

FY 2008

CONGRESSIONAL BUDGET JUSTIFICATION

MINE SAFETY AND HEALTH ADMINISTRATION

PERFORMANCE BUDGET

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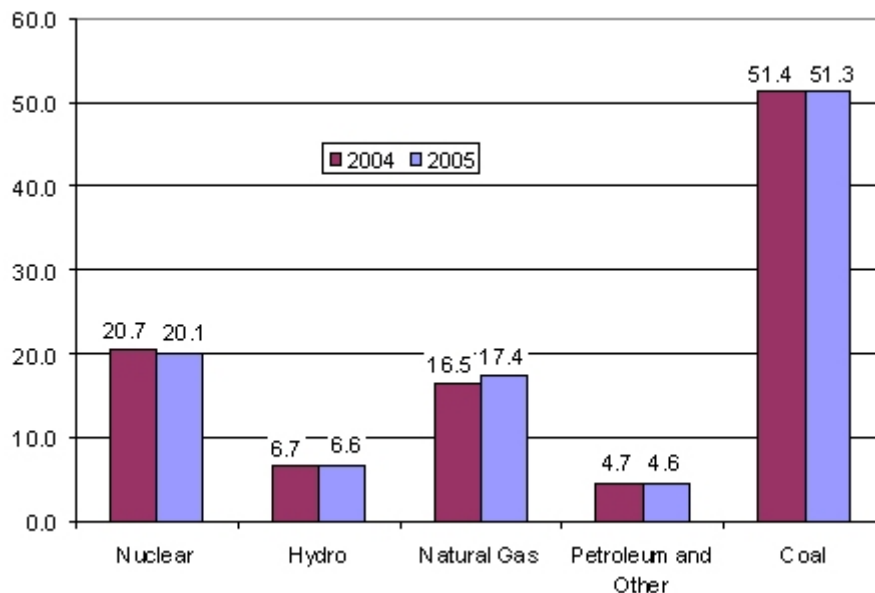
GENERAL STATEMENT

Introduction

The Mine Safety and Health Administration's (MSHA) mission is to protect the safety and health of the nation's miners under the 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's vision is to lead the way to zero accidents and fatalities and to put an end to occupational illness in the mining industry through enforcement of mandatory safety and health standards, mandated inspections which requires four annual inspections at all underground mines, two at all surface mines, and proactive compliance assistance and partnering with the mining community.

Mining is critical to the economy of the United States and MSHA's successful implementation of its mission and vision is essential to a healthy and safe mining industry. More than 300,000 people work directly in the mining sector throughout the United States and, according to the National Mining Association, almost 5 million jobs in industries that support mining. The commodities produced from mined materials are integrated into every facet of daily life.

MSHA's jurisdiction includes both coal and metal and nonmetal mining. Coal produces more than 51 percent of the electricity generated in the United States. Department of Energy statistics (below) show that dependence on coal as a source of energy in the United States far outweighs our reliance on alternate energy sources.



Share of Electric Power Industry Net Generation by Energy Source
(Source: Department of Energy, 2004 vs. 2005 statistics)

In addition to producing over half of the electricity in the United States, coal is also used for residential and commercial heating, the production of coke for the steel industry, and as a raw material

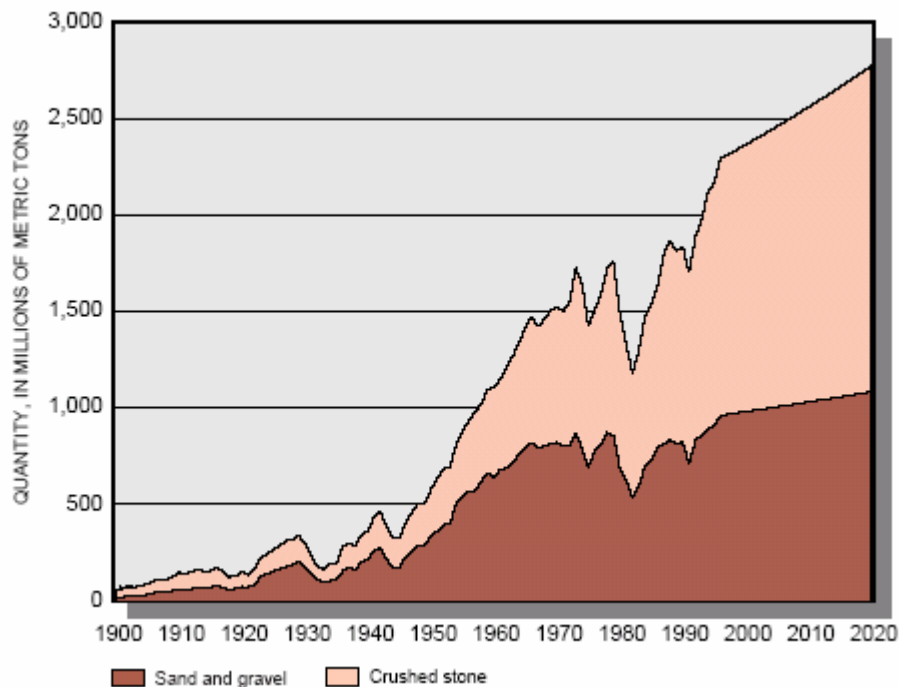
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in the chemical industry. Every state, even those without coal reserves or coal mining, derives economic benefits from coal production in the United States.

The metal and nonmetal mining industry operates in all 50 states and includes a wide range of commodities, from gold and silver to sand, gravel, and crushed stone. The industry provides essential raw materials for the nation's transportation infrastructure, construction and housing, communications, medicine, the arts, manufacturing, consumer goods, and agricultural industries. Natural aggregates are a critical natural resource and provide the raw material used in construction and agriculture, as well as in industries employing complex chemical and metallurgical processes. These natural aggregates, which are produced nationwide, include crushed stone, sand and gravel, and salt for de-icing roads and food preservatives.

National aggregates production in the United States with projections to 2020, based on growth rate of 1.0% for stone and 0.5% for sand and gravel.

(Source – U.S. Geological Survey)



Just as mining is vital to the U.S. economy, a safe and healthy mining workforce is critical to the successful operation of the mining industry.

The mining environment is an inherently hazardous workplace. The presence of methane and airborne particulates, unseen geologic instabilities, constantly changing terrain and other environmental conditions, the prevalence of large, complex haulage and mining equipment and ventilation systems, and rapid industry growth are only a few of the factors that make sustaining and improving mine safety and health a continuing challenge.

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Current economic and demographic issues facing the mining industry add to this challenge. MSHA's approach takes into account the following industry trends:

- Competitive pressures to increase production while containing costs, resulting in increased use of technically complex mining equipment.
- Expanded mining operations with many miners working longer shifts resulting in worker fatigue and an increased risk of worker accidents.
- High costs and limited supplies of oil and natural gas make coal mining more profitable. Higher coal prices and increased profit margins push operators to open new mines, expand existing mines, or resume mining operations at previously closed sites.
- An aging workforce and inadequate supply of skilled workers.
- An influx of new workers, including immigrant, low-skilled, and untrained workers, who are at higher risk of having accidents that cause injury.
- Continued risk from health hazards, such as exposure to dust, noise, and diesel exhaust that can result in debilitating and fatal lung diseases, acute hearing loss, and other serious health problems.

MSHA's culture of prevention embeds safety and health as core values in all initiatives and ongoing activities. Inspectors are trained to address areas and activities that are most likely to place miners at risk. Strong enforcement is supplemented by helping mine operators understand the law and how to comply with the law's requirements – and understand the consequences of non-compliance. MSHA's technical support program applies scientific and engineering solutions to mitigate hazards. Education and training for the mining industry is crucial to the reduction of accidents and illnesses. MSHA ensures that its training specialists and technical support personnel are readily accessible to the mining industry.

In the past few years, MSHA developed stakeholder alliances to promote health and safety in the mining community. MSHA recognizes that these partnerships help maximize scarce resources to effectively work with the mining community to promote and expand the health and safety.

