

FY 2017

CONGRESSIONAL BUDGET JUSTIFICATION

MINE SAFETY AND HEALTH ADMINISTRATION

This page is intentionally left blank.

TABLE OF CONTENTS

Appropriation Language	1
Explanation of Language Change	2
Analysis of Appropriation Language	3
Amounts Available for Obligation	4
Summary of Changes	5
Summary Budget Authority and FTE by Activity	7
Budget Authority by Object Class	9
Significant Items in Appropriations Committees' Reports	10
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	51
Office of Assessments and Special Enforcement	61
Educational Policy and Development	71
Technical Support	79
Program Evaluation and Information Resources	89
Program Administration	97

This page is intentionally left blank.

MINE SAFETY AND HEALTH ADMINISTRATION

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, [\$375,887,000] \$397,372,000, 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]: *Provided*, That notwithstanding 31 U.S.C. 3302, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to \$2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: *Provided further*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: *Provided further*, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster[.]: *Provided further*, That the Secretary may reallocate among the programs, projects and activities 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, 2016)

MINE SAFETY AND HEALTH ADMINISTRATION

EXPLANATION OF LANGUAGE CHANGES

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

The President's Request fully funds the State Grants Program; therefore, MSHA requests that the language mandating not less than \$8,441,000 for state assistance grants be removed.

"Provided further, That the Secretary may reallocate among the programs, projects and activities 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, to improve health and safety among officials and employees in all phases of mining, and to promote mine rescue.

MINE SAFETY AND HEALTH ADMINISTRATION

AMOUNTS AVAILABLE FOR OBLIGATION						
(Dollars in Thousands)						
	FY 2015 Enacted		FY 2016 Enacted		FY 2017 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	2,316	\$375,887	2,276	\$375,887	2,277	\$397,372
Offsetting Collections From:						
Reimbursements	0	\$1,801	0	\$3,249	0	\$3,249
<i>Subtotal</i>	<i>2,316</i>	<i>\$377,688</i>	<i>2,276</i>	<i>\$379,136</i>	<i>2,277</i>	<i>\$400,621</i>
B. Gross Budget Authority	2,316	\$377,688	2,276	\$379,136	2,277	\$400,621
IT Consolidation	0	\$0	-5	\$0	0	\$0
Offsetting Collections to:						
Reimbursements	0	-\$1,801	0	-\$3,249	0	-\$3,249
<i>Subtotal</i>	<i>2,316</i>	<i>\$375,887</i>	<i>2,271</i>	<i>\$375,887</i>	<i>2,277</i>	<i>\$397,372</i>
C. Budget Authority Before Committee	2,316	\$375,887	2,271	\$375,887	2,277	\$397,372
Offsetting Collections From:						
Reimbursements	0	\$1,801	0	\$3,249	0	\$3,249
<i>Subtotal</i>	<i>2,316</i>	<i>\$377,688</i>	<i>2,271</i>	<i>\$379,136</i>	<i>2,277</i>	<i>\$400,621</i>
D. Total Budgetary Resources	2,316	\$377,688	2,271	\$379,136	2,277	\$400,621
Unobligated Balance Expiring	-59	-\$514	0	\$0	0	\$0
E. Total, Estimated Obligations	2,257	\$377,175	2,271	\$379,136	2,277	\$400,621

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2016 Enacted	FY 2017 Request	Net Change
Budget Authority			
General Funds	\$375,887	\$397,372	+\$21,485
Total	\$375,887	\$397,372	+\$21,485
 Full Time Equivalents			
General Funds	2,271	2,277	6
Total	2,271	2,277	6

FY 2017 Change

Explanation of Change	FY 2016 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	2,271	\$186,788	0	\$0	0	\$3,162	0	\$3,162
Personnel benefits	0	\$64,208	0	\$0	0	\$1,393	0	\$1,393
Two days less of Pay	0	\$0	0	\$0	0	\$0	0	\$0
Federal Employees' Compensation Act (FECA)	0	\$7,346	0	\$0	0	\$53	0	\$53
Benefits for former personnel	0	\$0	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$11,580	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$5,174	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$15,100	0	\$0	0	\$557	0	\$557
Rental payments to others	0	\$66	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$3,550	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$306	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$111	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$4,641	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$30,991	0	\$0	0	\$1,624	0	\$1,624
Other Federal sources (DHS Charges)	0	\$723	0	\$0	0	\$0	0	\$0
Other goods and services from Federal sources	0	\$22,500	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$1,109	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$4,299	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$3,447	0	\$0	0	\$0	0	\$0
Equipment	0	\$4,441	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$9,441	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$66	0	\$0	0	\$0	0	\$0

MINE SAFETY AND HEALTH ADMINISTRATION

FY 2017 Change

Explanation of Change	FY 2016 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Land and Structures	0	\$0	0	\$0	0	\$0	0	\$0
Built-Ins Subtotal	2,271	+\$375,887	0	\$0	0	+\$6,789	0	+\$6,789
B. Programs:								
Restoration of Inflationary Built-Ins Not Provided in FY 2016 Omnibus	0	\$0	0	\$0	0	\$4,966	0	\$4,966
Strengthening the Delivery of Training	143	\$36,650	0	\$0	0	\$3,441	0	\$3,441
Operationalizing the Final Respirable Dust Rule	1,099	\$166,683	0	\$0	0	\$2,100	0	\$2,100
IPAL Replacement	57	\$18,144	0	\$0	0	\$2,000	0	\$2,000
Enforcement Application Improvements	57	\$18,144	0	\$0	0	\$1,500	0	\$1,500
UBB Internal Review Recommendations	52	\$7,171	0	\$0	6	\$1,000	6	\$1,000
Strengthening Enhanced Enforcement Activities Through Off-Shift Impact Inspections	1,099	\$166,683	0	\$0	0	\$650	0	\$650
Regulatory Staff and Contractors	24	\$5,531	0	\$0	0	\$600	0	\$600
Inspection of Metal and Nonmetal Mines in U.S. Territories	598	\$95,936	0	\$0	0	\$350	0	\$350
Programs Subtotal			0	\$0	6	+\$16,607	6	+\$16,607
Total Increase	2,271	+\$375,887	0	\$0	6	+\$23,396	6	+\$23,396
Decreases:								
A. Built-Ins:								
To Provide For:								
Two days less of Pay	0	\$0	0	\$0	0	-\$1,911	0	-\$1,911
Built-Ins Subtotal	0	\$0	0	\$0	0	-\$1,911	0	-\$1,911
B. Programs:								
Total Decrease	0	\$0	0	\$0	0	-\$1,911	0	-\$1,911
Total Change	2,271	+\$375,887	0	\$0	6	+\$21,485	6	+\$21,485

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2015 Enacted		FY 2016 Enacted		FY 2017 Request		Diff. FY17 Request / FY16 Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Coal Mine Safety and Health	1,123	167,859	1,099	164,296	1,099	171,768	0	7,472
General Funds	1,123	167,859	1,099	164,296	1,099	171,768	0	7,472
Metal and Nonmetal Mine Safety and Health	561	91,697	598	94,697	598	97,563	0	2,866
General Funds	561	91,697	598	94,697	598	97,563	0	2,866
Office of Standards, Regulations, and Variances	24	5,416	24	5,416	24	6,197	0	781
General Funds	24	5,416	24	5,416	24	6,197	0	781
Office of Assessments and Special Enforcement	51	6,976	52	7,089	58	8,277	6	1,188
General Funds	51	6,976	52	7,089	58	8,277	6	1,188
Educational Policy and Development	143	36,320	143	36,320	143	40,419	0	4,099
General Funds	143	36,320	143	36,320	143	40,419	0	4,099
Technical Support	207	33,791	207	34,241	207	35,041	0	800
General Funds	207	33,791	207	34,241	207	35,041	0	800
Program Evaluation and Information Resources	57	17,990	57	17,990	57	21,815	0	3,825
General Funds	57	17,990	57	17,990	57	21,815	0	3,825
Program Administration	91	15,838	91	15,838	91	16,292	0	454

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY

(Dollars in Thousands)

	FY 2015 Enacted		FY 2016 Enacted		FY 2017 Request		Diff. FY17 Request / FY16 Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
General Funds	91	15,838	91	15,838	91	16,292	0	454
Total	2,257	375,887	2,271	375,887	2,277	397,372	6	21,485
General Funds	2,257	375,887	2,271	375,887	2,277	397,372	6	21,485

NOTE: 2015 reflects actual FTE.

MINE SAFETY AND HEALTH ADMINISTRATION

BUDGET AUTHORITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
	Full-Time Equivalent				
	Full-time Permanent	2,303	2,258	2,264	6
	Other	13	13	13	0
	Total	2,316	2,271	2,277	6
	Average ES Salary	\$173,090	\$174,821	\$176,569	\$1,748
	Average GM/GS Grade	11/5	11/5	11/5	0
	Average GM/GS Salary	\$78,750	\$79,537	\$80,332	\$795
	Average Salary of Ungraded Positions	46,218	46,680	47,147	467
11.1	Full-time permanent	180,438	181,865	189,823	7,958
11.3	Other than full-time permanent	566	270	273	3
11.5	Other personnel compensation	4,009	4,653	5,303	650
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	185,013	186,788	195,399	8,611
12.1	Civilian personnel benefits	67,728	71,554	74,642	3,088
13.0	Benefits for former personnel	28	0	0	0
21.0	Travel and transportation of persons	12,054	11,580	12,784	1,204
22.0	Transportation of things	6,806	5,174	5,215	41
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	17,293	15,100	16,199	1,099
23.2	Rental payments to others	165	66	66	0
23.3	Communications, utilities, and miscellaneous charges	4,262	3,550	3,593	43
24.0	Printing and reproduction	482	306	406	100
25.1	Advisory and assistance services	137	111	111	0
25.2	Other services from non-Federal sources	4,660	4,641	4,941	300
25.3	Other goods and services from Federal sources 1/	44,489	54,214	55,838	1,624
25.4	Operation and maintenance of facilities	1,296	1,109	1,109	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	6,470	4,299	8,341	4,042
26.0	Supplies and materials	4,118	3,447	3,616	169
31.0	Equipment	11,390	4,441	5,605	1,164
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	9,441	9,441	9,441	0
42.0	Insurance claims and indemnities	55	66	66	0
	Total	375,887	375,887	397,372	21,485
	1/Other goods and services from Federal sources				
	Working Capital Fund	31,105	30,991	32,615	1,624
	DHS Services	723	723	723	0
	HHS Services	3,010	2,876	2,876	0
	Services by Other Government Departments	9,651	19,624	19,624	0

MINE SAFETY AND HEALTH ADMINISTRATION

SIGNIFICANT ITEMS IN FY 2016 APPROPRIATIONS' REPORTS

House Report: The Mine Safety and Health Administration (MSHA) is directed to provide assistance and data necessary for the National Academy of Sciences study provided in the Centers for Disease Control and Prevention, National Institute of Occupational Safety and Health account. MSHA is directed to report to the Committees on Appropriations of the House of Representatives and the Senate and authorizing committees of jurisdiction within 72 hours of determining that compliance rates under the new sampling protocols taking effect in 2016 fall below 95 percent, and to provide such committees with quarterly reports on actual compliance rates under the new coal dust rule.

Response: The second phase of the dust rule is effective February 1, 2016, when the rule's new sampling protocols are required. The first underground coal mine operator quarterly sampling period using the Continuous Personal Dust Monitor (CPDM) begins on April 1, 2016, and ends on June 30, 2016. MSHA will report to the Committees on Appropriations of the House of Representatives and Senate and authorizing committees of jurisdiction within 72 hours of determining compliance rates under the new sampling protocols fall below 95 percent and will provide quarterly reports on actual compliance rates under the new coal dust rule. MSHA will also provide assistance and data necessary for the National Academy of Sciences study provided in the Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health account.

House Report: The Committee is concerned that MSHA may be expending unnecessary resources by inspecting coal mines that are not in operation more frequently than necessary to reasonably ensure worker safety. The Committee directs MSHA to review its policies and procedures for inspecting coal mines not in operation and ensure that such guidelines are consistent with statutory requirements and established safety standards.

Response: Under the Federal Mine Safety and Health Act of 1977 (Mine Act), MSHA is required to inspect all underground and surface coal mines in which miners are working, even if some of those mines are idle or non-producing. Miners working at non-producing mines are exposed to mining hazards. MSHA's statutory inspection requirements are not linked to the number of miners or the quantity of coal a mine produces, if any, although the level of activity at a mine can affect the hours needed to inspect a mine. As such, MSHA has reviewed its policies and procedures for inspecting coal mines not in operation and ensures the Committee that such guidelines are consistent with statutory requirements and established safety standards.

House Report: The Committee understands that enforcement is an important part of protecting the health and safety of miners. The Committee is concerned, however, about overreliance on an enforcement-focused strategy that disproportionately impacts small businesses. The Committee believes that the Department should do everything possible to assist companies with training and technical support to comply with health and safety standards instead of just inspecting and fining companies indiscriminately for violations large and small. Compliance assistance programs are

MINE SAFETY AND HEALTH ADMINISTRATION

a vital resource for helping smaller employers comply with regulations and improve their health and safety programs. The Committee appreciates the reductions in mining injury and illness rates that have been achieved in recent decades and remains a strong proponent for vigilant mine safety oversight. The Committee believes that MSHA needs to offer a more formal voluntary protection program including the ability for mine operators to request compliance inspections that do not incur fines for violations. Such a program would increase participation in voluntary inspections, advance the goal of improving health and safety in the mining industry, and achieve greater compliance with standards without the threat of punitive enforcement.

Response: The Mine Act requires MSHA to cite operators for every violation that they observe, and the statutory scheme does not include a voluntary protection program component. However, MSHA has expanded its compliance assistance activities, which include extensive outreach, education, training and cooperative partnerships, especially to small mines. To increase training and education assistance to the mining industry, particularly at small mines, MSHA revamped its field training services in 2014. In addition, MSHA continually develops programs and initiatives in cooperation with the industry to improve compliance with its mandatory safety and health standards. Recent examples include its collaboration with the metal and nonmetal industry to reduce fatalities in that sector and to clarify MSHA's metal and nonmetal health and safety standards; assistance to the coal mine industry to prepare it for implementation of MSHA's final rules on respirable dust and proximity detection systems for continuous mining machines in coal mines; and its extensive development of online training courses and other tools to assist the industry in compliance with MSHA's standards.

House Report: The Committee appreciates that MSHA is undertaking an effort to redistribute enforcement activity and personnel to reflect the changing levels of coal mining production across MSHA regions and encourages MSHA to continue review and accelerate these efforts in order to most effectively align enforcement activity with current production levels.

Response: Due to the decline of coal mining production, MSHA has realigned and will continue to realign its resources to meet the demands of mining activities in all regions where coal mining is taking place. This includes transferring enforcement positions from Coal to Metal/Nonmetal, transferring Coal enforcement positions to other geographic areas, and to meet agency needs, monitoring overtime use, recruiting from all areas to fill critical vacancies, and analyzing MSHA space usage throughout the country to determine if offices can be merged or closed.

House Report: The Committee is aware that rock dust may be used in mining operations to suppress coal dust and that recent changes required by the MSHA increase the amount of rock dust required and the frequency of its application. The Committee notes that this use may create the potential for the new Continuous Personal Dust Monitors, required by MSHA, to mischaracterize rock dust as coal dust, thus subjecting operators to enforcement actions where no overexposures to coal dust exist. The Committee notes that an extension on enforcement of the regulation would provide time for MSHA to complete its current review of this problem and design protocols to prevent the potential for inaccurate compliance determinations.

MINE SAFETY AND HEALTH ADMINISTRATION

Response: MSHA respectfully disagrees with the Committee's premise that rock dusting under requirements in place since 2010 may create the potential for the new Continuous Personal Dust Monitor (CPDM) to mischaracterize rock dust as coal dust, thus subjecting operators to enforcement actions where no overexposures to coal dust exist. It is important to note that, neither the gravimetric sampler, which MSHA has used for decades to measure respirable dust, nor the CPDM distinguishes between the constituents of respirable dust measured at coal mines. In other words, they both measure total respirable dust of any type and rock dust and coal dust are not differentiated. As long as properly maintained dust controls are used and rock dust applications are properly managed, coal mine operators using the CPDM should see no increase in the number of samples that exceed MSHA's dust standards solely because of the type of sampling device used.

