

DEPARTMENT OF LABOR

Statement by

David D. Lauriski

Assistant Secretary for Mine Safety and Health

on

Fiscal Year 2004 Request for

Mine Safety and Health Administration

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to present the fiscal year (FY) 2004 appropriations request of \$266.8 million and 2,334 full-time equivalent (FTE) positions for the Mine Safety and Health Administration (MSHA). The President's Management Agenda calls for executive branch agencies to evaluate how they can improve their management and performance. Secretary Chao personally challenged and encouraged MSHA to not only meet the needs of today's miners but the needs of future miners. The Secretary has established a strategic plan for the Department of Labor that contains as one of its goals the fostering of quality workplaces that are safe and healthy.

TWENTY-FIVE YEARS

Congress passed the Mine Safety and Health Act just over 25 years ago. During these 25 years, mine fatalities have dropped by two-thirds, serious injuries have been halved, and cases of

black lung disease have fallen significantly. Notwithstanding the successes of the past, the statistics show that in the mid to late nineties further gains were less dramatic than those achieved in earlier years. The mining industry's injury rates had reached a plateau. When I started my tenure with MSHA, I quickly realized it was time for us to reexamine our strategies and methods for moving forward. This request allows MSHA to move forward with the new strategies arising from this reexamination.

TRIANGLE OF SUCCESS

A key element of MSHA's new strategy is the focus on an effective blend of enforcement, technical support, and education and training, with compliance assistance as a fundamental ingredient of each. MSHA's budget request provides the array of resources necessary to achieve the following goals:

- Reduce the fatality rate in the mining industry by 15 percent per year;
- Reduce the injury rate by 50 percent by FY 2005 from the FY 2000 baseline;
- Reduce respirable coal mine dust and silica overexposures by 5 percent per year; and
- Reduce noise overexposures by the same amount.

The balanced strategy to achieve these goals consists of three equally important segments – enforcement, technical support, and education and training. I refer to these three components as our “Triangle of Success.” Each of these segments complements the other two.

MSHA will fulfill the Mine Act's enforcement mandates by conducting required inspections and investigations. For several years, MSHA was able to conduct only 70 percent of the required inspections at metal and nonmetal mines. Last year, however, we completed close to 90 percent of those required inspections. We also completed 99 percent of the required inspections at coal mines last year. During the last two years, MSHA's enforcement personnel increased on-site enforcement events by 30 percent over the previous two-year period.

While we continue to enforce the provisions of the Mine Act, we are making improvements to the overall enforcement program. We are incorporating compliance assistance, including proven safety management concepts, into each inspection. Inspectors are being trained and encouraged to focus their efforts on those areas or activities that are more likely to place miners at risk. This change in enforcement philosophy is intended to go beyond – **not replace** - the traditional enforcement strategy.

Providing technical support, the application of scientific and engineering solutions to mitigate hazards, is another side of the triangle of success, and a key component of a balanced accident prevention strategy. In FY 2004, MSHA will continue to expand its active partnerships with industry, labor and equipment manufacturers to identify new technologies that address mining hazards.

Education and training, together, form the final side of the Triangle of Success. Our stakeholders agree that training for the mining industry is crucial to the success of any program to reduce accidents and illnesses. We need only to recall the words of one of the nine rescued

miners in Pennsylvania to know how important education and training is to the mining industry. Asked what he believed helped the trapped miners during their long ordeal, he stated, “We just did what we were trained to do.”

Technical support, training and a focussed, proactive approach to each inspection, with the added emphasis on compliance assistance is resulting in heightened awareness of health and safety conditions. Fatalities in the Nation’s mines have declined to an all-time low. In 2002, 67 miners lost their lives – the lowest figure on record.

STRATEGIC PARTNERSHIPS

We are expanding the level of strategic partnerships beyond the traditional scope. MSHA and the National Stone, Sand and Gravel Association (NSSGA) recently signed an innovative new partnership agreement and alliance to promote the health and safety of miners in those segments of the mining industry. Just this week, we signed an alliance agreement with Industrial Minerals Association – North America, an association of companies that mine or process a variety of minerals.

States are also important partners in our work, and we are strengthening our relationships with State mine safety agencies. MSHA recently launched a new Tri-State Initiative to address the large number of accidents that occur at coal mines in West Virginia, Virginia and Kentucky. Two-thirds of all coal mining fatalities last year occurred in these three states, where over half of all coal mines and coal miners nationwide are located. This initiative will pull together Federal

and state resources, including enforcement, technical support and education and training, in a concerted effort to focus on problems unique to the Appalachian region.

REGULATIONS

We have focused on several new rulemakings. These rules address issues such as diesel particulate matter exposures in underground metal and nonmetal mines; verification of coal mine operator dust control plans; and methods for determining respirable coal mine dust concentrations.

We began a very important rulemaking this year after a tragic explosions at the Jim Walter Resources No. 5 Mine took the lives of 13 miners. Some of the victims of this accident might have survived had the mine been properly evacuated. MSHA published an emergency temporary standard with new requirements for training miners in emergency procedures and designating a responsible person to take charge during emergencies. This temporary standard took effect immediately. In FY 2004, we will continue to move forward with rulemaking that is necessary and will make a significant difference to the health and safety of miners. We will also identify opportunities to eliminate duplications and make MSHA regulations more understandable.