MSHA communicates and educates the public through its website and face-to-face meetings. Information is provided on fatalgrams/reports, hazard and safety alerts, and initiatives, which include accident prevention, asbestos, hazard communication, MSHA's Occupational Illness and Injury Prevention Program, Make the Right Decision, Stakeholder Best Practices, Stop -Look - Analyze - Manage (SLAM), PROP (Preventive Roof/Rib Outreach Program), and others.

The Mine Improvement and New Emergency Response Act of 2006 (MINER Act) became law in June 2006. The MINER Act represents the first revisions to federal mine safety laws since the Federal Mine Safety and Health Act became law in 1977. It builds upon MSHA's efforts to improve mine safety nationwide, increases civil monetary penalties as the Administration had

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proposed, and calls for the modernization of safety practices and development of enhanced communication technology.

MSHA supports the Department of Labor's (DOL) strategic goal of Safe and Secure Workplaces.

Issues, Outcomes and Strategies

Although fatalities in the mining industry declined by 35 percent from FY 2000 to FY 2005, to the lowest levels since 1910, MSHA remains clearly short of its goal of zero fatalities, zero injuries, and an end to occupational illness in the mining industry. 2006 was a deadly year in mining. The nation witnessed the tragedies at the Sago Mine and Alma Mine No. 1 in West Virginia and the Darby Mine No. 1 in Kentucky – accidents which claimed the lives of 19 miners. MSHA takes seriously its responsibility to respond to every such incident, and conduct thorough accident investigations and identify all root causes to prevent future occurrences. In light of these disasters, MSHA has taken an aggressive and active approach in the following areas:

Mine Communications and Tracking Systems: MSHA will continue to work closely with manufacturers of communication and tracking systems to develop safe and reliable systems. In addition, MSHA will expedite the approval process for such technologies.

In concert with National Institute of Occupational Safety and Health (NIOSH), MSHA has conducted an International Conference on Mine Escape Planning and Emergency Shelters. MSHA observed the tests and demonstrations of numerous communication and/or tracking systems at various mine sites, including mines in Australia. MSHA reviewed these products, assisted interested manufacturers in obtaining MSHA approval, and expedited the approval process for these technologies.

Proximity Protection: MSHA will continue to assist industry in applying the technology of proximity protection to prevent mine injuries and fatalities. In addition to eliminating accidents relating to remote control continuous miners, proximity protection could reduce accidents related to surface and underground mobile equipment, unsupported top, dump points, conveyor guarding, and energized cables.

MSHA concluded its field trials and approved two proximity protection systems as a result of the joint industry/MSHA effort to develop proximity protection. These systems are designed to reduce or eliminate crushing or pinning accidents associated with the operation of remote control continuous mining machines. Two different proximity detection systems were successfully field tested and both systems received MSHA approval.

Self-Contained Self-Rescuers (SCSRs) Inventory: The Final Rule on Emergency Evacuation requires all mine operators to provide their complete SCSR inventory to MSHA by the end of the first quarter of CY 2007 (March 31, 2007). MSHA is currently developing an interactive website to allow coal mine operators to enter their inventory data via the MSHA website (www.MSHA.GOV).

Technical Study Panel - Coal Mine Conveyor Belts: The Technical Study panel, created by the MINER Act of 2006, will study the utilization of belt air and the composition and fire retardant

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properties of belt materials in underground coal mining.

Seal Regulations: MSHA will promulgate revised rules for the construction of seals in coal mines. This revision was prompted by recent mine accidents where seals were exposed to explosion pressures.

Emergency Mine Evacuation: The Final Rule, issued on December 8, 2006, revised MSHA's Emergency Temporary Standard (ETS) and required mine operators to:

- Increase the availability and storage of SCSRs;
 - Improve emergency evacuation drills and training on the use of SCSRs;
 - Install and maintain lifelines in underground coal mines; and
 - Notify MSHA immediately when an accident occurs at any mine.
- ✓ **ONE CALL DOES IT ALL** – has been implemented. Mine operators are required to immediately call *MSHA's toll-free number* to notify MSHA of an immediately reportable accident.

In collaboration with various organizations, MSHA is participating in the *MINER Act and its Implementation Workshops* designed to assist the industry in complying with the procedural and technological provisions of the MINER Act.

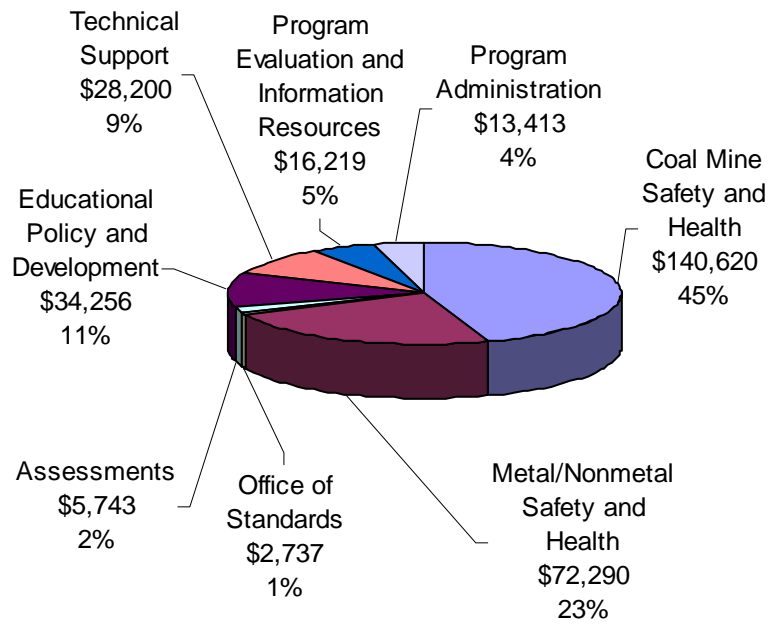
Cost Model

In FY 2008, MSHA requests a total of \$313,478,000, an increase of \$35,793,000 over the FY 2007 C. R. level, to support DOL's strategic goal. This includes \$16,645,000 and 170 FTE for Coal Mine Safety and Health to retain inspectors and other enforcement staff that were added in 2006 and 2007 in response to the increase in coal mine fatalities.

The requested funds by program area are displayed in the following chart.

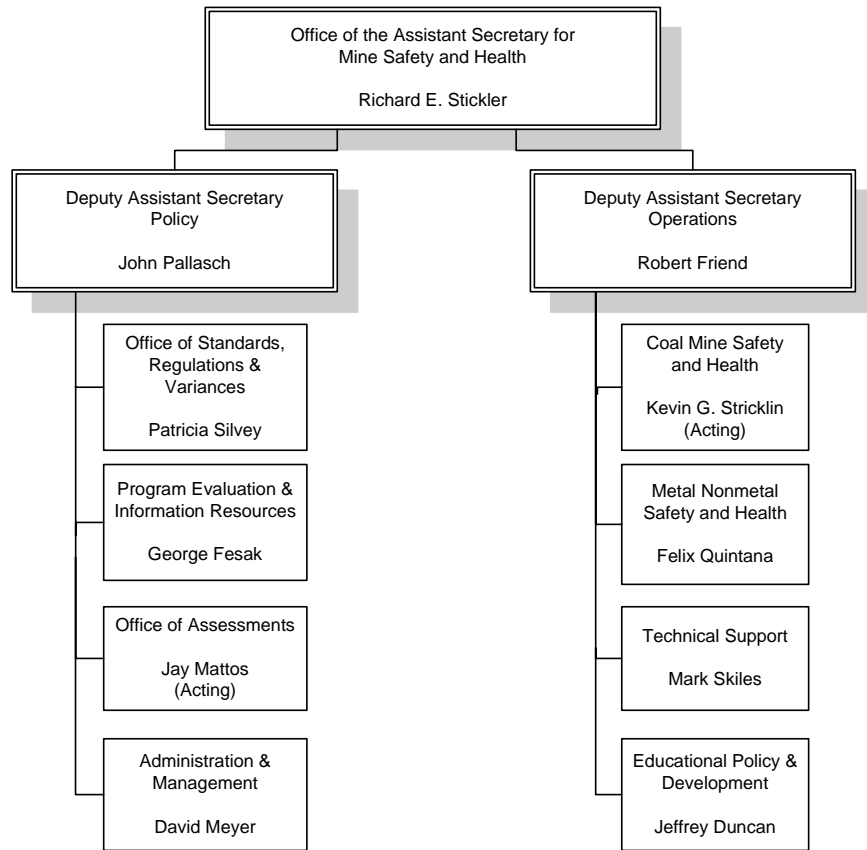
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FY 2008 Budget Request by Budget Activity (Dollars in Thousands)



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Organization Chart



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APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$313,478,000 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; in addition, 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, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 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; 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; 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; 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; 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 a major disaster.