The CPDM is a state-of-the-art tool that went through years of research and testing with the participation of the industry and labor before MSHA and NIOSH published a final rule in 2010 that established approval requirements for the device. In 2011, MSHA and NIOSH approved a CPDM for commercial use. NIOSH test results of the device, some occurring at mine sites according to in-mine test protocols developed by NIOSH with the assistance of labor and industry, have proven that the CPDM can accurately and precisely measure respirable coal mine dust in the mine environment. And unlike the gravimetric sampler, the CPDM has the added benefit that it can measure the dust in "real time" so that corrective action to reduce miners' exposure to unhealthy respirable coal dust can be taken immediately.

House Report: The coal mining industry has experienced a period of significant decline in recent years and a substantial number of mines have ceased operations or closed as a result. The Committee understands that MSHA has ongoing personnel and training needs but urges MSHA to consider how recruitment efforts impact communities that have been the hardest hit by declining mining operations.

Response: MSHA recognizes that the decline in coal mine operations results in a pool of experienced miners who could fill open MSHA enforcement positions. MSHA is actively recruiting in areas where coal mine operations have declined, including partnering with such organizations as the Eastern Kentucky Concentrated Employment Program and the DOL Employment and Training Administration to participate in job fairs and training activities for displaced miners.

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
2007					
Base Appropriation	\$287,836	\$278,869	\$302,436	\$301,569	2,314
2008					
Base Appropriation...1/	\$313,478	\$313,478	\$340,028	\$333,925	2,306
2009					
Base Appropriation...2/	\$332,061		\$346,895	\$347,003	2,361
2010					
Base Appropriation...3/	\$353,693	\$353,193	\$357,443	\$357,293	2,425
2011					
Base Appropriation...4/	\$360,780		\$377,000	\$363,115	2,328
2012					
Base Appropriation...5/	\$384,277	\$379,854	\$384,277	\$373,293	2,365
2013					
Base Appropriation...6/	\$371,896			\$353,768	2,388
2014					
Base Appropriation	\$380,721			\$375,887	2,366
2015					
Base Appropriation	\$377,234			\$375,887	2,316
2016					
Base Appropriation	\$394,932	\$371,000	\$356,878	\$375,887	2,271
2017					
Base Appropriation	\$397,372				2,277

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

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

3/ 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.

4/ 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.

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

6/ 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.

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 is committed to its mission to improve miners' safety and health, and in the past several years, has been using all of the tools provided to it under the Mine Act to achieve this result and to change the culture of mining to be more focused on safety and health.

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. The industry's annual fatality rate for FY 2015 at .0124 (the average of fatal injuries per 200,000 hours worked) is down 43 percent from the FY 2010 fatality rate of .0219. Moreover, since FY 2010, injury rates have declined every year – with FY 2015 having the lowest overall injury rate in mining history. In FY 2015, coal mining deaths dropped to their lowest levels ever. Due to MSHA's aggressive efforts, in conjunction with the metal and nonmetal industry, to reduce deaths in metal and nonmetal mines since late 2013, fatalities decreased from FY 2014.

In addition, in FY 2015, MSHA achieved its DOL Priority Goal to reduce mining fatalities by five percent based on a five-year rolling average. The rate actually fell by 11 percent (from .0141 to .0125 fatalities per 200,000 hours worked) after remaining flat from FY 2013-14, resuming a downward trend and resulting in a cumulative drop of 24 percent since FY 2011. The decline in the numbers of coal mines and coal miners has had some effect, but the reduction in fatality and injury rates are largely attributed to a number of other factors, including stronger enforcement and regulation, better technology, improvements in mining practices and improved training. In FY 2016 and FY 2017, MSHA will continue to develop and implement new ways to make enforcement more effective, less predictable and more strategic.

MINE SAFETY AND HEALTH ADMINISTRATION

Health in the nation's mines is improving as well, particularly among coal miners. In 2009, MSHA launched its End Black Lung - ACT NOW Campaign to end the black lung disease that has caused or contributed to the deaths of 76,000 coal miners since 1968. The campaign, consisting of enhanced enforcement, education and outreach, and rulemaking, has resulted in historically low yearly average respirable dust levels in the dustiest occupations in underground coal mines. In FY 2015, these levels dropped to their lowest ever, far below the current standard, as well as below the lower standard that will be effective on August 1, 2016 under the new respirable dust rule. That rule, with its more stringent sampling requirements, is working well and in its first year of implementation (August 2014 through August 2015), about 99 percent of over 61,000 samples collected by MSHA and mine operators met compliance levels.

MSHA remains devoted to targeted enforcement, compliance assistance, and strategic rulemaking, including effective implementation of its final rules. It will continue to reinforce those efforts, which include: the revised Pattern of Violations (POV) procedures; impact inspections that target troubled mines to have safety and health conditions corrected more quickly; implementation of the final respirable dust rule to end black lung disease and the final rule requiring proximity detection systems on continuous mining machines in underground coal mines; strategic rulemaking on such issues as proximity detection to prevent crushing injuries and deaths from mobile equipment, examinations of metal and nonmetal mines, and revisions to the criteria and procedures for assessing MSHA's civil penalties; and extensive outreach to the mining community, including collaborating on MSHA's efforts to reduce fatalities in metal and nonmetal mines, to improve mine operator compliance with its mandatory health and safety standards, and to partner with the industry on initiatives that improve mine safety and health. MSHA also believes it is critical to protect miners from discrimination when they report unsafe and unhealthy conditions at their workplaces and has increased its activities in this area.

To encourage dialogue among its enforcement agencies, DOL is continuing a Cross-Agency Enforcement Group to discuss enforcement challenges and best practices for ensuring the protection of the nation's workers. MSHA fully participates in the discussions and will continue these efforts.

Mine industry compliance has improved due to MSHA's efforts in its POV and impact inspection programs; outreach activities to stakeholders on compliance and other issues; clarification of safety and health standards, such as guarding and workplace examinations in metal and nonmetal mines; and rulemaking actions such as:

- Final examination rule that went into effect in August 2012 requiring operators of underground coal mines to be more proactive in finding and correcting unsafe and unhealthy conditions in their mines;
- Final respirable dust rule in effect since August 2014 to control unhealthy respirable coal dust and eradicate black lung disease; and
- Proximity detection rule issued in 2015 to prevent miners from being crushed by continuous mining machines in underground coal mines.

The agency's strategic and focused actions, with improvements by the mining industry have resulted in a consistent overall trend of positive changes in mine safety as confirmed by year-to-

MINE SAFETY AND HEALTH ADMINISTRATION

year data. MSHA is continuing its commitment to protecting the rights of miners to be free of discrimination if they file allegations of safety and health complaints. In FY 2015, MSHA, working with the Office of the Solicitor (SOL), filed 35 actions for temporary reinstatements of miners to their jobs, the second largest after 2012, when MSHA filed 40.

The impact inspection program allows MSHA to find and fix violations more quickly. Since launching the program in 2010 through November 2015, MSHA conducted 1,064 impact inspections and issued 15,532 citations, 1,294 orders, and 57 safeguards. A review of mines that received impact inspections that have had at least one follow-up inspection shows that overall compliance is improving at these mines:

- Violations per inspection hour decreased 19 percent;
- Significant and substantial (S&S) violation rates decreased 30 percent;
- Rates of Section 104(d) unwarrantable violations for operators' failure to comply with mandatory safety and health standards decreased 60 percent; and
- The lost time injury rate decreased 4 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 of screening following the revisions in 2010, 51 mines were identified for review under the POV. Using the same screening criteria, only one mine was identified in the 2015 screening for further review. Upon completion of the review, no coal or metal and nonmetal mines met the criteria for further consideration under POV. In addition, compliance with health and safety conditions by mines previously identified has improved:

Total violation rate among the mines decreased by 41 percent;

- Total S&S rate decreased by 65 percent;
- Rate of unwarrantable failure violations decreased by 84 percent; and
- The lost time injury rate dropped by 53 percent.

Working Smarter

MSHA is working smarter, not just harder. The agency is focusing on the common causes of injuries to miners and developing ways to better understand what injuries and illnesses are occurring and where in the country they are occurring. Using that knowledge, MSHA is strengthening working relationships with stakeholders to better understand mining communities' particular needs and to develop specific guidance and outreach to assist them through the following:

MINE SAFETY AND HEALTH ADMINISTRATION

- Readjusting its resources throughout the nation: Due to the decline of coal production, particularly in the Appalachian region, MSHA continues to shift resources from the Coal Mine Safety and Health program to the Metal and Nonmetal Safety and Health, Technical Support, and other programs in order to maintain an experienced inspectorate and fill critical staffing gaps to meet the demands of mining activities in all regions. This includes providing additional assistance for metal and nonmetal enforcement personnel to conduct their inspections as well as enhanced enforcement and outreach activities.
- Increasing enforcement and outreach at metal and nonmetal mines: MSHA has adopted an aggressive approach to combat fatalities in metal and nonmetal mines. With the help of the coal inspection personnel, along with training and educational field personnel, MSHA's metal and nonmetal enforcement personnel have increased their enforcement and educational activities at these mines. MSHA is reaching out to the metal and nonmetal industry for assistance in helping to prevent fatalities and is conducting quarterly calls with trainers and holding additional stakeholder meetings on the causes of fatalities and the best practices to prevent them. This approach is having some success as metal and nonmetal fatalities decreased by over 20 percent from FY 2014 to FY 2015.
- Continuing "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. In FY 2015, MSHA developed two MSHA online tools to help operators, miners, MSHA and the public track violations of standards commonly associated with mining fatalities and/or cited by MSHA. One of these tools focuses on the common mining standards cited in "Rules to Live By."
- Streamlining regulations and processes: A key aspect of improving safety through outreach has been MSHA's efforts to improve compliance by clarifying its safety and health standards, such as the machine guarding, fall protection and hazard communication standards in metal and nonmetal mines. Recently, MSHA clarified its requirements for workplace examinations, also in metal and nonmetal mines.
- Improving data collection: MSHA is enhancing its data collection efforts 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.

MSHA has also developed a national mine emergency response structure by developing and deploying state-of-the-art mine rescue technology to make mine rescue safer and more efficient; creating the Holmes Mine Rescue Association, a national structure representing mine emergency response stakeholders to support mine rescue; designating October 30th as "Mine Rescue Day" to honor mine rescuers; and updating mine rescue training and revamping national mine rescue training contests to benefit mine rescuers. In FY 2015, MSHA realized its vision of establishing mine rescue stations across the country that were fully equipped with the latest technology—

MINE SAFETY AND HEALTH ADMINISTRATION

including a system that would allow advancing teams to communicate directly with the command center, by opening the Madisonville Rescue Station in Madisonville, KY to serve the mid-West region of the country. This station joins MSHA's other fully-equipped stations in Pittsburgh, PA and Price, UT.

In FY 2016 and FY 2017, the agency is continuing its efforts in mine rescue preparedness, including training the mine rescue community on the new state-of-the-art communications, monitoring and tracking systems; developing new mine rescue and command and control guidance; and improving technologies by investing in video tools for advancing rescue teams and upgrading seismic and robotics technology for rescue efforts.

Another area where MSHA continues to make significant improvement is in the backlog of contested citations pending before the Federal Mine Safety and Health Review Commission. MSHA and the SOL have reduced the "targeted backlog" of cases, which consists of contests filed between October 1, 2007 and February 28, 2012, by 99 percent as of September 30, 2015.

That success continues as MSHA and SOL work together to reduce the total caseload and keep it at a manageable level. In January 2012, MSHA implemented a pre-contest conferencing process to resolve citations before they become a matter for litigation. As of July 31, 2015, MSHA had conferenced about 15,600 violations. Of those that were conferenced, about 63 percent 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. Additionally, the agency has increased the number of conference litigation representatives to handle these cases. Due to these efforts, the total caseload of violations has been significantly reduced from 89,000 in 2010 to less than 18,000 as of September 30, 2015.

Resources, Priorities, and Performance

This request reflects MSHA's strong commitment to targeted enforcement and compliance assistance. The requested resources will strengthen MSHA's programs and support a continued shift to priority activities such as enhanced enforcement, rulemaking, modernizing training, and improving information technology (IT). The agency's top priority is completing its mandatory inspections under the Mine Act, which requires four inspections per year in underground mines and two inspections per year in surface mines, as well as enforcing all of its mandatory health and safety standards designed to improve safety and health for the nation's miners. In support of these priorities, MSHA will strengthen its program efficiency and effectiveness through the requested resources. In FY 2017, MSHA will continue its efforts to redirect resources to allow for increased outputs tied to priority activities. This budget request includes a name change for the Office of Assessments and Special Enforcement (OASE), formerly the Office of Assessments, Accountability, Special Enforcement, and Investigations (OAASEI). While OAASEI accurately describes the functions provided by MSHA, the OASE will simplify the acronym for the public and remove any confusion.

MINE SAFETY AND HEALTH ADMINISTRATION

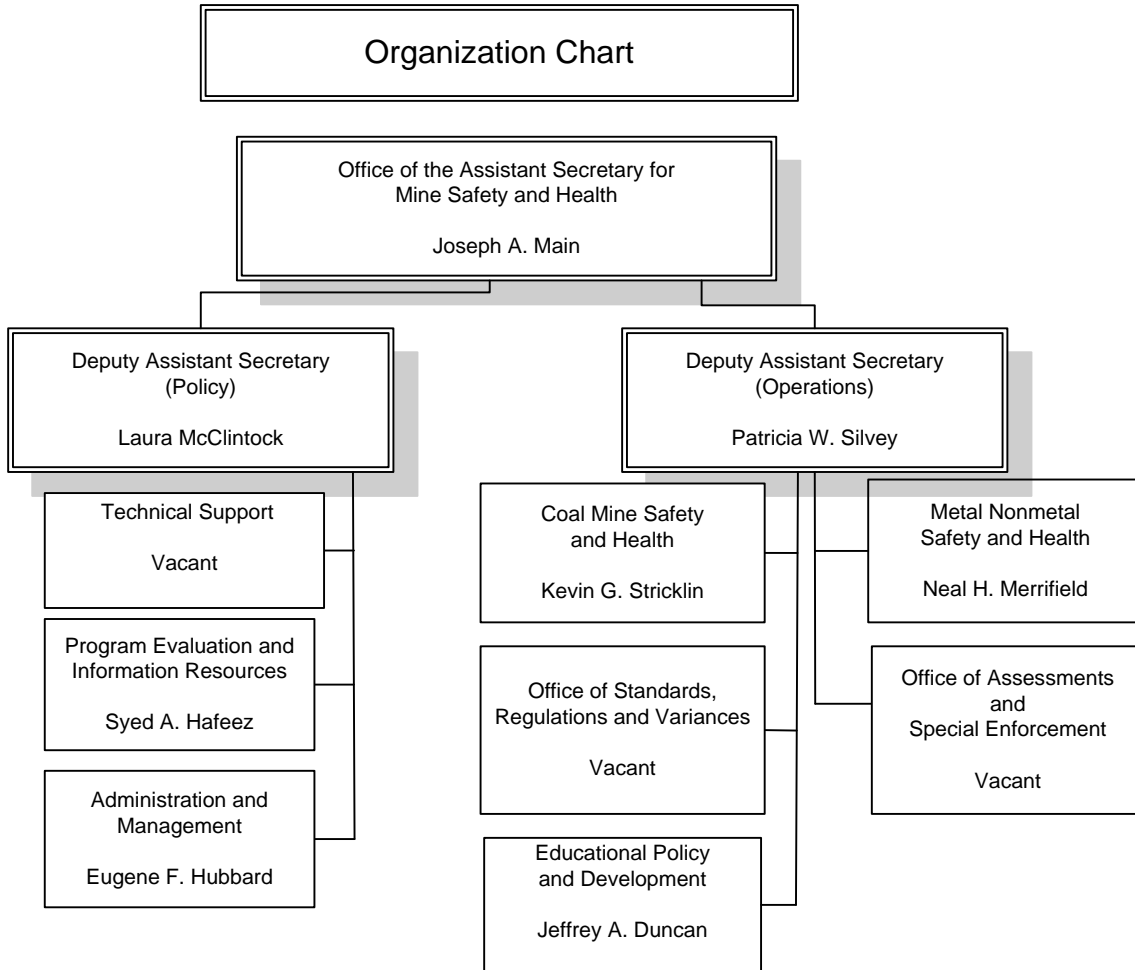
FY 2017 Request

MSHA requests a total of \$397,372,000 and 2,277 FTE, an increase of \$21,485,000 and 6 FTE over the FY 2016 Enacted level. This funding level will enable MSHA to meet its highest priority performance plan goals and objectives.

