$353,768	2,366	\$375,887	2,390	\$377,234
Offsetting Collections From:						
Reimbursements	0	\$2,249	0	\$3,249	0	\$3,249
Reduction Pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985	0	-\$75	0	\$0	0	\$0
B. Gross Budget Authority	2,388	\$355,942	2,366	\$379,136	2,390	\$380,483
Offsetting Collections to: Reimbursements	0	-\$2,174	0	-\$3,249	0	-\$3,249
C. Budget Authority Before Committee	2,388	\$353,768	2,366	\$375,887	2,390	\$377,234
Offsetting Collections From: Reimbursements	0	\$1,336	0	\$3,249	0	\$3,249
D. Total Budgetary Resources	2,388	\$355,104	2,366	\$379,136	2,390	\$380,483
Unobligated Balance Expiring	-14	-\$436	0	\$0	0	\$0
E. Total, Estimated Obligations	2,374	\$354,668	2,366	\$379,136	2,390	\$380,483

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2014 Enacted	FY 2015 Request	Net Change
Budget Authority			
General Funds	\$375,887	\$377,234	+\$1,347
Total	\$375,887	\$377,234	+\$1,347
Full Time Equivalents			
General Funds	2,366	2,390	24
Total	2,366	2,390	24

Explanation of Change	FY 2014 Base		FY 2015 Change					
	FTE	Amount	Trust Funds		General Funds		Total	
			FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	2,366	\$187,041	0	\$0	0	\$2,740	0	\$2,740
Personnel benefits	0	\$59,801	0	\$0	0	\$960	0	\$960
Federal Employees' Compensation Act (FECA)	0	\$0	0	\$0	0	\$0	0	\$0
Benefits for former personnel	0	\$3	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$12,488	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$7,043	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$0	0	\$0	0	\$0	0	\$0
Rental payments to others	0	\$165	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$4,685	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$552	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$286	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$8,690	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$24,855	0	\$0	0	\$89	0	\$89
Other Federal sources (DHS Charges)	0	\$714	0	\$0	0	\$9	0	\$9
Other goods and services from Federal sources	0	\$5,107	0	\$0	0	\$1,672	0	\$1,672
Research & Development Contracts	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$1,081	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$12,638	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$4,228	0	\$0	0	\$0	0	\$0
Equipment	0	\$10,771	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$9,441	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$196	0	\$0	0	\$0	0	\$0
Land and Structures	0	\$0	0	\$0	0	\$0	0	\$0

MINE SAFETY AND HEALTH ADMINISTRATION

Explanation of Change	FY 2014 Base		FY 2015 Change					
	FTE	Amount	Trust Funds		General Funds		Total	
			FTE	Amount	FTE	Amount	FTE	Amount
Built-Ins Subtotal	2,366	+\$349,785	0	\$0	0	+\$5,470	0	+\$5,470
B. Programs:								
Transition from State Grants to A New Training Model Enforcement Application Improvements	154	\$27,123	0	\$0	18	\$2,800	18	\$2,800
UBB Internal Review Recommendations	72	\$18,093	0	\$0	0	\$1,500	0	\$1,500
Regulatory Staff and Contractors	57	\$7,043	0	\$0	6	\$1,000	6	\$1,000
	27	\$5,470	0	\$0	0	\$600	0	\$600
Programs Subtotal			0	\$0	24	+\$5,900	24	+\$5,900
Total Increase	2,366	+\$349,785	0	\$0	24	+\$11,370	24	+\$11,370
Decreases:								
A. Built-Ins:								
To Provide For:								
Federal Employees' Compensation Act (FECA)	0	\$7,835	0	\$0	0	-\$1,140	0	-\$1,140
Rental payments to GSA	0	\$18,267	0	\$0	0	-\$442	0	-\$442
Built-Ins Subtotal	0	+\$26,102	0	\$0	0	-\$1,582	0	-\$1,582
B. Programs:								
Decrease State Grants	0	\$8,441	0	\$0	0	-\$8,441	0	-\$8,441
Programs Subtotal			0	\$0	0	-\$8,441	0	-\$8,441
Total Decrease	0	+\$26,102	0	\$0	0	-\$10,023	0	-\$10,023
Total Change	2,366	+\$375,887	0	\$0	24	+\$1,347	24	+\$1,347

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2013 Enacted		FY 2014 Enacted		FY 2015 Request		Diff. FY15 Request / FY14 Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Coal Mine Safety and Health	1,189	158,713	1,171	167,859	1,171	169,693	0	1,834
General Funds	1,189	158,713	1,171	167,859	1,171	169,693	0	1,834
Metal and Nonmetal Mine Safety and Health	587	86,121	580	91,697	580	92,634	0	937
General Funds	587	86,121	580	91,697	580	92,634	0	937
Office of Standards, Regulations, and Variances	26	4,547	27	5,416	27	6,070	0	654
General Funds	26	4,547	27	5,416	27	6,070	0	654
Office of Assessments, Accountability, Special Enforcement and Investigations	54	7,036	57	6,976	63	8,043	6	1,067
General Funds	54	7,036	57	6,976	63	8,043	6	1,067
Educational Policy and Development	150	31,898	154	36,320	172	30,923	18	-5,397
General Funds	150	31,898	154	36,320	172	30,923	18	-5,397
Technical Support	210	32,050	214	33,791	214	34,252	0	461
General Funds	210	32,050	214	33,791	214	34,252	0	461
Program Evaluation and Information Resources	65	17,429	72	17,990	72	19,593	0	1,603
General Funds	65	17,429	72	17,990	72	19,593	0	1,603
Program Administration	93	15,974	91	15,838	91	16,026	0	188

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY

(Dollars in Thousands)

	FY 2013 Enacted		FY 2014 Enacted		FY 2015 Request		Diff. FY15 Request / FY14 Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
General Funds	93	15,974	91	15,838	91	16,026	0	188
Total	2,374	353,768	2,366	375,887	2,390	377,234	24	1,347
General Funds	2,374	353,768	2,366	375,887	2,390	377,234	24	1,347

NOTE: FY 2013 reflects actual FTE.

MINE SAFETY AND HEALTH ADMINISTRATION

BUDGET AUTHORITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
	Full-Time Equivalent				
	Full-time Permanent	2,375	2,353	2,377	24
	Other	13	13	13	0
	Total	2,388	2,366	2,390	24
	Average ES Salary	\$170,479	\$171,327	\$174,754	\$3,427
	Average GM/GS Grade	11/2	11/2	11/2	0
	Average GM/GS Salary	\$77,748	\$78,135	\$79,698	\$1,563
	Average Salary of Ungraded Positions	52,064	52,323	53,369	1,046
11.1	Full-time permanent	182,470	182,585	187,930	5,345
11.3	Other than full-time permanent	2,008	317	338	21
11.5	Other personnel compensation	3,806	4,139	4,161	22
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	188,284	187,041	192,429	5,388
12.1	Civilian personnel benefits	67,320	67,636	68,234	598
13.0	Benefits for former personnel	60	3	3	0
21.0	Travel and transportation of persons	12,350	12,488	12,755	267
22.0	Transportation of things	6,817	7,043	7,043	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	18,216	18,267	17,986	-281
23.2	Rental payments to others	114	165	165	0
23.3	Communications, utilities, and miscellaneous charges	4,413	4,685	4,695	10
24.0	Printing and reproduction	394	552	608	56
25.1	Advisory and assistance services	111	286	286	0
25.2	Other services from non-Federal sources	6,523	8,690	8,690	0
25.3	Other goods and services from Federal sources 1/	25,245	30,676	32,446	1,770
25.4	Operation and maintenance of facilities	1,118	1,081	1,081	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	10,126	12,638	14,390	1,752
26.0	Supplies and materials	4,267	4,228	4,250	22
31.0	Equipment	4,747	10,771	10,977	206
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	3,541	9,441	1,000	-8,441
42.0	Insurance claims and indemnities	122	196	196	0
	Total	353,768	375,887	377,234	1,347
	1/Other goods and services from Federal sources				
	Working Capital Fund	20,981	24,855	24,944	89
	DHS Services	669	714	723	9
	HHS Services	2,932	2,726	2,766	40
	Services by Other Government Departments	663	2,381	4,013	1,632

MINE SAFETY AND HEALTH ADMINISTRATION

SIGNIFICANT ITEMS IN APPROPRIATION COMMITTEES' REPORTS

Explanatory Statement: In order to prepare properly for an actual emergency, The Committee also directs MSHA to continue to devote resources toward a competitive grant activity for effective emergency response and recovery training in various types of mine conditions.

Response: In FY 2014, MSHA increased funding for the Brookwood-Sago grants from \$550,000 to \$1,000,000. MSHA will ensure that grantees continue to develop and implement education and training programs to better identify, avoid, or prevent unsafe working conditions in and around mines. The grantees create and implement training and training materials for mine emergency preparedness and response for all types of underground mines.

Explanatory Statement: Coal production within the United States has shifted across regions. Unfortunately, mine inspectors are not always distributed in a manner that keeps pace with existing mining activity needs. Certain areas of the country in which mines have closed may have the same number of inspectors that existed when all mines were operational, while some areas opening new mining operations may not have appropriate coverage. MSHA should do a better job in allocating mining inspectors in proportion to the actual mining activity and need occurring in various regions. While MSHA has taken initial steps to address this discrepancy, in part to address a coming retirement wave of inspectors, MSHA is directed to accelerate these efforts to better align enforcement resources with current mining activity and workload demand across regions.

Response: MSHA will accelerate its efforts to realign resources to meet the demands of mining activities in all regions. This will be accomplished through various means. MSHA will not replace employees who vacate inspector positions where mining activity has declined, but will shift those positions to those regions of the country that are experiencing an increase in mining activity. Additionally, MSHA will solicit requests for voluntary transfers from the affected regions. As a last resort, MSHA will consider direct reassignments as a means to better allocate its resources.

Explanatory Statement: The Government Accountability Office (GAO) is currently conducting a study to examine existing technological options for reducing coal mine dust and the costs, advantages and disadvantages of various methods for reducing the concentration of dust in coal mines. The MSHA is directed to provide to GAO any information or assistance requested in connection with this study. In addition, MSHA should take any pertinent information from GAO into account in developing the rule now under consideration regarding lowering miners' exposure to coal dust, to the extent that GAO completes its work before the rule is finalized. In any event, MSHA should take into consideration all relevant information and conclusions from the GAO study when addressing compliance assistance, training, or post-implementation needs in connection with any such rule. The MSHA is further directed to consider the feasibility of all available technologies and work practices that would allow mine operators to comply

MINE SAFETY AND HEALTH ADMINISTRATION

with the rule in a manner that is not economically prohibitive for the long-term viability of the affected mines, while reducing miners' exposure to respirable mine dust.

Response: MSHA will take into consideration all relevant information and conclusions from the GAO study examining existing technological options for reducing respirable coal mine dust, and the costs, advantages and disadvantages of various methods for reducing miners' exposure to respirable coal mine dust, to the extent that GAO completes its work before MSHA publishes its final rule. MSHA will also take into consideration all relevant information and conclusions from the GAO study when addressing compliance assistance, training, or post-implementation needs in connection with the final rule.

Explanatory Statement: The Committee directs the Secretary, in conjunction with FMSHRC, to provide a joint report to the Committees on Appropriations of the House of Representatives and the Senate for reducing the number of pending cases and average case processing time to appropriate levels by the end of fiscal year 2015. The report should fully explain how such levels were determined. It also should establish goals and metrics for determining when the levels will be achieved and how they will be maintained in the future.

Response: MSHA is working with the Office of the Solicitor and FMSHRC to address the issues raised by the Committees and develop a joint report.

MINE SAFETY AND HEALTH ADMINISTRATION

AUTHORIZING STATUTES

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

MINE SAFETY AND HEALTH ADMINISTRATION

APPROPRIATION HISTORY					
(Dollars in Thousands)					
	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
2005					
Base Appropriation...1/	\$275,567	\$275,567	\$280,002	\$279,136	2,187
2006					
Base Appropriation...2/	\$280,490	\$280,490	\$280,490	\$277,687	2,136
2007					
Base Appropriation	\$287,836	\$278,869	\$302,436	\$301,569	2,314
2008					
Base Appropriation...3/	\$313,478	\$313,478	\$340,028	\$333,925	2,306
2009					
Base Appropriation...4/	\$332,061	\$0	\$346,895	\$347,003	2,361
2010					
Base Appropriation...5/	\$353,693	\$353,193	\$357,443	\$357,293	2,425
2011					
Base Appropriation...6/	\$360,780	\$0	\$377,000	\$361,844	2,328
2012					
Base Appropriation...7/	\$384,277	\$379,854	\$384,277	\$372,524	2,365
2013					
Base Appropriation...8/	\$371,896	\$0	\$0	\$353,768	2,388
2014					
Base Appropriation...9/	\$380,721	\$0	\$0	\$375,887	2,366
2015					
Base Appropriation	\$377,234	\$0	\$0	\$0	0

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

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

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

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

5/ 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.

6/ 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.

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

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

9/ The Appropriations amount should reflect the amounts passed as part of P.L. 113-76, which did not include any rescissions.

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 Secretary's vision of *Promoting and Protecting Opportunity* through the following goals:

- Strategic Goal 2: Improve workplace safety and health.
 - Strategic Objective 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: Promote fair and high-quality work environments.
 - Strategic Objective 3.2: Protect workers' rights.
 - Performance Goal MSHA 3.2: Protect miners from discrimination.
- Department of Labor (DOL) Priority Goal: Reduce worker fatality rates in mining by five percent per year based on a rolling five-year average.

MSHA's data show that mine safety has been on a steady path of improvement since MSHA began implementing reforms in 2010, including a reduction in the number of chronic violators and better compliance with mine safety and health standards. Most importantly, during this period, the industry achieved the lowest fatality and injury rates in the history of mining in CY 2011 and again in CY 2012; that trend continued through FY 2013.

MSHA's actions that began in late 2009 and 2010 continued to show improvements in FY 2013. Those include: the "End Black Lung" campaign to end the dreaded coal workers' lung disease that continues to afflict miners; the Rules To Live By initiative aimed at preventing the most common mining deaths; the impact inspection program targeting troubled mines; the revamped Pattern of Violations (POV) enforcement actions aimed at chronic violators; efforts to enhance worker voice protections; improved training of miners and MSHA personnel; stakeholder outreach initiatives; agency enforcement consistency efforts; actions to reduce the backlog of contested citations before the Federal Mine Safety and Health Review Commission (FMSHRC); and improved mine emergency response. Some of the organizational changes MSHA implemented include: splitting Coal Mine Safety and Health (CMSH) District 4; upgrading the Mt. Hope laboratory and transitioning its oversight from CMSH to the Technical Support program; reorganizing the Office of Assessments to better support MSHA's special enforcement programs; and developing and implementing a centralized directive system to provide better oversight of the agency's directives and policy guidance and ensure their consistency.

Evidence shows that these strategic and focused actions, coupled with the extensive reorganization of MSHA and improvements by the mining industry, have resulted in positive

MINE SAFETY AND HEALTH ADMINISTRATION

changes in mine safety as confirmed by 2013 data. Overall, mine industry compliance has improved as citations and orders issued by MSHA continued to drop from 2010 levels. Violations decreased 16 percent from FY 2012 to FY 2013, adding to the 16 percent reduction in violations cited from FY 2010 to FY 2012.

As a result of MSHA's actions and those of the entire mining community, MSHA is continuing the trend from 2010 with the safest years in mining history in CY 2011, CY 2012, and FY 2013. These years had the lowest fatality rates, injury rates, and number of mining deaths.

Better Enforcement

MSHA recently completed extensive changes to improve mine safety and health for the nation's miners and how we do business at the agency. That work came about through addressing the 100 internal review recommendations resulting from MSHA's review of its actions prior to the April 5, 2010 Upper Big Branch (UBB) mine disaster. The internal review report was issued on March 6, 2012, and MSHA set aggressive timetables for responding to these recommendations. MSHA addressed those actions by the end of 2013, the stated deadline for completion.