Note – A regular 2007 appropriation for this account had not been enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 109-289, Division B, as amended). The amounts included for 2007 in this budget reflect the levels provided by the continuing resolution.

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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 language of either the Bureau of Mines, the Department of 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, the Mine Safety and Health Administration (MSHA) provides staff, technical expertise, and specialized equipment in assisting rescue operations at mine sites. (MSHA defines a mine disaster as a mine accident involving five or more fatalities.) Funds are not specifically requested to cover the major costs associated with mine disaster recovery operation. This provision provides the Secretary authority to authorize the use of funds in the event the 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 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 and to improve health and safety among officials and employees in all phases of mining.

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Amounts Available for Obligation (Dollars in Thousands)						
	FY 2006 Enacted		FY 2007 C. R.		FY 2008 Agency Request	
	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
A. Appropriation (Appropriations Language).....	2,136	\$280,490	2,062	\$277,685	2,306	\$313,478
Reduction pursuant P.L. 109-148.....		-2,805				
Supplemental funding pursuant P.L. 109-234 ^{1/}	178	+25,600	178			
Appropriation, Revised.....	2,314	303,285	2,240	277,685	2,306	313,478
A.1) Subtotal Appropriation (adjusted).....	2,314	303,285	2,240	277,685	2,306	313,478
Offsetting Collections From:						
Reimbursements.....		+1,825		+1,825		+1,825
A.2) Subtotal.....	0	1,825	0	1,825	0	1,825
B. Gross Budget Authority.....	2,314	305,110	2,240	279,510	2,306	315,303
Offsetting Collections						
Deduction: (all entries are negative)						
Reimbursements.....		-1,825		-1,825		-1,825
B.1) Subtotal.....		-1,825		-1,825		-1,825
C. Budget Authority						
Before Committee.....	2,314	303,285	2,240	277,685	2,306	313,478
Offsetting Collections From:						
Reimbursements		+1,825		+1,825		+1,825
C.1) Subtotal.....		+1,825		+1,825		+1,825
D. Total Budgetary Resources.....	2,314	305,110	2,240	279,510	2,306	315,303
Other Unobligated Balances,						
Unobligated balance carried forward, end of year.....	-236	-21,025				
Unobligated balance carried forward, start of year.....				21,025		
E. Total, Estimated Obligations.....	2,078	284,085	2,240	300,535	2,306	315,303

^{1/} Supplemental funding with two-year availability.

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SUMMARY OF CHANGES (Dollars in thousands)

Budget Authority:	FY 2007 C.R.	FY 2008 Request	Net Change
General Funds.....	\$277,685	\$313,478	+\$35,793
Full-Time Equivalent Direct:	2,062	2,306	+244
Full-Time Equivalent Supplemental:	178		-178

Explanation of Change	FY 2007 Base FTE	FY 2007 Base Amount	FY 2008 Change FTE	FY 2008 Change General Funds Amount
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Increases

A. Built-Ins:

To provide for:

Costs of pay adjustments.....	2,062	\$157,890	--	+\$4,509
Personnel benefits.....	--	41,814	--	+1,408
Two more days of pay.....	--	--	--	+1,633
Federal Employees Compensation Act (FECA).....	--	7,426	--	+1,380
Travel.....	--	9,580	--	+277
Transportation of things.....	--	4,565	--	+125
GSA space rental.....	--	12,200	--	+948
Communications, utilities, & miscellaneous charges.....	--	2,798	--	+84
Printing and reproduction.....	--	630	--	+19
Advisory and assistance services.....	--	568	--	+17
Other services.....	--	3,500	--	+524
Working Capital Fund.....	--	13,564	--	+905
Purchases of goods and services from other Govt accounts.....	--	1,865	--	+85
Operation & maintenance of facilities.....	--	600	--	+18
Operation & maintenance of equipment.....	--	7,600	--	+225
Supplies and materials.....	--	1,500	--	+55
Equipment.....	--	3,512	--	+114
State grants.....	--	7,973	--	+737
Insurance claims.....	--	100	--	+3
Subtotal.....	2,062	277,685	--	+\$13,066

B. Program:

To provide for Personnel for MSHA Coal Mine Safety and Health.....	983	117,150	+170	+16,645
To restore funds for inflationary costs that were not provided under the assumed full-year CR level in FY 2007.....	2,062	277,685	+74	+6,082
Subtotal.....			+244	+\$22,727
Total Increase.....			+244	+\$35,793
Total Change.....			+244	+\$35,793

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SUMMARY BUDGET AUTHORITY and FTE by ACTIVITY (Dollars in Thousands)						
	FY 2006 Enacted ^{1/}		FY 2007 C.R. ^{2/}		2008	
	FTE	Amount	FTE	Amount	Agency Request	FTE
Coal Mine Safety and Health	1,186	\$136,355	1,153	\$117,150	1,186	\$140,620
Metal and Nonmetal Mine Safety and Health	543	68,063	527	68,063	543	72,290
Office of Standards, Regulations and Variances	17	2,481	16	2,481	17	2,737
Office of Assessments	51	5,391	50	5,391	51	5,743
Educational Policy and Development	156	35,996	149	31,701	148	34,256
Technical Support	200	26,079	193	25,479	200	28,200
Program Evaluation and Information Resources	75	17,014	74	15,514	75	16,219
Program Administration	86	11,906	78	11,906	86	13,413
Total, General Funds	2,314	303,285	2,240	277,685	2,306	313,478

^{1/} FY 2006 reflects enacted, not actual, levels. Includes supplemental funding of \$25,600 and 178 FTE.

^{2/} In 2007, 178 FTE were funded with supplemental appropriation.

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BUDGET AUTHORITY by OBJECT CLASS (Dollars in thousands)

	FY 2006 Enacted	FY 2007 C.R.	FY 2008 Request	FY08 Request/FY 07 NTE Curr.Rate
<u>Personnel Compensation</u>				
Total number of Full-Time				
Permanent Positions	2,314	2,240	2,306	+66
Full-Time Equivalent:				
Full-Time Permanent	2,283	2,215	2,275	+60
Other	31	25	31	+6
Reimbursable	<u>0</u>	<u>0</u>	<u>0</u>	<u>+0</u>
Total	2,314	2,240	2,306	+66
Average ES Salary	\$157,882	\$161,355	\$166,357	+\$5,002
Average GM/GS Grade	11.21	11.21	11.21	+0.00
Average GM/GS Salary	\$70,753	\$72,310	\$74,552	+\$2,242
Average Salary of Ungraded Positions	\$49,545	\$50,635	\$52,205	+\$1,570
11.1 Full-Time Permanent	\$155,437	\$151,330	\$169,463	+\$18,133
11.3 Other than Full-Time Permanent	341	340	363	+23
11.5 Other Personnel Compensation	<u>6,369</u>	<u>6,220</u>	<u>6,795</u>	<u>+575</u>
11.9 Total Personnel Compensation	162,147	157,890	176,621	+18,731
12.1 Civilian Personnel Benefits	50,000	49,240	54,842	+5,602
13.0 Benefits for Former Personnel	0	0	0	+0
21.0 Travel and Trans. of Persons	9,890	9,580	10,531	+951
22.0 Transportation of Things	4,893	4,565	5,252	+687
23.1 Rental Payments to GSA	13,241	12,200	13,298	+1,098
23.3 Comm., Utilities & Misc.	2,752	2,798	3,051	+253
24.0 Printing and Reproduction	1,274	630	709	+79
25.1 Advisory & Assistance Svc.	572	568	821	+253
25.2 Other Services	7,899	3,500	4,579	+1,079
25.3 Purchases from Gov't Accounts 1/	18,288	15,429	17,076	+1,647
25.4 Oper. and Maint. of Facilities	676	600	622	+22
25.7 Oper. and Maint. of Equip.	9,216	7,600	7,902	+302
26.0 Supplies and Materials	3,706	1,500	3,416	+1,916
31.0 Equipment	10,658	3,512	5,711	+2,199
41.0 Grants	7,973	7,973	8,941	+968
42.0 Claims	<u>100</u>	<u>100</u>	<u>106</u>	<u>+6</u>
Total	303,285	277,685	313,478	+35,793
1/ Other Purchases of Goods and Services From Government Accounts				
Working Capital Fund	13,682	13,564	15,126	+1,562
Dept. of Health and Human Services	1,381	1,410	1,452	+42
Dept. of Homeland Security	438	455	478	+23