- For the **Coal Mine Safety and Health** budget activity, the request includes an increase of \$2,100,000 to support implementation and enforcement of the final Dust Rule and an increase of \$650,000 to conduct inspections during off-shift hours.
- For the **Metal and Nonmetal Mine Safety and Health** budget activity, the request includes an increase of \$350,000 to support enforcement activities in the U. S. Territories.
- For the **Office of Standards, Regulations, and Variances** budget activity, the request includes an increase of \$600,000 to provide for increased rulemaking activities.
- For the **Office of Assessments and Special Enforcement** budget activity, the request proposes an increase of \$1,000,000 and 6 FTE to continue to improve the timeliness of special assessments and improve special investigations and accountability audits. These items were identified as deficiencies in the UBB Internal Review Report.
- For the **Educational Policy and Development** budget activity, the request includes an increase of \$3,441,000 to strengthen the delivery of training to MSHA staff and the mining industry to further improve safety and health conditions in the mining workplace.
- For the **Program Evaluation and Information Resources** budget activity, MSHA is requesting an increase of \$1,500,000 for enforcement application improvements and \$2,000,000 for the replacement of the Inspectors' Portable Application Laptop system used by MSHA's enforcement personnel.

Additionally, due to inflationary cost increases related to compensation, benefits, and rent, the FY 2016 request included resources for built-ins in these areas. Funding for these costs was not provided for MSHA in FY 2016 appropriations. The FY 2017 request includes resources to cover these personnel and rent costs as a program increase.

MINE SAFETY AND HEALTH ADMINISTRATION



COAL MINE SAFETY AND HEALTH

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
Activity Appropriation	167,859	164,296	171,768	7,472
FTE	1,123	1,099	1,099	0

NOTE: FY 2015 reflects actual FTE. Authorized FTE for FY 2015 was 1,151.

Introduction

The Coal Mine Safety and Health (CMSH) budget activity administers the provisions of the Mine Act, as amended by the MINER Act, promotes compliance with regulations to eliminate fatalities, reduces the frequency and severity of accidents, and minimizes health hazards in the nation’s approximately 1,500 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 coal mines.

Most of the CMSH employees are located across 11 district offices and 40 field offices throughout the United States. The majority of field employees are mine safety and health enforcement personnel who perform inspection activities and investigations of fatal accidents, non-fatal and/or non-injury investigations, verbal and written hazard complaints, and discrimination complaints.

CMSH supports the 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 2017, CMSH will continue efforts to improve workplace safety and health in the mining industry. CMSH will remain committed to targeted enforcement and compliance assistance in its efforts to improve safety and health conditions in the mining workplace by continuing the following strategies:

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

COAL MINE SAFETY AND HEALTH

- **Inspection and enforcement effectiveness** - CMSH will continue to enhance its enforcement efforts of violations that contribute to fatalities and serious accidents through:
 - **Targeted impact inspections** - CMSH will continue to conduct targeted impact inspections. These inspections target mines that merit increased agency attention and enforcement due to their poor compliance history, including high number 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 dusts. The extent to which targeted inspections are conducted will depend upon the number of mines that meet the criteria. CMSH will not conduct impact inspections in order to meet a targeted number.
 - **Promote adoption of prevention-focused, health and safety programs by mine operators** - CMSH will continue its health sampling activities to ensure that all miners' overexposure to noise and dust are cited and promptly corrected by mine operators. Technical investigations, which evaluate the root causes of hazards and accidents in mines, will be conducted. CMSH will also conduct accident prevention inspections in response to specific mine hazards. CMSH will continue to enforce the new standards in the Dust Rule that was published in 2014 and continue to enforce the Proximity Detection rule that was implemented in 2015.
 - **Protect miners from discrimination** - CMSH will conduct timely investigations of discrimination complaints and enhance miners' knowledge regarding their rights and responsibilities under the Mine Act.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2012	\$164,500	1,187
2013	\$158,713	1,196
2014	\$167,859	1,171
2015	\$167,859	1,151
2016	\$164,296	1,099

FY 2017

In FY 2017, MSHA requests \$171,768,000 and 1,099 FTE for the CMSH activity. This request includes an increase of \$2,100,000 to support implementation and enforcement of the Final Respirable Dust Rule. CMSH will use the requested resources to continue to enforce the respirable coal mine dust and silica dust limits designed to protect coal miners from experiencing

COAL MINE SAFETY AND HEALTH

a material impairment of health through the development of respiratory illnesses such as black lung, coal workers' pneumoconiosis, and silicosis. This request also includes an additional \$650,000 and 0 FTE to provide additional funds for off-shift inspections. CMSH will conduct more impact inspections during off-shift hours to ensure compliance during all hours of the day. These inspections target not only mines with poor compliance history, but also those that have adverse conditions such as increased methane liberation. The request also includes \$2,335,000 for the restoration of built-ins not provided in the FY 2016 Omnibus.

CMSH will continue to monitor its overtime use and manage its vacancies. As the numbers of mines in a specific area changes over time, the enforcement needs will also vary. CMSH will monitor where these changes are occurring and allocate resources based on these trends. CMSH will continue work to support the President's initiative to "Reduce the Footprint" by analyzing space usage throughout the country to determine if other offices can be merged or closed without negatively affecting our mission or severely impacting the employees.

CMSH will continue an integrated approach toward the prevention of serious accidents, injuries and occupational illnesses in the coal mining industry. In FY 2017, CMSH will continue to ensure safe and healthy workplaces for the nation's coal miners through the following:

- Conduct all regular mandated inspections;
- Enforce new respirable dust standards;
- Conduct targeted impact inspections;
- Enforce the new proximity detection final rule;
- Perform accident prevention and outreach activities;
- Vigorously pursue accident investigations (including root cause analysis);
- Conduct investigations of safety and discrimination complaints made by miners or their representatives.

CMSH estimates that it will conduct approximately 3,700 mandated inspections, but this number may vary depending on the number of operating mines. CMSH will conduct other enhanced enforcement activities, such as targeted impact inspections. These inspections target not only mines with poor compliance history, but also those that have adverse conditions such as increased methane liberation. The program will focus inspection activity on improved impoundment safety by conducting inspections of all impoundments classified as high-hazard potential. CMSH will also focus its efforts on mine operators that fail to meet dust and noise standards or reduce a miner's exposure to dust and noise.

CMSH will continue to enforce the new standards contained in the final dust rule to reduce miners' exposure to respirable coal mine dust. The rule reduces the allowable amount of respirable dust to which a miner can be exposed. The rule also increases the frequency of dust sampling and requires coal operators to take immediate action when dust levels exceed the standard. To facilitate compliance, MSHA implemented the final rule with phase-in periods. MSHA has offered assistance to operators leading up to and throughout the dust rule phase-in, and that assistance will continue.

COAL MINE SAFETY AND HEALTH

In addition, MSHA intends to take the lead in conducting a retrospective study beginning February 1, 2017. MSHA intends to evaluate the data collected using Continuous Personal Dust Monitors (CPDMs) to determine whether (1) the 1.5 mg/m³ respirable dust standard should be lowered to protect miners' health; (2) the frequency of CPDM sampling should be increased; (3) engineering controls and work practices used by mine operators achieve and maintain the required respirable coal mine dust levels; and (4) samples taken on shifts longer than 8 hours should be converted to an 8-hour equivalent concentration to protect miners who work longer shifts. Using the results of this study, MSHA intends to identify best practices that can be shared with the mining community. Under the Department's Plan for Retrospective Analysis of Existing Rules, MSHA intends to consult with industry, labor, NIOSH, and other stakeholders to determine how these best practices can be replicated throughout mines to achieve similar results. These new respirable coal mine dust standards are aimed at keeping the nation's miners healthy and reducing the incidence of black lung disease.

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

CMSH will investigate hazard complaints and miner discrimination complaints in a timely manner. CMSH will continue to educate miners on their rights under the Mine Act through its outreach programs. In addition, MSHA provides a link to "A Guide to Miners' Rights and Responsibilities under the Federal Mine Safety and Health Act of 1977" at www.msha.gov.

In FY 2017, CMSH will continue to work with the Office of the Solicitor to reduce the contested case backlog at the Federal Mine Safety and Health Review Commission (FMSHRC), and continue the Part 100 pre-contest conferencing which has proven effective in reducing the backlog.

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 improved regulations.

FY 2016

Due to the decline in coal mining activity in Eastern Kentucky and Southwest Virginia and current staff shortages in other program areas, MSHA realigned funding and FTE to transfer some CMSH enforcement personnel to other budget activities. In FY 2016, MSHA transferred a total of 24 FTE and \$3,563,000 from the CMSH budget activity to: Metal and NonMetal Safety and Health (20 FTE and \$3,000,000); Technical Support (3 FTE and \$450,000); and Office of Assessments and Special Enforcement (1 FTE and \$113,000).

CMSH will continue to work to improve safety and health in the mining industry through the following activities:

COAL MINE SAFETY AND HEALTH

CMSH will conduct approximately 4,130 mandated inspections. This number is subject to change based on the number of operating mines. CMSH will inspect all impoundments classified as high-hazard potential. CMSH will conduct impact and special emphasis inspections. The impact inspections target mines with poor compliance histories. CMSH will conduct a number of these inspections during off-shift hours to ensure that the operators are compliant 24 hours a day. The special emphasis inspections will focus on specific hazards such as roof falls, rock dust sampling, diesel, noise and respirable dust. CMSH will also focus on mine operators that fail to meet the established noise standard.

In August 2014, the final Dust Rule went into effect and will be implemented in phases. By the end of FY 2016, all portions of the Dust Rule will be in effect, including the use of the CPDM. The CPDM is new technology that provides a direct measurement of respirable dust in the miner's work atmosphere on a real-time basis. The device will allow MSHA to immediately identify problems with a mine's dust controls. Mine operators are required to use the CPDM to monitor the exposures of underground coal miners in occupations exposed to the highest respirable coal mine dust concentrations and the exposures of Part 90 miners. Inspectors will use the CPDMs to take samples and compare the sampling results to mine operators' results to verify accuracy and ensure the effectiveness of the operator's dust control system. CMSH will expand its dust program to include tracking and analyzing the data generated by operators using CPDMs. In FY 2016, CMSH plans to expand its inventory of CPDMs to equip more of its field and district offices.

In addition, on January 15, 2015, MSHA issued a final rule requiring operators of underground coal mines to equip continuous mining machines with proximity detection systems in order to prevent injuries and fatalities from crushing impacts. These systems can be programmed to send warning signals and stop machines before they injure or kill miners working in the confined space of an underground coal mine. This rule will be implemented in phases, and in FY 2016, CMSH will continue to implement the portions of the rule that have become effective.

CMSH will conduct technical investigations which evaluate the root causes of hazards and accidents in mines. CMSH will also conduct accident prevention inspections in response to specific mine hazards. CMSH will ensure the safety of the surrounding communities by continuing education and outreach programs such as *Stay Out – Stay Alive (SOSA)* which warns both children and adults to stay out of abandoned mines. CMSH will continue its outreach programs such as *Winter Alert*, and *Preventive Roof/Rib Outreach Program (PROP)* will focus on unsafe conditions that miners should avoid.

CMSH will target the most common causes of fatal mine accidents and disasters through initiatives such as "Rules to Live By." MSHA will continue 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.

Miners must have a voice in the workplace and be free to exercise their right to identify hazardous conditions and request agency inspections without retaliation. Empowering miners to report hazards is critical in reducing safety and health risks. CMSH will continue to ensure

COAL MINE SAFETY AND HEALTH

miners are aware of their right to report hazards without fear of discrimination and promote the use of the MSHA.gov website, MSHA's National Hazard Reporting Page, and the 1-800 "One Call Does It All" phone number.

CMSH will continue its efforts to reduce the contested case backlog at the FMSHRC.

CMSH will continue to monitor its overtime use and manage its vacancies. As the numbers of mines in a specific area changes over time, the enforcement needs will also vary. CMSH will monitor where these changes are occurring and allocate resources based on these trends. In February 2016, the Princeton Field Office will be closed due to decreased mining activity in the area. CMSH will continue work to support the President's initiative to "Reduce the Footprint" by analyzing space usage throughout the country to determine if other offices can be merged or closed without negatively affecting our mission or severely impacting the employees.

CMSH will continue to conduct training for its employees. Entry level training will be conducted in 8 modules that span a 21-week period. Training will also be conducted for inspectors and supervisors. This training includes, but is not limited to: journeyman retraining, training for the field office supervisors, district managers, assistant district managers, and supervisors as well as Mine Emergency Response Development (MERD).

FY 2015

In FY 2015, CMSH promoted workplace safety and health for the nation's coal miners through the following:

CMSH's conducted 3,992 regular mandated underground and surface inspections, which were 100 percent of all mandatory safety and health inspections. CMSH also conducted other enhanced enforcement activities such as spot inspections, and follow-up visits. CMSH focused inspection activities on improved impoundment safety by conducting inspections of all impoundments classified as high-hazard potential. There were a total 14 fatalities at the end of FY 2015.

CMSH continued to enforce the new standards and inspection requirements established by the final Respirable Dust Rule. The final Rule increased the required frequency of dust sampling. There was a phased implementation of the new rule during which extensive outreach was conducted with operators. During the first 12 months of the new respirable dust rule, over 61,000 samples were collected by mine operators and MSHA. Approximately 99 percent were in compliance using the new requirements. FY 2015 results indicate that coal miners had the fewest number of respirable dust overexposures as compared with all other years that MSHA has conducted sampling and the percentage of MSHA designated occupation samples exceeding the standard or excessive corrective value dropped to 2.45 percent.

In FY 2015, CMSH implemented the portions of the Proximity Detection Rule for continuous mining machines in underground coal mines that had become effective during this period. CMSH conducted workshops for stakeholders to explain the new rule.

COAL MINE SAFETY AND HEALTH

In an effort to keep the nation's miners safe Combustible Dust Explosibility Meters (CDEM) were used by our inspectors to provide a quick estimate of coal dust sample explosibility to ensure miners were using sufficient rock dust. In collaboration with the National Institute for Occupational Safety and Health, MSHA held a series of workshops on "Best Practices for Controlling Respirable Dust in Coal Mines" were conducted. CSMH promoted mine safety to the youngest community members through outreach at local schools with the "Stay-Out-Stay-Alive" (SOSA) campaign. This program teaches children about the dangers of abandoned mines.

CSMH conducted 146 targeted impact inspections and 36 special emphasis respirable coal mine dust inspections. The impact inspections targeted mines that could be at risk of explosions due to high methane liberation; mines with high histories of accidents or fatalities; or mines with other warning signs, such as evidence of efforts to cover up violations or anonymous complaints. In addition, CSMH focused on mines with specific issues such as rock dust sampling, diesel trucks, belt conveyors, roof control, respirable dust, and general compliance issues.

CSMH continued to conduct accident investigations, including root cause analysis. These investigations allowed CSMH to analyze fatal accidents to identify conditions and practices that contributed to injuries and deaths such as safety standards violated, root causes, and abatement practices. CSMH also performed accident prevention and outreach activities such as Winter Alert and PROP. Safety fliers such as Portable Ladder Safety, Equipment Pinch-Points and Roof Testing were made available for inspectors to discuss with miners.

CSMH continued its efforts to realign resources to meet the demands of the mining activities in all regions. This was accomplished through various means. MSHA did not replace employees who vacated inspector positions where mining activity had declined, and shifted those positions to regions of the country that were experiencing an increase in mining activity. CSMH encouraged voluntary transfers from areas where mining is decreasing to other program offices or areas in need. Due to the decline in coal mining in Eastern Kentucky, 11 relocation incentives were given for journeyman inspectors in Eastern Kentucky to voluntarily/permanently relocate to other Coal or Metal and NonMetal districts where inspectors were needed and Technical Support where there were technical and mine emergency personnel vacancies. Additionally, CSMH analyzed mining activity in its field offices and determined some offices could be combined to conserve resources without severely impacting the employees or the mission. Some of these offices will be combined in FY 2016 which will reduce costs and help to reduce CSMH's footprint.