The UBB review was one of the most comprehensive internal reviews conducted in MSHA history. In order to address the recommendations of the internal review, MSHA completed over 40 policy directives, including the extensive revision of the Coal Mine Safety and Health and Metal and Nonmetal General Inspection Procedures Handbooks and the development of a new Coal Roof Control Handbook. The agency conducted more than 20 training sessions for MSHA personnel on issues raised in the internal review and created and implemented a centralized system to establish better oversight of all agency directives and policy guidance to ensure their consistency.

In FY 2013, MSHA also developed and implemented new inspection procedures for rockdusting in underground coal mines to prevent coal dust explosions. In addition, MSHA made many technological changes that MSHA believes will improve the agency's ability to do its job more efficiently.

MSHA did not wait for the internal review to publish its findings and recommendations before putting in place a number of administrative, organizational and regulatory reforms to respond to the tragedy. Some reforms were in progress before the tragedy occurred and many began immediately following the tragedy.

Those included implementation of special emphasis enforcement programs, such as impact inspections and revised POV actions, and the publication of a number of program bulletins to the industry concerning ventilation, the prohibition against advance notice, hazardous condition complaints and the right to request inspections, miners' rights and the accumulation of combustible materials and rock dust.

MSHA also split Coal District 4 into two districts and upgraded the Mt. Hope Laboratory. In addition, MSHA reorganized the Office of Assessments to better support MSHA's special

MINE SAFETY AND HEALTH ADMINISTRATION

enforcement programs, such as impact inspections, POV and scofflaws; investigation programs including miners' rights and Section 110 investigations; and the enforcement auditing program.

The agency also engaged in targeted rulemaking, publishing an emergency temporary standard on the Maintenance of Incombustible Content of Rock Dust, which became a final rule in 2011; a 2012 final examination rule that requires operators of underground coal mines to conduct more thorough examinations to find and fix commonly cited hazardous conditions; and a 2013 final POV rule that reflects the original intent of Congress to rein in chronic violators. The new POV rule removes impediments to enforcement actions against operators that exhibit disregard for the health and safety of miners. The monitoring MSHA did under the old rule's Potential POV process is now the responsibility of operators, who must inspect and monitor compliance at their own mines and make corrective actions before a mine meets the POV screening criteria.

MSHA is continuing to use improved practices begun after the UBB disaster to address noncompliance. MSHA's Impact Inspection program, which targets mines with specific compliance problems, is an important 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, through December 2013, MSHA has conducted 700 impact inspections and issued 11,562 citations, 1,076 orders and 49 safeguards. A review of mines that received impact inspections between September 2010 and September 2013 that have had at least one follow-up inspection shows that overall compliance is improving at these mines. As of December 31, 2013, the following impact on compliance at those mines shows:

- Violations per inspection hour decreased 19 percent;
- Significant and substantial (S&S) violation rates decreased 26 percent; and
- Rates of Section 104(d) unwarrantable violations for operators' failure to comply with mandatory safety and health standards decreased 52 percent.
- The lost time injury rate has decreased 13 percent compared to the 12 months prior to each mine's first impact inspection.

Evidence from the POV process shows similar compliance improvement by operators. 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 potential POV notices, showing a significant reduction of mines meeting the screening criteria. In 2013, nine mines – the fewest number since the 2010 revisions - were identified in a Potential Pattern of Violations or Pattern of Violations screening. This is an 83 percent reduction since screening

MINE SAFETY AND HEALTH ADMINISTRATION

began in 2010. Not only are fewer mines being identified, but compliance with health and safety conditions by mines previously identified has improved:

- Total violation rate among the mines decreased by 37 percent;
- Total S&S rate decreased by 59 percent;
- Rate of unwarrantable failure violations decreased by 78 percent; and
- The lost time injury rate dropped by 44 percent.

In FY 2013, MSHA launched a new online tool for the mining industry which enables mine operators who implement a corrective action to determine if their mine is successfully reducing its significant and substantial (S&S) violations. The S&S Rate Calculator is an enhancement to the two-year-old Pattern of Violations Monitoring Tool that allows mine operators, miners, and stakeholders to measure a mine's performance against MSHA's specific screening criteria for violations.

MSHA has also taken a number of actions to give miners a better voice in the workplace on their own safety and health. In addition to swiftly responding to safety and health complaints by miners, MSHA, working with the Department of Labor, filed more 105 (c) discrimination complaints during fiscal year and calendar year 2013 on behalf of miners than any time in history, and sought the second highest number of temporary reinstatements of miners to their jobs in 2013. In FY 2013, MSHA developed and issued a Miners' Representative Guide designed to further improve and educate stakeholders in understanding the roles, rights, and responsibilities of miners' representatives. This Guide is a supplement to the Guide to Miners' Rights and Responsibilities.

Working Smarter

MSHA is working smarter, not just harder. The agency is focusing on common causes of injuries to miners; developing ways to better understand what injuries and illnesses are occurring and where in the country they are occurring; and developing working relationships with stakeholders to understand needs and develop guidance and outreach to assist.

- "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.
- Streamlining regulations and processes: A key aspect of improving safety through outreach has been MSHA's efforts to improve compliance by clarifying its standards. A prime example of improvement is the machine guarding standard in metal and nonmetal mines. After clarifying its standard, guarding violations issued at metal and nonmetal mines in FY 2013 are down by almost 40 percent from 2010 levels. MSHA experienced

MINE SAFETY AND HEALTH ADMINISTRATION

two fatalities as a result of guarding violations from 2008 - 2013, as compared to nine from 2002 - 2007. MSHA implemented similar clarifications on fall protection, relying on the Occupational Safety and Health Agency (OSHA) standards, and has seen compliance improve by 25 percent from FY 2012 to FY 2013. MSHA also recently clarified hazard communication standards by relying on the OSHA standard.

- Improving data collection to better understand what diseases and injuries miners are experiencing and where by working with the public health community and stakeholders with the goal of improving enforcement and regulatory strategies. In FY 2013, MSHA established an occupational health working group that will provide support on issues across program areas.
- Developing a national mine emergency response structure. In FY 2013, MSHA assisted the Holmes Safety Association in the creation of the Holmes Mine Rescue Association (HMRA). The HMRA will provide guidance and support for mine rescue training and contests, as well as updated certification criteria for mine rescue teams. MSHA also now recognizes October 30th as Mine Rescue Day, honoring the sacrifices made by mine rescue team members and others who have put their lives on the line to respond to miners in need during mine emergencies.

Another area where MSHA has made significant improvement, thanks to help from Congress, is in the backlog of contested citations pending before the FMSHRC. MSHA and the Office of the Solicitor (SOL) have reduced the “targeted backlog” of cases, which consists of contests filed between October 1, 2007, and February 28, 2012, by 98 percent as of September 30, 2013.

That success continues as MSHA and SOL work together to reduce the total caseload and keep it at a manageable level. The total caseload has been reduced to approximately 33,000 citations as of the end of FY 2013, from nearly 86,000 at the end of FY 2010.

In January 2012, MSHA implemented a pre-contest conferencing process to resolve citations before they become a matter for litigation. As of December 31, 2013, MSHA had conferenced almost 8,000 violations, more than half of which were coal violations. Of the more than 7,000 citations that were conferenced, 60 percent of them were not contested. In addition to litigation, MSHA has taken other steps to reduce the backlog, such as improving the consistency of enforcement and implementing its examination rule in underground coal mines, a rule which requires operators to affirmatively find and fix hazardous conditions. In addition, the agency has increased the number of Conference Litigation Representatives to handle these cases.

Cost Model

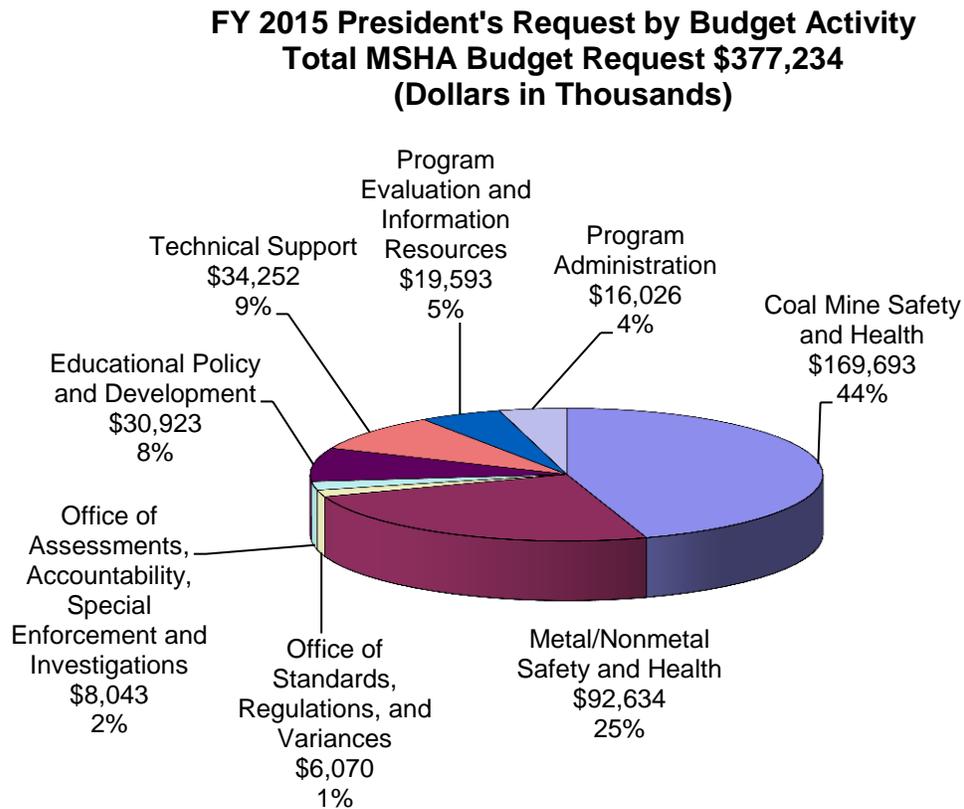
MSHA requests a total of \$377,234,000 and 2,390 FTE, an increase of \$1,347,000 over the FY 2014 Enacted level. This funding level will enable MSHA to meet its highest priority performance plan goals and objectives.

- For the **Office of Standards, Regulations, and Variances**, MSHA requests an increase of \$600,000 to support increased rulemaking activities.

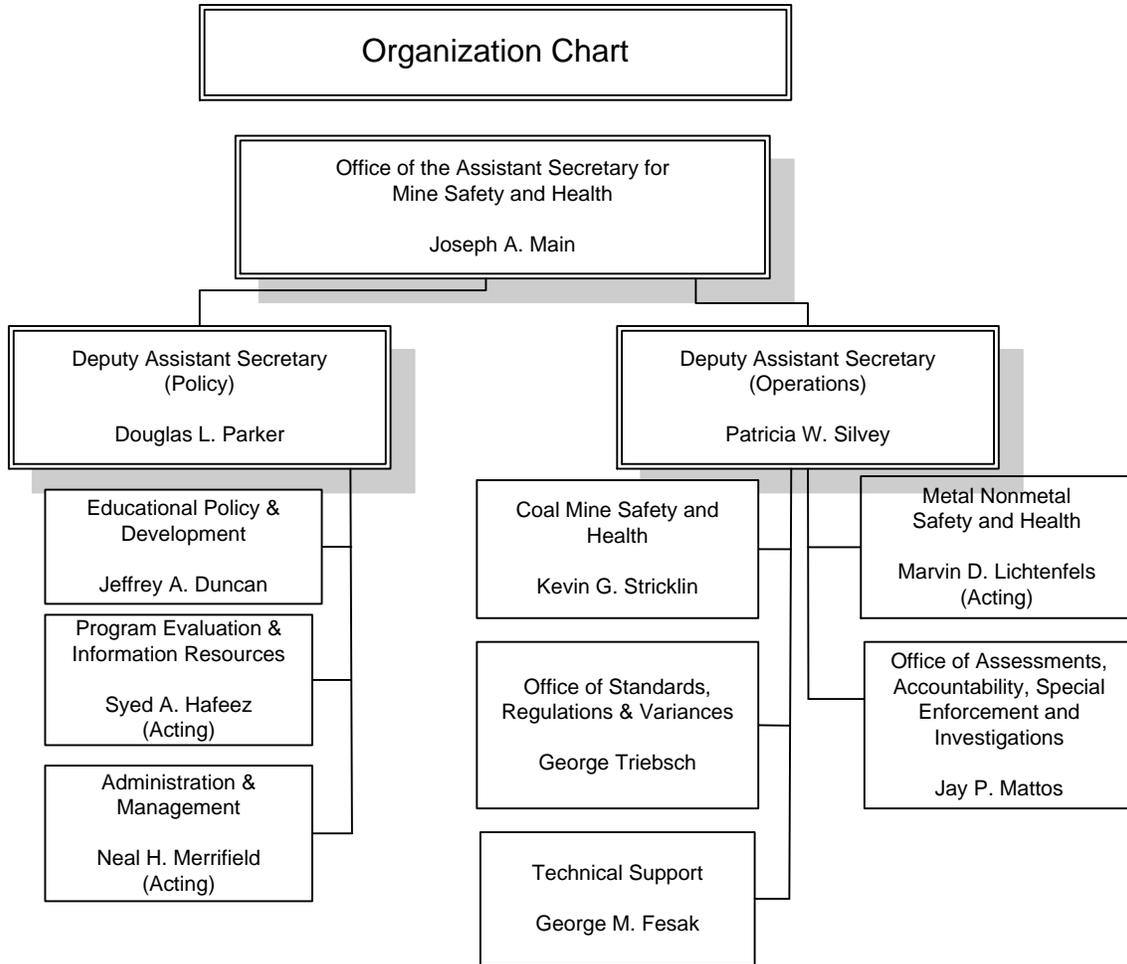
MINE SAFETY AND HEALTH ADMINISTRATION

- For the **Office of Assessments, Accountability, Special Enforcement and Investigations**, the request proposes an increase of \$1,000,000 and six FTE to continue to improve the timeliness of special assessments and continue efforts to improve special investigations and accountability audits. These items were identified as deficiencies in the UBB Internal Review.
- For the **Educational Policy and Development** budget activity, the request includes an increase of \$2,800,000 and 18 FTE to implement a new training model that transitions MSHA from the state grants based program. This will allow MSHA to be more engaged in how training is developed and delivered and promotes compliance with requirements of the Mine Act. The request also includes a decrease of \$8,441,000 to its State Grants Program.
- For the **Program Evaluation and Information Resources** budget activity, MSHA is requesting an increase of \$1,500,000 for enforcement application improvements. The funding will provide for the Inspection Tracking System, enhanced and modernized applications used by inspectors, and the Special Investigations Tracking System.

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



MINE SAFETY AND HEALTH ADMINISTRATION



COAL MINE SAFETY AND HEALTH

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
Activity Appropriation	158,713	167,859	169,693	1,834
FTE	1,189	1,171	1,171	0

NOTE: FY 2013 reflects actual FTE. Authorized FTE for FY 2013 was 1,196.

Introduction

The Coal Mine Safety and Health (CMSH) budget activity administers the provisions of the Mine Act and the MINER Act, and promotes compliance with regulations to eliminate fatalities, reduce the frequency and severity of accidents, and minimize health hazards in the nation's approximately 1,725 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 11 district offices and 44 field offices throughout the United States. MSHA currently has 12 district offices (District 1 - District 12). The District 1 office in Wilkes Barre, PA will officially close as of July 1, 2014. 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 Secretary's vision of *Promoting and Protecting Opportunity* through the following:

- Strategic Goal 2: Improve workplace safety and health.
 - Strategic Objective 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: Promote fair and high-quality work environments.
 - Strategic Objective 3.2: Protect workers' rights.
 - Performance Goal MSHA 3.2: Protect miners from discrimination.
- DOL Priority Goal: Reduce worker fatality rates in mining by five percent per year based on a rolling five-year average.

In FY 2015, CMSH will remain committed to encouraging the development of a health and safety culture throughout the mining industry. CMSH will improve safety and health conditions in the mining workplace by continuing the following strategies:

- **Enforcing mandatory health and safety standards through complete annual inspections of each coal mine.** CMSH will complete all regular mandated inspections.

COAL MINE SAFETY AND HEALTH

- **Targeting the most egregious and persistent violators through enhanced enforcement programs, such as the 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 will also 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, MINER Act, and the associated health and safety standards to improve the safety and health of the miners.