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APPROPRIATION HISTORY SALARIES AND EXPENSES (\$ in thousands)

	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriation	FTE
1998.....	205,804	199,159	205,804	203,334	2,186
1999....1/2/	211,165	203,397	211,165	217,544	2,261
2000....3/4/	228,373	211,165	230,873	228,057	2,317
2001....5/	242,247	233,000	244,747	246,306	2,357
2002....6/	246,306	251,725	256,093	253,143	2,310
2003....7/	254,323	254,323	261,841	272,956	2,264
2004....8/	266,767	266,767	270,711	268,858	2,269
2005....9/	275,567	275,567	280,002	279,135	2,187
2006....10/	280,490	280,490	280,490	277,685	2,136
2007....	287,836				
2008....	313,478				

- 1/ Reflects a \$4,748 increase pursuant to P.L. 105-277.
- 2/ Reflects a \$369 reduction for administrative and travel funds pursuant to P.L. 106-51, and an increase of \$2,000 from ETA discretionary funds.
- 3/ Reflects a \$13 increase pursuant to P.L. 105-277.
- 4/ Reflects a \$329 reduction pursuant to P.L. 106-113.
- 5/ Reflects a \$441 reduction pursuant to P.L. 106-554.
- 6/ Reflects a reduction of \$669 pursuant to P.L. 107-116, and a \$956 reduction pursuant to P.L. 107-206.
- 7/ Reflects a \$1,786 reduction pursuant to P.L. 108-7.
- 8/ Reflects a \$1,968 reduction pursuant to P.L. 108-199.
- 9/ Reflects a \$2,400 reduction pursuant to P.L. 108-447.
- 10/ Reflects a \$2,805 reduction pursuant to P.L. 109-148.

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(\$ in thousands)

	FY 2006 Enacted 1/	FY 2007 C.R. 2/	Diff. FY06 Enact./ FY07 C.R.	FY 2008 Request	Diff. FY07 C.R./ FY08 Request
Activity Appropriation	\$136,355	\$117,150	-\$19,205	\$140,620	\$23,470
FTE	1,186	1,153	-33	1,186	33

1/ Includes \$19.205 million and 170 FTE in supplemental funding available for two years.

2/ Includes 170 supplemental FTE.

Introduction

Coal Mine Safety and Health (CMS&H) administers the provisions of the Mine Act, the Mine Improvement and New Emergency Response Act of 2006 (MINER Act), and the standards outlined in Title 30, Code of Federal Regulations, to protect the safety and health of miners in the nation's coal mines.

The CMS&H activity is comprised of coal mine inspectors, specialists, and engineers with expertise in critical mine specialties. MSHA's mission is carried out by 11 Coal Districts where a majority of employees perform essential mine inspection and compliance assistance activities, as well as accident investigations. MSHA complements mandated inspections with outreaches and ongoing initiatives, and conducts summits, workshops, and meetings to strengthen communication and enhance working relationships with stakeholders.

The experienced mining workforce is aging and is being replaced by younger miners who are at greater risk of being involved in serious accidents. These employees are facing competitive pressures to increase production while containing costs. Many of the new miners are contractors, as well as non-English speaking workers. The constant opening and closing of coal mines contributes to an influx of new and inexperienced miners who are frequently unfamiliar with mining conditions, hazards, and safe working procedures.

Five-Year Budget Activity History

Fiscal Year	Funding	FTE
2003	118,751	1,110
2004	114,781	1,071
2005	115,251	1,043
2006	136,355	1,186
2007	117,150	1,153

FY 2008

In FY 2008, the CMS&H integrated approach toward the prevention of accidents, injuries, and occupational illnesses in the coal mining industry will include aggressive enforcement and

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outreach activities, special emphasis programs, education and training, and technical assistance. As the foundation of this integrated approach, MSHA will conduct the enforcement activities as mandated in the Mine Act and MINER Act.

In light of the recent tragedies in West Virginia and Kentucky, increased demand for coal and implementation of the 2006 MINER Act, CMS&H will take a new and aggressive approach to its inspection and supporting efforts. The 2008 Budget includes a \$23 million (20 percent) increase over the C. R. level for Coal Mine Safety and Health, including \$16,645,000 to retain 170 FTE that were hired in 2006 and 2007 in response to the increase in coal mine fatalities.

MSHA will conduct an estimated 16,600 coal mine inspections in 2008, and complete all of its required inspections. As part of the inspection activity, CMS&H inspectors will conduct outreach programs aimed at identifying the underlying cause(s) for unsafe practices and conditions. CMS&H will conduct special emphasis inspections at mines that will focus on health and safety issues, such as significant methane liberation, high incidences of serious accidents, or overexposure to respirable coal mine dusts.

CMS&H will target those mine operators who continue to demonstrate repeated or reckless disregard for safety or health standards or refuse to comply with orders issued under the Mine Act and MINER Act (Flagrant Violations). In addition, CMS&H specialists will investigate fatal accidents and serious nonfatal accidents. These investigations provide valuable information that is used by MSHA, state agencies, industry, and labor organizations to develop strategies to prevent similar occurrences and to promote awareness of potential hazards.

MSHA coal mine safety and health specialists will continue to work jointly with the mine operator and the miners to develop strategies to prevent injuries and deaths in the workplace. MSHA will continue its partnerships with state mining agencies for effective accident and injury prevention, to foster better communications, and to understand, enhance, and compliment the enforcement roles and responsibilities of each agency.

Hearing loss is a major health problem for miners. According to NIOSH, "an estimated 90% of coal miners will have hearing loss by the age of 52." MSHA will continue to take aggressive steps to reduce overexposures to noise by working cooperatively with the mining industry, labor, and the states to improve training programs on hearing loss prevention strategies, as well as reviewing the previous year's compliance history, compliance action plans, and P-codes issued to identify outstanding compliance issues associated with mining occupations and types of mining equipment and/or mining environments. MSHA will work collaboratively with NIOSH and the Coal Noise Partnership to develop noise control solutions for the coal industry's most pervasive noise problems and promote the identification and investigation of promising noise control technologies.

Prior to the assessment of violations, a Safety and Health Conference is afforded to the mine operator. This provides the operator, as well as the miner's representative, an opportunity to discuss MSHA's interpretation of regulations and resolve issues relating to specific violations. With the increase in penalties and the dollar figure that a Conference Litigation Representative can "litigate," MSHA anticipates an increase in the number of Safety and Health Conferences.

COAL MINE SAFETY AND HEALTH

FY 2007

MSHA estimates it will conduct approximately 16,500 coal mine inspections and investigations in 2007, and complete all of its required inspections. MSHA recognizes that enforcement alone will not prevent serious accidents that cause injuries and occupational illnesses in the mine environment. As in prior years, in order to address safety and health issues in the nation's coal mines, mine inspection personnel will include root cause analysis and compliance assistance in their on-site inspection activities.

MSHA must remain vigilant in its safety and health programs. The experienced mining workforce is aging, to be replaced by younger miners who are at greater risk of being involved in serious accidents. These employees in transition are facing competitive pressures to increase production while containing costs. MSHA will continue to develop and implement effective outreach methodologies for new workers.

Enhancing MSHA's database technologies will continue to provide coal mine safety and health specialists and mine operators with more comprehensive mine information including compliance history, accident and injury statistics, assessment information, and violation and accident trends. This analysis and information will be mine specific and provide the capability to identify health and safety problems.