COAL MINE SAFETY AND HEALTH

DETAILED WORKLOAD AND PERFORMANCE					
		FY 2015 Enacted		FY 2016 Enacted	FY 2017 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-PG-01	Five-year rolling average of fatal injuries per 200,000 hours worked	0.0134	0.0125	0.0119	TBD
MSHA-CM-01	Percent of regular mandated coal inspections	100%	100%	100%	100%
MSHA-CM-01.1	Number of regular mandated coal underground inspections	1,700	1,642	1,700	1,500
MSHA-CM-01.2	Number of regular mandated coal surface inspections	2,430	2,350	2,430	2,200
MSHA-CM-02	Number of impact inspections of coal mines	120[p]	146	120[p]	110[p]
MSHA-CM-04	Percent of coal mines surveyed for respirable dust in conjunction with regular mandated inspections	100.0%	100.0%	100.0%	100.0%
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%	84%	75%	75%
MSHA-CM-06.2	Percent of roof control plan addenda reviews completed within 22 days	75%	80%	75%	75%

COAL MINE SAFETY AND HEALTH

DETAILED WORKLOAD AND PERFORMANCE					
		FY 2015 Enacted		FY 2016 Enacted	FY 2017 Request
		Target	Result	Target	Target
MSHA-CM-07.1	Percent of new ventilation plan reviews completed within 59 days	70%	72%	70%	70%
MSHA-CM-07.2	Percent of ventilation plan addenda reviews completed within 22 days	70%	75%	70%	70%
MSHA-CM-08	Number of special emphasis respirable coal mine dust inspections	33	36	33	33
MSHA-CM-11	Percent of audited activities not requiring corrective actions	80%	98%	90%	90%
MSHA-03	Number of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%
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	85%	82%	85%	85%
MSHA-02	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	75%	78%	75%	75%

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

COAL MINE SAFETY AND HEALTH

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 FY2016 and FY 2017, CMSH projects it will complete 100 percent of its 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 in FY 2016 and FY 2017 is expected to decrease due to the reduction in coal mining across the nation. The actual number of inspections completed will be dependent on the number of active coal mines for each year. The projected target for completion of underground and surface mandated inspections in FY 2016 is 4,130 and 3,700 in FY 2017. This number is based on the number of surface and underground mines as of December 2015. In FY 2015, CMSH completed 100 percent of the mandated inspections. In conjunction with the mandated inspection activities, CMSH inspected 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-02:* In FY 2016 and FY 2017, CMSH will continue its targeted impact inspection program and projects to conduct approximately 120 targeted impact inspections. CMSH expects that year-by-year mines will improve and CMSH will conduct fewer impact inspections. In FY 2015, CMSH completed 146 targeted impact inspections which exceeded the goal of 120. In addition to targeting mines with poor compliance history, special emphasis impact inspections target specific issues, such as noise, dust, rock dust, roof falls, and diesel engines. CMSH will continue to evaluate the progress of this initiative. These targets are data-driven and subject to change dependent on the mining industry and performance. In FY 2016, CMSH estimates it will complete 120 targeted impact inspections; many of which will be conducted during off-shift hours to ensure compliance during all shifts. In FY 2017, CMSH plans to complete 110 targeted impact inspections. The targets for impact inspections are estimates. In this case, not meeting the target would suggest 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 sampling both underground mines (quarterly) and surface mines (semi-annually). In FY 2015, MSHA surveyed 100 percent of coal mines for respirable dust in conjunction with regular mandated inspections. CMSH ensured all sampling was conducted in accordance with required procedures. This process will continue in FY 2016 and 2017 and CMSH anticipates it will achieve its goal of 100 percent in each year. In FY 2016, CMSH will expand the use of CPDMs to measure the miner's exposure to respirable dust. This process will continue in FY 2017.
- *MSHA-CM-05:* In order to reduce miners' overexposures to noise, CMSH will continue to work with the mining industry, labor unions, and the states to improve training programs on hearing loss prevention strategies. MSHA will review mining operations'

COAL MINE SAFETY AND HEALTH

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 2015, CSMH surveyed 100 percent of the nation's coal mines for noise according to published inspection procedures. This practice is expected to continue in FY 2016 and FY 2017 and CSMH plans to complete 100 percent.

- *MSHA-CM-06.1, MSHA-CM-06.2, MSHA-CM-07.1, and MSHA-CM-07.2:* CSMH will continue to take measures to promote the application of proper ventilation and roof control standards in mines. CSMH's approach to reducing the risk of injury and disease among miners includes ensuring that mine plans, particularly roof control and ventilation plans effectively address and control the hazards inherent to the underground mining environment. With prompt turnaround times to approve plans and addenda (e.g., roof, ventilation, and emergency response plans), MSHA can quickly take measures to ensure proper ventilation and roof control standards are being implemented in the mine. These efforts will help to ensure a safer mining environment. In FY 2015, CSMH exceeded its proposed targets for its mine plan reviews. CSMH plans to meet its goals in FY 2016 and FY 2017.
- *MSHA-CM-08:* CSMH will continue its current special emphasis respirable coal mine dust inspection program to reduce miners' overexposure to respirable coal dust in FY 2016 and FY 2017. These efforts support MSHA's End Black Lung strategy, which includes enhanced enforcement, education and training, outreach and regulation. In FY 2015, CSMH conducted 36 special emphasis respirable coal mine dust inspections which exceeded the goal of 33. In conjunction with regular inspections, CSMH will review operators' dust monitoring programs and assure that operators are properly calibrating and maintaining dust sampling units. CSMH 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. CSMH plans to conduct 33 special emphasis respirable dust inspections in FY 2016 and FY 2017.
- *MSHA-CM-11:* CSMH will ensure all inspection activities are conducted according to established policies, procedures, and handbooks. CSMH will address all discrepancies identified during accountability audits and district reviews. CSMH plans to continue complete reviews of its auditing functions. In FY 2015, CSMH exceeded its target of 80 percent of audited activities not requiring corrective actions by having 98 percent meet this criterion. In FY 2016 and FY 2017, CSMH plans to reach its target of 90 percent.
- *MSHA-03:* In FY 2015, MSHA met its goal of 100 percent of the number of 103(g) imminent danger complaint investigations initiated within one day of receipt. MSHA plans to meet the 100 percent goal in FY 2016 and FY 2017.

COAL MINE SAFETY AND HEALTH

Strategic Objective 3.2

CMSH will strive to ensure that all miner requests for temporary reinstatements, investigations of 105(c) miner discrimination complaints, and 103(g) imminent danger complaints are investigated within the established timeframes. 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 3.2: Protect workers' rights through the following:

- *MSHA-01*: In FY 2015, CMSH completed 82 percent of 105(c) investigations of miner discrimination complaints within 60 days of receipt which was slightly below the goal of 85 percent. CMSH expects to meet its goal of 85 percent in FY 2016 and FY 2017.
- *MSHA-02*: In FY 2015, CMSH completed 78 percent of investigations of miner requests for temporary reinstatement within 20 days of receipt which exceeded the goal of 75 percent. In FY 2016 and FY 2017, CMSH expects to meet its goal of 75 percent.

COAL MINE SAFETY AND HEALTH

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
11.1	Full-time permanent	85,807	83,001	86,422	3,421
11.3	Other than full-time permanent	57	19	19	0
11.5	Other personnel compensation	2,265	2,180	2,830	650
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	88,129	85,200	89,271	4,071
12.1	Civilian personnel benefits	35,225	36,106	37,628	1,522
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	3,130	3,294	3,336	42
22.0	Transportation of things	3,920	2,691	2,724	33
23.1	Rental payments to GSA	9,560	8,346	8,761	415
23.2	Rental payments to others	136	20	20	0
23.3	Communications, utilities, and miscellaneous charges	872	1,086	1,094	8
24.0	Printing and reproduction	80	48	49	1
25.1	Advisory and assistance services	50	68	68	0
25.2	Other services from non-Federal sources	556	329	329	0
25.3	Other goods and services from Federal sources 1/	19,694	22,743	23,532	789
25.4	Operation and maintenance of facilities	35	36	36	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	1,114	1,089	1,241	152
26.0	Supplies and materials	1,829	1,793	1,841	48
31.0	Equipment	3,479	1,447	1,838	391
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	50	0	0	0
	Total	167,859	164,296	171,768	7,472
	1/Other goods and services from Federal sources				
	Working Capital Fund	15,777	15,063	15,852	789
	DHS Services	385	385	385	0
	HHS Services	613	403	403	0
	Services by Other Government Departments	2,919	6,892	6,892	0

COAL MINE SAFETY AND HEALTH

CHANGES IN FY 2017

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$1,443
Personnel benefits	715
Two days less of Pay	-910
Federal Employees' Compensation Act (FECA)	41
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	309
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	789
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$2,387**

Net Program **\$5,085**

Direct FTE **0**

	Estimate	FTE
Base	\$166,683	1,099
Program Increase	\$5,085	0
Program Decrease	\$0	0

METAL AND NONMETAL MINE SAFETY AND HEALTH

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
Activity Appropriation	91,697	94,697	97,563	2,866
FTE	561	598	598	0

NOTE: FY 2015 reflects actual FTE. Authorized FTE for FY 2015 was 586.

Introduction

The Metal and Nonmetal Mine Safety and Health (MNMSH) budget activity administers the Mine Act as amended by 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 52 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.

MNMSH remains committed to targeted enforcement and compliance assistance and will continue to 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 incorporate inspections of all active underground and surface mines at mining operations in American Samoa, Guam, and the Commonwealth of Northern Mariana Islands (CNMI), consistent with its mission of inspecting all underground and surface mines in the United States and its territories. MNMSH will continue its focus on improving dam safety by continuing inspection activity at dams classified as high-hazard potential.

METAL AND NONMETAL MINE SAFETY AND HEALTH

- **Targeted impact inspections** - MNMSH will continue to conduct impact inspections. The actual number of inspections will depend on how many mines meet the criteria for needing additional inspections. MNMSH will not conduct impact inspections in order to meet a targeted number.

- **Strengthening MNMSH Health Program** - MNMSH will continue to conduct health inspections at a minimum of 20 percent of mines under its jurisdiction. An increased emphasis will be placed on mine operators' responsibility for conducting required health surveys to determine adequate control measures. MNMSH will also continue to explore additional innovative initiatives to target other health hazards and more effectively administer the health program.

- **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 under the Mine Act and that they know MSHA is committed to protecting their right to report health and safety hazards without fear of retaliation.

More than 250,000 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>
2012	\$89,063	597
2013	\$86,121	592
2014	\$91,697	580
2015	\$91,697	586
2016	\$94,697	598

METAL AND NONMETAL MINE SAFETY AND HEALTH

FY 2017

MSHA requests \$97,563,000 and 598 FTE for the MNMSH activity. This request includes an increase of \$350,000 and 0 FTE to support inspections of metal and nonmetal mines in U.S. Territories. MSHA will implement compliance activities and inspections at all active metal and nonmetal mines located in the U.S. Territories American Samoa, Guam, and CNMI. MNMSH currently inspects mining operations only in the U.S., Puerto Rico, and the Virgin Islands. Funding will provide for travel, phone services, supplies, and equipment needed for operating at these locations. Because MSHA has not previously conducted inspections in these areas, it anticipates that operators' compliance with MSHA's standards will be lacking and that there will be compliance issues. MNMSH will conduct onsite training, compliance assistance, and inspection activities. With its presence, mine operators will be better able to work with MSHA to reduce incidences of fatalities, injuries, and miners' exposure to safety and health hazards. Bringing mining operations into compliance will improve conditions for miners and lead to positive safety and health performance impacts.

The request also includes \$1,277,000 for the restoration of built-ins not provided in the FY 2016 Omnibus.

MNMSH will continue an integrated approach toward the prevention of serious accidents, injuries and occupational illnesses in the mining industry. In FY 2017, MNMSH will continue to ensure safe and healthy workplaces for the nation's miners through the following:

- Conduct all of its 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.

MNMSH estimates it will conduct approximately 27,500 inspections in FY 2017. These include over 17,000 regular mandated inspections, as well as other enforcement activities, including investigations of hazard complaints, special investigations and accident investigations, spot inspections, and follow-up visits. Spot 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 increasing inspection activity at the dams classified as high-hazard potential.

MNMSH will continue its Impact Inspection program. MNMSH will select mines for impact inspections based on several criteria, including compliance and accident and injury history. These targets are data-driven and subject to change dependent on mining industry data and performance.

Miners must be free to exercise their right to identify hazardous conditions and request MSHA inspections without fear of retaliation or discrimination. Empowering miners to report hazards through the use of the MSHA.gov website, **MSHA's National Hazard Reporting Page** and the

METAL AND NONMETAL MINE SAFETY AND HEALTH

1-800 “One Call Does It All” phone number is critical in reducing safety and health risks. MNMSH special investigators 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 estimates that it 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, plan reviews, and sampling. The data collected forms the basis of appropriate enforcement actions as well as assuring that mine operators are adequately protecting miners from overexposures of airborne contaminants.

MSHA will continue to work with Office of the Solicitor to further improve communication and increase efficiency in efforts to reduce contested cases before Federal Mine Safety and Health Review Commission (FMSHRC). It will use video conferencing to facilitate collaboration between attorneys and MSHA enforcement personnel in settling or litigating contested violations. MNMSH staff will continue to hold pre-contest conferences with mine operators to resolve issues and reach settlements.

MSHA will continue to provide 21 weeks of entry-level training programs for new MNMSH inspectors, and 48 hours every two years for journeyman inspector retraining. In addition, field office supervisors will attend a two-week training program. All new supervisors will attend appropriate training as required by DOL. MSHA will continue to utilize technology such as video conferencing and online courses to provide some of the training as a cost-effective method of delivery.

FY 2016

Due to the anticipated continued growth in the metal and nonmetal mining sector and the decline in coal mining activity in Eastern Kentucky and Southwest Virginia, MSHA realigned funding and FTE to transfer enforcement positions from Coal Mine Safety and Health (CMSH) to MNMSH. In FY 2016, MSHA transferred a total of 20 FTE and \$3,000,000 from CMSH to MNMSH.

In support of its enforcement functions, MNMSH will continue to make improvements to expedite hiring processes. The program will continue to replace aged inspection equipment and bring its inventory up-to-date in order to ensure the reliability of equipment.

MNMSH estimates that it will conduct approximately 17,000 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 the Mine Act and MSHA policies and procedures. Operators must promptly abate citations by correcting unsafe and unhealthful conditions.

METAL AND NONMETAL MINE SAFETY AND HEALTH

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.

MNMSH will continue to roll out a number of prevention-focused activities, including outreach with stakeholders and trainers and utilization of MSHA's training and enforcement tools. It will develop and implement a training program to ensure inspectors are well versed in the requirements for mine ventilation systems, mine ventilation plans, mine maps, mine escape and evacuation plans, mine escape routes, and refuge areas.

MNMSH will conduct targeted impact inspections and anticipates conducting approximately 20 impact inspections at mines identified following review of relevant factors. The program will focus on improving dam safety by continuing inspection activity at dams classified as high-hazard potential.

MNMSH will conduct comprehensive health inspections at a minimum of 20 percent of the mines under its jurisdiction. It will conduct education and outreach to clarify health standards, and will explore additional innovative initiatives to target health hazards and more effectively administer the health program.

The targeted backlog of contested cases before the FMSHRC has been reduced significantly. MNMSH will continue to 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 violations contributing to the backlog. It will conduct video teleconferencing to facilitate and improve collaboration between SOL attorneys and MSHA enforcement personnel in settling or litigating contested violations. The program will also continue efforts to educate operators on MSHA health and safety standards to improve compliance and reduce citations.

Each year MNMSH receives phone calls on MSHA's "One Call Does It All" hotline regarding hazard complaints that require 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 and individually tailored managerial training.

METAL AND NONMETAL MINE SAFETY AND HEALTH

FY 2015

Due to the anticipated continued growth in the metal and nonmetal mining sector and the decline in coal mining activity in Eastern Kentucky and Southwest Virginia, MSHA realigned some enforcement staff from CSMH to MNMSH in an effort to fill critical vacancies. In FY 2015, a total of 15 CSMH inspectors transferred to MNMSH while an additional eight provided assistance through temporary details. MNMSH oversaw the creation of a three-week crossover training course for these employees.

During FY 2015, MNMSH conducted a total of 16,518 regular mandated safety and health inspections and issued 54,800 citations and orders. It also completed a total of 12,848 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. MNMSH received 1,536 hazardous condition complaints during FY 2015. Of the 1,536, only 26 complaints were pending investigation as of September 30, 2015. MNMSH continued its focus on improving dam safety by inspecting 188 high-hazard potential dams.