- **Promoting 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 target the most common causes of fatal mine accidents and disasters through initiatives such as “Rules to Live By.” CMSH will focus technical investigations on the root causes of hazards and accidents in mines. CMSH will also conduct accident prevention inspections in response to specific mine hazards.

- **Continuing efforts to reduce the backlog of contested cases before Federal Mine Safety and Health Review Commission (FMSHRC).** Coal staff will continue to hold conferences with mine operators to resolve issues and reach settlements.

- **Protecting miners from retaliation when they report hazardous conditions.** 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>
2010	\$158,662	1,217
2011	\$160,369	1,181
2012	\$164,500	1,187
2013	\$158,713	1,196
2014	\$167,859	1,171

FY 2015

In FY 2015, MSHA requests \$169,693,000 and 1,171 FTE. CMSH will continue to promote workplace safety and health for the nation’s coal miners through the following:

- Conduct all regular mandated inspections;

COAL MINE SAFETY AND HEALTH

- Conduct impact inspections;
- Perform accident prevention and outreach activities;
- Vigorously pursue accident investigations;
- Conduct investigations of safety and discrimination complaints made by miners or their representatives; and
- Continue to reduce the contested case backlog at the FMSHRC.

CMSH's projected target for regular mandated underground and surface inspections is approximately 5,000; however this number may vary depending on the number of operating mines. CMSH will also conduct other enhanced enforcement activities, such as spot inspections, impact inspections, enhanced dust inspections and follow-up visits. CMSH will focus inspection activity on improved impoundment safety by conducting inspections of all impoundments classified as high-hazard potential.

CMSH will continue to conduct accident investigations, including root cause analysis. These investigations will allow CMSH to analyze fatal accidents to identify conditions and practices that contribute to injuries and deaths such as safety standards violated, root causes, and abatement practices. CMSH will also perform accident prevention and outreach activities such as Winter Alert, Stay Out-Stay Alive and the Preventive Roof/Rib Outreach Program. These activities focus on unsafe conditions that miners and the general population should avoid.

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

In FY 2015, MSHA will continue efforts to reduce the contested case backlog at the FMSHRC. CMSH will conduct video conferencing to facilitate and improve collaboration between Office of the Solicitor (SOL) attorneys and MSHA enforcement personnel in settling or litigating contested violations. CMSH will support the backlog project through Technical Advisors and Conference Litigation Representatives.

The program will also 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 more effective regulations.

CMSH will pursue an initiative to expand electronic storage to share Uniform Mine Files. The availability of the electronic mine files will allow the enforcement personnel remote access to up-to-date and accurate mine information readily available on their laptops. This will reduce travel time to the offices to review mine information and allow more mine onsite time to better improve the health and safety of miners. The availability of the electronic mine files will not only assist the enforcement personnel with inspection activities, but will allow more timely processing of Freedom of Information Act requests, as well as the plan review process.

FY 2014

COAL MINE SAFETY AND HEALTH

In FY 2014, CMSH will continue to:

- Conduct 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;
- Conduct investigations of hazard and discrimination complaints made by miners or their representatives; and
- Work with SOL to reduce the contested case backlog at the FMSHRC.

In FY 2014, CMSH expects to complete 96 percent of its regular mandated underground and surface inspections. As a result of the government shutdown, CMSH did not complete all of its regular mandated inspections for underground mines during the first quarter. However, CMSH did maintain presence at all underground mines during this time. MSHA conducted spot inspections in lieu of regular inspections to focus on areas of mines where dangers are more likely to exist. These inspections did not constitute a complete inspection. The projected target for completion of underground and surface regular mandated inspections is approximately 5,000.

CMSH will work to reallocate resources from areas in which mining is decreasing to areas that have increased production. This reallocation will be accomplished through attrition, personnel transfers, and office closures. Effective July 1, 2014, District 1 in Wilkes Barre, PA, will close and the Frackville Field Office will become part of District 2, New Stanton, PA. On April 1, 2014, CMSH will close the District 6 Hindman Field Office due to the decrease in mining activity in Eastern KY. CMSH will reassign these employees to the Martin and Whitesburg Field Offices. CMSH will not replace employees that vacate inspector positions where mining activity has declined, but will reallocate resources to those regions of the country that are experiencing an increase in mining activity. CMSH will ensure all actions taken are in accordance with required personnel regulations and have the least impact on affected employees.

In addition to regular mandated inspections, CMSH will conduct other enforcement activities, such as investigations of hazard complaints, accident investigations, spot inspections, and follow-up visits. MSHA addressed all Upper Big Branch Internal Review corrective actions during the first quarter of FY 2014. In December 2013, CMSH released a Program Policy Letter “*Examination, Evaluation, and Effectiveness of Bleeder Systems*” and a new Roof Control Plan Approval and Review Procedures Handbook.

FY 2013

Despite the sequestration cuts in FY 2013, CMSH preserved its resources to conduct mandated enforcement activities. CMSH completed all regular mandated underground and surface inspections, as well as investigations due to serious accidents, hazard complaints, and miner discrimination complaints.

MSHA, in conjunction with DOL, filed more 105 (c) discrimination complaints during fiscal year and calendar year 2013 on behalf of miners than any time in history, and sought the second

COAL MINE SAFETY AND HEALTH

highest number of temporary reinstatements of miners to their jobs in 2013. CMSH inspected all of the high-hazard potential impoundments that are co-located with underground and surface coal mines.

CMSH supported MSHA's Strategic Goal 2: *Improve workplace safety and health*, and Strategic Goal 3: *Promote fair and high quality work-life environments*. There was one less fatality in FY 2013 than occurred in FY 2012. As a result of CMSH's contributions, MSHA is continuing the trend from 2010 with the safest years in mining history in CY 2011, CY 2012, and FY 2013, which had the lowest fatal rates, injury rates, and lowest number of mining deaths. MSHA's data shows that mine safety has been on a steady path of improvement since it began implementing reforms in 2010, including a reduction in the number of chronic violators and better compliance with mine safety and health standards.

In FY 2013, CMSH achieved the lowest dust levels for underground mines in a fiscal year. This is a nine percent reduction since the campaign began in late 2009 through September 2013. CMSH implemented new inspection procedures for rockdusting in underground coal mines to further prevent coal dust explosions.

CMSH surveyed 99.9 percent of coal mines for respirable dust in conjunction with regular mandated inspections, and 100 percent of coal mines were surveyed for noise according to published inspection procedures.

CMSH conducted 109 targeted impact inspections at mines with specific conditions, problems or compliance issues. MSHA's attributes the decrease in impact inspections to improved compliance. These inspections resulted in 1,552 citations, orders and safeguards being issued. The average abatement time of all enforcement actions nationwide was 2.93 days which decreased each quarter from 2.98 days.

CMSH launched its annual "Winter Alert" campaign to call attention to hazards that are typically present during colder weather due to the changes in the mining environment. The enforcement personnel distributed posters and other materials to miners and mine operators throughout the coal mining industry. CMSH also distributed safety flyers/alerts on various topics including: Rock Dusting; Plate Filter Presses for the safe operation of hydraulic systems; Continuous Mining Machine Safety; and fall protection. These efforts will alert miners and mine operators of precautions to help alleviate hazards and prevent accidents.

CMSH conducted its annual Preventive Roof Rib and Outreach Program. This program educates miners and mine operators about the dangers of roof and rib falls in underground coal mines. The total number of roof and rib fall injuries was down by 26 percent compared to FY 2012. In the past 3 years, these rates have dropped by 40 percent.

In FY 2013, MSHA addressed 27 Upper Big Branch Internal Review recommendations including the revisions of the Coal Mine Safety and Health General Inspection Procedures Handbook to remove outdated material and consolidate relevant procedural instructions and other directives. CMSH trained all inspection personnel prior to the implementation of the Handbook. In FY 2013, CMSH released a number of Program Policy Letters to include:

COAL MINE SAFETY AND HEALTH

Program for Regular Cleanup and Removal of Accumulations of Coal and Float Coal Dust, Loose Coal, and Other Combustibles; Permits for Mining under Bodies of Water; and Maintenance of Cutting Bits on Continuous Mining Machines and Longwall Shearers.

In FY 2013, CMSH continued efforts to reduce the contested case backlog pending before the FMSHRC.

COAL MINE SAFETY AND HEALTH

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2013 Enacted		FY 2014 Enacted	FY 2015 Request
	Target	Result	Target	Target
Coal Mine Safety and Health				
Strategic Goal 2 - Improve workplace safety and health				
Strategic Objective 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			
	0.0143	0.0141	0.0134	TBD
MSHA-CM-01	Percent of regular mandated coal inspections			
	100%	100%	96%	100%
MSHA-CM-01.1	Number of regular mandated coal underground inspections			
	2,068	2,068	2,190	2,190
MSHA-CM-01.2	Number of regular mandated coal surface inspections			
	2,590	2,590	2,743	2,743
MSHA-CM-02	Number of impact inspections of coal mines			
	126[p]	109	120[p]	120[p]
MSHA-CM-03	Percent of high-hazard potential coal impoundment inspections			
	100%	100%	100%	100%
MSHA-CM-04	Percent of coal mines surveyed for respirable dust in conjunction with regular mandated inspections			
	100.0%	99.9%	100.0%	100.0%

COAL MINE SAFETY AND HEALTH

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2013 Enacted		FY 2014 Enacted	FY 2015 Request
	Target	Result	Target	Target
MSHA- CM-05	Percent of coal mines surveyed for noise according to published inspection procedures			
	100%	100%	100%	100%
MSHA- CM-06.1	Percent of new roof control plan reviews completed within 44 days			
	75%	75%	75%	75%
MSHA- CM-06.2	Percent of roof control plan addenda reviews completed within 22 days			
	75%	76%	75%	75%
MSHA- CM-07.1	Percent of new ventilation plan reviews completed within 59 days			
	75%	65%	70%	70%
MSHA- CM-07.2	Percent of ventilation plan addenda reviews completed within 22 days			
	70%	73%	66%	66%
MSHA- CM-08	Number of special emphasis respirable coal mine dust inspections			
	20	3	20	33
MSHA- CM-11	Percent of audited activities not requiring corrective actions			
	--	--	80%	80%
MSHA- 03	Number of 103(g) imminent danger complaint investigations initiated within 1 day of receipt			
	100%	100%	100%	100%
MSHA- 08	Percent of petitions filed within the required timeframe of a timely contest			
	100.0%	99.6%	100.0%	100.0%

COAL MINE SAFETY AND HEALTH

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2013 Enacted		FY 2014 Enacted	FY 2015 Request
	Target	Result	Target	Target
MSHA-09 Number of internal review recommendations addressed	25	27	25	--
Strategic Goal 3 - Promote fair and high quality work-life environments				
Strategic Objective 3.2 - Protect workers' rights				
MSHA-01 Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	75%	76%	75%	85%
MSHA-02 Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	70%	72%	70%	75%

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

COAL MINE SAFETY AND HEALTH

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 2014 result is required to calculate the five-year average in FY 2015; therefore this budget will not include a FY 2015 target for this measure.

CMSH will continue its enhanced enforcement strategies and initiatives through the following:

Strategic Objective 2.1

- *MSHA-CM-01, MSHA-CM-01.1, and MSHA-CM.01.2:* In FY 2015, CMSH projects it will complete all regular mandated inspections. These inspections provide a direct overview of mining conditions and play a key role in assuring the safety and health of the nation's miners. The number of surface and underground inspections actually completed will be dependent on the number of active coal mines in FY 2015.
- In FY 2014, CMSH expects to complete 96 percent of its mandated underground and surface inspections. As a result of the government shutdown, CMSH did not complete all of its regular mandated inspections for underground mines during the first quarter. However, CMSH did maintain presence at all underground mines during this time. The projected target for completion of underground and surface mandated inspections is approximately 5,000. The targeted outputs for mandated inspections are start-of-year estimates, based on historical data. This number may vary depending on the number of operating mines.

In conjunction with the mandated inspection activities, CMSH will inspect all existing high-hazard potential impoundments in order to reduce the risk to miners, the general public, and the environment should these impoundments fail (*MSHA-CM-03*).

- *MSHA-CM-02:* CMSH will continue its Impact Inspection program. CMSH expects that year-by-year mines will improve and they 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 and FY 2015, CMSH expects to conduct approximately 120 impact inspections. These targets are data-driven and subject to change dependent on the mining industry and performance. In FY 2013, CMSH, completed 109 impact inspections, 17 below the projection and the fewest in a fiscal year since the initiative began. The impact inspection projections are estimates. In this case, not meeting the target suggests increased compliance, which may reflect increased enforcement effectiveness as fewer mines meet the criteria for impact inspections.
- *MSHA-CM-04:* The respirable dust sampling measure includes both underground mines (quarterly) and surface mines (semi-annually). In FY 2014 and FY 2015, MSHA projects it will complete 100 percent of coal mines surveyed for respirable dust in conjunction with regular mandated inspections. CMSH will ensure all sampling is conducted in accordance with required procedures.

COAL MINE SAFETY AND HEALTH

- *MSHA-CM-05*: CMSH's efforts to reduce miners' overexposures to noise will continue with the mining industry, labor, 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. In FY 2014 and FY 2015, CMSH will survey 100 percent of coal mines for noise according to published inspection procedures.
- *MSHA-CM-06.1, MSHA-CM-06.2, MSHA-CM-07.1, and MSHA-CM-07.2*: CMSH will continue to take measures to promote the application of proper ventilation and roof control standards in mines. CMSH's approach to reducing the risk of injury and disease among miners include ensuring that mine plans, particularly roof control and ventilation plans, effectively address and control the hazards inherent to the underground mining environment. In FY 2014 and FY 2015, CMSH will meet the proposed targets for its mine plan reviews. In FY 2013, CMSH exceeded three of the four targets, falling short of its goal of reviewing new ventilation plans within 59 days. This was due to sequestration and specialists spending more time conducting regular inspections. CMSH established the FY 2014 and FY 2015 targets to reflect more realistic and achievable goals.
- *MSHA-CM-08*: CMSH will continue its current special emphasis respirable coal mine dust inspection program 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 20 special dust emphasis inspections. In FY 2015, CMSH projects it 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 promote the respiratory health of the nation's miners.

In FY 2013, CMSH conducted three special emphasis respirable coal mine dust inspections, short of the target of 20. In August 2012, CMSH changed its strategic approach for impact inspections to include: unhealthful respirable coal mine dust conditions; practices; and working environments that place miners at risk for developing black lung and other respiratory impairment. This allowed CMSH to maximize its resources with respect to respirable coal mine dust.

- *MSHA-CM-11*: CMSH will ensure all inspection activities are conducted according to established policies, procedures, and handbooks. CMSH will address all discrepancies identified during accountability audits and district reviews.
- *MSHA-03*: In FY 2014 and FY 2015, MSHA will initiate all 103(g) imminent danger complaint investigations within 1 day of receipt.

COAL MINE SAFETY AND HEALTH

Strategic Objective 3.2

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 within the established timeframes. MSHA must *protect workers' rights* by ensuring that they have the freedom 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 Strategic Objective: *Protect workers' rights* through the following:

- *MSHA-01*: In FY 2014, MSHA projects to complete 75 percent of 105(c) investigations of miner discrimination complaints within 60 days of receipt and 85 percent in FY 2015. In FY 2013, MSHA exceeded its target by completing 76 percent within 60 days of receipt.
- *MSHA-02*: In FY 2014, MSHA estimates it will complete 70 percent investigations of miner requests for temporary reinstatement within 20 days of receipt and estimates it will complete 75 percent in FY 2015. In FY 2013, MSHA exceeded its annual target by completing 72 percent of investigations regardless of a 32 percent increase in the number of cases resolved from FY 2012 to FY 2013.