Health issues such as lung diseases and impairment of respiratory function of miners are preventable. Elimination of black lung disease is a continuing priority, and to improve performance MSHA will take aggressive action to reduce miners' overexposures to respirable dust. MSHA will continue examination of dust overexposure trends and review plan parameters of operations with samples exceeding the applicable standard. MSHA will evaluate personal dust monitors for near real-time measurement and control. MSHA will review the prior year compliance history and identify the best performing mining mechanized units and the particular dust control practices that were being used, and transfer these methodologies to other operations experiencing compliance problems.

In collaboration with the National Institute for Occupational Safety and Health (NIOSH), MSHA will identify promising dust control technologies and jointly conduct in-mine evaluations to assess their effectiveness and on the prevention of coal workers' pneumoconiosis, including the reporting of black lung prevalence, identification of 'clusters' and interventions, and education/outreach on prevention of black lung development and progression in surface and underground miners.

MSHA will develop and distribute outreach materials on dust control best practices for operations employing extended cuts with remote controlled scrubber miners in conjunction with blowing face ventilation systems and issue uniform guidelines to improve the quality of dust control plans.

FY 2006

The supplemental appropriation included funding for additional hires above and beyond the current enforcement personnel. CMS&H's initial operating plan included hiring 170 employees during the 4th quarter FY 2006 and FY 2007. The hiring goal for FY 2006 was an additional 21 employees. This hiring goal was met.

COAL MINE SAFETY AND HEALTH

CMS&H worked closely with the Office of Standards, Regulations, and Variance (OSRV), on the development of an emergency temporary standard related to escape and evacuation and the training, use and storage of Self-Contained Self-Rescuers (SCSRs). CMS&H also worked with Educational Policy and Development (EPD), Technical Support, manufacturers, and NIOSH to develop comprehensive and effective training programs for SCSR care, donning and transfer procedures.

CMS&H has also been active in the transfer of mining and technological knowledge and experience to international constituents (China and India) to ensure that state-of-the-art mining technologies, training programs and equipment are shared with developing industries.

MSHA continued an integrated approach to prevent serious accidents, injuries, and occupational illnesses in the coal mining industry. This approach included enforcement activities, special emphasis programs, education and training, and technical assistance to protect the workers at the nation's 2,070 coal mines. A total of 15,511 inspections were conducted in FY 2006.

MSHA provided guidance and shared technical information through stakeholder meetings and internal meetings among the MSHA districts. Many issues were identified and addressed enabling MSHA and the mining community to meet the challenges ahead. MSHA continued to expand outreach efforts to small mines and non-participatory audiences, targeting audiences where intervention could have significant impacts on new operators, new miners, non-participatory operators, and contractors. These types of meetings ensured grassroots involvement with solutions to health and safety issues.

MSHA provided mine operators with more comprehensive mine information, including compliance history, accident and injury statistics, assessment information, and violation and accident trends. Coal mine safety and health specialists focused enforcement activities based on operator performance while they continued to meet the mandates of the Mine Act. Specialists focused on proven accident prevention concepts and management practices which are essential to continued improvement in accident reduction.

MSHA identified top 20 citations most often cited and provided compliance tips to miners and mine operators. Mechanisms for operators were developed to obtain technical assistance and support, to help in the development, implementation, and communication of solutions to prevent accidents. The reduction of respirable dust overexposures and the elimination of black lung disease continued to be MSHA's priorities. MSHA continued the examination of respirable dust overexposures, trends, and review of plan parameters in operations found to have samples exceeding the applicable standard to ensure that controls were adequate.

MSHA performed on-site evaluations of mine health training programs and used information to educate and inform the mining community on best practices to reduce health hazards. Previously published outreach materials, such as MSHA's *Practical Ways to Reduce Exposure to Coal Dust in Longwall Mining – A Toolbox*, has been effective in compliance assistance efforts.

MSHA worked in collaboratively with NIOSH on Coal Worker's Pneumoconiosis, including the reporting of black lung prevalence, identification of interventions, and education. Communication for the prevention of black lung development and progression in surface and underground coal

COAL MINE SAFETY AND HEALTH

miners was accomplished through outreaches, as well as during the course of the regular inspection activities. MSHA also continued to design non-regulatory approaches and proposed regulatory reform of the MSHA coal dust program.

MSHA has been assisting and preparing the mining industry to reduce health hazards associated with noise exposures and to comply with the noise regulations. MSHA continued to provide miner and operator education and training seminars, compliance assistance visits, assisted with noise monitoring, and provided recommendations on feasible engineering and administrative controls. MSHA assisted the industry and labor in recognizing occupations with a high incidence of overexposures and solving difficult noise compliance problems, and worked with NIOSH and stakeholders in solving difficult noise compliance problems.

WORKLOAD SUMMARY			
	FY 2006 Actual	FY 2007 Target	FY 2008 Target 1/
Coal Mine Safety and Health			
Total Number of Mines	2,107	2,120	2,140
Total Number of Inspections	15,511	16,500	16,600

1/ Because of the need for training, there is a one year delay in seeing the impact of the additional FTE.

COAL MINE SAFETY AND HEALTH

CHANGES IN FY 2008 (Dollars in Thousands)

Activity Changes

Built-in:

Costs of pay adjustments.....	+\$2,050
Personnel benefits.....	+731
Two more days of pay.....	+769
Federal Employees Compensation Act (FECA).....	+1,380
Travel.....	+23
Transportation of things.....	+36
GSA space rental.....	+501
Communications, utilities, & miscellaneous charges.....	+18
Printing and reproduction.....	+1
Advisory and assistance services.....	+7
Other services.....	+28
Working Capital Fund.....	+432
Purchases of goods and services from other Govt accounts.....	+22
Operation & maintenance of facilities.....	+4
Operation & maintenance of equipment.....	+4
Supplies and materials.....	+9
Equipment.....	+5
Insurance claims.....	+2

Total Built-in	+\$6,022
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Net Program	+17,448
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Direct FTE	+33
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	Estimate	FTE
Base:	\$117,150	1,153
Program Increases	17,448	33

COAL MINE SAFETY AND HEALTH

U.S. Department of Labor
Coal Mine Safety and Health
Performance Budget Issue Paper
Coal Mine Safety and Health Personnel

Applicable Performance Goal:

This effort directly supports the following:

DOL Strategic Goal 3 – Safe and Secure Workplaces: Promote workplaces that are safe, healthful, and fair

MSHA Performance Goal 3B: Reduce Fatality and Injury Rates in the Nation’s Mines and Reduce Miners’ Exposure to Health Hazards

Requested Resources:

MSHA requests \$16,645,000 and 170 FTE for Coal Mine Safety and Health to retain inspectors and other enforcement staff that were added in 2006 and 2007 in response to the increase in coal mine fatalities.

Rationale/Strategy and Performance Impact Related to Resource Increase:

MSHA is requesting resources to respond to recent increases in coal mine accidents and fatalities, as well as an increase in MSHA’s workload. The disasters that occurred in 2006, economic demand for increases in coal mine industry activity, and the enactment of the 2006 MINER Act have prompted MSHA to request additional resources in order to fulfill its responsibility to protect miners’ safety and health.

Despite consistent improvements in mine safety, the recent occurrences at Sago Mine, Alma Mine No. 1, and Darby Mine No. 1 mines serve as grave reminders of the dangers miners face. MSHA has been conducting additional follow-up activities prompted by these events. For each of these disasters, MSHA will complete separate internal reviews, to assess MSHA’s performance prior to the event occurrence. Immediately following the Sago disaster, MSHA embarked on a two-week outreach program, “West Virginia Stand Down” where MSHA personnel made concentrated mine visits encouraging miners and managers to revisit fundamental safety procedures and work practices for all jobs and tasks. MSHA conducted public hearings for the Sago disaster. Soon after Alma, MSHA inspectors from across several districts performed focused inspections at Massey Energy Mines.

Tragedies such as these put an enormous strain on MSHA’s resources and personnel. An accident investigation team is required after each such event, and must work at the accident scene for weeks or months to investigate the causes of the accident and assist with and monitor the rescue and recovery efforts. To meet these demands, MSHA must reassign staff from their normal duties, which makes it difficult to fulfill its normal inspection responsibilities. While CMS&H has historically completed almost all of its mandated inspections, in 2006 this was particularly difficult to do.