MNMSH participated in MSHA's Impact Inspection program, which began in April 2010 following the explosion at the Upper Big Branch mine. MNMSH conducted impact inspections at 57 metal and nonmetal mines which resulted in 756 citations and 24 orders.

MNMSH established procedures that require MSHA to conduct annual mine site visits for each ventilation plan submitted as required by 30 CFR 57.8520. The in-mine visit included verification that all required information shown on the plan was accurate and that the mine's ventilation system met the requirements of 30 CFR Subpart G - Ventilation. A Standard Operating Procedure (SOP) was developed for conducting ventilation plan/map reviews. MNMSH will also develop additional training to ensure that its inspectors and supervisors are proficient in evaluating mine maps and ventilation systems. Training modules were developed that address enforcement responsibilities related to second escapeways and refuges. A training program will be developed to ensure that the inspectorate becomes well versed on the requirements and inspection of refuge areas.

The metal and nonmetal mining sector continued to experience an increase in fatal accidents in the early part of FY 2015. To counteract the increase in mining deaths, MNMSH rolled out a number of prevention-focused activities, including outreach with stakeholders and trainers and utilization of MSHA's training and enforcement tools. MNMSH developed materials and participated in quarterly fatal reduction stakeholder meetings. MNMSH also held quarterly conference calls with mine safety trainers across the country. MNMSH continued to increase surveillance and strategic enforcement through impact inspections at mines with troubling compliance histories and through enhanced POV actions. In July 2015, MNMSH issued a Program Policy Letter (P15-IV-01) clarifying that operators must examine each working place at least once each shift for conditions which adversely affect safety or health, that the examination must be conducted by a competent person, and that a record of the examination must be maintained and made available for review. This policy letter was issued when recent fatalities

METAL AND NONMETAL MINE SAFETY AND HEALTH

and accidents suggested that miners would benefit from rigorous workplace examinations conducted by experienced and trained examiners. MNMSH released safety flyers, hazard alerts, fatality alerts, and various other materials to enhance awareness and reduce the likelihood of future incidents. As a result, fatalities in the metal and nonmetal industry dropped from 29 deaths in FY 2014 to 17 in FY 2015.

MNMSH personnel continued to serve as representatives on regulatory committees to share expertise and strengthen health and safety regulations that were addressed in the Agency's Regulatory Plan and Regulatory Agenda. This more streamlined, robust approach to rulemaking resulted in higher visibility of safety and health issues affecting miners.

METAL AND NONMETAL MINE SAFETY AND HEALTH

DETAILED WORKLOAD AND PERFORMANCE					
		FY 2015 Enacted		FY 2016 Enacted	FY 2017 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-PG-01	Five-year rolling average of fatal injuries per 200,000 hours worked	0.0134	0.0125	0.0119	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	862	862	930	940
MSHA-MNM-01.2	Number of regular mandated MNM surface inspections	16,000	15,656	16,100	16,250
MSHA-MNM-02	Number of impact inspections of MNM mines	20[p]	57	20[p]	20[p]
MSHA-MNM-05	Percent of MNM mines receiving comprehensive health inspections	20.0%	21.3%	20.0%	20.0%
MSHA-MNM-11	Percent of audited activities not requiring corrective actions	90%	100%	90%	90%
MSHA-03	Number of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%
Strategic Goal 3 - Promote fair and high quality work-life environments					
Strategic Objective 3.2 - Protect workers' rights					

METAL AND NONMETAL MINE SAFETY AND HEALTH

DETAILED WORKLOAD AND PERFORMANCE					
		FY 2015 Enacted		FY 2016 Enacted	FY 2017 Request
		Target	Result	Target	Target
MSHA-01	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	85%	82%	85%	85%
MSHA-02	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	75%	78%	75%	75%

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

METAL AND NONMETAL MINE SAFETY AND HEALTH

MNMSH will continue its 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 continue to 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. MNMSH will continue to focus on improving dam safety by increasing inspection activity at metal and nonmetal mining dams classified as high-hazard potential. These inspections will occur as part of the mandated inspections. In FY 2015, MNMSH conducted 100 percent of its underground and surface regular mandated inspections and issued 54,800 citations and orders during these inspections. MNMSH also continued its focus on improving dam safety by inspecting 188 high-hazard dams. It also launched a number of prevention-focused activities, including outreach with stakeholders and trainers and utilizing MSHA's training and enforcement tools to counteract the spike in mining deaths. In FY 2016 and FY 2017, MNMSH projects to complete 100 percent of its regular mandated inspections.
- *MSHA-MNM-02*: MNMSH will continue its impact inspection program. The number of impact inspections MNMSH conducts is dependent on the number of mines that meet specific criteria: poor compliance history, including high numbers of violations or closure orders; indications of operator tactics, such as advance notification of inspections that prevent inspectors from observing violations; frequent hazardous complaints or hotline calls; inadequate workplace examinations; a high number of accidents, injuries or illnesses; fatalities; and adverse conditions such as increased methane liberation, faulty roof conditions, and inadequate ventilation. In FY 2015, MNMSH conducted impact inspections at 57 metal and nonmetal mines which resulted in 756 citations and 24 orders. MNMSH projects to conduct approximately 20 impact inspections in FY 2016 and FY 2017.
- *MSHA-MNM-05*: MNMSH will continue to conduct increased numbers of comprehensive health inspections. 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. In FY 2015, MNMSH conducted comprehensive health inspections at approximately 21 percent of the mines under its jurisdiction. In FY 2016 and FY 2017, MNMSH estimates that it will continue to conduct health inspections at a minimum of 20 percent of mines under its jurisdiction.
- *MSHA-MNM-11*: MNMSH will conduct all inspection activities according to established policies, procedures, and handbooks. It will address all discrepancies identified during accountability audits and district peer reviews. MNMSH met its FY 2015 target for the percentage of audited activities not requiring corrective actions. MNMSH plans to continue complete reviews of its auditing functions and estimates the percentage of audited activities not requiring corrective actions to be 90 percent in FY 2016 and FY 2017.

METAL AND NONMETAL MINE SAFETY AND HEALTH

- *MSHA-03*: In 2015, MNMSH met its goal in conducting investigations for Section 103(g) imminent danger complaints. MNMSH received 1,536 hazardous condition complaints. Of the 1,536 complaints, only 26 were pending investigation as of September 30, 2015. MNMSH p continue to investigate 100 percent of 103(g) imminent danger complaints within one day of receipt in FY 2016 and FY 2017.

Strategic Objective 3.2

Miners must have a Voice in the Workplace and be free to exercise their rights to identify hazardous conditions and request MSHA inspections without retaliation or discrimination. MNMSH will focus on improving its special investigation program by initiating and completing investigations within the established timeframe. MNMSH investigators will closely monitor, manage, and reduce the time to process miners' discrimination complaints, including temporary reinstatements. It will review special investigation files to ensure no deficiencies exist in the investigation or report writing. These efforts support Strategic Objective: *Protect workers' rights* through the following:

- *MSHA-01*: In FY 2015, MNMSH completed 82 percent of 105(c) investigations of miner discrimination complaints within 60 days of receipt which was slightly below the goal of 85 percent. MNMSH expects to meet its goal of 85 percent in FY 2016 and FY 2017.
- *MSHA-02*: In FY 2015, MNMSH completed 78 percent of investigations of miner requests for temporary reinstatement within 20 days of receipt which exceeded the goal of 75 percent. In FY 2016 and FY 2017, MNMSH expects to meet its goal of 75 percent.

METAL AND NONMETAL MINE SAFETY AND HEALTH

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
11.1	Full-time permanent	44,701	46,907	48,283	1,376
11.3	Other than full-time permanent	25	65	66	1
11.5	Other personnel compensation	948	1,511	1,511	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	45,674	48,483	49,860	1,377
12.1	Civilian personnel benefits	17,062	18,277	18,867	590
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	7,193	6,660	6,871	211
22.0	Transportation of things	2,218	1,938	1,946	8
23.1	Rental payments to GSA	4,729	4,130	4,281	151
23.2	Rental payments to others	16	12	12	0
23.3	Communications, utilities, and miscellaneous charges	923	557	592	35
24.0	Printing and reproduction	24	24	33	9
25.1	Advisory and assistance services	18	8	8	0
25.2	Other services from non-Federal sources	380	153	153	0
25.3	Other goods and services from Federal sources 1/	9,910	11,578	11,976	398
25.4	Operation and maintenance of facilities	0	2	2	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	555	508	508	0
26.0	Supplies and materials	833	615	632	17
31.0	Equipment	2,160	1,752	1,822	70
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	2	0	0	0
	Total	91,697	94,697	97,563	2,866
	1/Other goods and services from Federal sources				
	Working Capital Fund	8,061	7,599	7,997	398
	DHS Services	215	215	215	0
	HHS Services	196	176	176	0
	Services by Other Government Departments	1,438	3,588	3,588	0

METAL AND NONMETAL MINE SAFETY AND HEALTH

CHANGES IN FY 2017

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$816
Personnel benefits	352
Two days less of Pay	-488
Federal Employees' Compensation Act (FECA)	10
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	151
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	398
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$1,239**

Net Program **\$1,627**

Direct FTE **0**

	Estimate	FTE
Base	\$95,936	598
Program Increase	\$1,627	0
Program Decrease	\$0	0

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
Activity Appropriation	5,416	5,416	6,197	781
FTE	24	24	24	0

NOTE: FY 2015 reflects actual FTE. Authorized FTE for FY 2015 was 23.

Introduction

The Office of Standards, Regulations, and Variances (OSRV), in coordination with the Office of the Solicitor 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 processes and publishes documents related to requests for variances from existing safety standards (Petitions for Modification), the Freedom of Information Act (FOIA) program, and 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.
 - 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.

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 Annual Regulatory Plan, and reviews existing standards and regulations to identify regulations that are inconsistent with E.O. policy directives.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2012	\$4,765	24
2013	\$4,547	27
2014	\$5,416	27
2015	\$5,416	23
2016	\$5,416	24

FY 2017

MSHA requests \$6,197,000 and 24 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 through work on the following:

- Reducing health risks by developing a standard to limit occupational exposure to respirable crystalline silica.
- Developing regulatory actions that address comments and data received in response to a request for information on recommendations resulting from MSHA's Internal Review Report and Accident Investigation Report, and the Independent Panel Assessment Report of the Upper Big Branch (UBB) mine accident.
- Developing regulatory actions that address comments and data received from a request for information on issues and options relevant to miners' escape and refuge during underground coal mine emergencies.
- Addressing hazards miners face when working near mobile equipment in underground mines.

The request also includes \$66,000 for the restoration of built-ins not provided in the FY 2016 Omnibus.

FY 2017 funding will also support OSRV's efforts to process and publish documents related to requests for variances from existing safety standards (Petitions for Modification). In FY 2017, OSRV estimates 70 requests for variances from safety standards will be processed.

OSRV also administers MSHA's FOIA program and information collection activities under the Paperwork Reduction Act of 1995. In 2017, OSRV will:

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

- Process approximately 1,800 requests for information under FOIA 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.
- Publish an estimated 23 Federal Register notices to notify the public that MSHA is reviewing the agency's information collection requirements and requesting public comments in accordance with the Paperwork Reduction Act of 1995. As new rules are drafted, additional paperwork packages will be developed, as appropriate.

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

FY 2016

In FY 2016, OSRV supports the Secretary's vision of Promoting and Protecting Opportunity by improving safe and healthy workplaces. Funding supports MSHA's priority to strengthen regulatory efforts through work on the following:

- Continue work on a final rule that revises existing regulations on the criteria and procedures for proposed assessment of civil penalties. This final rule will improve the efficiency of MSHA's efforts and facilitate the early resolution of enforcement issues.
- Develop a final rule that addresses the hazards miners face when working near mobile equipment in underground mines. MSHA will address comments and data received in response to the proposed rule published on September 2, 2015.
- Continue to review comments in response to a request for information published on issues and options relevant to miners' escape and refuge during underground coal mine emergencies. In response to requests from stakeholders, the comment period was extended to January 15, 2016.
- Continue to review comments and data received in response to a request for information on recommendations resulting from MSHA's Internal Review Report and Accident Investigation Report, and the Independent Panel Assessment Report of the UBB mine accident.
- Continue work on a proposed rule that reduces occupational health risks to respirable crystalline silica.
- Continue work on a proposed rule that would amend MSHA's existing standards for the examination of working places in metal and nonmetal mines.
- Continue work on a request for information on issues related to occupational health risks from exposure of underground miners to diesel exhaust.

FY 2016 funding supports OSRV's efforts to administer MSHA's Petition for Modification program, FOIA program, and information collection activities under the Paperwork Reduction Act of 1995. In 2016, MSHA will:

- Process an estimated 70 requests for variances from safety standards (Petitions for Modification).

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

- Process approximately 1,800 requests for information under FOIA 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.
- Publish an estimated 24 Federal Register notices notifying the public that MSHA is reviewing the agency's information collection requirements and requesting public comments in accordance with the Paperwork Reduction Act of 1995.

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

FY 2015

In FY 2015, 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. In 2015, MSHA:

- Published a final rule that requires underground coal mine operators to equip continuous mining machines with proximity detections systems to prevent crushing and pinning injuries in underground coal mines.
- Published a final rule that modifies the fee structure to recover costs associated with testing, evaluating, and approving mining equipment.
- Continued to develop a final rule that would revise the existing regulations on the criteria and procedures for proposed assessment of civil penalties to improve the efficiency of MSHA's efforts and facilitate the early resolution of enforcement issues.
- Published a proposed rule that addresses the hazards miners face when working near mobile equipment in underground mines.
- Began work on a proposed rule that would amend MSHA's existing standards on the examination of working places in metal and nonmetal mines.
- Reviewed comments in response to a request for information on issues and options relevant to miners' escape and refuge during underground coal mine emergencies.
- Continued work on a proposed rule that would reduce miners' occupational exposure to respirable crystalline silica.
- Reviewed comments and data received in response to a request for information on issues related to MSHA's Internal Review Report and the Accident Investigation Report, and the Independent Panel Assessment Report on the UBB mine accident.
- Began work on a request for information on issues related to health risks from occupational exposure of underground miners to diesel exhaust.

In addition to the regulatory actions in FY 2015, OSRV:

- Processed 40 requests for variances from existing safety standards (Petitions for Modification).

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

- Processed 1,307 FOIA requests in accordance with the President's Memorandum on Transparency and Open Government.
- Published 23 Federal Register notices notifying the public that MSHA was reviewing the agency's information collection requirements and requesting comments in accordance with the Paperwork Reduction Act of 1995.

OSRV continued 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

DETAILED WORKLOAD AND PERFORMANCE				
	FY 2015 Enacted		FY 2016 Enacted	FY 2017 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- OSRV-02	Percent of FOIA requests that are completed within 20 working days of receipt		75%	78%
			75%	75%

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

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

Strategic Objective 2.1

MSHA-OSRV-02: In FY 2015, OSRV exceeded its target of 75 percent of the FOIA requests that were completed within 20 working days of receipt. OSRV expects to meet the target of 75 percent in FY 2016 and FY 2017. OSRV will 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 addition, OSRV will support 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.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
11.1	Full-time permanent	2,990	2,688	3,126	438
11.3	Other than full-time permanent	31	0	0	0
11.5	Other personnel compensation	38	30	30	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	3,059	2,718	3,156	438
12.1	Civilian personnel benefits	725	676	802	126
13.0	Benefits for former personnel	3	0	0	0
21.0	Travel and transportation of persons	20	20	26	6
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	243	213	250	37
23.2	Rental payments to others	3	9	9	0
23.3	Communications, utilities, and miscellaneous charges	18	19	19	0
24.0	Printing and reproduction	147	132	172	40
25.1	Advisory and assistance services	37	0	0	0
25.2	Other services from non-Federal sources	162	99	99	0
25.3	Other goods and services from Federal sources 1/	617	1,457	1,529	72
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	26	41	77	36
26.0	Supplies and materials	10	17	21	4
31.0	Equipment	346	15	37	22
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	5,416	5,416	6,197	781
	1/Other goods and services from Federal sources				
	Working Capital Fund	518	1,369	1,441	72
	DHS Services	6	6	6	0
	HHS Services	18	18	18	0
	Services by Other Government Departments	75	64	64	0

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

CHANGES IN FY 2017

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$47
Personnel benefits	13
Two days less of Pay	-26
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	9
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	72
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$115**

Net Program **\$666**

Direct FTE **0**

	Estimate	FTE
Base	\$5,531	24
Program Increase	\$666	0
Program Decrease	\$0	0

OFFICE OF ASSESSMENTS AND SPECIAL ENFORCEMENT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
Activity Appropriation	6,976	7,089	8,277	1,188
FTE	51	52	58	6

NOTE: FY 2015 reflects actual FTE. Authorized FTE for FY 2015 was 52.

