

**STATEMENT OF DAVID G. DYE  
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BEFORE THE  
SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES AND  
EDUCATION  
COMMITTEE ON APPROPRIATIONS  
U.S HOUSE OF REPRESENTATIVES**

**APRIL 7, 2005**

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to present the President's fiscal year (FY) 2006 appropriations request of \$280.5 million (an increase of \$1.4 million over FY05) and 2,187 full-time equivalent (FTE) positions for the Mine Safety and Health Administration (MSHA).

**Record-Setting Fourth Year of Declining Fatalities, Injuries**

A century ago mining was considered a uniquely dangerous occupation. In 1911, over 3,500 miners lost their lives. In 1977, when the Mine Safety and Health Act was passed, 272 miners died on the job. A decade ago, 100 miners lost their lives extracting the raw materials that fuel our economy, contribute to our national security, and provide the underpinning of the American dream.

Today, I am proud to be here to tell you that for the fourth straight year, the United States mining industry set its best safety record since statistics were first compiled in 1910, in both fatal and non-fatal injury incidents. Since calendar year 2000, the annual number of fatal injuries has decreased by 30 – from 85 to 55 in 2004, a 35 percent reduction. A few short years ago, those numbers would have been laughed at as impossible goals. What we learn from that lesson is to set seemingly impossible goals – and we will rise to them.

This tremendous progress is a direct result of the diligence and commitment of miners, mine operators, and the employees of the Mine Safety and Health Administration ensuring that mines are increasingly safe and healthful places to work.

Every day, we remember those who have lost their lives in the mines. We see their faces, we understand the human cost of their deaths. That is why we in MSHA work tirelessly to ensure that every miner from every mining operation in this country goes home safe and healthy at the end of every shift, every day, and why MSHA's budget request reflects these priorities.

Our initiatives, programs and strategies are specifically geared to fostering a culture of prevention -- instilling safety as a core value and making safety part of every task in the mining workplace. We can clearly see from the numbers that this approach is working.

Over the last four calendar years:

- the fatal injury rate (per 200,000 hours worked) at all mines decreased by 32 percent
- the lost-time injury rate (per 200,000 hours worked) at all mines decreased by 21 percent
- the total injury rate (per 200,000 hours worked) at all mines decreased by 22 percent

Although we are proud of the progress the industry has made, we are not content to rest on our laurels. One death, one injury, one case of occupational illness is one too many. The Agency is constantly examining its strategies and looking at outcomes to determine how we can help the mining industry drive fatality, injury and illness rates down to zero.

### **Driving Safety and Health Throughout the Mining Industry**

MSHA's FY 2006 budget is targeted at changing safety behaviors and working conditions that contribute to injuries and fatalities. The budget promotes a balanced approach to mine safety and health – continuing MSHA's highly effective blend of enforcement, technical support, and education and training, with compliance assistance underpinning all three. MSHA calls these three components our "Triangle of Success," which allows the Agency to successfully fulfill our responsibilities under the Mine Act to protect the lives and health of miners.

Our completed inspection rates continue to rise. Our inspectors continued to complete 99 percent of the required inspections in coal mines between FY 2000 and FY 2004. During the same time period, the completion rate jumped from 74 percent to 90 percent of required inspections in metal and non-metal mines.

MSHA is working harder and smarter. Our inspectors are trained and encouraged to focus their efforts on those areas or activities that are most likely to place miners at risk. Inspections today are much more than merely issuing citations. We are looking for root causes of conditions and practices that contribute to injuries and incidents, and we are looking for ways to help the industry correct them.

We want to make sure that our inspections benefit everyone involved. Issuing a citation is not enough. We want to help mine operators understand and comply with the law all the time, not just when we are on-site. We are not replacing our traditional enforcement strategy – we are enhancing and expanding it to help mine operators run safer, more healthful operations all the time, not just when they are faced with inspections.