MSHA is also responsible for travel costs incurred by the Office of the Solicitor from the onset of investigation through the trial should one occur. Extensive overtime is necessary during the rescue and/or recovery stage as well as initial phases of the investigation. Each investigation requires travel and various supplies and instruments, from court reporters to additional phone lines.

COAL MINE SAFETY AND HEALTH

Since 2001, coal production has been increasing, as well as employment in the operator and contractor ranks. Since the beginning of FY 2006 there has been a steady increase in the number of mechanized mining units (MMUs). Although the number of coal mines decreased from 2001 – 2004, the number increased from 2004 – 2005 and is anticipated to continue to increase over the next several years. Because the number of mines has not incrementally increased with the number of MMUs, mines may have become “deeper” and “longer,” and, mining is taking place in areas that traditionally were abandoned due to the difficulty in extracting the coal. As the cost of oil increases, the demand for coal increases. In a recent report by the Department of Energy, an increase in coal production in the Appalachia, Interior, and Western basins is expected during the next 20 years.

In recognition of these trends, CMS&H has converted some specialists back to inspectors to focus on meeting mandated inspections. Unfortunately this depletes specialist personnel who have concentrated expertise in electrical, health, ventilation, roof, and impoundment areas. MSHA plans to decentralize certain specialist activities to field offices instead of district offices. This decentralized approach would deploy specialist expertise closer to the actual mine sites.

Former inspectors also fill the special investigation and conference litigation officer ranks. The special investigation program enforces compliance with mandatory safety and health standards as a means to eliminate fatal accidents and injuries, to reduce the frequency and severity of nonfatal accidents, to minimize safety and health hazards, and to promote improved safety and health conditions in mines. Our special investigators (SI) investigate violations of Sections 105 and 110 of the Mine Act. The CMS&H special investigation program has realized a decrease in these personnel over the past five years. In 2001, CMS&H had 38 full-time SIs, but now has 22 on board, amounting to a 42% decrease. Since the increase in coal industry activity brings an increased demand for coal miners, we anticipate a need to add SIs to handle complaints. Contesting a citation is a tool that the operator has to object to the citation in its entirety or in part. The Safety and Health Conference provides the mine operator and the miners’ representative an opportunity to hear MSHA’s interpretation of regulations and to discuss and resolve all issues relating to violations prior to assessment and litigation. This work is performed by the conference litigation officer (CLR). We anticipate an increase in the case load for CLRs since recently the threshold dollar figure that a CLR can litigate has been raised. Our inspectors issue citations for violations of the health and safety standards, and our ability to sustain these citations is crucial to our ability to take progressive action, should it be necessary.

MSHA also anticipates an increase in inspection activities relative to mine seals. This will require that CMS&H hire a sufficient number of civil engineers with sound structural backgrounds to assist the regular mine inspector with the inspection and evaluation of mine seals, as well as provide assistance to Technical Support’s Mine Waste and Geotechnical Branch in the review and evaluation of seal designs.

This increase in resources will result in an improvement in the safety of coal mines, and will provide the industry with guidance and information on correct practices and procedures to prevent fatalities, injuries, and illnesses among the nation’s miners.

COAL MINE SAFETY AND HEALTH

Base Level Funding:

Base:

Estimate: \$117,150,000 FTE: 1,153

Program Performance at Request Level:

Program Increase:

Estimate: \$16,645,000 FTE: +170

Object Class (\$ in thousands)

		FY 2008 Agency
	Object Class	Request
11.1	Full-Time Permanent	\$9,536
11.5	Other Personnel Compensation	<u>215</u>
11.9	Total Personnel Compensation	9,751
12.1	Civilian Personnel Benefits	2,861
21.0	Travel and Trans. Of Persons	374
22.0	Transportation of Things	425
23.1	Rental Payments to GSA	0
23.3	Comm., Utilities & Misc.	94
24.0	Printing and Reproduction	27
25.3	Purchases from Gov't Accounts	986
25.7	Oper. and Maint. Of Equip.	17
26.0	Supplies and Materials	1,223
31.0	Equipment	<u>887</u>
	TOTAL	16,645

METAL AND NONMETAL MINE SAFETY AND HEALTH

(\$ in thousands)

	FY 2006 Enacted	FY 2007 C.R.	Diff. FY06 Enact./ FY07 C.R.	FY 2008 Request	Diff. FY07 C.R./ FY08 Request
Activity Appropriation	\$68,063	\$68,063	\$0	\$72,290	\$4,227
FTE	543	527	-16	543	16

Introduction

The Metal and Nonmetal Mine Safety and Health (MNMS&H) program administers provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act), provisions of the Mine Improvement and New Emergency Response Act of 2006 (MINER Act), and ensures compliance with regulations to eliminate fatalities, reduce the frequency and severity of accidents, and minimize health hazards in the nation's nearly 12,700 metal and nonmetal mines.

With the increasing demand for natural resources and commodities produced from mined materials, dangers to workers, which had been decreasing over the past decades, have reemerged. In addition, geologic instabilities, constantly changing terrain, the prevalence of large and complex haulage and mining equipment, and rapid industry growth are only a few of the factors that make maintaining and improving mine safety and health a continuing challenge. More than 227,000 people work directly in the metal and nonmetal mining sector which provides essential raw materials for the nation's transportation infrastructure, construction and housing, communications, medicine, the arts, manufacturing, consumer goods, and agricultural industries. Just as mining is vital to the American economy, a safe and healthy workforce is critical to the continued successful operation of the mining industry.

Most of MNMS&H employees are located in one of the six District offices and/or 46-field offices located throughout the United States and Puerto Rico. The majority of field employees are mine safety and health professionals who perform essential inspection and compliance assistance activities and many types of investigations (fatal accident investigations, non fatal and/or non-injury accident investigations, verbal and written hazard complaint investigations, discrimination complaint investigations, etc.). MNMS&H field personnel also work closely with state grant recipients and personnel from MSHA's Technical Support division in developing solutions to safety and health issues.

Five-Year Budget Activity History

Fiscal Year	Funding	FTE
2003	63,495	609
2004	65,469	582
2005	66,752	543
2006	68,063	543
2007	68,063	527

METAL AND NONMETAL MINE SAFETY AND HEALTH

FY 2008

In 2008, MSHA will focus efforts and direct strategies and methods to meet and exceed safety and health goal and indicators for the metal and nonmetal mining industry. MSHA will continue to support a “culture of prevention” to bring down the injury, illness and fatality rates by utilizing tools, creative partnerships, and innovative initiatives and programs. MSHA will continue its emphasis on communications and outreach, both within MSHA and with stakeholders.

MSHA estimates that it will conduct a total of 32,800 inspection events and 2,350 compliance activities at metal and nonmetal mines in 2008. This integrated approach includes strategically focused operator assistance, and education and training at the nation’s metal and nonmetal mines.

In addition to the annual inspections mandated by the Mine Act, other compliance activities include inspection of gassy mines at frequent intervals, accident investigations, including root cause analysis in reports, and investigations of safety and discrimination complaints made by miners or their representatives. MSHA will continue to take action against mine operators who violate safety or health standards or who otherwise do not comply with the law. Industry and labor organizations use information derived from these inspections and investigations to promote awareness, with the goal of preventing similar occurrences.

MSHA will continue to focus its accident prevention and health outreach efforts at the many “Spring Thaw” workshops conducted around the country where best practices will be shared with the mining community. MSHA will work to ensure that increased production pressures within the industry do not compromise safety and health. To ensure that all miners receive basic safety and health training, MSHA will educate and train the mining community through seminars, workshops, and other educational outreach methods. Small mine operators, contractors, and miners, who have not received adequate training, will be especially targeted.

FY 2007

MSHA will continue to enforce the provisions of the Mine Act and will continue to make overall improvements to the MNMS&H enforcement program. MSHA is incorporating compliance assistance into each inspection, and 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, but definitely not replace, the traditional enforcement strategy.

Through stakeholder meetings, employee meetings, and internal accountability reviews, MSHA identified many of the issues that must be addressed to enable the mining community to meet the emerging challenges of this industry. A continual review of management practices, training activities, and continued implementation of a comprehensive management plan will enable MSHA to bring about improvements in miner safety.