Introduction

The Office of Assessments and Special Enforcement (OASE), formerly the Office of Assessments, Accountability, Special Enforcement, and Investigations (OAASEI), administers the Mine Act, as amended by the MINER Act; regulations 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 (POV) provisions under Section 104(e) of the Mine Act.

OASE 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.

Civil penalties serve to encourage compliance and promote a safe and healthy workplace for miners. OASE’s efforts to assess and collect civil penalties directly support the strategic objective to *secure safe and healthy workplaces, particularly in high-risk industries*. The 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 being accomplished effectively. OASE provides oversight and support of MSHA’s internal review process. The Technical Compliance and Investigation Office (TCIO) provides oversight of the investigation process involving Section 105(c) miner discrimination complaints and Section 110 knowing and willful civil and criminal violations. The work of TCIO directly supports the strategic goal to *promote fair and high quality work environments*.

OFFICE OF ASSESSMENTS AND SPECIAL ENFORCEMENT

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2012	\$7,103	50
2013	\$7,036	53
2014	\$6,976	57
2015	\$6,976	52
2016	\$7,089	52

FY 2017

MSHA requests \$8,277,000 and 58 FTE for the OASE budget activity. This request includes 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. This funding will support four additional compliance specialists in the TCIO; one additional employee in the Office of Accountability; and one additional special civil penalty assessor. In FY 2017, OASE will continue the following efforts:

- Assessing civil penalties for violations of the Mine Act consistently, in accordance with statutory criteria, and at levels that encourage compliance.
- Collecting and accounting for penalties paid, and account for all penalty cases in litigation before the Federal Mine Safety and Health Review Commission (FMSHRC).
- Coordinating MSHA's accountability functions.
- Coordinating MSHA's Special Enforcement and Special Investigations programs.

The request also includes \$106,000 for the restoration of built-ins not provided in the FY 2016 Omnibus.

OASE anticipates it will conduct approximately 5 – 8 enforcement field office reviews annually by the TCIO branch for purposes of ensuring compliance with required investigative practices and procedures. OASE anticipates it will conduct 16 accountability audits for the purpose of monitoring MSHA districts compliance with established policies and directives for conducting inspection activities and tracking and review of corrective actions. OASE will conduct a minimum of one official screening to identify mines exhibiting a Pattern of Violations (POV) under Section 104 of the Mine Act.

FY 2016

In FY 2016, OASE will continue to support DOL's strategic objective to protect workers' rights through MSHA's performance goal to protect miners from discrimination. To ensure that enforcement personnel conduct quality investigations, OASE will perform headquarters' reviews of all discrimination investigations conducted by enforcement personnel. This will provide an added level of accountability for the discrimination investigation process and demonstrate MSHA's commitment to protecting a miner's right to report health and safety hazards without

OFFICE OF ASSESSMENTS AND SPECIAL ENFORCEMENT

fear of retaliation. To this end, MSHA expects that over 80 percent of discrimination investigation reports will be complete and accurate without return for further development.

Due to the decline in coal mining in Eastern Kentucky and Southwest Virginia and OASE's continued shortage of experienced personnel, MSHA realigned 1 FTE and \$113,000 from the Coal Mine Safety and Health budget activity to OASE.

OASE estimates it will conduct accountability reviews of the Coal and Metal and Nonmetal enforcement activities. OASE also plans to conduct at least one screening to identify mines exhibiting a POV under Section 104 of the Mine Act.

FY 2015

The OASE made great strides in accomplishing MSHA's FY 2015 Operating Plan goals to improve safety and health conditions in the mining workplace through the following efforts:

Completed timely consistent assessments of civil penalties for violations of the Mine Act in accordance with statutory criteria:

- The OASE issued 26,893 Notices of Proposed Civil Penalty Assessments. The Office proposed \$87.2 million in civil penalties for 115,546 citations and orders for violations of health and safety standards cited by MSHA inspectors. The Office proposed nearly \$25 million for special assessments.
- The OASE posted the modified special assessment narrative justifications provided to mine operators to MSHA's website. The modified narratives provide more information and justification for the proposed civil penalties and assist SOL attorneys in defending the proposed penalty amounts before the FMSHRC.

Collected and accounted for penalties paid by operators:

- OASE's Civil Penalty Compliance Office (CPCO) processed civil penalty payments received from mine operators and accounted for all payments and delinquencies. In FY 2015, OASE received 30,416 payments totaling \$71.2 million and referred 3,741 delinquent civil penalty cases totaling \$14.5 million, to the Treasury Department for collection.
- Under its scofflaw program, MSHA works with the Departments of Treasury and Justice to pursue injunctive actions in federal court against active mines with both delinquent penalties and safety and health issues to ensure that penalties have the intended deterrent effect.

Accounted for all penalty cases in litigation before the FMSHRC:

- OASE worked with the FMSHRC to docket 4,449 penalty contest cases involving 19,199 citations and orders totaling \$55.4 million in proposed civil penalties. OASE processed

OFFICE OF ASSESSMENTS AND SPECIAL ENFORCEMENT

5,206 penalty contest decisions, involving 17,030 citations and orders totaling \$37.5 million in proposed civil penalties.

- The total contested penalty case backlog peaked at approximately 15,000 cases consisting of 89,000 citations in January 2011. As of September 30, 2015, the total backlog was 3,616 cases with 17,582 citations compared to 5,223 cases with 27,798 citations as of September 30, 2014, reductions of 13 percent and 19 percent, respectively.
- The “targeted backlog,” which consisted of contests filed between October 1, 2007 and February 28, 2010, and was the original focus of the joint backlog project between DOL and the FMSHRC, declined 99 percent since June 30, 2010, falling from 10,740 cases with 65,988 citations to 72 cases with 319 citations as of September 30, 2015.

Conducted accountability reviews:

- The Office of Accountability conducted 15 accountability reviews of Coal and Metal and Nonmetal districts to ensure MSHA carried out enforcement policies and procedures effectively. As a result of the accountability reviews, the office implemented monitoring the remedial activities by reviewing submitted documentation that ensured compliance that corrective actions were completed by the enforcement programs.

Conducted 105(c) discrimination complaint investigations:

- The Office of Technical Compliance and Investigations (TCIO) coordinated and provided oversight of investigations of complaints of alleged acts of discrimination of miners. MSHA’s FY 2015 Operating Plan contained the goal of completing 85 percent of discrimination complaint investigations within 60 days and resolving 75 percent of requested temporary reinstatements within 20 days of receipt. MSHA investigated 82 percent of miner discrimination complaints within 60 days of receipt and resolved 83 temporary reinstatement requests, completing 64 (78 percent) within 20 days. In FY 2015, OASE reviewed 100 percent of all special investigations completed by enforcement personnel to ensure thorough, properly developed investigations and recommendations. The TCIO resolved 142 possible knowing and willful investigations. OASE proposed 99 civil penalties against 64 individuals with proposed assessments totaling \$360,600 and referred 6 cases to the Department of Justice for criminal prosecution.
- The Department filed 31 requests for temporary reinstatement during FY 2015 with the FMSHRC on behalf of miners who submitted complaints of discrimination in the form of a suspension, layoff, discharge or other adverse action. Additionally, the Department filed 42 complaints alleging mine safety discrimination during FY 2015.

Conducted Pattern of Violations review:

- The Pattern of Violations (POV) rule strengthens MSHA’s ability to focus on those mine operators that demonstrate a disregard for the health and safety of miners through a

OFFICE OF ASSESSMENTS AND SPECIAL ENFORCEMENT

recurring pattern of significant and substantial (S&S) violations; and requires the Agency to issue withdrawal orders for any S&S violations cited at mines receiving a POV notice until the cited condition has been corrected. MSHA's FY 2015 Operating Plan contained a goal to perform one POV review per year. The OASE conducted the POV screening in July, 2015. The screening resulted in zero mines that met all of the POV screening criteria – a 100 percent reduction from the four identified in FY 2014, and one mine (down from six in 2014) warranted further review.

Improved Enforcement of the Mine Act Against Delinquent and Dangerous Operators:

- OASE, in conjunction with the SOL and the enforcement programs, identified for possible legal action mine operators that were delinquent in civil penalty payments and had troublesome enforcement issues.

OFFICE OF ASSESSMENTS AND SPECIAL ENFORCEMENT

DETAILED WORKLOAD AND PERFORMANCE					
	FY 2015 Enacted		FY 2016 Enacted	FY 2017 Request	
	Target	Result	Target	Target	
Office of Assessments and Special Enforcement					
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%	88%	85%	85%
MSHA-AS-02	Percent of civil penalties special assessed within 225 days of issuance	80%	88%	80%	85%
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%	88%	80%	80%

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

OFFICE OF ASSESSMENTS AND SPECIAL ENFORCEMENT

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

Strategic Objective 2.1

In support of MSHA's performance goal to prevent death, disease, and injury from mining and promote safe and healthful workplaces for the nation's miners, 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 actions to prevent safety and health hazards before they occur.

- *MSHA-AS-01:* In FY 2016 and FY 2017, OASE expects to propose 85 percent of regular formula civil penalties to be assessed within 65 days of issuance. OASE will continue its efforts to assess civil monetary penalties for all violations of the Act consistently and in accordance with statutory criteria, assess those penalties in a timely manner at a level that will encourage compliance, account for all penalty cases in litigation before the FMSHRC, and collect and account for penalties paid. In FY 2015, OASE issued 26,893 Notices of Proposed Civil Penalty Assessments. On average it took 54 days from the time when regular formula citations and orders were issued and the date they were assessed – 88 percent of regular formula assessments were proposed within 65 days of issuance. OASE received payments for 115,546 citations and orders for violations of health and safety standards cited by MSHA inspectors totaling \$71.2 million and referred 3,741 delinquent civil penalty cases totaling \$14.5 million, to the Treasury Department for collection.
- *MSHA-AS-02:* In FY 2016, OASE anticipates a continuum projection of at least 80 percent of civil penalties that merit a special assessment will be assessed within 225 days of issuance. The requested additional resources will allow OASE to increase its target for FY 2017 to 85 percent. In FY 2015, MSHA recommended special civil penalties for 970 violations, 853 (88 percent) of which were assessed within 225 days of issuance. The OASE proposed special assessments totaling almost \$25 million. The OASE collaborated with the Coal and Metal and Nonmetal enforcement programs to ensure reviews of the violations marked for special assessment were warranted. This effort has resulted in the enforcement programs recommending fewer violations for special assessments. Also in FY 2015, OASE posted mine operator's modified special assessment narrative justifications to MSHA.gov. The modified narratives provided more information and justification for the proposed civil penalties and assisted SOL attorneys in defending the proposed penalty amounts before the FMSHRC.

Strategic Objective 3.2

In support of MSHA's performance goal to protect miners from discrimination and to assure mine workers have a voice in the workplace, the agency must ensure that all mining industry workers comprehend and exercise their rights under the Mine Act without fear of retribution.

OFFICE OF ASSESSMENTS AND SPECIAL ENFORCEMENT

- *MSHA-01-Q*: In FY 2016 and FY 2017, MSHA projects to maintain its performance goals of performing 100 percent review of discrimination case investigations by OASE. This process will ensure that enforcement personnel conduct high-quality investigations of all miner discrimination complaints. It will also 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. In FY 2015, OASE provided oversight of all special investigations completed by enforcement personnel to ensure that thorough and, properly developed investigations and recommendations were performed, especially complaints of alleged acts of discrimination of miners. OASE met the 100 percent performance goal of completing the review of 203 discrimination case investigations.
- *MSHA-02-Q*: In FY 2016 and FY 2017, OASE projects 80 percent of discrimination cases will not be returned to investigators for further development. In FY 2015, OASE exceeded its target of 80 percent. The goal is for the special investigators to conduct exhaustive and complete discrimination investigations with all necessary information so that none will have to be returned for additional information.

OFFICE OF ASSESSMENTS AND SPECIAL ENFORCEMENT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
11.1	Full-time permanent	4,208	4,204	5,005	801
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	52	63	63	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	4,260	4,267	5,068	801
12.1	Civilian personnel benefits	1,274	1,223	1,437	214
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	53	174	219	45
22.0	Transportation of things	0	1	1	0
23.1	Rental payments to GSA	537	469	494	25
23.2	Rental payments to others	2	1	1	0
23.3	Communications, utilities, and miscellaneous charges	258	284	284	0
24.0	Printing and reproduction	4	0	0	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	51	106	106	0
25.3	Other goods and services from Federal sources 1/	227	459	468	9
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	35	60	114	54
26.0	Supplies and materials	48	19	19	0
31.0	Equipment	224	26	66	40
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	3	0	0	0
	Total	6,976	7,089	8,277	1,188
	1/Other goods and services from Federal sources				
	Working Capital Fund	84	171	180	9
	DHS Services	20	20	20	0
	HHS Services	25	28	28	0
	Services by Other Government Departments	98	240	240	0

OFFICE OF ASSESSMENTS AND SPECIAL ENFORCEMENT

CHANGES IN FY 2017

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$72
Personnel benefits	24
Two days less of Pay	-40
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	17
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	9
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$82**

Net Program **\$1,106**

Direct FTE **6**

	Estimate	FTE
Base	\$7,171	52
Program Increase	\$1,106	6
Program Decrease	\$0	0

EDUCATIONAL POLICY AND DEVELOPMENT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
Activity Appropriation	36,320	36,320	40,419	4,099
FTE	143	143	143	0

NOTE: FY 2015 reflects actual FTE. Authorized FTE for FY 2015 was 144.

Introduction

The Educational Policy and Development (EPD) budget activity provides a cohesive and comprehensive direction on all matters related to MSHA's role in education and training in the mining industry. Under the Mine Act, as amended by the MINER 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 so that MSHA can be provided with a skilled enforcement workforce. The Academy also provides professional education and training services and consultation to all members of MSHA and the mining community.

Educational Field and Small Mine Services (EFSMS) provides compliance assistance to mine operators of all sizes across the country. 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 continues to update safety and health related training materials specifically tailored for use by operators, based on feedback from customers, staff, and other safety and health professionals. EPD specialists also distribute educational materials and provide assistance to the miners to better understand their rights and responsibilities under the Mine Act.

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

EPD also manages the MSHA State Grants Program and the Brookwood-Sago Mine Safety Grants Program. The State Grants Program supports quality training programs for miners in 49 states and the Navajo Nation. The Brookwood-Sago Mine Safety Grants Program was established through a provision in the 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.

EDUCATIONAL POLICY AND DEVELOPMENT

EPD 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.

Training plays a critical role in preventing deaths, injuries, and illnesses on the job. By providing effective training, operators and miners are able to identify potential hazards and understand which procedures are safe to follow. While EPD remains committed to compliance assistance, it will continue to increase visibility and emphasis 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>
2012	\$38,325	149
2013	\$31,898	150
2014	\$36,320	154
2015	\$36,320	144
2016	\$36,320	143

FY 2017

In FY 2017, MSHA requests \$40,419,000 and 143 FTE for the EPD budget activity. This request includes an increase of \$3,441,000 to strengthen the delivery of training to MSHA and the mining industry to include the expansion of the distance learning program and the development of audiovisual materials. The request also includes \$328,000 for the restoration of built-ins not provided in the FY 2016 Omnibus.

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

- Providing industry outreach and support in various health and safety and training initiatives focused on reducing workplace injuries, illnesses and fatalities.
- Implementing a training initiative to evaluate the effectiveness of 30 CFR Part 48 training and retraining of miners in an effort to address the shortcomings of inadequate miner

EDUCATIONAL POLICY AND DEVELOPMENT

training. EPD will evaluate instructors in the classroom to ensure miners are receiving effective training.

- Transforming the Academy into a training hub where content is distributed using new technology for communications. This will expand the customer base and evolve the Academy from a historically inward-focused curriculum to a Center of Excellence for industry-wide training content.
- Continuing onsite monitoring of approved instructors to ensure they are providing effective health and safety training to miners. EPD will place special emphasis on the evaluation of contract instructors.
- Expanding its distance learning program to include additional online courses developed for use by MSHA's entry-level and journeyman level inspector classes, and new online programs designed for the mining industry.
- Through EFSMS, EPD will continue to provide training for mine operators and miners in the U.S. Pacific Island Territories to improve safety and health, and reduce workplace injuries, illnesses and fatalities.