COAL MINE SAFETY AND HEALTH

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
11.1	Full-time permanent	85,544	85,206	86,693	1,487
11.3	Other than full-time permanent	965	18	30	12
11.5	Other personnel compensation	1,530	2,158	2,158	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	88,039	87,382	88,881	1,499
12.1	Civilian personnel benefits	35,326	35,160	34,890	-270
13.0	Benefits for former personnel	38	0	0	0
21.0	Travel and transportation of persons	3,226	3,257	3,257	0
22.0	Transportation of things	3,948	3,825	3,825	0
23.1	Rental payments to GSA	10,161	10,188	9,941	-247
23.2	Rental payments to others	15	136	136	0
23.3	Communications, utilities, and miscellaneous charges	1,398	1,212	1,212	0
24.0	Printing and reproduction	24	52	52	0
25.1	Advisory and assistance services	10	115	115	0
25.2	Other services from non-Federal sources	1,052	3,522	3,522	0
25.3	Other goods and services from Federal sources 1/	11,346	14,716	15,568	852
25.4	Operation and maintenance of facilities	33	130	130	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	1,374	1,435	1,435	0
26.0	Supplies and materials	1,532	2,085	2,085	0
31.0	Equipment	1,182	4,478	4,478	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	9	166	166	0
	Total	158,713	167,859	169,693	1,834
	1/Other goods and services from Federal sources				
	Working Capital Fund	10,263	12,156	12,199	43
	DHS Services	349	379	385	6
	HHS Services	491	604	613	9
	Services by Other Government Departments	243	1,577	2,371	794

COAL MINE SAFETY AND HEALTH

CHANGES IN FY 2015

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$1,499
Personnel benefits	556
Federal Employees' Compensation Act (FECA)	-826
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	-247
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	43
Other Federal sources (DHS Charges)	6
Other goods and services from Federal sources	803
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$1,834**

Net Program **\$0**

Direct FTE **0**

	Estimate	FTE
Base	\$169,693	1,171
Program Increase	\$0	0
Program Decrease	\$0	0

METAL AND NONMETAL MINE SAFETY AND HEALTH

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
Activity Appropriation	86,121	91,697	92,634	937
FTE	587	580	580	0

NOTE: FY 2013 reflects actual FTE. Authorized FTE for FY 2013 was 592.

Introduction

The Metal and Nonmetal Mine Safety and Health (MNMSH) budget activity administers the Mine Act, the MINER Act, and promotes compliance with regulations to eliminate fatalities, reduce the frequency and severity of accidents, and minimize health hazards in the nation's nearly 12,200 metal and nonmetal mines. Most of the MNMSH employees are located across six district offices and 48 field/satellite 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 Secretary's vision of *Promoting and Protecting Opportunity* through the following:

- Strategic Goal 2: Improve workplace safety and health.
 - Strategic Objective 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: Promote fair and high-quality work environments.
 - Strategic Objective 3.2: Protect workers' rights.
 - Performance Goal MSHA 3.2: Protect miners from discrimination.
- DOL Priority Goal: Reduce worker fatality rates in mining by five percent per year based on a rolling five-year average.

In FY 2015, MNMSH will improve safety and health conditions in the mining workplace through the following strategies:

- **Increase inspection and enforcement effectiveness** - 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 dam safety by continuing inspection activity at the impoundments classified as high-hazard.
- **Impact Inspections** - MSHA projects that a smaller number of mines will meet the criteria for impact inspections as a result of increased enforcement efforts. Therefore,

METAL AND NONMETAL MINE SAFETY AND HEALTH

MNMSH estimates that it will conduct fewer impact inspections at metal and nonmetal mines during FY 2015. The actual number of inspections will depend on how many mines 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.
- **Continue to reduce the backlog of contested cases before the Federal Mine Safety and Health Review Commission (FMSHRC)** - MNMSH staff will make use of videoconferencing capability to facilitate and improve collaboration between Office of the Solicitor (SOL) attorneys and MSHA enforcement personnel in settling or litigating contested violations.
- **Increase efforts to protect miners from discrimination** - MNMSH will process miners' discrimination complaints in a timely manner. During outreach efforts, MNMSH will distribute educational materials to 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 224,000 people work directly in the metal and nonmetal mining sector, including initial mining of raw materials through processing in preparation for commercial distribution. This industry provides essential materials for the nation's transportation infrastructure, construction and housing, communications, medicine, manufacturing, consumer goods, and agricultural industries. The majority of metal and nonmetal mines are small operations, and many have no formal safety programs. However, smaller mines do not mean fewer risks; mine hazards are inherent in the work of moving and processing large volumes of materials. Just as mining is vital to the American economy, a safe and healthy workforce is critical to the 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.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2010	\$85,422	620
2011	\$87,644	589
2012	\$89,063	597
2013	\$86,121	592
2014	\$91,697	580

METAL AND NONMETAL MINE SAFETY AND HEALTH

FY 2015

MSHA requests \$92,634,000 and 580 FTE for the MNMSH activity to:

- Conduct all regular mandated inspections.
- Conduct investigations of safety and discrimination complaints made by miners or their representatives.
- Conduct impact inspections.
- Conduct comprehensive health inspections.
- Perform accident prevention and outreach activities.
- Continue to reduce the contested case backlog at FMSHRC.
- Update health and safety equipment.

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 16,862 regular mandated inspections in FY 2015. It will also conduct other enforcement activities, including hazard complaints, special and accident investigations, spot check, and follow-up visits. Spot check inspections will be based on reported injuries and occupational illnesses, and investigations of safety and discrimination complaints made by miners or their representatives. MNMSH will also focus on improving dam safety by continuing inspection activity at dams classified as high-hazard potential.

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

MNMSH will also continue its Impact Inspection initiative. MNMSH will select mines for impact inspections based on several criteria, including compliance and accident and injury history. MSHA projects a downward trend in the number of mines that will meet the criteria for these inspections because it estimates that mine operators will improve compliance. These targets are data-driven and subject to change dependent on the mining industry and performance.

MNMSH will conduct 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, and sampling. The data it collects forms the basis of appropriate enforcement actions as well as assuring that mine plans are adequate to protect miners from overexposures of airborne contaminants. MSHA will also conduct education and outreach to clarify its health standards in the areas of noise protection, respiratory protection, and compliance with standards related to exposure to airborne contaminants.

METAL AND NONMETAL MINE SAFETY AND HEALTH

MSHA will continue to work with SOL to further improve efforts to reduce the backlog of contested cases before FMSHRC. MNMSH staff will continue to hold conferences with mine operators to resolve issues and reach settlements. It will also continue to utilize clerical personnel in the districts in support of conference litigation work.

FY 2014

In FY 2014, MNMSH will direct funding towards support of its enforcement functions. It will relocate enforcement staff to geographical locations where employment levels and mine activity data indicate the greatest need. It will continue to make improvements to expedite hiring processes. To ensure the reliability of inspection equipment, the program will replace aged equipment and bring its inventory up-to-date.

MNMSH estimates that it will conduct 16,850 regular mandated inspections. This is the most effective tool that MSHA possesses to secure safe and healthful work environments in the mining industry. It will conduct inspections at mines consistent with MSHA policy and procedures. Operators must promptly abate citations by correcting unsafe and unhealthful conditions.

In addition to the regular and follow-up inspections mandated by the Mine Act, MNMSH will conduct other important activities to promote the health and safety of miners. 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 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 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 inspections will depend on how many mines meet the criteria for needing additional inspections.

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 health inspections at a minimum of 10 percent of the mines under its jurisdiction. 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 reduce 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 where appropriate, will work with SOL to put measures in place to improve compliance, thus reducing the number of future violations contributing to the backlog. MNMSH will also continue efforts

METAL AND NONMETAL MINE SAFETY AND HEALTH

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 demand inspections. MNMSH will continue to investigate all complaints consistent with the agency's statutory and policy timeframes including immediate investigation of imminent danger complaints. MNMSH special investigators will process miner discrimination complaints promptly. MNMSH will continue to demonstrate MSHA's commitment to protect miners' right to report health and safety hazards without fear of retaliation.

MSHA 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. MSHA will utilize new technology such as videoconferencing and online courses to provide effective and cost efficient training whenever possible.

FY 2013

In FY 2013, MNMSH conducted a total of 16,624 regular mandated safety and health inspections and issued 53,148 citations and orders during these inspections. Of the total violations issued, 9 percent were designated as high negligence or reckless disregard. MNMSH also completed a total of 8,877 other inspection or investigation events at metal and 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.

In FY 2013, the guarding violations issued at metal and nonmetal mines were reduced by 40 percent from 2010 levels. MSHA experienced only two fatalities as a result of guarding violations from 2008 - 2013, as compared to nine from 2002 - 2007. In FY 2013, fall protection violations at metal and nonmetal mines are down 25 percent from FY 2012.

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 49 metal and nonmetal mines which resulted in 592 citations and 22 orders.

MNMSH continued its focus on improving dam safety by inspecting 192 high-hazard dams during FY 2013. Also during FY 2013, MSHA developed a document entitled "*Guidelines for the Design, Construction, and Inspection of Dams Associated with Metal and Nonmetal Mining Operations.*"

As a result of MNMSH's contributions, MSHA is continuing the trend from 2010 with the safest years in mining history in CY 2011, CY 2012, and FY 2013, which had the lowest fatal rates, injury rates, and lowest number of mining deaths. MSHA's data shows that mine safety has been on a steady path of improvement since it began implementing reforms in 2010, including a reduction in the number of chronic violators and better compliance with mine safety and health standards.

METAL AND NONMETAL MINE SAFETY AND HEALTH

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 Section 105(c) miner discrimination complaints consistent with agency policy and procedures. MNMSH received 1,216 hazardous condition complaints during 2013. Of the 1,216, only 12 complaints are unresolved at this time. MSHA, in conjunction with DOL, filed more 105 (c) discrimination complaints during fiscal year and calendar year 2013 on behalf of miners than any time in history, and sought the second highest number of temporary reinstatements of miners to their jobs in 2013.

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

In March 2013, MNMSH released an updated Metal and Nonmetal General Inspection Procedures Handbook. MNMSH also released a Program Policy Letter “*Occupational Safety and Health Agency (OSHA) Revised Hazard Communication Standard*” to clarify that OSHA’s communication standards meet MSHA’s HazCom standard. MNMSH released safety flyers and safety alerts including “*Fall Protection Awareness*.”

METAL AND NONMETAL MINE SAFETY AND HEALTH

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2013 Enacted		FY 2014 Enacted	FY 2015 Request
	Target	Result	Target	Target
Metal and Nonmetal Mine Safety and Health				
Strategic Goal 2 - Improve workplace safety and health				
Strategic Objective 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			
	0.0143	0.0141	0.0134	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			
	857	857	850	862
MSHA- MNM- 01.2	Number of regular mandated MNM surface inspections			
	15,767	15,767	16,000	16,000
MSHA- MNM- 02	Number of impact inspections of MNM mines			
	30[p]	49	20[p]	20[p]
MSHA- MNM- 03	Percent of high-hazard potential MNM dam inspections			
	100%	100%	100%	100%

METAL AND NONMETAL MINE SAFETY AND HEALTH

DETAILED WORKLOAD AND PERFORMANCE					
		FY 2013 Enacted		FY 2014 Enacted	FY 2015 Request
		Target	Result	Target	Target
MSHA- MNM- 04	Percent of Metal and Nonmetal mines conducting their own dust, gas, mist, and fume surveys	51%	51%	--	--
MSHA- MNM- 05	Percent of MNM mines receiving comprehensive health inspections	10.0%	17.6%	10.0%	20.0%
MSHA- MNM- 11	Percent of audited activities not requiring corrective actions	--	--	90%	90%
MSHA- 03	Number of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%
MSHA- 08	Percent of petitions filed within the required timeframe of a timely contest	100.0%	99.6%	100.0%	100.0%
Strategic Goal 3 - Promote fair and high quality work-life environments					
Strategic Objective 3.2 - Protect workers' rights					
MSHA- 01	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	75%	76%	75%	75%
MSHA- 02	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	70%	72%	70%	75%

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

METAL AND NONMETAL MINE SAFETY AND HEALTH

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 2014 result is required to calculate the five-year average in FY 2015; therefore this budget will not include a FY 2015 target for this measure.

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

Strategic Objective 2.1

- *MSHA-MNM-01, MSHA-MNM-01.1, and MSHA-MNM.01.2:* MNMSH will complete all regular mandated inspections and ensure that inspections are thorough and well-documented. The numbers of inspections it conducts are dependent upon the number of currently active mines.
- *MSHA-MNM-02:* MNMSH selects mines for impact inspections based on several criteria, including compliance and accident and injury history. MSHA projects that, as a result of FY 2013 enforcement activities, fewer mines that will meet the criteria for these inspections in FY 2014. It anticipates a similar result in FY 2015.
- *MSHA-MNM-03:* MNMSH will continue to focus on improving dam safety by increasing inspection activity at metal and nonmetal mining dams classified as high-hazard potential. It will conduct inspections of all the 220 existing high-hazard potential dams. The inspections will occur as part of the mandated inspections.
- *MSHA-MNM-04 and MSHA-MNM-05:* In FY 2013 MNMSH met its target for the number of mines conducting their own surveys for air contaminants and exceeded the target for the number of mines receiving noise inspections. In FY 2014 MSHA eliminated MSHA-MNM-04 and revised MSHA-MNM-05 to include health inspection elements in addition to noise. These comprehensive health inspections include investigations on health issues at mines to ensure that the operators provide miners adequate protection from exposure to airborne contaminants, noise, and diesel particulate matter, and monitor the adequacy of control measures. MNMSH plans to conduct increasing numbers of comprehensive health inspections.
- *MSHA-08:* MSHA missed the FY 2013 target because it filed two hearing petitions late.
- *MSHA-MNM-11:* This is a new measure in FY 2014. MNMSH will ensure that it conducts all inspection activities according to established policies, procedures, and handbooks. It will address all discrepancies identified during accountability audits and district peer reviews.
- *MSHA-03:* MNMSH met its timeliness goals in conducting investigations for Sections 103(g) imminent danger complaints. MNMSH will continue to investigate imminent danger complaints immediately and will ensure that special investigations it conducts under Section 103(g) are being handled in accordance with agency policy and procedures.

METAL AND NONMETAL MINE SAFETY AND HEALTH

Strategic Objective 3.2

- *MSHA-01*: MNMSH responded to 105(c) miner discrimination complaints consistent with MSHA policy and procedures. MNMSH received 1,216 hazardous condition complaints during FY 2013. Of the total of 1,216 complaints, only 12 complaints were unresolved at end of FY 2013. MNMSH special investigators will continue to process miner discrimination complaints promptly.
- *MSHA-02*: MNMSH exceeded the goal of completing investigations of miner requests for temporary reinstatements within 20 days of receipt of complaint. Of a total of 64 cases resolved, 47 were resolved within 20 days of receipt of case. It will review special investigation files to ensure no deficiencies exist in the investigation or report writing.

METAL AND NONMETAL MINE SAFETY AND HEALTH

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
11.1	Full-time permanent	44,647	44,252	44,858	606
11.3	Other than full-time permanent	665	14	20	6
11.5	Other personnel compensation	1,025	921	921	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	46,337	45,187	45,799	612
12.1	Civilian personnel benefits	16,430	16,355	16,371	16
13.0	Benefits for former personnel	16	0	0	0
21.0	Travel and transportation of persons	7,028	7,256	7,256	0
22.0	Transportation of things	2,187	2,526	2,526	0
23.1	Rental payments to GSA	5,027	5,041	4,919	-122
23.2	Rental payments to others	50	16	16	0
23.3	Communications, utilities, and miscellaneous charges	961	1,126	1,126	0
24.0	Printing and reproduction	25	31	31	0
25.1	Advisory and assistance services	12	12	12	0
25.2	Other services from non-Federal sources	381	1,228	1,228	0
25.3	Other goods and services from Federal sources 1/	5,816	7,084	7,515	431
25.4	Operation and maintenance of facilities	1	1	1	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	677	2,934	2,934	0
26.0	Supplies and materials	880	988	988	0
31.0	Equipment	291	1,910	1,910	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	2	2	2	0
	Total	86,121	91,697	92,634	937
	1/Other goods and services from Federal sources				
	Working Capital Fund	5,145	6,095	6,116	21
	DHS Services	203	212	215	3
	HHS Services	186	190	193	3
	Services by Other Government Departments	282	587	991	404

METAL AND NONMETAL MINE SAFETY AND HEALTH

CHANGES IN FY 2015

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$612
Personnel benefits	212
Federal Employees' Compensation Act (FECA)	-196
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	-122
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	21
Other Federal sources (DHS Charges)	3
Other goods and services from Federal sources	407
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$937**

Net Program **\$0**

Direct FTE **0**

	Estimate	FTE
Base	\$92,634	580
Program Increase	\$0	0
Program Decrease	\$0	0

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
Activity Appropriation	4,547	5,416	6,070	654
FTE	26	27	27	0

NOTE: FY 2013 reflects actual FTE. Authorized FTE for FY 2013 was 27.