Many accidents, injuries, and illnesses in the metal and nonmetal industry result from persistent health and safety hazards in need of special attention. They include hazards associated with powered haulage, which accounted for the majority of all metal and nonmetal mining deaths in recent years; the activities of independent contractors who work on mine property and who have experienced accidents

METAL AND NONMETAL MINE SAFETY AND HEALTH

at a higher than average rate; and exposure to silica-bearing dusts, asbestos, diesel exhaust, toxic chemicals, noise, and health hazards from hazardous waste burned at cement kilns on mine property. By working closely with the mining community, MSHA will seek to create an environment conducive to compliance.

Enforcement activities will include focused special inspections directed at hazardous operations. In addition, MSHA specialists will investigate fatal accidents and serious nonfatal accidents.

Compliance assistance activities are an integral part of the MSHA's programs. These activities include assisting mine operators in solving difficult health and safety problems, distributing training materials and safety posters to mine operators, conducting seminars and stakeholder meetings, and giving talks on mine health and safety in critical areas of concern.

Lung diseases among miners caused by respirable silica dust remain pervasive but preventable. Silicosis is caused by inhalation of silica dust which causes inflammation of the lungs and obstructs the flow of oxygen. Miners, who work with quartz and other types of crystalline silica, are at an increased risk of silica exposure. There is no cure for silicosis, and although it is a preventable disease, miners are still succumbing to it. MSHA will continue to take action to tackle the dust problem.

FY 2006

In FY 2006, an analysis of metal and nonmetal mining accident data indicated miners were taking disturbing risks when performing their jobs. This, coupled with an upward trend in the number of fatal accidents prompted MSHA to initiate a national outreach program to address these concerns. The objective of outreach is to institutionalize concepts that help every miner go home safe and healthy at the end of every shift, every day.

MSHA developed a strategy to encourage the mining industry to consider human factors in their safety and health management systems, since a common factor in the majority of fatal accidents appears to be the lack of risk assessment and risk management. MSHA initiated the "Make the Right Decision" campaign, which included the *SLAM Risks* initiative – an acronym for Stop, Look Analyze and Manage aimed at assisting miners in assessing and eliminating risks in day-to-day work activities, and the *SMART* initiative - an acronym for Stop, Measure, Act, Review and Train, to address risk management at the mine management level. One key point imbedded in the campaign was to address human factors to improve miner safety and health, but not to point a finger at (or blame) the miner. The organized labor community is very sensitive to this point, and the committee realized this from the beginning of planning. As a result of this initiative, MSHA visited over 12,000 mines across the country and distributed over 200,000 campaign stickers to miners. MSHA estimates that *SLAM* & *SMART* initiatives have reached over 150,000 miners (including contractors). Posters and *SLAM/SMART* cards were distributed to every mine visited. Over 300 mines have implemented their own *SLAM* initiative. Currently, there is a waiting list for mines that want MSHA to assist them in the implementation of the *SLAM* initiatives at their operations.

METAL AND NONMETAL MINE SAFETY AND HEALTH

MSHA continued mandatory activities required by the Act, conducting 765 regular underground inspections and 15,399 regular surface inspections at metal and nonmetal mines and facilities. In addition to regular inspections, MSHA conducted 6,607 other inspections and investigations including compliance follow-up inspections, gassy mine spot inspections, accident investigations, special inspections and investigations, education and training monitoring and evaluations, audits of operator reporting of injuries and employment. In addition, MSHA conducted 2,972 compliance assistance activities at metal and nonmetal mines.

Through its accident reduction program, MSHA focused its activities on disseminating information to the mining community about dangerous occupations, the causes of fatalities and injuries, and fundamental safety measures to prevent future deaths. In addition, MSHA provided extensive outreach on noise and silica.

MSHA continued its silicosis prevention program through partnership activities with trade associations to develop special educational materials and activities which trained small operators to sample for noise and dust containing silica.

MSHA also continued to spearhead the National Mine Hazard Awareness Campaign “Stay Out - Stay Alive” and partnered with other federal and state agencies in order to prevent deaths of children and others who enter active and abandoned mines for recreational purposes. As part of this effort, MSHA conducted regional seminars and workshops for industry associations, miners, and labor representatives. MSHA’s outreach efforts impacted 800,000 children nationwide.

MSHA partnered with the Industrial Minerals Association Alliance to analyze accident data that identified leading causes of fatal, lost time and restricted activity accidents. MSHA assisted the Alliance with development of their silica exposure prevention occupational health program.

WORKLOAD SUMMARY			
	FY 2006 Actual	FY 2007 Target	FY 2008 Target
Metal and Nonmetal Mine Safety and Health			
Total Number of Mines	12,700	12,700	12,750
Total Number of Inspections	32,800	32,800	32,077

METAL AND NONMETAL MINE SAFETY AND HEALTH

CHANGES IN FY 2008
(Dollars in Thousands)

Activity Changes

Built-in:

Costs of pay adjustments.....	+\$1,088
Personnel benefits.....	+362
Two more days of pay.....	+400
Travel.....	+171
Transportation of things.....	+45
GSA space rental.....	+278
Communications, utilities, & miscellaneous charges.....	+18
Printing and reproduction.....	+2
Advisory and assistance services.....	+4
Other services.....	+17
Working Capital Fund.....	+231
Purchases of goods and services from other Govt accounts.....	+6
Operation & maintenance of equipment.....	+7
Supplies and materials.....	+15
Equipment.....	+46
Insurance claims.....	+1

Total Built-in	+\$2,691
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Net Program	+1,536
Direct FTE	+16

	Estimate	FTE
Base:	\$68,063	527
Program Increases	1,536	16

OFFICE OF STANDARDS, REGULATIONS AND VARIANCES

(\$ in thousands)

	FY 2006 Enacted	FY 2007 C.R.	Diff. FY06 Enact./ FY07 C.R.	FY 2008 Request	Diff. FY07 C.R./ FY08 Request
Activity Appropriation	\$2,481	\$2,481	\$0	\$2,737	\$256
FTE	17	16	-1	17	1

Introduction

The Office of Standards, Regulations, and Variances (OSRV), in coordination with the Office of the Solicitor’s Mine Safety and Health Division, facilitates development of regulations and standards for the mining industry to provide reliable, practical, and feasible protection for the safety and health of miners. These standards and regulations set the requirements for enforcement and provide a benchmark for compliance. OSRV also has responsibility for the processing and publishing of documents related to over 90 Petitions for Modification submitted to MSHA on an annual basis and for administering MSHA’s Freedom of Information Act (FOIA) program.

MSHA proposes and promulgates new and improved safety and health standards 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 (NIOSH), states or political subdivisions, or on the basis of information developed by the Secretary or otherwise available. MSHA promulgates all new standards, except emergency temporary standards, under statutory and administrative procedures providing the opportunity for broad-based public comment and in accordance with administration and regulatory policy. All of MSHA's regulatory review activities are consistent with the Mine Act. New regulatory initiatives will not reduce protection provided to miners under existing standards.

In accordance with Executive Order 12866, MSHA performs an analysis of anticipated benefits and costs of each significant regulatory action, develops an annual regulatory plan, publishes a semiannual regulatory agenda, and reviews existing rules to identify regulations that are inconsistent with Executive Order policy directives.

Five-Year Budget Activity History

Fiscal Year	Funding	FTE
2003	2,363	18
2004	2,417	18
2005	2,434	18
2006	2,481	17
2007	2,481	16

OFFICE OF STANDARDS, REGULATIONS AND VARIANCES

FY 2008

MSHA will continue to work on standards and regulations that implement provisions of the Mine Improvement and New Emergency Response Act of 2006 (MINER Act), enacted June 15, 2006, which requires MSHA to implement a number of health and safety mandates by 2009. MSHA will finalize standards related to mine rescue teams for all underground mines and seals for underground coal mines. Some of the other provisions include post-accident communication and tracking systems, post-accident breathable air, and requirements for refuge alternatives. This has placed a greater regulatory responsibility on OSRV, insofar as the Act has resulted in additional items on MSHA's regulatory agenda. MSHA expects to process approximately 80 variances in FY 2008.