FY 2016

To promote a culture of safety and improve safety and health conditions in the mining workplace, EPD will strengthen and modernize training and education through the following:

- Providing compliance assistance to the mining industry through EFSMS, including special attention to small mine operators.
- Continuing to manage MSHA's State Grants Program in which the grantees provide high-quality and effective safety and health training and retraining for miners. This request includes \$8,441,000 for this program. At this funding level, EPD anticipates the State Grants Program will train approximately 180,000 miners. EPD also manages the Brookwood-Sago Mine Safety Grants Program. This program provides funds for developing and implementing training and training materials for mine emergency preparedness, as well as mine emergency prevention in underground mines, i.e. fire-fighting programs for mine emergency response and improving communication in the command center during a mine rescue exercise.
- EPD will continue its partnership with the Department of Energy's Federal Energy Management Program (FEMP) to upgrade equipment and reduce energy costs at the National Mine Health & Safety Academy through an Energy Savings Performance Contract (ESPC).
- EPD will partner with the Metal and NonMetal program in initial efforts to improve safety and health in the U.S. Pacific Island Territories of Guam, American Samoa and the Commonwealth of Northern Mariana Islands. EFSMS's training efforts will focus on train-the-trainer, task training, workplace examinations and identification and elimination of the most common workplace hazards.

FY 2015

In FY 2015, consistent with statutory requirements, mine operators must ensure that employees have access to training programs. EPD developed its own training curricula, exercises, and

EDUCATIONAL POLICY AND DEVELOPMENT

materials to assist mine operators with providing a complete training program to their employees. EPD raised the quality of training by becoming more involved in the development and delivery of training through the following efforts:

- Hosted various seminars and conferences at the Academy. These included the Training Resources Applied to Mining conference to advance the best training practices and technologies. This conference has attracted as many as 500 mine instructors and safety professionals from across the country. EPD continued its efforts to provide outreach products to the mining industry, which included new and updated health and safety materials.
- Fully integrated the EFSMS field program in FY 2015, resulting in a coordinated effort of resources, eliminating duplication, reducing costs, and allowing the organization to provide a single comprehensive program to all mines, regardless of size. EFSMS also expanded their efforts by providing additional assistance to the districts with training plan approvals and development of improved safety and health programs for mine operators.
- Distributed over 3,000,000 publications and training materials, including materials on Miners' Rights.
- Facilitated a partnership with the Department of Energy's Federal Energy Management Program to identify and evaluate energy savings opportunities at the National Mine Health & Safety Academy through an Energy Savings Performance Contract.
- Developed online compliance information for the mining community.
- Reached out to mining associations, focusing on building relationships in support of possible training gaps. To further promote the coalition building between MSHA and the mining community, EPD implemented a new plan to contact the nation's mining associations and labor organizations throughout all 50 States and to offer education and training assistance through the EFSMS field division.
- Continued to make improvements to the Mine Simulation Laboratory (MSL) providing a more realistic training experience for MSHA enforcement personnel and the Nation's miners. Enhancements to the MSL included electrical upgrades, two new smoke machines, a mine map scanner, two cameras and an Integrated Wireless Technology System.

EDUCATIONAL POLICY AND DEVELOPMENT

DETAILED WORKLOAD AND PERFORMANCE					
		FY 2015 Enacted		FY 2016 Enacted	FY 2017 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	1,200[p]	1,069	1,000[p]	1,000[p]
MSHA-EPD-03	Course days of training provided to industry	150[p]	127	125[p]	125[p]
Total		1,350	1,196	1,125	1,125
MSHA-EPD-01	Injury and illness prevention training hours provided	50,000	71,784	70,000	70,000
MSHA-EPD-04	Number of new online courses	14	14	16	18
MSHA-EPD-05	Number trained through State Grants Program	180,000	181,263	180,000	180,000
MSHA-EPD-06	Number of approved instructor evaluations	800	953	850	850

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

EDUCATIONAL POLICY AND DEVELOPMENT

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

- *MSHA-EPD-01: Injury and illness prevention training hours* provided performance measure reflects time spent in training mine operators in accident and illness prevention, including helping operations develop or improve safety and health programs tailored specifically to the needs of their miners and operations. EPD specialists conduct training program analysis, review training plans, and provide qualification certification examinations for miners. EPD exceeded the FY 2015 target with 71,784 injury and illness prevention training hours. EPD expects to meet its target of 70,000 in FY 2016 and FY 2017.
- *MSHA-EPD-02 and MSHA-EPD-03: Course days of training* performance measure indicates time spent training a variety of MSHA and mining industry personnel. This training is critical to maintaining a highly skilled workforce capable of addressing the potential health and safety hazards found in mines. This is a demand measure reflective of mine closings and the decline of mining activities in the coal industry, resulting in fewer inspector and industry trainees. In FY 2015, due to coal mine closures, EPD did not meet the MSHA enforcement and industry target for course days of training. Due to the reductions in the coal industry, EPD will decrease its target in FY 2016 and FY 2017. EPD projects it will provide 1,125 course days of training to MSHA and the mining industry.
- *MSHA-EPD-04: Number of new online courses* performance measure reflects MSHA's commitment to leveraging technology to enhance training options and capabilities. For FY 2015, EPD met and expanded 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 124. In FY 2016, EPD will add 16 online courses developed for use by MSHA's entry-level inspectors, bringing the number of available distance learning courses to 140. In FY 2017, EPD plans to add an additional 18 new online courses.
- *MSHA-EPD-05: Number trained through State Grants Program* performance measure reflects the number of miners trained. In FY 2015, EPD met its target by training 181,263 miners through the State Grants Program. In FY 2016 and FY 2017, EPD estimates approximately 180,000 miners will be trained through the State Grants Program.
- *MSHA-EPD-06: 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. In FY 2015, EPD exceeded its target by evaluating and monitoring 953 instructors to assess the effectiveness of training provided to miners. The FY 2015 result was the most ever. EPD will continue to assess how mine operators and contract trainers address specific mining hazards and other safety issues. In both FY 2016 and FY 2017, EPD estimates it will conduct 850 instructor evaluations.

EDUCATIONAL POLICY AND DEVELOPMENT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
11.1	Full-time permanent	12,487	12,361	13,324	963
11.3	Other than full-time permanent	119	66	67	1
11.5	Other personnel compensation	160	161	161	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	12,766	12,588	13,552	964
12.1	Civilian personnel benefits	3,980	4,378	4,668	290
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	837	669	1,569	900
22.0	Transportation of things	447	320	320	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	710	620	1,043	423
23.2	Rental payments to others	1	5	5	0
23.3	Communications, utilities, and miscellaneous charges	1,396	888	888	0
24.0	Printing and reproduction	191	82	132	50
25.1	Advisory and assistance services	4	3	3	0
25.2	Other services from non-Federal sources	2,139	3,177	3,477	300
25.3	Other goods and services from Federal sources 1/	2,357	3,349	3,480	131
25.4	Operation and maintenance of facilities	244	80	80	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	297	292	592	300
26.0	Supplies and materials	492	263	363	100
31.0	Equipment	1,018	99	740	641
41.0	Grants, subsidies, and contributions	9,441	9,441	9,441	0
42.0	Insurance claims and indemnities	0	66	66	0
	Total	36,320	36,320	40,419	4,099
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,977	2,499	2,630	131
	DHS Services	28	28	28	0
	HHS Services	28	32	32	0
	Services by Other Government Departments	324	790	790	0

EDUCATIONAL POLICY AND DEVELOPMENT

CHANGES IN FY 2017

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$216
Personnel benefits	84
Two days less of Pay	-125
Federal Employees' Compensation Act (FECA)	1
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	23
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	131
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$330**

Net Program **\$3,769**

Direct FTE **0**

	Estimate	FTE
Base	\$36,650	143
Program Increase	\$3,769	0
Program Decrease	\$0	0

TECHNICAL SUPPORT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
Activity Appropriation	33,791	34,241	35,041	800
FTE	207	207	207	0

NOTE: FY 2015 reflects actual FTE. Authorized FTE for FY 2015 was 207.

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 an approval program at the Approval and Certification Center (ACC) in Triadelphia, WV to evaluate equipment and materials for use in mines and recoups costs for these services in accordance with OMB Circular A-25; analyzes data relative to the causes, frequency, and circumstances of accidents, injuries, illnesses, and occupational diseases; evaluates new technology for its 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, and materials 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 onsite 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 the 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 SOL 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 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.
 - 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.

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 readiness 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, coal hauling machines, and scoops.
- 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 in underground mines and in mine emergency situations.

TECHNICAL SUPPORT

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2012	\$33,613	204
2013	\$32,050	211
2014	\$33,791	214
2015	\$33,791	207
2016	\$34,241	207

FY 2017

MSHA requests \$35,041,000 and 207 FTE for the Technical Support activity. The request also includes \$448,000 for the restoration of built-ins not provided in the FY 2016 Omnibus. In FY 2017, Technical Support will:

- Provide assistance to enforcement personnel in implementing MINER Act requirements for wireless communication and electronic tracking systems, refuge alternatives, and fire resistant conveyor belts in underground mines;
- Continue to approve and certify mine equipment, materials, instruments, and explosives, with a focus on minimizing backlogs and evaluating the safe design of seals, mining impoundments, mine ventilation systems, and ground control;
- Analyze fatal accident data in support of the fatality and disaster prevention program with a focus on prevention of surface haulage accidents. Working with enforcement (MNMSH and CMSH) to evaluate safety programs and issue written report of findings and recommendations by the engineers;
- Continue to provide laboratory support for MSHA enforcement by analyzing airborne dust samples, atmospheric gas samples, mine rock dust samples, and other industrial hygiene related sampled to determine compliance with health and safety standards;
- Provide technical assistance in the use of the Continuous Personal Dust Monitor (CPDM) to assist industry in evaluating and controlling respirable coal mine dust hazards, and meet the requirements of the respirable coal mine dust rule;
- Participate in and provide leadership in mine emergency response efforts, including providing and managing onsite analytical equipment, communications links, and other sophisticated equipment essential to making critical decisions in rescue/recovery operations;
- Purchase and maintain equipment for MSHA's mine rescue stations (Pittsburgh, PA, Price, UT, Madisonville, KY, and Beckley, WV) for use during mine emergency response;
- Evaluate the sections of ground control plans that address blasting, and assist in the evaluation and investigation of concerns regarding explosives as requested by MSHA's enforcement programs;
- Conduct fire protection design reviews and assist in the evaluation and investigation of concerns related to fire protection issues as requested by MSHA's enforcement programs;

TECHNICAL SUPPORT

- Review complex mine plans specific to mine waste impoundments, roof control, seals, ventilation, and review amendments to these mine plans as requested by MSHA's enforcement programs; and
- Provide scientific and engineering technical expertise in the development of standards and regulations, and in support of MSHA litigation cases.

Technical Support approves equipment for use in underground mines. It conducts testing and quality control auditing of mining equipment and materials to ensure manufacturers' products continue to meet MSHA standards. Technical Support projects it will complete approximately 600 approval actions in FY 2017, the same number as FY 2016. This projection is less than the FY 2015 actual of 561. Since FY 2012 the number of approvals completed in each fiscal year has decreased, primarily because of the general decline in coal mining in the United States. The types of equipment Technical Support evaluates and approves include:

- Advanced communication and tracking systems;
- Proximity detection systems in underground coal mines;
- Permissible electric equipment including longwall mining machines, continuous mining machines, shuttle cars, and other equipment powered by either Alternating or Direct Current power sources;
- Refuge alternatives in underground coal mines;
- Underground diesel equipment, including diesel engines, diesel power packages, diesel machines; and dust collector systems; and
- Flame resistant materials approved under Title 30 CFR Parts 7 and 14.

MSHA collects fees for the approval and certification of equipment, materials, and explosives for use in mines. It projects that it will collect about \$1,760,000 in approval fees in FY 2017, the same amount for FY 2016. This is approximately the same amount that it collected in FY 2015.

Technical Support's analytical laboratory located in Mt. Hope, WV analyzes mine dust samples to determine compliance with incombustible content requirements to help prevent mine explosions, and analyzes mine air samples to determine compliance with methane and oxygen requirements, assist enforcement of air quality standards, and set inspection frequency rates for mines based on the hazard level identified. Technical Support estimates that it will analyze 135,000 samples in FY 2017.

FY 2016

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

Due to the decline in coal mining in Eastern Kentucky and Southwest Virginia and Technical Support's continued shortage of experienced personnel, MSHA realigned funding and FTE to transfer positions from CSMH to Technical Support. In FY 2016 MSHA realigned a total of 3 FTE and \$450,000 from CSMH to Technical Support.

TECHNICAL SUPPORT

In FY 2016, Technical Support will:

- Continue to provide assistance to enforcement personnel in implementing Mine Act and MINER Act requirements for wireless communication and electronic tracking systems, refuge alternatives, and fire resistant conveyor belts in underground mines.
- Approve and certify mine equipment, materials, and instruments with a focus on minimizing backlogs and evaluating the safe design of seals.
- Continue to provide 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.
- Provide technical assistance with the implementation of the CPDM as required under the new coal respirable dust rule. Provide assistance with the execution of the certification examination and the training of mining industry personnel on the use of the CPDM.
- Conduct reviews of unique mining plans specific to mine waste impoundments, roof control, and ventilation, and review amendments to these mine plans as requested by MSHA's enforcement programs.
- Analyze 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 reports of findings and recommendations.
- Complete renovations of Building #9 at the ACC to house flammability testing of products. Current test facilities will be relocated to this building from other buildings to improve employee safety and health, and to better protect the environment.
- Support 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.
- Maintain mine rescue equipment for deployment in the event of an emergency.
- Conduct unique blasting plan reviews and assist in the evaluation and investigation of concerns regarding explosives as requested by MSHA's enforcement programs.
- Conduct fire protection design reviews and assist in the evaluation and investigation of concerns related to fire protection issues.

FY 2015

Due to the decline in coal mining activity and the continued shortage of experienced personnel in Technical Support, MSHA realigned some enforcement staff from CSMH to Technical Support. In FY 2015, a total of three CSMH staff employees transferred to Technical Support.

MSHA purchased equipment to establish and equip its four MEO stations located in Pittsburgh, PA, Madisonville, KY, Price, UT, and Beckley, WV. For the Madisonville mine rescue station, it purchased Innovative Wireless Technology switches and chargers for the communication system, and completed the Madisonville team truck. For the Price/Denver mine rescue station, it purchased two logistical trailers. It purchased additional equipment for completion of the Pittsburgh communication system.

TECHNICAL SUPPORT

Technical Support purchased new computer software and computers as part of the seismic system upgrade to allow improved real-time detection and location of signals from trapped miners. It purchased a mini-seismic system to improve portability of the technology and ease of deployment to all locations. It also purchased a diesel generator to provide a reliable power source for the seismic systems during field exercises and MEO responses.

The NADL processes rock dust and mine atmosphere samples collected by MSHA enforcement personnel and performs other sample analyses. The NADL is accredited by the American Association for Laboratory Accreditation. The NADL continued to maintain two-day reporting of results for enforcement sample analyses and processed 45,242 rock dust samples and 13,740 air samples.

Technical Support provided engineering, scientific, and laboratory expertise to reduce miners' exposure to respirable coal mine dust, silica, toxic agents, and noise. It weighed or analyzed approximately 171,000 respirable dust sample cassettes to assess health compliance and made recommendations to MSHA enforcement staff to reduce miner exposure to hazardous conditions.

Technical Support evaluated the safe design of seals, mine ventilation systems, and ground control systems. It completed a total of 351 mining plan reviews specific to mine dams and impoundments, roof control, seal designs, highwall and structural stability, mining under bodies of water, and ventilation.

Technical Support audited rebuilt permissible equipment and machines to ensure conformance with original approval specifications. The ACC conducted 899 total quality assurance actions in support of these efforts and 851 field audits of new, rebuilt, and previously-approved products.

The ACC completed 23 new refuge alternative component approvals to allow mine operators to comply with MSHA's Refuge Alternative Rule. The ACC also completed 27 approved modifications.