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 maintains MSHA’s rulemaking docket and posts public comments and submissions at www.Regulations.gov.

OSRV also has responsibility for processing and publishing documents related to Petitions for Modification submitted to MSHA on an annual basis, MSHA’s Freedom of Information Act (FOIA) program, and MSHA’s information collection activities under the Paperwork Reduction Act of 1995.

OSRV supports the Secretary’s vision of *Promoting and Protecting Opportunity* through the following:

- Strategic Goal 2: Improve workplace safety and health.
 - Strategic Objective 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: Promote fair and high-quality work environments.
- DOL Priority Goal: Reduce worker fatality rates in mining by five 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, 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 2015, MSHA proposes to improve safety and health conditions in the mining workplace by:

- Addressing hazards in mines through rulemaking to require the use of improved technology, including proximity detection systems for mobile equipment in underground mines.
- Developing regulatory actions regarding ventilation, rock dusting, mine examinations, and certified persons, in response to recommendations from the investigation of the Upper Big Branch coal mine explosion.
- Addressing comments received in response to the Request for Information regarding the continued development of refuge alternatives and technology critical to enhancing the effectiveness of escape and refuge in the event of a mine emergency.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2010	\$3,481	17
2011	\$4,352	22
2012	\$4,765	24
2013	\$4,547	27
2014	\$5,416	27

FY 2015

MSHA requests \$6,070,000 and 27 FTE for 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 by continuing work on:

- A rulemaking that addresses the hazards miners face when working near mobile equipment in underground mines.
- A rule that would revise the existing civil penalty regulations to improve the efficiency of the MSHA'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.

In addition, funding supports new regulatory actions that include:

- Regulatory actions to improve miners' working conditions in response to the explosion at the Upper Big Branch coal mine.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

- Address comments and data received in response to a Request for Information on refuge alternatives for underground coal mines.

In FY 2015, OSRV will also:

- Process requests for variances from safety standards (Petitions for Modification).
- Process FOIA requests in accordance with the President's Memorandum on Transparency and Open Government.
- Develop supporting statements for information collections in accordance with the Paperwork Reduction Act of 1995. Publish Federal Register notices to notify the public that MSHA is reviewing information collection requirements and is requesting comments.

In FY 2015, OSRV expects to process approximately 70 Petitions for Modification, 16 information collections, and approximately 2,000 FOIA requests. OSRV will continue to maintain MSHA's rulemaking docket, and post public comments and submissions at www.Regulations.gov.

FY 2014

In FY 2014 OSRV will support the Secretary's vision by continuing to work on the following regulatory efforts:

- A rule to require underground coal mine operators to equip their continuous mining machines with proximity detection systems to prevent crushing and pinning injuries in underground mines.
- A rule that addresses the hazards miners face when working near mobile equipment in underground 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.
- Addressing comments received in response to the Request for Information published in FY 2013 on issues and options relevant to miners' escape and refuge during underground coal mine emergencies.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

- Additionally, the agency expects to address comments and data received in response to a Request for Information on issues related to recommendations resulting from the investigation of the Upper Big Branch explosion.

In FY 2014, OSRV will also:

- Process requests for variances from safety standards (Petitions for Modification).
- Process FOIA requests in accordance with the President's Memorandum on Transparency and Open Government.
- Develop supporting statements to accompany new or revised regulations in accordance with the Paperwork Reduction Act of 1995. Publish Federal Register notices to notify the public that MSHA is reviewing information collection requirements and is requesting comments.

In FY 2014, OSRV expects to process approximately 70 Petitions for Modification and 27 information collections, and approximately 2,000 FOIA requests. OSRV will continue to maintain MSHA's rulemaking docket, and post public comments and submissions at www.Regulations.gov.

FY 2013

In FY 2013 OSRV focused on supporting the strategic objective to *Secure safe and healthy workplaces, particularly in high-risk industries* by proposing and promulgating health and safety standards and regulations on MSHA's regulatory agenda. OSRV supported strategic goals through the following regulatory efforts:

- Published a final rule on Pattern of Violations requirements to allow the agency to better target the most egregious and persistent violators, facilitate the resolution of enforcement issues, and more effectively deter future violators.
- Published a final rule adjusting civil penalties for inflation in accordance with the Inflation Adjustment Act.
- Published a Request for Information on issues and options relevant to miner's escape and refuge that may present more effective solutions during underground coal mine emergencies.
- Continued work on MSHA's high-priority, comprehensive health standards to reduce miners' exposure to respirable coal mine dust.
- Continued work 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.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

- Continued work on a rule that addresses the hazards miners face when working near mobile equipment in underground mines.
- Continued work on a rule to modify fee structures in order to recover costs associated with testing, evaluating, and approving mining equipment.
- Examined regulatory actions to improve miners' working conditions in response to recommendations resulting from the investigation of the explosion at the Upper Big Branch coal mine.

In FY 2013, OSRV also:

- Processed requests for variances from safety standards (Petitions for Modification).
- Processed FOIA requests in accordance with the President's Memorandum on Transparency and Open Government.
- Developed supporting statements to accompany new or revised regulations in accordance with the Paperwork Reduction Act of 1995. Published Federal Register notices to notify the public that information collection requirements in existing regulations were being reviewed and to request comments.

OSRV processed 70 Petitions for Modification and 20 Paperwork Packages, and provided oversight to the processing of 1,816 FOIA requests. OSRV maintained MSHA's rulemaking docket and posted public comments and submissions at www.Regulations.gov.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2013 Enacted		FY 2014 Enacted	FY 2015 Request
	Target	Result	Target	Target
Office of Standards, Regulations, and Variances				
Strategic Goal 2 - Improve workplace safety and health				
Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries				
MSHA- Number of final rules published in federal register OSRV- 01	2	1	2	2
MSHA- Percent of FOIA requests that are completed within 20 working days of receipt OSRV- 02	65%	85%	75%	75%

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

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

In FY 2015, OSRV will support the Secretary's vision through Strategic Goal 2 *Improve workplace safety and health* and Strategic Goal 3 *Promote fair and high-quality work environments* through work on the following:

In FY 2013, MSHA published a final rule on Pattern of Violations (POV). The rule implemented the statutory and legislative intent that safe and healthful conditions be restored at noncompliant mines by improving the timeliness, accuracy, and consistency in applying POV as an enforcement tool. The final rule eliminated the initial screening and the Potential Pattern of Violations process and also eliminated the existing requirement that MSHA can consider only final orders in its POV review. The final rule improves safety and health for miners.

In FY 2014, MSHA will continue its regulatory efforts to address the hazards underground coal miners face when working near continuous mining machines. This rule will strengthen the protections for miners by reducing the potential for pinning, crushing, or striking accidents in underground coal mines. MSHA will also continue its regulatory efforts to improve the health of miners by reducing miners' exposure to respirable coal mine dust by revising the agency's existing standards on miners' occupational exposure to respirable coal mine dust.

In FY 2015, OSRV will continue its regulatory efforts to address the hazards that miners face when working near mobile equipment in underground mines. OSRV will initiate regulatory actions that address comments and data received in response to a Request for Information on issues related to rock dusting, ventilation, certified persons and mine examinations that were raised in the investigation of the Upper Big Branch mine explosion. OSRV will also address comments and data received in response to the Request for Information on refuge alternatives in underground coal mines.

OSRV will continue to process petitions for modification of application of a mandatory safety standard. OSRV will also continue to process and to provide oversight for FOIA requests in accordance with the President's Memorandum on Transparency and Open Government that includes identifying and posting agency information in anticipation of potential FOIA requests.

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 and is requesting comments. As new rules are drafted additional paperwork packages will be developed.

OSRV will continue to provide transparency in the regulatory process by posting background documents, comments, and transcripts for each rulemaking at www.Regulations.gov.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
11.1	Full-time permanent	3,037	3,189	3,583	394
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	48	46	46	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	3,085	3,235	3,629	394
12.1	Civilian personnel benefits	757	788	902	114
13.0	Benefits for former personnel	3	3	3	0
21.0	Travel and transportation of persons	62	105	111	6
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	232	232	254	22
23.2	Rental payments to others	32	3	3	0
23.3	Communications, utilities, and miscellaneous charges	9	117	117	0
24.0	Printing and reproduction	117	223	263	40
25.1	Advisory and assistance services	24	93	93	0
25.2	Other services from non-Federal sources	125	341	341	0
25.3	Other goods and services from Federal sources 1/	59	66	82	16
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	14	50	36
26.0	Supplies and materials	20	40	44	4
31.0	Equipment	11	156	178	22
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	4,547	5,416	6,070	654
	1/Other goods and services from Federal sources				
	Working Capital Fund	41	49	50	1
	DHS Services	7	6	6	0
	HHS Services	11	11	11	0
	Services by Other Government Departments	0	0	15	15

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

CHANGES IN FY 2015

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$35
Personnel benefits	9
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	-6
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	1
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	15
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$54**

Net Program **\$600**

Direct FTE **0**

	Estimate	FTE
Base	\$5,470	27
Program Increase	\$600	0
Program Decrease	\$0	0

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

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
Activity Appropriation	7,036	6,976	8,043	1,067
FTE	54	57	63	6

NOTE: FY 2013 reflects actual FTE. Authorized FTE for FY 2013 was 53.

Introduction

The Office of Assessments, Accountability, Special Enforcement and Investigations (OAASEI) administers the Mine Act, MINER Act, and mine safety and health standards pertaining to civil penalty assessments and collections; special investigations of discrimination complaints and possible knowing and willful violations under sections 105(c) and 110 of the Mine Act; MSHA’s Accountability Program; and the agency’s other special enforcement initiatives, such as the Pattern of Violations provisions under section 104(e) of the Mine Act.

Civil penalties serve to encourage compliance and promote a safe and healthy workplace for miners. OAASEI’s efforts to assess and collect civil penalties directly support the strategic objective to *Secure safe and healthy workplaces, particularly in high-risk industries*. OAASEI’s Office of Accountability conducts accountability reviews of MSHA’s enforcement programs to determine whether agency enforcement policies, procedures, and guidance are being complied with consistently and whether certain mission critical enforcement activities are accomplished effectively. The Technical Compliance and Investigation Office (TCIO) provides oversight of the investigation process involving Section 105(c) miner discrimination complaints and Section 110 knowing or willful civil and criminal violations. The work of TCIO directly supports the strategic goal to *Promote fair and high quality work environments*.

In support of the strategic objective to *Protect workers’ rights*, OAASEI will promote MSHA’s performance goal to *Protect miners from discrimination*.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2010	\$6,233	51
2011	\$6,221	46
2012	\$7,103	50
2013	\$7,036	53
2014	\$6,976	57

FY 2015

OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT AND INVESTIGATIONS

MSHA requests \$8,043,000 and 63 FTE for the OAASEI budget activity. This request includes an increase of \$1,000,000 and 6 FTE to continue to improve the timeliness of special assessments and continue efforts to improve special investigations and accountability audits. These items were identified as deficiencies in the UBB Internal Review.

In FY 2015, OAASEI will continue the following efforts:

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

In support of MSHA's priority to guarantee that miners have a voice in the workplace, OAASEI will ensure that MSHA investigates miner discrimination complaints in a timely manner, with specific goals for the percentage of investigations of miner discrimination completed within 60 days of receipt and for the percentage of miner requests for temporary reinstatement completed within 20 days of receipt.

In support of MSHA's "Rules to Live By" initiatives, OAASEI will assess 80 percent of violations recommended for special assessment within 225 days of issuance.

In response to the Upper Big Branch Internal Review report recommendations, MSHA revised its Accountability Program Handbook to include a new requirement for accountability reviews. OAASEI will conduct approximately 10-12 enforcement field office reviews annually and conduct tracking and review of corrective actions.

FY 2014

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

- **Timely, consistent assessment of civil penalties for all violations of the Mine Act in accordance with statutory criteria.**

OAASEI will propose civil penalty assessments for an estimated 128,000 violations of health and safety standards cited by MSHA inspectors. The office will propose an estimated \$105 million dollars in monetary civil penalties. MSHA projects at least 80 percent of regular formula civil penalties will be assessed within 65 days of issuance. 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

OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT AND INVESTIGATIONS

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. MSHA projects at least 80 percent of civil penalties that merit a special assessment will be assessed within 225 days of issuance.

- **Collect and account for penalties paid by stakeholders.**

OAASEI will process civil penalty payments received from mine operators and account for all payments and delinquencies. MSHA expects to receive approximately 90% of the payments owed – referring the delinquencies to the Treasury Department for collection. OAASEI estimates MSHA will receive 36,000 payments totaling \$96 million in FY2014.

- **Account for all penalty cases in litigation before the Federal Mine Safety and Health Review Commission.**

OAASEI will process approximately 6,000 mine operator requests for hearings before the Federal Mine Safety and Health Review Commission (FMSHRC), working with FMSHRC to docket the contested cases. OAASEI will record all decisions and orders FMSHRC renders. It estimates recording decisions for approximately 9,800 cases and 48,000 citations and orders.

- **Centralized Receivables Service Project with Treasury.**

OAASEI's Civil Penalty Compliance Office is participating in the Treasury Department's Centralized Receivables Service (CRS) pilot project for debt collection. Treasury's vision is to transform end-to-end receivables management to increase collections and reduce agency costs by integrating the new CRS and Treasury's Debt Management Service. MSHA will continue to process payments received for civil penalties before the penalties become delinquent. Once delinquent, the debt will be referred to Treasury for all collection efforts. This is a departure from the current system by which MSHA refers debt to Treasury after it becomes 150 days delinquent.

- **Conduct accountability reviews.**

OAASEI's Office of Accountability will conduct accountability reviews of approximately ten Coal and Metal and Nonmetal enforcement districts to ensure MSHA carries out enforcement policies and procedures effectively. The office will track and review corrective actions implemented as a result of accountability reviews.

- **Conduct 105(c) discrimination complaint investigations.**

OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT AND INVESTIGATIONS

OAASEI's TCIO will coordinate the investigations of approximately 160 discrimination complaints miners file under Section 105(c) of the Mine Act. To ensure quality investigations are conducted, MSHA will perform a review of all discrimination investigations conducted by its enforcement personnel for discrimination complaints received in FY 2014. TCIO's goals are to investigate 75 percent of miners' discrimination complaints within 60 days of receipt and to investigate 70 percent of miners' requests for temporary reinstatement within 20 days of receipt. TCIO will also review approximately 190 knowing and willful violations conducted by the enforcement programs, referring appropriate cases for civil penalties or criminal prosecution.

- **Conduct Pattern of Violations review(s).**

The Pattern of Violations (POV) rule published in FY 2013 is one of MSHA's highest priority regulatory initiatives. It strengthens MSHA's ability to focus on those mine operators who demonstrate a disregard for the health and safety of miners through a recurring pattern of significant and substantial (S&S) violations. This rule allows MSHA to focus on the most troubling mines and issue withdrawal orders for any S&S violations cited at mines receiving a POV notice. OAASEI will conduct a minimum of one POV review in FY 2014, the second screening under the current rule. The review will identify mines that meet all of the published POV screening criteria.

- **Improve Enforcement of the Mine Act.**

OAASEI, in conjunction with the Office of the Solicitor (SOL) and the enforcement programs, will identify for possible legal action mine operators who are delinquent in civil penalty payments and have troublesome enforcement issues.

FY 2013

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

In FY 2013, the OAASEI mailed 29,434 Notices of Proposed Civil Penalty Assessments, proposing \$106 million in civil penalties for 128,174 citations and orders. The Office proposed 879 special assessments totaling almost \$19.5 million. OAASEI received 36,000 payments totaling \$100 million in FY 2013.

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 rendered. OAASEI processed 6,182 hearing requests in FY 2013 involving 27,177 cited violations and \$70.9 million in proposed civil penalty assessments. Preliminary data on penalty cases disposed by the FMSHRC for FY 2013 indicate that OAASEI recorded decisions for over 10,000 cases (dockets) and almost 48,000 citations and orders.

OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT AND INVESTIGATIONS

Thanks to funding by Congress, MSHA and SOL have reduced the “targeted backlog” of cases, which consists of contests filed between October 1, 2007, and February 28, 2012, by 98 percent as of September 30, 2013.

That success continues as MSHA and SOL work together to reduce the total caseload and keep it at a manageable level. The total caseload has been reduced to approximately 33,000 citations as of the end of FY 2013, from nearly 86,000 at the end of FY 2010.

MSHA completed an all-time record of 226 discrimination case investigations in FY 2013, and investigated an annual record 116 temporary reinstatement requests, completing 84 (72 percent) within 20 days. On behalf of miners, MSHA filed 58 discrimination complaints with the Federal Mine Safety and Health Review Commission the most filed in a single fiscal year. In FY 2013, OAASEI started reviewing all special investigations conducted by enforcement personnel to ensure thorough, properly developed investigations and recommendations.

During FY 2013, MSHA resolved 196 possible knowing and willful investigations. OAASEI proposed 169 civil penalties against 100 individuals with proposed assessments totaling \$548,700; ten cases were referred to the Department of Justice for criminal prosecution; and one case resulted in criminal prosecutions.

MSHA is 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.

OAASEI conducted a POV review in October, 2012. The review identified seven mines that met all of the POV screening criteria, and another 13 mines that met all but the severity measure criterion. The OAASEI drafted new POV procedures and conducted the initial POV screening under a new rule published in FY 2013. The review identified three mines that met all of the POV screening criteria, and another six mines that met all but the severity measure criterion. This is the fewest number of mines identified in a POV screening representing an 83 percent reduction since screening began in 2010. MSHA conducted a review of mines previously notified they were exhibiting a potential Pattern of Violations. As of 12/31/2013, the total violation rate for these mines declined 37 percent; total S&S violation rate declined 59 percent; unwarrantable failure violation rates declined 78 percent; and lost time injury rates declined 44 percent.

OAASEI’s Office of Accountability conducted reviews of ten enforcement districts during FY 2013. These reviews included audits of 131 enforcement activities resulting in three corrective actions required. Root cause analyses were conducted to identify the most effective corrective actions to deploy. The Office of Accountability monitored the corrective actions, including documentation to ensure the corrective actions were completed by the enforcement programs.

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

DETAILED WORKLOAD AND PERFORMANCE					
	FY 2013 Enacted		FY 2014 Enacted	FY 2015 Request	
	Target	Result	Target	Target	
Office of Assessments, Accountability, Special Enforcement and Investigations					
Strategic Goal 2 - Improve workplace safety and health					
Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries					
MSHA- AS-01	Percent of civil penalties assessed under the regular formula within 65 days of issuance	85%	76%	80%	85%
MSHA- AS-02	Percent of civil penalties special assessed within 225 days of issuance	80%	79%	80%	80%
Strategic Goal 3 - Promote fair and high quality work-life environments					
Strategic Objective 3.2 - Protect workers' rights					
MSHA- 01-Q	Percent of discrimination investigations reviewed by headquarters	100%	100%	100%	100%
MSHA- 02-Q	Percent of discrimination cases not returned to investigators for further development	--	--	80%	--

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

OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT AND INVESTIGATIONS

OAASEI's workload measures help determine the program's success in supporting Departmental Strategic Goals, Strategic Objectives, and MSHA Performance Measures through the following:

- OAASEI's "Percent of Civil Penalties assessed under the regular formula within 65 days of issuance" performance measure reflects the timeliness of proposed assessments of civil penalties under the regular formula. The timely assessment of civil penalties is a key component in MSHA's strategy to enforce safety and health standards. Congress intended that the imposition of civil penalties would induce mine operators to be proactive in their approach to mine safety and health, and take necessary action to prevent safety and health hazards before they occur. For FY 2015, OAASEI plans to propose 85 percent of regular formula civil penalty assessments for citations of health and safety standards within 65 days of issuance.
- OAASEI's "Percent of Civil Penalties special assessed within 225 days of issuance" performance measure reflects the timeliness of proposed civil penalties that merit a special assessment. The timely assessment of special civil penalties is a key component in MSHA's strategy to enforce safety and health standards. Congress intended that the imposition of civil penalties would induce mine operators to be proactive in their approach to mine safety and health, and take necessary action to prevent safety and health hazards before they occur. For FY 2015, OAASEI plans to propose 80 percent of special assessments within 225 days of issuance.
- OAASEI's "Percent of discrimination investigations reviewed by headquarters" performance measure ensures quality investigations are conducted. OAASEI will perform a headquarters review of all discrimination investigations conducted by 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. For FY 2015, OAASEI expects 100 percent of discrimination investigations will be reviewed by headquarters.

MSHA's "Percent of discrimination cases not returned to investigators for further development" performance measure also ensures quality investigations are conducted. MSHA's long-term goal is for the Special Investigators to conduct exhaustive and complete discrimination investigations so that none will have to be returned to investigators for more information. For FY 2015, MSHA expects that over 80 percent of discrimination investigation reports will not need to be returned to investigators for further development.

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

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
11.1	Full-time permanent	4,377	4,287	5,021	734
11.3	Other than full-time permanent	36	37	37	0
11.5	Other personnel compensation	26	64	64	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	4,439	4,388	5,122	734
12.1	Civilian personnel benefits	1,260	1,171	1,353	182
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	61	62	107	45
22.0	Transportation of things	1	1	1	0
23.1	Rental payments to GSA	563	565	559	-6
23.2	Rental payments to others	2	2	2	0
23.3	Communications, utilities, and miscellaneous charges	183	242	242	0
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	79	82	82	0
25.3	Other goods and services from Federal sources 1/	313	362	380	18
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	33	47	101	54
26.0	Supplies and materials	71	23	23	0
31.0	Equipment	23	23	63	40
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	3	3	3	0
	Total	7,036	6,976	8,043	1,067
	1/Other goods and services from Federal sources				
	Working Capital Fund	269	318	319	1
	DHS Services	20	20	20	0
	HHS Services	22	22	22	0
	Services by Other Government Departments	2	2	19	17

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

CHANGES IN FY 2015

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$56
Personnel benefits	16
Federal Employees' Compensation Act (FECA)	-9
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	-14
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	1
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	17
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$67**

Net Program **\$1,000**

Direct FTE **6**

	Estimate	FTE
Base	\$7,043	57
Program Increase	\$1,000	6
Program Decrease	\$0	0

EDUCATIONAL POLICY AND DEVELOPMENT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
Activity Appropriation	31,898	36,320	30,923	-5,397
FTE	150	154	172	18

NOTE: FY 2013 reflects actual FTE. Authorized FTE for FY 2013 was 150.

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 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. EPD will continue to transform the Academy into a training hub where content is delivered using new technology for training systems. This will expand the customer base and further develop the Academy as an electronic classroom for industry and government.

EPD training specialists review training plans, monitor and assist industry instructors to develop and improve their skills, and assist mine operators with their safety and health programs. EPD specialists also distribute educational materials and provide assistance to the miners to better understand their rights and responsibilities under the Mine Act.

Additionally, EPD assists small mines (mines with five or fewer employees) to develop effective safety, health and training programs. This occurs through on-site assistance to small mine operators who request the expertise of safety and health professionals to assist with hazard identification and correction. EPD incorporates new safety and health related training materials such as new examination checklists and tools, specifically tailored for use by small operators, based on feedback from the customers, staff and other safety and health professionals. MSHA will broaden and better target assistance to small mines with combined Small Mines Consultation Program (SMCP) and Educational Field Services (EFS) resources.

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

EDUCATIONAL POLICY AND DEVELOPMENT

EPD also 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 competitive 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.

- Strategic Goal 2: Improve workplace safety and health.
 - Strategic Objective 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: Promote fair and high-quality work environments.
 - Strategic Objective 3.2: Protect workers’ rights.
 - Performance Goal MSHA 3.2: Protect miners from discrimination.
- DOL Priority Goal: Reduce worker fatality rates in mining by five 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 identify potential hazards and understand which procedures are safe to follow. MSHA will continue to increase visibility and emphasize on training, recognizing its critical role in reducing injuries and fatalities in the mining community.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2010	\$38,605	159
2011	\$38,148	136
2012	\$38,325	149
2013	\$31,898	150
2014	\$36,320	154

FY 2015

MSHA requests \$30,923,000 and 172 FTE for the Educational Policy and Development (EPD) activity.

This request includes an increase of \$2,800,000 and 18 FTE to transition from using State Grants to support training to a new model. Consistent with existing statutory requirements, mine operators are required to ensure that employees have access to complete training programs. In addition, MSHA will develop more of its own training curricula, exercises, and materials to assist mine operators with providing a complete training program to their employees. Additional staffing and resources are needed to carry out the work of EFS, the Academy, and SMCP to accomplish this transition, which will raise the quality of training as MSHA becomes more engaged in its development and delivery. The new model will consist of the following:

EDUCATIONAL POLICY AND DEVELOPMENT

- The Academy plans to host various seminars and conferences, including the Training Resources Applied to Mining 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 materials.
- EPD will provide approximately 76,000 hours of assistance to the mining industry. The total hours will include 24,500 hours of compliance assistance and 51,500 hours of injury and illness prevention training activities.
- EPD training specialists will continue onsite monitoring of approved instructors to ensure they are providing qualitative, effective health and safety training to miners. The request includes 13 FTE to review training plans, and evaluate training programs and instructors as required by the Mine Act. These specialists will perform combined duties and will also participate in special emphasis programs that address safety and health hazards in coal and metal/nonmetal mines.
- EPD anticipates distributing 4,000,000 publications and training materials, including material on Miners' Rights.
- The request includes 2 FTE and adds 18 additional online courses for a total of 127 online training courses for MSHA entry-level and journeymen inspectors.
- EPD will continue developing online media compliance information for the regulated community.
- The request includes 3 FTE 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 11 entry level inspector groups will begin their training in FY 2015. EPD will provide MSHA managers and supervisors with training to enhance their supervisory skills. The Academy anticipates conducting 1,400 course days of training in FY 2015.
- EPD will evaluate the effectiveness of instructor training, training materials and mine-operator training plans, as required under Title 30 CFR Part 46 and Part 48. EPD will evaluate and monitor approximately 950 instructors to assess the effectiveness of training provided to miners. EPD will assess how mine operators and contract trainers address specific mining hazards and other safety issues.
- EPD will also make improvements to its Mine Simulation Laboratory (MSL) to provide a more realistic training experience for MSHA enforcement personnel and the Nation's miners. To enhance the learning experience, EPD will incorporate virtual reality training to enhance the student experiences in the MSL.

This request also includes a decrease of \$8,441,000 to defund MSHA's State Grants Program.

EDUCATIONAL POLICY AND DEVELOPMENT

To meet the demand of the agency's higher priority enforcement activities, MSHA will defund the 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. MSHA is transitioning to an updated training model, and will develop more of its own training curricula, exercises, and materials to assist mine operators with providing a complete training program to their employees. Consistent with existing statutory requirements, mine operators are required to ensure that employees have access to complete training programs.

FY 2014

In FY 2014, EPD will expand its distance learning program by an additional 14 online courses developed for use by MSHA's entry-level inspectors, bringing the number of available courses to 109. EPD will produce and distribute approximately 4,000,000 publications.

EPD will manage MSHA's State Grants and Brookwood-Sago Mine Safety Grant Programs. EPD specialists will conduct training program analysis, review training plans, and provide qualification certification examinations for miners. EPD staff will provide approximately 17,000 compliance assistance hours and 47,000 injury and illness prevention training hours to the mining industry. EPD will also participate in special emphasis programs to address safety and health hazards in coal and metal and nonmetal mines.

FY 2013

In FY 2013, EPD expanded its distance learning program by an additional 25 online courses developed for use by MSHA's entry-level inspectors, bringing the number of available courses to 95. EPD also created additional online journeyman-level inspector classes and new programs designed for the mining industry. EPD provided professional instruction and training for approximately 502 MSHA inspectors as well as the mining community. EPD produced and distributed 3,500,000 publications.

EPD managed MSHA's State Grants Program and the Brookwood-Sago Mine Safety Grant Program. In FY 2013, the State Grants Program trained 132,000 miners in 48 states and the Navajo Nation.

EPD's specialists monitored 856 training classes, the most in one year. EPD also provided qualification certification examinations for miners, reviewed training plans, and conducted training program analysis. EPD personnel were strategically relocated, increasing their access to the small mining operations and enhancing the level of consultation services provided. EPD staff provided 22,807 compliance assistance hours and 64,488 injury and illness prevention training hours to the mining industry. Due to attrition, 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.

In FY 2013, EPD assisted in the development of an online Miners' Representative Guide designed to further improve and educate stakeholders in understanding the roles, rights, and responsibilities of miners' representatives.

EDUCATIONAL POLICY AND DEVELOPMENT

EPD assisted in the organizational development of the Joseph A. Holmes Safety Association's national mine rescue organization. The Holmes Mine Rescue Association provides a national mine response structure to provide guidance and support for mine rescue training and contests.

EDUCATIONAL POLICY AND DEVELOPMENT

DETAILED WORKLOAD AND PERFORMANCE					
		FY 2013 Enacted		FY 2014 Enacted	FY 2015 Request
		Target	Result	Target	Target
Educational Policy and Development					
Strategic Goal 2 - Improve workplace safety and health					
Strategic Objective 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	1,250[p]	1,209	1,200[p]	1,200[p]
MSHA-EPD-03	Course days of training provided to industry	150[p]	144	150[p]	200[p]
Total		1,400	1,353	1,350	1,400
EPD-01	Publications distributed	6,000,000	3,500,000	4,000,000	4,000,000
MSHA-EPD-01	Compliance Assistance hours provided	20,000	22,808	17,000	24,500
MSHA-EPD-04	Number of new online courses	18	25	14	18
MSHA-EPD-05	Number trained through state grant program	110,000	132,000	80,000	--
MSHA-EPD-06	Number of approved instructor evaluations	775	856	775	950

EDUCATIONAL POLICY AND DEVELOPMENT

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2013 Enacted		FY 2014 Enacted	FY 2015 Request
	Target	Result	Target	Target
MSHA- EPD-07 Injury and illness prevention training hours provided	48,000	64,488	47,000	51,500

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

EDUCATIONAL POLICY AND DEVELOPMENT

EPD's workload measures help determine the program's success in supporting Strategic Goals, Strategic Objectives, and MSHA Performance Measures through the following:

- EPD's "*Compliance assistance hours provided*" performance measure reflects time spent answering training related compliance questions coming in via phone or e-mail, collecting and forwarding instructional materials following a request, and providing assistance to a new operator or contractor or other customer. The number of assistance hours will increase by 7,500 from 17,000 to 24,500 in FY 2015.
- EPD's "*Course days of training*" performance measures indicate time spent training a variety of MSHA and mining industry personnel. This training is critical in order to maintain a highly skilled workforce capable of addressing the potential health and safety hazards found in mines. For FY 2015, EPD plans to maintain 1,200 MSHA course training days.
- EPD's "*Publications distributed*" performance measure primarily reflects the number of publications distributed to miners and the mining industry. These publications are distributed in the various formats, i.e. electronically, DVDs, pamphlets, training manuals, and posters. For FY 2015, EPD plans to distribute the same number of publications as the FY 2014 estimate.
- EPD's "*Number of new online courses*" performance measure reflects MSHA's commitment to leveraging technology to enhance training options and capabilities. For FY 2015, EPD plans to add 18 new online courses.
- EPD's "*Number of approved instructor evaluations*" performance measure pertains to the evaluation of the effectiveness of training instructors, training materials and mine-operator required training plans under Federal Mine Safety Regulations Part 46 and Part 48. The FY 2015 request includes an additional 10 FTE for EFS. This would allow EPD to increase its target from the FY 2014 estimate of 775 to 950.
- EPD's "*Injury and illness prevention training hours provided*" performance measure reflect time spent in training mine operators in accident and illness prevention, including helping small mining operations develop or improve safety and health programs tailored specifically to the needs of their miners and operations. The request for additional FTE to allow EPD to increase its target from the FY 2014 estimate of 47,000 to 51,500.

