

**U.S. Department of Labor
Office of Inspector General
Office of Audit**

BRIEFLY...

Highlights of Report Number: 05-06-003-06-001, to the Acting Assistant Secretary for Mine Safety and Health Administration (MSHA).

WHY READ THE REPORT

This report addresses allegations from anthracite mine operators in the Mine Safety and Health Administration's (MSHA) District 1. Specifically, they alleged that:

- Enforcement activity directed by the current District Manager was excessive or unjustified,
- Mine operators who were publicly critical of MSHA were harassed through increased enforcement, and
- Current MSHA regulations contain safety and health requirements that are not appropriate for anthracite coal mines.

The Mine Safety and Health Act of 1977 makes MSHA responsible for assuring compliance with Federal safety and health standards throughout the mining industry. In FY 2004, there were about 23 operating anthracite (hard) coal mines, all located in MSHA District 1 (northeastern Pennsylvania), and employing about 100 miners. During the same year, there were almost 2,000 operating bituminous (soft) coal mines in 27 states, employing more than 100,000 miners. The process of mining anthracite coal is still done largely by hand, while bituminous coal mining is generally highly mechanized.

WHY OIG DID THE AUDIT

We performed an audit to determine the validity of the allegations by anthracite mine operators.

READ THE FULL REPORT

To view the report, including the scope, methodology, and full agency response, go to:

<http://www.oig.dol.gov/public/reports/oa/2006/05-06-003-06-001.pdf>

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ALLEGATIONS OF UNFAIR ENFORCEMENT IN MSHA'S DISTRICT 1

WHAT OIG FOUND

We found no indications or corroborating evidence to support allegations that enforcement in District 1 was excessive or unjustified. Our analysis of data for inspections performed, citations and withdrawal orders issued, and citations and withdrawal orders overturned did not indicate that activity in District 1 varied from levels in other districts or the national trend in a manner or to an extent that suggested the possibility of inappropriate actions.

Also, our analysis did not indicate that mine operators who were publicly critical of MSHA had been harassed through increased enforcement activity. MSHA data showed an unusually high level of enforcement activity for only one mine operator in District 1 who had been a frequent critic of MSHA policies and practices in recent years. However, MSHA records showed that this activity was the result of regulatory requirements triggered by an especially hazardous condition at the mine.

Our analysis did indicate that MSHA has not resolved a long-standing question of whether existing regulations establish requirements that are not relevant to anthracite mining operations. Since FY 1995, the number of Petitions for Modification filed in District 1 has consistently exceeded those in all other districts combined. Most of the petitions filed in District 1 relate to issues unique to anthracite mining. Also MSHA's efforts have not fully resolved whether its petition process is the most efficient means of dealing with regulatory differences

WHAT OIG RECOMMENDED

We recommended that the MSHA evaluate whether the petition process provides an efficient means of addressing the applicability of regulations to varying mining techniques or whether any regulations require revision for anthracite mining methods.

MSHA responded that it will (a) review the work of an earlier internal group charged with examining the impact of regulations on anthracite mine operators; (b) review regulations in Pennsylvania related to anthracite coal mining; and (c) continue to take action, when appropriate, to eliminate the need for mine operators to file petitions for regulatory relief. Based on MSHA's responses, we consider the recommendation resolved.