

BRIEFLY...

Highlights of Report Number: 05-06-006-06-001, to the Acting Assistant Secretary for Mine Safety and Health Administration

WHY READ THE REPORT

The Mine Safety and Health Act of 1977 (Mine Act) gives miners and miner representatives the right to confidentially file a complaint and obtain an immediate inspection when there are reasonable grounds to believe that an imminent danger, or a violation of the Mine Act or a mandatory safety or health standard, exists. The OIG completed a performance audit of the hazardous condition complaint process managed by MSHA's Office of Coal Mine Safety and Health (CMS&H). The audit found that CMS&H's hazardous condition complaint process should be strengthened to ensure: the process is promoted consistently; complaints are evaluated and inspected timely, consistently, and in accordance with applicable requirements; and information used to manage the process or reported to the public is complete.

WHY OIG DID THE AUDIT

CMS&H's hazardous condition complaint process is the mechanism in place to satisfy the statutory requirement for immediate inspections in response to complaints filed by miners or miner representatives. It is, therefore, critically important that the process work effectively in giving miners and their representatives a voice and a means to ensure appropriate and prompt action is taken to remove hazardous conditions from the nation's coal mines. Additionally, the recent increase in coal mine fatalities underscores the need to continuously improve processes that minimize safety and health risks in the coal mines. While there were 22 coal mine fatalities in all of 2005, there were 33 coal mine fatalities in the first 6 months of 2006.

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/2006/05-06-006-06-001.pdf>

SEPTEMBER 2006

Coal Mine Hazardous Condition Complaint Process Should Be Strengthened

WHAT OIG FOUND

We found that development of an overall strategy for promoting the process would help ensure promotional efforts by CMS&H's 11 districts are consistent and complete. Additionally, CMS&H had not ensured effective performance by the contractor used to receive complaints filed with MSHA headquarters.

A significant number of hazardous condition complaints filed with MSHA headquarters and directly with the districts were not evaluated or inspected timely. These delays may have subjected miners to prolonged hazardous conditions. Further, process improvements are needed to ensure complaint evaluations and inspections are thorough, consistent, and in accordance with the Mine Act and MSHA policy.

CMS&H management analysis relied on reports that were based on complaints filed solely with MSHA headquarters; about one-third of the total complaints. The reports did not include complaints filed directly with the districts. Additionally, information reported to the public on hazardous condition complaints was incomplete.

WHAT OIG RECOMMENDED

We make 13 recommendations to the Acting Assistant Secretary for MSHA, summarized as follows:

- ensure efforts to promote the hazardous condition complaint process are planned, monitored and evaluated, and complaints are recorded accurately and completely;
- ensure the expectation of evaluation and inspection timeliness is quantified and that timeliness is monitored and systemic reasons for delays are identified and addressed;
- ensure complaint evaluations and inspections are consistent and in accordance with the Mine Act and MSHA policy; and
- ensure complaint information used by CMS&H to manage the process or reported to the public is complete.

MSHA initiated or planned corrective action to address 11 of our 13 recommendations. MSHA did not agree to implement corrective action for two recommendations.