EDUCATIONAL POLICY AND DEVELOPMENT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
11.1	Full-time permanent	12,510	13,282	15,024	1,742
11.3	Other than full-time permanent	58	35	36	1
11.5	Other personnel compensation	212	164	186	22
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	12,780	13,481	15,246	1,765
12.1	Civilian personnel benefits	3,919	4,268	4,782	514
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	1,114	990	1,206	216
22.0	Transportation of things	466	473	473	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	626	628	738	110
23.2	Rental payments to others	1	1	1	0
23.3	Communications, utilities, and miscellaneous charges	984	1,007	1,017	10
24.0	Printing and reproduction	185	200	216	16
25.1	Advisory and assistance services	4	4	4	0
25.2	Other services from non-Federal sources	4,181	2,751	2,751	0
25.3	Other goods and services from Federal sources 1/	1,501	1,806	1,895	89
25.4	Operation and maintenance of facilities	321	176	176	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	912	489	651	162
26.0	Supplies and materials	830	142	160	18
31.0	Equipment	450	463	607	144
41.0	Grants, subsidies, and contributions	3,541	9,441	1,000	-8,441
42.0	Insurance claims and indemnities	83	0	0	0
	Total	31,898	36,320	30,923	-5,397
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,424	1,687	1,692	5
	DHS Services	24	28	28	0
	HHS Services	53	28	28	0
	Services by Other Government Departments	0	63	147	84

EDUCATIONAL POLICY AND DEVELOPMENT

CHANGES IN FY 2015

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$154
Personnel benefits	50
Federal Employees' Compensation Act (FECA)	-34
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	-15
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	5
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	84
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$244**

Net Program **-\$5,641**

Direct FTE **18**

	Estimate	FTE
Base	\$36,564	154
Program Increase	\$2,800	18
Program Decrease	-\$8,441	0

TECHNICAL SUPPORT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
Activity Appropriation	32,050	33,791	34,252	461
FTE	210	214	214	0

NOTE: FY 2013 reflects actual FTE. Authorized FTE for FY 2013 was 211.

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 as amended by the MINER Act; administers a fee program at the Approval and Certification Center (ACC) in Triadelphia, WV, to approve equipment and materials for use in mines; analyzes data relative to the cause, frequency, and circumstances of accidents, injuries, illnesses, and occupational diseases; evaluates new technology for potential to enhance miners' safety and health; and provides laboratory support for enforcement program areas in the Pittsburgh Safety and Health Technology Center (PSHTC) and the National Air and Dust Laboratory (NADL) in Mt. Hope, WV.

Technical Support's responsibilities include the following:

- Approving and certifying equipment, instruments, materials, and personal protective apparatus 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 personnel through mine visits as well as forensic field and laboratory investigations that address technical problems encountered in implementing the Mine Act;
- Providing specialized laboratory support for MSHA enforcement by analyzing airborne dust samples, atmospheric gas samples, mine dust samples, and other industrial hygiene related samples to determine compliance with health and safety standards;
- 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 personnel and stakeholders;
- Providing analyses of existing environmental conditions and projections of future technological developments;
- Conducting in-depth studies to identify root causes of accidents, injuries, and occupational illnesses, determining trends and impact, and recommending improvements and solutions to MSHA;
- Conducting mine plan reviews specific to mine waste impoundments, roof control, seals, ventilation, and review amendments to these mine plans as requested by MSHA's enforcement programs;

TECHNICAL SUPPORT

- 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, and in support of MSHA litigation cases.

Technical Support conducts these activities through cooperative efforts with the Office of the Solicitor (SOL) attorneys and 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 Information Resources, Educational Policy and Development, and the Office of Standards, Regulations, and Variances personnel.

Technical Support supports the Secretary’s vision of *Promoting and Protecting Opportunity* through the following:

- Strategic Goal 2: Improve workplace safety and health
 - Outcome Goal 2.1: Secure safe and healthy workplaces, particularly in high-risk industries.
- DOL Priority Goal: Reduce worker fatality rates in mining 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:

- Providing engineering and technical assistance to MSHA and the mining industry.
- Targeting the most common causes of fatal accidents in support of the fatality and disaster prevention programs by continuing to assist CMSH and MNMSH enforcement personnel with accident investigations in the field and by analyzing fatal accident data.
- Conducting 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.
- Continuing mine emergency operations upgrades and improvements.
- Working 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.
- Continuing to improve impoundment/dam safety by conducting inspections of high-hazard potential sites.
- Fostering the development of more advanced communication and tracking and other technologies to be used underground mines and in mine emergency situations.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2010	\$30,642	200
2011	\$31,031	199
2012	\$33,613	204
2013	\$32,050	211
2014	\$33,791	214

TECHNICAL SUPPORT

FY 2015

MSHA requests \$34,252,000 and 214 FTE for the Technical Support budget activity to support requirements of the Mine Act. These activities include responding to mine emergency events and maintaining equipment for deployment in the event of an emergency; testing and evaluating applications for approval of mining equipment, refuge alternatives and post-accident communications and electronic tracking systems, and flame resistant materials; providing technical expertise to MSHA enforcement staff in field investigations and engineering plan reviews; litigation support; and participating in new regulatory initiatives to eliminate or reduce safety and health hazards in mining. Technical Support also provides training to MSHA enforcement personnel on the use of the Continuous Personal Dust Monitors.

In support of Strategic Goal 2 Technical Support will work to *Improve workplace safety and health* through the following:

- Continuing to provide assistance to enforcement personnel in implementing Mine Act requirements for wireless communication and electronic tracking systems, refuge alternatives, and fire resistant conveyor belts in underground mines.
- Approving and certifying mine equipment, materials, and instruments with a focus on reducing backlogs and evaluating the safe design of seals, mining impoundments, mine ventilation systems, and ground control plans.
- Analyzing fatal accident data in support of the fatality and disaster prevention program with a focus on prevention of surface haulage accidents. Working with enforcement to evaluate safety programs and issuing written report of findings and recommendations by the engineers.
- Continue upgrading Building #9 at the ACC to provide proper ventilation. Environmental control equipment and testing of burning operations are relocated to this building from densely populated buildings to enhance employee safety and health and protect the environment.
- Supporting CSMH and MNMSH enforcement by calibrating sampling equipment, such as noise dosimeters and radiation monitoring devices, to ensure the accuracy and proper functioning of instrumentation to accurately assess miner exposure to hazardous contaminants or hazardous environmental conditions.

FY 2014

Technical Support will continue activities to support requirements of the Mine Act. These include approving refuge alternatives and communication and tracking technologies, providing technical and scientific expertise, conducting field evaluations, and supporting new regulatory rulemaking to eliminate or reduce safety and health hazards in mining.

TECHNICAL SUPPORT

In FY 2014 Technical Support will:

- Continue to provide support to enforcement programs by deploying scientific and engineering experts to investigate accidents and fatalities. Such support includes identifying root causes of accidents and potential corrective actions to reduce the probability of accidents and/or fatalities.
- Provide technical assistance to enforcement programs and operators by deploying scientific and engineering experts to assist in evaluating mine conditions and compliance with MSHA's mandatory safety and health standards.
- Conduct complex mine plan reviews as requested by MSHA's enforcement programs.
- Continue to approve and certify mine equipment, materials, instruments, explosives and respirators to reduce backlogs and evaluate the safe design of seals, mine ventilation systems, and ground control.
- Continue to provide assistance to enforcement personnel and SOL in the litigation associated with citations and orders, acting as expert witnesses and providing consultation in preparation for trials.
- Assist enforcement personnel in the development of requirements for underground wireless communication and electronic tracking systems. Technical Support personnel will also conduct testing to evaluate problems related to mining equipment radio frequency interference.
- Continue to approve and provide assistance to enforcement personnel and industry on provisions of the Mine Act as they relate to refuge alternatives.
- Renovate Building #9 at the ACC facility to adequately accommodate mandatory flame resistance testing. Currently the ACC uses Building #5 and Building #1 to conduct flammability testing of products such as conveyor belts, electric and signaling cables, splice kits, hose conduit, brattice cloth, ventilation tubing, and hydraulic fluids. These buildings have inadequate ventilation controls to protect employees and the environment from the hazardous products of combustion. Technical Support will relocate testing equipment to Building #9 and provide this space with proper ventilation and environmental controls.

MSHA's DOL Dam Safety Officer will continue to evaluate MSHA's efforts and recommend actions to reduce the likelihood of failure of any impoundment/dam. Technical Support staff will assist MSHA enforcement on impoundment inspections and lead the impoundment specialist training committee.

In FY 2012, Congress provided funding for Technical Support to expand and modernize the NADL located in Mt. Hope, WV. The lab processes rock dust and mine atmosphere samples

TECHNICAL SUPPORT

collected by enforcement inspectors and performs other sample analyses. With equipment improvements and increased staff in FY 2013, the lab significantly improved the reliability and speed of sample processing. In FY 2014, Technical Support will continue the accreditation process.

Technical Support will install and provide training for employees for three new robotic systems at the Pittsburgh Dust Weighing Laboratory to provide improved weighing systems compatible with new computer operating system upgrades.

Technical Support will provide training to personnel on the system upgrades for the seismic location system and new communication system for underground mine rescue and recovery operations. It will purchase additional gas detection equipment to complete the communications system. It will also schedule field tests as part of the implementation of this new technology.

MSHA currently has four Mine Emergency Rescue stations located in Bruceton, PA; Price, UT; Beckley, WV; and Madisonville, KY. It plans to purchase a new command center vehicle for the Price, UT station. It will maintain its Mining Emergency Operations fleet by contracting for scheduled maintenance and repairs (e.g., engine failure and safety inspections), and will continue to replace mine emergency response team consumables (protective gear, oxygen, tubing, filters, etc.). MSHA will conduct mine emergency training for mine emergency responders and managers in preparation for responding to mine emergencies such as fires and explosions. These improvements will give first responders proper training and keep equipment in good working condition to immediately deploy in the event of a mine emergency and will enhance the likelihood of successful rescue operations in remote areas.

Technical Support's ACC completed 65 refuge alternative component approvals to allow operators to comply with the December 31, 2013 implementation date of MSHA's refuge alternative rule.

FY 2013

In FY 2013, the NADL continued to maintain improved turnaround of enforcement sample analyses following its expansion and modernization. After reducing average sample processing time from 30 days to just 2 days, the NADL maintained this level throughout FY 2013 while processing 58,000 rock dust samples and 16,249 air samples.

During FY 2013 MSHA established the Mid-West Mine Rescue Station in temporary quarters at the CSMH District 10 office located in Madisonville, KY. The station contains mine rescue team equipment, a mine rescue team truck, gas monitoring equipment, and a satellite communications trailer.

Technical Support provided engineering, scientific, and laboratory expertise to reduce miners' exposure to respirable coal mine dust, silica, toxic agents, and noise. It performed 184,249 respirable dust sample analyses to assess health compliance and made recommendations to MSHA enforcement staff to reduce miner exposure to hazardous conditions.

TECHNICAL SUPPORT

Technical Support evaluated the safe design of seals, mine ventilation systems, and ground control systems.

Technical Support conducted complex mine plan reviews specific to mine waste impoundments, roof control, stoppings, highwall stability, and ventilation. It also reviewed amended plans at the request of MSHA enforcement. It reviewed 18 impoundment plans.

Technical Support approved and certified mine equipment, materials, instruments, explosives, and respirators. It completed a total of 648 product approvals, 59.7 % within 120 days.

Technical Support implemented the expanded Repair Shop program to audit rebuilt permissible equipment and machines to ensure conformance with original approval specifications.

Technical Support engineers provided technical expertise for accident investigations and other mine conditions. PSHTC completed 955 field investigations during FY 2013.

Technical Support provided engineering and scientific expertise to support rulemaking processes to address 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 also chaired a rulemaking committee to promote proximity protection for miners.

MSHA's DOL Dam Safety Officer 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.

TECHNICAL SUPPORT

DETAILED WORKLOAD AND PERFORMANCE						
	FY 2013 Enacted		FY 2014 Enacted	FY 2015 Request		
	Target	Result	Target	Target		
Technical Support						
Strategic Goal 2 - Improve workplace safety and health						
Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries						
TS-01	Approval Actions (New and Modifications)		650	648	700	700
TS-02	Samples Analyzed		275,000	215,593	250,000	250,000
MSHA- TS-01	Percent of product approvals (electrical and mechanical equipment, materials, and refuge alternatives) completed within 120 days		55.0%	60.4%	55.0%	60.0%

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

TECHNICAL SUPPORT

In Support of Strategic Goal 2 *Improve workplace safety and health*, Technical Support will work to reduce fatal accidents and health risks to miners through the following efforts:

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. In FY 2013, Technical Support experienced the retirement of several senior personnel, which had an impact on the approval actions. In FY 2014 and FY 2015, the program expects approvals to increase due to realignment of duties and newly hired personnel. The types of equipment Technical Support evaluates and approves include:

- Advanced communication and tracking systems. These systems assist emergency responders in accurately locating miners in a post-accident environment during rescue and recovery operations.
- Proximity detection systems. To prevent fatal and nonfatal injuries, a proximity detection system provides a warning when a miner gets near a machine and stops the machine if a miner is in a dangerous location. The systems protect miners working in the vicinity of mining equipment, including continuous mining machines, shuttle cars, and scoops.
- Permissible electric equipment including longwall mining machines, continuous mining machines, shuttle cars, tunnel boring machines, and other machinery. These approvals ensure that the equipment taken into potentially gassy areas of a mine do not cause a mine fire or explosion.
- Refuge alternatives. In the event of an emergency, refuge alternatives provide a safe haven for miners whose escape may be blocked by a fire, explosion, or roof fall.
- Underground diesel equipment, including diesel engines, diesel power packages, diesel machines, and dust collector systems. These approvals ensure that the equipment is designed to prevent mine fires, explosions, over-exposure to diesel exhaust emissions and particulates, and over-exposure to dust levels.
- Flame resistant materials are approved under 30 CFR Parts 7 and 14. These products include brattice cloth and ventilation tubing, flame resistant trailing and signal cables, cable splice kits, and conveyor belts.

Samples Analyzed. Technical Support's analytical laboratories located in Pittsburgh, PA, are accredited by the American Industrial Hygiene Association. The labs analyze samples for enforcement personnel and the mining industry to assess miner exposure 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 mine operator has established compliance with permissible exposure limits. The NADL is currently in the process of receiving accreditation from the American Association for Laboratory Accreditation. The NADL analyzes

TECHNICAL SUPPORT

mine dust samples to determine compliance with incombustible content requirements to help prevent mine explosions; and to analyze mine air samples to determine compliance with methane and oxygen requirements to assist enforcement of air quality standards. The number of samples analyzed decreased because fewer were submitted by enforcement for processing due to decreased mining activity. The targets for FY 2014 and FY 2015 are based on the projected numbers of coal mines.

TECHNICAL SUPPORT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
11.1	Full-time permanent	16,598	16,850	17,046	196
11.3	Other than full-time permanent	116	97	98	1
11.5	Other personnel compensation	597	480	480	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	17,311	17,427	17,624	197
12.1	Civilian personnel benefits	5,260	5,518	5,548	30
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	591	599	599	0
22.0	Transportation of things	196	199	199	0
23.1	Rental payments to GSA	114	115	112	-3
23.2	Rental payments to others	0	2	2	0
23.3	Communications, utilities, and miscellaneous charges	559	561	561	0
24.0	Printing and reproduction	17	18	18	0
25.1	Advisory and assistance services	15	15	15	0
25.2	Other services from non-Federal sources	434	404	404	0
25.3	Other goods and services from Federal sources 1/	4,045	4,073	4,310	237
25.4	Operation and maintenance of facilities	761	772	772	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	394	386	386	0
26.0	Supplies and materials	645	655	655	0
31.0	Equipment	1,708	3,047	3,047	0
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	32,050	33,791	34,252	461
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,911	2,265	2,277	12
	DHS Services	4	6	6	0
	HHS Services	2,111	1,802	1,829	27
	Services by Other Government Departments	19	0	198	198

TECHNICAL SUPPORT

CHANGES IN FY 2015

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$197
Personnel benefits	63
Federal Employees' Compensation Act (FECA)	-33
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	-3
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	12
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	225
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

Built-Ins Subtotal **\$461**

Net Program **\$0**

Direct FTE **0**

	Estimate	FTE
Base	\$34,252	214
Program Increase	\$0	0
Program Decrease	\$0	0

PROGRAM EVALUATION AND INFORMATION RESOURCES

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
Activity Appropriation	17,429	17,990	19,593	1,603
FTE	65	72	72	0

NOTE: FY 2013 reflects actual FTE. Authorized FTE for FY 2013 was 66.