COAL PROGRAM INITIATIVES

Each year, we complete close to 100 per cent of the mandatory inspections -- four each year at underground coal mines and two each year at surface coal mines. Over the last several years, the coal mining sector has been experiencing a shift from underground mining operations to surface mining operations. Demand for low-sulfur coal, produced mainly at surface mines in the West, is increasing. MSHA anticipates that this trend will continue. Equipment is larger and more complex, requiring more time and attention to inspect the equipment and ensure the safety of the miners. This year, we have seen an upturn in the number of accidents involving large trucks, conveyer belts, and front-end loaders, so we will focus more attention on the safe operation of this equipment. We are emphasizing compliance assistance as a part of our inspections. The overall declining rates of injuries and fatalities can be attributed to this additional work on prevention. This request includes \$2.6 million and 35 FTE to continue conducting core inspection activities while expanding the emphasis on compliance assistance.

METAL AND NONMETAL PROGRAM INITIATIVES

There has been an upsurge in the number of mines in the metal and nonmetal mining industry, especially in the crushed stone and sand and gravel sectors that supply the construction industry. Operations in the aggregates industry are often short-term and/or seasonal in nature, operating only a short time during the year. This makes it difficult to inspect these operations. MSHA is proposing an additional \$2.0 million and 20 FTE to enable us to continue improving on the mandated inspections completion rate, allow us to focus on accident prevention, enhance compliance assistance, and thereby help us to reach our performance goals related to reduced injury and illness.

MSHA also will use education and training to address the growth in the number of metal and nonmetal mines. Strong production demand for aggregates continues to increase the need for new miners, many of whom are inexperienced and consequently more vulnerable to work-related accidents. Training miners and mine operators allows them to become actively engaged in accident prevention.

SMALL MINES OFFICE INITIATIVE

Representatives of the mining industry often express the need for more assistance for small mines. They cite the small mines' lack of resources for health and safety programs. They believe that these mines focus on meeting the minimum requirements to comply with regulations rather than focusing on an overall safety program. There are approximately 6,500 mines around the country with five or fewer employees. For the last several years, the fatal injury incidence rate at small mines has been more than double the rate for larger mines. Launched in 2003 on a pilot basis, our new Office of Small Mines Safety and Health is designed to be responsive to our stakeholders' needs and to reduce the disparity in fatal injury incidence rates. We are expanding education and training and compliance assistance to small mining operations in both the coal and metal and nonmetal sectors. This will provide significant assistance in the metal and nonmetal sector where over one-half of all mines have five or fewer employees. Temporary staff in the Small Mines Office has already visited well over 500 small mines around the country. Among other activities, they are distributing a starter kit that contains information for obtaining compliance assistance and training, as well as information on basic compliance responsibilities.

The FY 2004 request includes 21 FTE and \$2.4 million to fund this important initiative. The staff will continue to visit small mines, return to mines already visited for follow-on assistance, distribute copies of “Best Practices” guides to assist with compliance, and provide training for small mine operators and miners.

EQUIPMENT REPLACEMENT

MSHA is requesting \$1.0 million to purchase sampling, analysis and personal protective equipment. MSHA must ensure that its personnel have dependable instruments that accurately monitor the working environment within a mine to assess its health and safety conditions. MSHA must also provide its personnel with reliable personal protective equipment, such as self-contained self-rescuers that produce a breathable mixture of air the event of an emergency. This request provides funding to establish a replacement cycle for sampling and personal protective equipment. The request also provides funding for the purchase of a mobile gas sampling vehicle and sample analysis equipment that uses x-ray technology. Sampling ability is critical to mine rescue and recovery activities.

CREATION OF A NEW BUDGET ACTIVITY

This budget requests that a new budget activity be established within MSHA. This budget activity -- Program Evaluation and Information Resources (PEIR) -- will be established through the consolidation of information technology and information management resources, such as the local and wide area networks; information database development; hardware and software

support; and MSHA's web services. This new activity will also have responsibility for MSHA's progress towards meeting the requirements of the Government Performance and Results Act (GPRA). PEIR will be responsible for monitoring, evaluating, and reporting MSHA's progress in meeting its annual performance goals. Other budget activities currently fund the functions PEIR provides; no additional funding is requested for this consolidation. MSHA will fund this new budget activity by shifting \$14.2 million and 75 FTE from the other budget activities, resulting in approximately the same amount of resources as MSHA currently devotes to these functions, but consolidated in one budget activity.

I have laid out for you the plan we are using to bring about significant positive change in the safety and health of America's miners. The plan uses the Triangle of Success to foster a culture of prevention and instill the sense that safety is a value. This approach is working. In the last two years, compared to the previous two years, the

- fatal injury rate at all mines decreased 15 per cent
- lost-time injury rate at all mines decreased 8 per cent
- total injury rate at all mines decreased 15 per cent
- fatalities at all mines decreased 21 per cent

The end result has been more miners going home to their families at the end of the day safe and healthy.

Mr. Chairman, that concludes my prepared statement. I appreciate this opportunity to present MSHA's budget request for meeting our safety and health performance goals. I welcome any questions you may have.