### **Building Strategic Alliances**

Many of MSHA's stakeholders have welcomed the Agency's collaborative approach and have joined with us to improve safety and health in the mining industry. Trade associations, labor unions, professional societies and other like-minded organizations recognize the advantage of working together, rather than separately, to reach our common health and safety goals for the mining industry. These stakeholder groups have joined with MSHA in the agency's Strategic Alliance program to combine resources and experiences to achieve a safer and healthier mining industry.

The National Stone, Sand and Gravel Association (NSSGA); the Industrial Minerals Association—North America (IMA-NA); the National Safety Council (NSC); the International Union of Operating Engineers (IUOE); the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers (Ironworkers); the Bituminous Coal Operators

Association (BCOA) and the National Mining Association (NMA) have all demonstrated their commitment to fostering worker health and safety in the mining industry by signing alliance agreements with MSHA. These agreements go much further than just putting pen to paper.

For example:

- The CEOs of the companies represented on the Board of Directors of the NSSGA have formally pledged to adopt MSHA's safety and health performance goals as their own. This is a first for the industry.
- The NSC, not historically associated with the mining industry, has mobilized its diverse membership to protect children from the hazards associated with mine sites through the "Stay Out-Stay Alive" partnership, and to assist us with professional development opportunities, including making available their driving course to MSHA employees;
- The leadership of the IUOE took a bold step in joining with MSHA to bolster our nation's homeland security by undertaking joint emergency response training and exercises. This is MSHA's first formal agreement with a labor organization.
- The International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers (Iron Workers) is working with MSHA to develop programs to improve the health and safety of workers doing construction and demolition at mine sites. This cooperative effort has resulted in 48 Iron Workers locals across the nation having instructors qualified to teach mine safety and health classes. These instructors have trained over 3,000 local union members to work safely at mine sites.
- MSHA's Alliance with the BCOA-NMA represents the first national Alliance with the coal mining segment of the industry. This Alliance promotes safe and healthful working conditions by focusing on education and training, technical assistance, and outreach and communication.

As you can see, our Alliance program is active and flourishing. We are not only building

relationships, we are producing health and safety tools that combine the best of MSHA and the industry to help miners work in a safe and healthy fashion. MSHA's Alliance program is living proof that working with stakeholders is a positive and productive development.

And our cooperation extends throughout the mining community. For example, MSHA, in partnership with the State of Kentucky and local governments, achieved the unusually quick recovery of the underground Dotiki Coal Mine following a serious fire in February 2004. As a result, 360 miners returned to work quickly and safely. A similar recovery during December 2004 and January 2005 at the Excel #3 mine in Pikeville, Kentucky is another example of highly successful inter-agency cooperation. More than 90 rescue personnel worked over 3,000 hours in extreme heat and in mine openings as low as 18 inches to contain the fire. MSHA personnel were continuously on the scene throughout the fire, monitoring the situation for the safety of the rescue teams and accompanying rescue teams into the mine. MSHA's mine rescue robot was also deployed for its first time in a mine fire incident. It provided real-time video monitoring of underground conditions before live rescue personnel were sent into the mine. No one was injured in the fire or subsequent recovery.

In addition, with the State of Kentucky, MSHA co-sponsored a drug and alcohol summit to raise the level of awareness concerning the hidden problems of drug and alcohol use in the mining industry. The summit resulted in the formation of some productive relationships among the states in the Southern Appalachian area and MSHA, and laid the foundation for further collaborative efforts on this serious and growing problem.

### **FY 2006 Budget-Reflecting Today's Mine Safety/Health Needs**

MSHA's FY 2006 budget request of \$280.5 million will further the agency's ability to meet its safety and health goals. The request will help strengthen MSHA's capability to help mine operators comply with regulations and allow the Agency to continue to work with the mining community to drive down fatalities, injuries and occupational illness to lower levels. And, it will help reinforce MSHA's outreach programs that have brought significant improvements in the health

and safety of all miners.

Over the past four years MSHA has made major progress in reducing mine injuries and fatalities. We are on track to make even more progress. I believe with the proposed budget that we can further drive down fatalities, injuries and occupational illness in the mining industry, and ensure that every miner goes home safe and healthy after every shift, every day.

Mr. Chairman, this 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 for us.