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 manages MSHA’s directive system and utilizes current and emerging technology to provide enforcement personnel, mine operators, and other stakeholders with continuously updated handbooks, manuals, and related directives.

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 Secretary’s innovation strategies aimed at using openness, transparency, and effective communications as means of ensuring broad-based and continuing compliance. MSHA, the mining community, and the public use this data to assess progress in preventing occupational injuries and illnesses in the mining industry.

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 disclosing 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

PROGRAM EVALUATION AND INFORMATION RESOURCES

reporting burden on businesses and the public, share information more quickly, and automate internal processes; (7) ensures continuation of an active enterprise-wide security program that achieves cost-effective security; and (8) ensures risks are mitigated and contingency plans are in place and up-to-date.

PEIR supports the Secretary's vision of *Promoting and Protecting Opportunity* through the following:

- Strategic Goal 2: Improve workplace safety and health.
 - Strategic Objective 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: Promote fair and high-quality work environments.
 - Strategic Objective 3.2: Protect workers' rights.
 - Performance Goal MSHA 3.2: Protect miners from discrimination.
- DOL Priority Goal: Reduce worker fatality rates in mining by five percent per year based on a rolling five-year average.

In FY 2015, PEIR will support MSHA's efforts to improve safety and health conditions in the mining workplace through the following strategies:

- Enforcing mandatory health and safety standards;
- Targeting the most common causes of fatal mine accidents and disasters;
- Focusing on prevention and improving mine emergency response preparedness by MSHA and the mining industry through stakeholder outreach, education, and training;
- Targeting the most egregious and persistent violators through enhanced enforcement programs; and
- Enforcing miners' rights to report hazardous conditions through protection against retaliation.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2010	\$16,857	75
2011	\$18,173	61
2012	\$18,157	62
2013	\$17,429	66
2014	\$17,990	72

FY 2015

MSHA requests \$19,593,000 and 72 FTE for the PEIR budget activity. This request includes an increase for the following initiative:

PROGRAM EVALUATION AND INFORMATION RESOURCES

- Enforcement Enhancement Improvements (\$1,500,000 and 0 FTE) to contribute towards the overarching goals to improve the quality of data analytics across MSHA and enhance MSHA's IT systems to better support the following enforcement functions:
 - Inspection Tracking System – eliminate the manual uploading and downloading of mine inspection documents with real-time data synchronization with MSHA's enterprise system. This update will allow multiple inspectors to access inspection documents simultaneously.
 - Inspector Application – enhance and modernize MSHA's current inspector application system. This improvement will allow inspectors more time at the mine site and less time performing administrative functions with the current system.
 - Special Investigation Tracking System – centralize the special investigations tracking component into MSHA's enterprise data system, thereby increasing security, efficiency, and data confidentiality. Currently, the data is stored on stand-alone ACCESS databases and Excel spreadsheets. This improvement will provide a workflow and tracking mechanism in a central location.

PEIR will continue to support MSHA's mission to improve the safety and health of the Nation's miners by:

- Managing the cost of IT infrastructure and services, and the IT affiliation with the Department of Labor (DOL) Office of the Chief Information Officer (OCIO) as part of the DOL's Integration Initiative.
- Operating and maintaining MSHA's major application systems, developing new software systems for the agency's evolving technology needs via MSHA's Enterprise System while maintaining continuous alignment with DOL/OCIO IT modernization initiatives.
- Providing support for the evaluation of the *MSHA Inspectors' Use of Innovative Mobile Technologies Demonstration* that will modernize a suite of mobile applications used by enforcement personnel.
- Operating and maintaining a state-of-the-art Video Teleconference presence throughout the agency.
- Providing information technology solutions to improve mine emergency operations.
- Improving MSHA's centralized directives system by continuing thorough reviews of directives and eliminate contradictory, outdated, and redundant information.
- Evaluating the effectiveness of the agency policies and program operations.
- Collecting, analyzing, and publishing data obtained from mine operators on the prevalence of work-related injuries and illnesses in the mining industry.

PROGRAM EVALUATION AND INFORMATION RESOURCES

FY 2014

PEIR will continue to operate and manage transmission of MSHA's information infrastructure, as well as provide IT management services. PEIR will support IT as a service by contributing to the DOL Cloud Initiatives.

PEIR will continue to support MSHA's Operating Plan by providing information technology solutions to improve Mine Emergency Response Preparedness and continue efforts to improve MSHA's directives system.

PEIR will support MSHA's efforts through the implementation of the following Upper Big Branch (UBB) Internal Review Corrective Actions:

- Enhancements to collecting and analyzing the rock dust sampling process into MSHA's enterprise system. This integration will enhance enforcement of MSHA's rock dust standard, allowing 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 also allow a faster turnaround of rock dust sample results to inspectors, expanding MSHA's ability to identify unsafe mine conditions that unnecessarily put miner's lives at risk.
- Enhancements to MSHA's Inspectors' Portable Application for Laptops (IPAL) system which will allow inspectors to employ their time more effectively by limiting their administrative time inputting information into the data entry forms. The forms would be prefilled with available information such as Mine Identification Number, Mine Name, Operator Name, etc. This information would be uploaded into MSHA's Enterprise system for standard oversight reports.
- Enhancements to the review of potential flagrant violation process will automate 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 begin efforts to support the evaluation of *MSHA Inspectors' Use of Innovative Mobile Technologies Demonstration*.

PEIR plans to complete the following initiatives to enhance MSHA's IT network: complete a satellite re-design to improve support for Mine Emergency Operations; replace the current tape back-up solution; and replace MSHA's business intelligent solution with a more robust tool for data collection and analysis.

FY 2013

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

PROGRAM EVALUATION AND INFORMATION RESOURCES

and two data centers. PEIR operated and maintained MSHA's major application systems; supported and maintained the online electronic government filing application; developed new software systems for evolving technology needs; and provided technology training for the agency's computer user community.

PEIR supported MSHA's efforts to protect the health and safety of the nation's miners through the implementation of the following UBB Internal Review Corrective Actions:

- Enhancement to the rock dust sampling process through the integration of the Rock Dust Sample Submission and Rock Dust Data Retrieval System applications into IPAL and MSHA's Enterprise System. This integration enhances the enforcement of MSHA's rock dust standard.
- Integration of inspector Journeyman Retraining information into MSIS allowing MSHA to track required journeyman retraining for supervisors, inspectors and specialists.
- Development of a report for MSHA's Mine Plan Approval database system to track the time required to process mine operator ventilation plans and supplements.

PEIR consolidated three data centers into two in order to meet the requirement of the Federal Data Center Consolidation Initiative.

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

PEIR expanded its Telepresence project by adding 17 additional video teleconference sites for a total of 37 throughout the United States, plus 5 portable units that can be utilized in remote locations.

PEIR developed and implemented a centralized directives system that provides the capability for readily available access to all active MSHA directives. The program eliminates outdated directives; provides an effective process for the development, review and dissemination of agency policies and procedures; and ensures the continuous updating of handbooks, manuals and policies in use by MSHA. The directives system also improves the quality and efficiency of mining inspections. In FY 2013, PEIR ensured all policy directives were appropriately distributed.

PROGRAM EVALUATION AND INFORMATION RESOURCES

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2013 Enacted		FY 2014 Enacted	FY 2015 Request
	Target	Result	Target	Target
Program Evaluation and Information Resources				
Strategic Goal 2 - Improve workplace safety and health				
Strategic Objective 2.1 - Secure safe and healthy workplaces, particularly in high-risk industries				
MSHA- Number of data sets deployed to data.gov PEIR- 01	2	3	2	2

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

PROGRAM EVALUATION AND INFORMATION RESOURCES

In FY 2015, PEIR will expand the MSHA Open Government data sets. These data sets provide information to the public and industry ultimately improving mine safety and health by allowing them to monitor and improve enforcement performance and quality. PEIR estimates that two data sets will be made available. This estimate could change based on additional needs/requirements from MSHA stakeholders.

In FY 2014, PEIR plans to deploy two additional data sets: assessed violations and dockets/decisions.

In FY 2013, PEIR exceeded its target of two by completing three data sets: quartz samples, contested violations, and conferences.

PROGRAM EVALUATION AND INFORMATION RESOURCES

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
11.1	Full-time permanent	6,402	6,603	6,686	83
11.3	Other than full-time permanent	10	0	0	0
11.5	Other personnel compensation	166	131	131	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	6,578	6,734	6,817	83
12.1	Civilian personnel benefits	1,954	1,985	1,984	-1
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	65	66	66	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	654	656	641	-15
23.2	Rental payments to others	2	2	2	0
23.3	Communications, utilities, and miscellaneous charges	87	101	101	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	19	24	24	0
25.3	Other goods and services from Federal sources 1/	617	729	765	36
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	6,381	7,038	8,538	1,500
26.0	Supplies and materials	44	45	45	0
31.0	Equipment	1,020	602	602	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	17,429	17,990	19,593	1,603
	1/Other goods and services from Federal sources				
	Working Capital Fund	576	683	685	2
	DHS Services	27	30	30	0
	HHS Services	14	14	14	0
	Services by Other Government Departments	0	2	36	34

PROGRAM EVALUATION AND INFORMATION RESOURCES

CHANGES IN FY 2015

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$83
Personnel benefits	24
Federal Employees' Compensation Act (FECA)	-25
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	-15
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	2
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	34
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$103**

Net Program **\$1,500**

Direct FTE **0**

	Estimate	FTE
Base	\$18,093	72
Program Increase	\$1,500	0
Program Decrease	\$0	0

PROGRAM ADMINISTRATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
Activity Appropriation	15,974	15,838	16,026	188
FTE	93	91	91	0

NOTE: FY 2013 reflects actual FTE. Authorized FTE for FY 2013 was 93.

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 supports the Secretary's vision of *Promoting and Protecting Opportunity* through the following:

- Strategic Goal 2: Improve workplace safety and health.
 - Strategic Objective 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: Promote fair and high-quality work environments.
 - Strategic Objective 3.2: Protect workers' rights.
 - Performance Goal MSHA 3.2: Protect miners from discrimination.
- DOL Priority Goal: Reduce worker fatality rates in mining by five 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>
2010	\$17,391	86
2011	\$15,906	94
2012	\$16,998	92
2013	\$15,974	93
2014	\$15,838	91

FY 2015

MSHA requests \$16,026,000 and 91 FTE for the PA activity.

PA will continue to implement its comprehensive human capital plan with the aim of significantly reducing mission-critical skill gaps and improving the timeliness of enforcement hiring practices.

Safety and health services will remain a top priority for MSHA employee well-being. PA will also continue to research and initiate projects that improve efficiency and effectiveness of support in the areas of financial management, facility and management services, acquisition, and human capital management.

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

In FY 2015, PA will support MSHA's program activities to improve safety and health conditions in the mining workplace.

FY 2014

PA will continue to support MSHA's FY 2014 Operating Plan, Departmental Strategic Goals and Outcome Goals.

PA will continue to implement its comprehensive human capital plan with the aim of significantly reducing mission-critical skill gaps. The Human Resources Division (HRD) will lead MSHA through a transition to a new human resources service provider and time-keeping system. These initiatives will improve accuracy and processing times for personnel and payroll actions as well as support strategic objectives supporting interagency partnerships and efficiencies. HRD will also initiate a pilot hiring program for two Metal/Nonmetal districts. The pilot will streamline the on-boarding of new employees by eliminating the math and writing testing sessions as part of the initial review process and incorporate that analysis into the announcement and application process. This will maximize referral applicant pools, eliminate applicant travel to testing sites, and is designed to improve timeliness in filling vacant positions.

PROGRAM ADMINISTRATION

In FY 2014, PA will continue to provide safety and health services for MSHA employees to include emergency medical equipment and training for field employees; periodic, pre-placement mine rescue physical and fitness for duty exams for mine inspectors; and on-site health and fitness services for headquarters personnel.

PA's Management Services Division (MSD) will lead the transition from paper to electronic record keeping and digitization of official records in accordance with Executive Order 13589 and the Paperwork Reduction Act of 1995 (44 U.S. C. 3501-3520). This system will streamline and consolidate manual processes, allow immediate nationwide access to mine safety records, ensure authorized user access, reduce storage costs and eliminate duplicative processes resulting in long-term savings.

Office space projects scheduled for completion in FY 2014 include: Franklin, TN; Birmingham, AL; Vincennes, IN; Carlsbad, NM; Indianapolis, IN; Pineville, WV; Green River, WV; Phelps, KY; Albuquerque, NM; Mesa, AZ; Lansing, MI; and Fort Dodge, IA. MSD will also begin preparation for the Arlington headquarters move. Groundwork will include the acquisition, design, and build-out of the new space; procurement of furniture, planning for information technology infrastructure, and voiceover internet protocol; and planning for records storage.

In order to streamline and modernize acquisition processes, the department is implementing a new enterprise Acquisition Management System to replace the current E-Procurement System. This upgrade will provide MSHA with an efficient, secure, and transparent means of acquiring goods and services to effectively support the entire acquisition life cycle, from initial planning and requisitioning through award and closeout.

FY 2013

PA developed a human capital succession plan that includes a leadership development program with initiatives to support the continuous on-boarding and recruitment of high performing and dedicated employees. The plan also includes selection procedural guidance for leadership positions to ensure hiring decisions assess whether or not personnel are fully qualified to manage issues of mine safety. The Human Resources Division also successfully transitioned to centralized servicing of retirement and benefits services in accordance with Departmental strategic goals and objectives for efficiency and consolidation.

PA accomplished employee safety and health initiatives to include establishing interagency support for emergency medical equipment and training for field employees, mine rescue physical and fitness for duty exams for mine inspectors, and on-site health and fitness services for headquarters personnel.

PA's Management Services Division completed seven office space projects including: Benton, IL; Litchfield, IL; Tallahassee, FL; Albany, NY; Geneva, NY; Salt Lake City, UT; and Duluth, MN.

PA exceeded all Department of Labor socioeconomic acquisition goals and improved overall effectiveness by providing comprehensive training to employees and customers. The

PROGRAM ADMINISTRATION

Acquisition Division also doubled its sign award capacity by obtaining additional warrants to increase flexibility for managing MSHA's procurement workload.

PROGRAM ADMINISTRATION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2013 Enacted	FY 2014 Enacted	FY 2015 Request	Diff. FY15 Request / FY14 Enacted
11.1	Full-time permanent	9,355	8,916	9,019	103
11.3	Other than full-time permanent	158	116	117	1
11.5	Other personnel compensation	202	175	175	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	9,715	9,207	9,311	104
12.1	Civilian personnel benefits	2,414	2,391	2,404	13
13.0	Benefits for former personnel	3	0	0	0
21.0	Travel and transportation of persons	203	153	153	0
22.0	Transportation of things	19	19	19	0
23.1	Rental payments to GSA	839	842	822	-20
23.2	Rental payments to others	12	3	3	0
23.3	Communications, utilities, and miscellaneous charges	232	319	319	0
24.0	Printing and reproduction	13	15	15	0
25.1	Advisory and assistance services	46	47	47	0
25.2	Other services from non-Federal sources	252	338	338	0
25.3	Other goods and services from Federal sources 1/	1,548	1,840	1,931	91
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	344	295	295	0
26.0	Supplies and materials	245	250	250	0
31.0	Equipment	62	92	92	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	25	25	25	0
	Total	15,974	15,838	16,026	188
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,352	1,602	1,606	4
	DHS Services	35	33	33	0
	HHS Services	44	55	56	1
	Services by Other Government Departments	117	150	236	86

PROGRAM ADMINISTRATION

CHANGES IN FY 2015

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$104
Personnel benefits	30
Federal Employees' Compensation Act (FECA)	-17
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	-20
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	4
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	87
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$188**

Net Program **\$0**

Direct FTE **0**

	Estimate	FTE
Base	\$16,026	91
Program Increase	\$0	0
Program Decrease	\$0	0