Technical Support provided technical expertise for accident investigations and other mine conditions. The PSHTC completed 121 field investigations and assisted with 10 nonfatal accident investigations and 15 fatal accident investigations. Technical Support engineers provided litigation assistance for 66 cases. The ACC conducted 21 accident investigations, 27 technical assistance field investigations, and 31 equipment field modification evaluations.

Technical Support provided engineering and scientific expertise to support rulemaking to address exposure to respirable coal mine dust and respirable crystalline silica. It also completed field testing of the new CPDM, and developed certification training and examinations for calibration, maintenance, and sampling with the CPDM.

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 2015 Enacted		FY 2016 Enacted	FY 2017 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				
MSHA-TS-01	Percent of product approvals (electrical and mechanical equipment, materials, and refuge alternatives) completed within 120 days			
	55.0%	57.9%	55.0%	55.0%

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:

Strategic Objective 2.1

- MSHA-TS-01: In FY 2015, Technical Support completed 57.9 percent of product approvals within 120 days, exceeding the goal of 55 percent. In FY 2016 and FY 2017, Technical Support projects to complete 55 percent of product approvals within 120 days.

TECHNICAL SUPPORT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
11.1	Full-time permanent	16,234	16,734	17,225	491
11.3	Other than full-time permanent	70	47	47	0
11.5	Other personnel compensation	336	485	485	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	16,640	17,266	17,757	491
12.1	Civilian personnel benefits	5,796	6,121	6,315	194
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	608	620	620	0
22.0	Transportation of things	202	205	205	0
23.1	Rental payments to GSA	108	94	97	3
23.2	Rental payments to others	2	16	16	0
23.3	Communications, utilities, and miscellaneous charges	560	455	455	0
24.0	Printing and reproduction	17	3	3	0
25.1	Advisory and assistance services	15	19	19	0
25.2	Other services from non-Federal sources	987	583	583	0
25.3	Other goods and services from Federal sources 1/	5,446	5,921	6,033	112
25.4	Operation and maintenance of facilities	1,015	989	989	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	372	325	325	0
26.0	Supplies and materials	665	609	609	0
31.0	Equipment	1,358	1,015	1,015	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	33,791	34,241	35,041	800
	1/Other goods and services from Federal sources				
	Working Capital Fund	2,683	2,146	2,258	112
	DHS Services	6	6	6	0
	HHS Services	2,060	2,151	2,151	0
	Services by Other Government Departments	697	1,618	1,618	0

TECHNICAL SUPPORT

CHANGES IN FY 2017

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$290
Personnel benefits	120
Two days less of Pay	-173
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	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	112
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

Built-Ins Subtotal **\$352**

Net Program **\$448**

Direct FTE **0**

	Estimate	FTE
Base	\$34,593	207
Program Increase	\$448	0
Program Decrease	\$0	0

PROGRAM EVALUATION AND INFORMATION RESOURCES

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
Activity Appropriation	17,990	17,990	21,815	3,825
FTE	57	57	57	0

NOTE: FY 2015 reflects actual FTE. Authorized FTE for FY 2015 was 67.

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 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 also conducts evaluations of MSHA programs and supports MSHA program areas in developing process reviews to ensure compliance with agency policies and procedures.

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 serves as a liaison between MSHA and the Office of the Inspector General (OIG) and the Government Accountability Office (GAO).

PROGRAM EVALUATION AND INFORMATION RESOURCES

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 2017, 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
- Supporting 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>
2012	\$18,157	62
2013	\$17,429	66
2014	\$17,990	72
2015	\$17,990	67
2016	\$17,990	57

FY 2017

MSHA requests \$21,815,000 and 57 FTE for the PEIR budget activity. This request includes an increase of \$2,000,000 and 0 FTE for the replacement of the Inspectors' Portable Application Laptop system used by MSHA's enforcement personnel. This system is made up of numerous platforms that were designed at different times and do not integrate or comply with current industry technology and security standards, creating unnecessary vulnerabilities. This request also includes an increase of \$1,500,000 and 0 FTE to provide enforcement application improvements to improve the quality of data analytics across the agency and continue enhancements

PROGRAM EVALUATION AND INFORMATION RESOURCES

to MSHA's IT systems to better support the enforcement functions. The request also includes \$171,000 for the restoration of built-ins not provided in the FY 2016 Omnibus.

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

- Use of Service Oriented Architecture (SOA) which provides a basis/foundation for all MSHA's infrastructure.
- Improve MSHA's intranet and internet sites. MSHA's websites continue to maintain Section 508 compliance. In an effort to make the websites compliant and more resource efficient, MSHA will continue to use a content management system based on DRUPAL (a free content management platform).
- Satellite solution support for mine emergency operations. The technical solution has provided a direct satellite connection rather than using land transmission which significantly causes delays during mine emergencies. The solution will continue to expand based on need.
- Provide information technology solutions to improve mine emergency operations.
- Evaluate the effectiveness of the agency policies and program operations and supporting other agency programs in developing processes that review and ensure compliance with these policies and procedures.
- Support Special Enforcement and Investigation (SEI) System.
- Support the MicroStrategy Business Intelligence (BI) Solution and will implement new BI models to support improved data analytics.

FY 2016

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

- Improving MSHA's current intranet and internet sites. MSHA is transforming its websites into more user-friendly and easier to maintain platforms. The MSHA Intranet Site was deployed in October 2015 and the Beta Internet site was deployed in November 2015. The Beta is expected to go live in early 2016.
- Providing satellite solution support for mine emergency operations.
- Further enhancing the MSHA Standardized Information System (MSIS) with maintenance releases.
- Managing the cost of IT infrastructure and services. To support DOL's IT Modernization program, PEIR will consolidate and optimize MSHA's IT infrastructure into a unified and standardized IT infrastructure to create a robust and scalable shared services infrastructure for DOL.
- Developing an application to support MSHA inspectors and implementing a mobile technology solution.
- Operating and maintaining a state-of-the-art video teleconference presence throughout the agency.
- Expanding VOIP infrastructure in MSHA with the assistance of DOL.

PROGRAM EVALUATION AND INFORMATION RESOURCES

- Managing the Avaya telephone system throughout MSHA.
- Improving MSHA's centralized directives system by continuing thorough reviews of directives and eliminating contradictory, outdated, and redundant information.
- Collecting, analyzing, and publishing data obtained from mine operators on the prevalence of work-related injuries and illnesses in the mining industry.

PEIR will continue to maintain and enhance MSHA's Inspection Tracking System, Inspectors' Portable Application for Laptops (IPAL) system, and the Special Enforcement and Investigation System. PEIR completed a device evaluation and pilot assessment for the IPAL system in October, 2015.

FY 2015

In FY 2015, PEIR accomplished the following:

- Improved MSHA's Inspection Tracking System (ITS) to allow multiple inspectors to access inspection documents simultaneously. PEIR worked diligently with the stakeholders to ensure a successful delivery of this product and smooth integration within MSIS. The ITS is now maintained with MSIS base efforts and the inspectors are processing their EO1 inspections in the field without carrying pen and paper. Supervisors and inspectors can also determine the progress of an inspection with this system.
- Enhanced and modernized MSHA's IPAL system to allow inspectors more time at the mine site and less time performing administrative functions. Phase I Evaluation was completed in August of 2014. Phase II Upgrade to MS Access 2010 was completed utilizing the Agile methodology and the upgrade was delivered March 27, 2015. The evaluation provided exceptional insight in to the subsequent steps required to develop this mobile technology that will enhance the inspection platform and reduce time taken to complete an inspection.
- Enhanced MSHA's Special Enforcement and Investigation System to centralize the Special Investigations Tracking Enterprise Data System, thereby increasing security, efficiency, and data confidentiality. This project was delivered on April 17, 2015. PEIR worked diligently with stakeholders to ensure a successful delivery of this product and smooth integration with MSIS. This system allows the Office of Assessments and Special Enforcement program the ability to track 105 and 110 enforcement data.
- Enhanced the Enterprise Network Services for a satellite solution to support the mine emergency operations. The Hughes Satellite Solution was implemented in August, 2015. It includes several fixed and mobile satellites that have satellite-to-satellite capabilities. This project has been very successful in providing reduced latency, improved data and communication transmission, and a more robust bandwidth exclusively for MSHA use.
- Enhanced MSIS with maintenance releases. All maintenance releases were performed on or before the scheduled date. The enhancements to the self-contained self-rescuer system to remediate the evaluation efficiencies were completed and deployed in August 2015, a month ahead of schedule.

PROGRAM EVALUATION AND INFORMATION RESOURCES

DETAILED WORKLOAD AND PERFORMANCE					
	FY 2015 Enacted		FY 2016 Enacted	FY 2017 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-13	Major program evaluations conducted	3	1	2	TBD

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

PROGRAM EVALUATION AND INFORMATION RESOURCES

In FY 2015, PEIR conducted one program evaluation for MSHA's Rules to Live By (RLB) Program. In 2010, MSHA established the RLB Program to prevent fatalities in the mining industry. A principal finding of PEIR's evaluation was that the rate of RLB-related violations demonstrated a steady decline during Calendar Years 2005-2014.

In FY 2016, PEIR projects it will conduct two program evaluations. The FY 2017 target is contingent in part on the number of audits conducted by the Office of the Inspector General in FY 2016. Evaluations may include a review of MSHA's progress toward full digitization of mine files and other information, and others identified by the Office of the Assistant Secretary.

PROGRAM EVALUATION AND INFORMATION RESOURCES

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
11.1	Full-time permanent	5,474	6,818	7,018	200
11.3	Other than full-time permanent	5	0	0	0
11.5	Other personnel compensation	86	68	68	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	5,565	6,886	7,086	200
12.1	Civilian personnel benefits	1,628	1,898	1,958	60
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	58	36	36	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	616	538	558	20
23.2	Rental payments to others	2	1	1	0
23.3	Communications, utilities, and miscellaneous charges	83	87	87	0
24.0	Printing and reproduction	8	6	6	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	84	26	26	0
25.3	Other goods and services from Federal sources 1/	4,432	6,612	6,657	45
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	3,968	1,855	5,355	3,500
26.0	Supplies and materials	45	20	20	0
31.0	Equipment	1,501	25	25	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	17,990	17,990	21,815	3,825
	1/Other goods and services from Federal sources				
	Working Capital Fund	855	851	896	45
	DHS Services	30	30	30	0
	HHS Services	14	13	13	0
	Services by Other Government Departments	3,533	5,718	5,718	0

PROGRAM EVALUATION AND INFORMATION RESOURCES

CHANGES IN FY 2017

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$118
Personnel benefits	35
Two days less of Pay	-64
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	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	45
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$154**

Net Program **\$3,671**

Direct FTE **0**

	Estimate	FTE
Base	\$18,144	57
Program Increase	\$3,671	0
Program Decrease	\$0	0

PROGRAM ADMINISTRATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
Activity Appropriation	15,838	15,838	16,292	454
FTE	91	91	91	0

NOTE: FY 2015 reflects actual FTE.

Introduction

Program Administration (PA) provides administrative and management advice, products, and services to assist the Office of the Assistant Secretary in implementing the Mine Act, as amended by the MINER Act. 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; and 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>
2012	\$16,997	92
2013	\$15,974	93
2014	\$15,838	91
2015	\$15,838	86
2016	\$15,838	91

FY 2017

In FY 2017, MSHA requests \$16,292,000 and 91 FTE for the PA budget activity. The request also includes \$235,000 for the restoration of built-ins not provided in the FY 2016 Omnibus.

PA will continue to support DOL's Priority Goal, as well as the Departmental strategic goals and objectives, to reduce fatalities, injuries, and illness and promote safe and healthy environments in the nation's mines. MSHA's PA program will continue supporting enhanced enforcement, regulatory, and education initiatives, including implementation of the final respirable dust and proximity detection rules and supporting miners who have been retaliated against by their employers by speaking out against unsafe and unhealthy conditions. PA will also support expanding outreach to and cooperative working relationships with the mining community, including industry and labor, state associations and other federal agencies, such as the National Institute of Occupational Safety and Health.

MSHA will continue its comprehensive human capital plan with goals to reduce mission-critical skills gaps, enhance employee diversity, and reduce workman's compensation costs through improved employee health and safety programs. MSHA will use data to perform robust succession planning; develop recruiting plans to revitalize recruitment and outreach efforts to attract the best and brightest candidates while ensuring a diverse pool of job applicants; drive employee engagement and inclusion throughout MSHA utilizing the Diversity and Inclusion Committee; and provide innovative, budget-friendly, employee training and development.

PA will also continue to support MSHA's acquisition programs including innovative procurement processes that continue to leverage small and disadvantaged businesses and ensure best value acquisitions. MSHA will seek out and implement continued facility and vehicle fleet management initiatives that maintain mission support in the most cost effective manner.

FY 2016

In FY 2016, in addition to its continuing activities to reduce fatalities, injuries and illness and promote safe and healthy environments in the nation's mines, PA will continue to implement its comprehensive human capital plan and improve the timeliness of enforcement hiring practices. With over 40 percent of the workforce eligible to retire in the next five years, succession planning and employee engagement are a top priority at MSHA. PA is developing and

PROGRAM ADMINISTRATION

implementing a framework for recruitment and retention to help assure that MSHA has a diverse workforce with the skills and knowledge needed to fulfill the mission today and into the future. PA will also focus on retention through increased employee engagement and employee satisfaction, employee training and leadership development, as well as the use of workplace flexibilities.

MSHA will continue to revamp its new employee orientation. In addition, MSHA is assuring that new supervisors get training to effectively manage the workforce and has provided management refresher training in key areas. Further, PA is piloting mentoring and detail programs to provide our workforce and supervisors with experiential learning and developmental opportunities. PA is also pursuing strategies to recruit a more diverse workforce and provide an inclusive work environment that will help MSHA better reflect the diversity of the nation.

FY 2015

In FY 2015, in addition to its continuing activities to reduce fatalities, injuries and illness and promote safe and healthy environments in the nation's mines, PA supported MSHA's FY 2015 Operating Plan, Departmental Strategic Goals and Outcome Goals by completing the following:

- Piloted a mentoring program for new supervisors.
- Piloted a developmental assignment program where employees can access available detail opportunities.
- Revamped its new employee orientation so that employees know how they contribute to the mission from day one, and is launching new tools to help employees identify training and developmental assignments and reach their full potential.
- Conducted a "Leadership Refresher" training series in key areas such as trust, communications, and leading a diverse workforce.
- Established a Diversity and Inclusion Committee to help improve diversity and outreach.
- Revamped MSHA's intranet website to increase communication and information flow to employees.
- Developed a data driven approach to succession planning.
- Facilitated a partnership with the Department of Energy's Federal Energy Management Program to identify and evaluate energy savings opportunities at the Academy through an Energy Savings Performance Contract.
- Relocated MSHA Headquarters to a more cost effective space.

PROGRAM ADMINISTRATION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2015 Enacted	FY 2016 Enacted	FY 2017 Request	Diff. FY17 Request / FY16 Enacted
11.1	Full-time permanent	8,537	9,152	9,420	268
11.3	Other than full-time permanent	259	73	74	1
11.5	Other personnel compensation	124	155	155	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	8,920	9,380	9,649	269
12.1	Civilian personnel benefits	2,038	2,875	2,967	92
13.0	Benefits for former personnel	25	0	0	0
21.0	Travel and transportation of persons	155	107	107	0
22.0	Transportation of things	19	19	19	0
23.1	Rental payments to GSA	790	690	715	25
23.2	Rental payments to others	3	2	2	0
23.3	Communications, utilities, and miscellaneous charges	152	174	174	0
24.0	Printing and reproduction	11	11	11	0
25.1	Advisory and assistance services	13	13	13	0
25.2	Other services from non-Federal sources	301	168	168	0
25.3	Other goods and services from Federal sources 1/	1,806	2,095	2,163	68
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	103	129	129	0
26.0	Supplies and materials	196	111	111	0
31.0	Equipment	1,304	62	62	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	15,838	15,838	16,292	454
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,150	1,293	1,361	68
	DHS Services	33	33	33	0
	HHS Services	56	55	55	0
	Services by Other Government Departments	567	714	714	0

PROGRAM ADMINISTRATION

CHANGES IN FY 2017

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$160
Personnel benefits	50
Two days less of Pay	-85
Federal Employees' Compensation Act (FECA)	1
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	25
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	68
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$219**

Net Program **\$235**

Direct FTE **0**

	Estimate	FTE
Base	\$16,057	91
Program Increase	\$235	0
Program Decrease	\$0	0