FY 2007

During 2007, MSHA plans to issue a final rule to revise procedures for proposing civil monetary penalties and incorporate the civil penalty provisions contained in the MINER Act. MSHA also issued a final rule on Emergency Mine Evacuation which revised the emergency temporary standard issued in FY 2006 and incorporated statutory provisions in the MINER Act. MSHA expects to process approximately 90 variances in FY 2007.

MSHA will also address hazards to metal and nonmetal miners from exposure to diesel particulate matter (DPM) by developing a rule to convert the total carbon (TC) based limits to comparable elemental carbon (EC) limits.

FY 2006

MSHA published final rules to address training requirements for Shaft and Slope Construction Workers and a standard to allow the use of low- and medium-voltage diesel-powered electrical generators as an alternative means of powering electrical equipment in underground coal mines. MSHA also issued a final rule to reflect established policy and procedures for administering fees for testing, evaluation, and approval of equipment and materials.

MSHA re-proposed earlier provisions in a proposed rule which concerned types of trailing cables that can be used with high-voltage continuous mining machines. The re-proposal would allow the use of a single-jacketed cable, as well as allow use of alternative personal protective equipment for handling cables. Under the re-proposal, insulating gloves or insulated cable handling tools would be acceptable. This rule is currently in the final approval stage.

In response to mine tragedies in January 2006, MSHA issued an Emergency Temporary Standard on Mine evacuation and a request for information on underground mine rescue equipment and technology. MSHA issued a final rule clarifying provisions in the proposed rule on diesel particulate matter exposure in metal and nonmetal mines; and proposed a rule to limit exposure to asbestos.

In addition, MSHA processed 90 variances to facilitate compliance flexibility while ensuring adequate protection for miners' safety.

OFFICE OF STANDARDS, REGULATIONS AND VARIANCES

WORKLOAD SUMMARY			
	FY 2006 Actual	FY 2007 Target	FY 2008 Target
Office of Standards, Regulations, and Variances			
Proposed Rules	6	6	4
Final Rules	3	3	1
Variances Processed	90	90	80

**CHANGES IN FY 2008
(Dollars in Thousands)**

Activity Changes

Built-in:

Costs of pay adjustments.....	+\$48
Personnel benefits.....	+11
Two more days of pay.....	+16
Travel.....	+1
GSA space rental.....	+12
Printing and reproduction.....	+2
Working Capital Fund.....	+7
Purchases of goods and services from other Govt accounts.....	+1

Total Built-in +\$98

Net Program +158

Direct FTE +1

	Estimate	FTE
Base:	\$2,481	16
Program Increases	158	1

OFFICE OF ASSESSMENTS

(\$ in thousands)

	FY 2006 Enacted	FY 2007 C.R.	Diff. FY06 Enact./ FY07 C.R.	FY 2008 Request	Diff. FY07 C.R./ FY08 Request
Activity Appropriation	\$5,391	\$5,391	\$0	\$5,743	\$352
FTE	51	50	-1	51	1

Introduction

The Office of Assessments administers the provisions of the Mine Act and MINER Act, and mine safety and health standards pertaining to violation assessments and special investigations. Civil penalties serve to encourage compliance and promote a safe and healthy workplace for miners.

The Office of Assessments is responsible for all aspects of MSHA's civil penalty program, including assessment of penalties, accounting for all penalty cases in litigation before the Federal Mine Safety and Health Review Commission and the federal courts, and collecting and accounting for penalties paid. The Technical Compliance and Investigation Office (TCIO) provides oversight of the investigation process involving miner discrimination complaints and knowing or willful criminal violations, which includes serious mining accidents and fatalities, and other accidents. TCIO also responds to a large percentage of the Agency's Freedom of Information Act (FOIA) requests, most of which are inquiries related to special investigations.

In proposing civil monetary penalties, MSHA considers the following statutory criteria:

- The size of the mining operation
- The history of previous violations
- The degree of operator negligence
- The gravity of the violation
- Any good faith effort to achieve rapid compliance

MSHA uses an assessment formula based on these criteria to determine the amount of the civil penalty for more serious violations. The citation, which includes the inspector's evaluation, is the basis for the proposed assessment. MSHA assesses a single penalty of \$60 for most non-serious violations that are abated in a timely manner.

MSHA may elect not to use the regular assessment formula or the single penalty assessment, depending on the conditions surrounding the violation. MSHA considers special, higher assessments for severe violations -- those which cause death, injury or illness, or result from the operator's unwarrantable failure to comply, and other special circumstances. These more serious violations can be assessed a civil penalty up to \$60,000 for each citation or order issued.

OFFICE OF ASSESSMENTS

Five-Year Budget Activity History

Fiscal Year	Funding	FTE
2003	4,979	52
2004	5,245	54
2005	5,238	55
2006	5,391	51
2007	5,391	50

FY 2008

During FY 2008, the Office of Assessments will assess civil monetary penalties for all violations of the Act consistently and in accordance with statutory criteria, timely assess those penalties at a level that will encourage compliance, account for all penalty cases in litigation before the Federal Mine Safety and Health Review Commission, and collect and account for penalties paid. MSHA estimates that 119,000 violations will be assessed in 2008.

MSHA will assess civil monetary penalties for all violations of the Mine Act and MINER Act consistently, and in accordance with statutory criteria; timely assess all penalties at a level that will encourage compliance; and account for all penalty cases in litigation before the Federal Mine Safety and Health Review Commission. Also, MSHA will improve its referral of delinquent debt to Treasury for cross-servicing. Our goal is to refer debt to Treasury as soon as possible after the debt becomes delinquent. MSHA will work with Treasury to incorporate routine demands for payment and establishment and monitoring of installment plans into the Treasury's cross-servicing activities. These improvements in MSHA debt collection activities will help ensure MSHA is in compliance with the provisions of the Debt Collection Improvement Act of 1996. Collection activities will become less labor-intensive and MSHA will be better able to account for penalties paid in accordance with the Federal Financial Management Improvement Act.

MSHA will continue to encourage the mining industry to both submit and receive information over the internet and electronic filings of required forms, e.g., Legal IDs for new or revised filing information from mine operators, proposed penalties, contested penalties, etc.

MSHA will also continue to update information of interest to the mining community on its web site to enhance their awareness of the assessment process and their rights under Part 100, 30 CFR, which encourages compliance. It will also conduct "Outreach Presentations" throughout the mining community across the nation.

Automating or contracting out the proposed assessment mailing process would provide great benefits, as this is a far-reaching enhancement and cost reduction measure that MSHA is working to implement in FY 2008. MSHA will continue to analyze and resolve deficiencies of the MSIS common processing platform.

OFFICE OF ASSESSMENTS

FY 2007

During 2007, the Office of Assessments will assess civil monetary penalties for all violations of the Act consistently and in accordance with statutory criteria, timely assess those penalties at a level that will encourage compliance, account for all penalty cases in litigation before the Federal Mine Safety and Health Review Commission, and collect and account for penalties paid.

MSHA proposed revisions to its civil penalty process in FY 2006 by updating 30 CFR Part 100 to incorporate the penalty provisions of the new MINER Act and to achieve an overall increase in civil penalties. These revisions to Part 100 will become final in FY 2007. This legislation established minimum civil penalties for certain types of violations and created a new type of penalty assessment specifically for flagrant violations. In FY 2007, MSHA issued its first civil penalties for flagrant violations. Under the MINER Act, these type of violations may be assessed a civil penalty up to \$220,000.

MSHA projects 119,000 violations to be assessed in 2007, and the total amount of proposed assessments may exceed \$70 million. This significant increase in total civil penalties assessed above FY 2006 assessments is a direct result of revisions to 30 CFR Part 100 and minimum penalties for certain types of violations mandated in the MINER Act.

In addition to making revisions to its civil penalty assessment process, MSHA will continue to upgrade the MSHA Standardized Information System (MSIS) related to proposed assessments in FY 2007. MSHA will also explore the use of non-penalty remedies (i.e. investment in safety and health programs) to minimize contested assessments through the continued use of district officers trained in alternative dispute resolution techniques.

MSHA will continue to comply with the provisions of the Debt Collection Improvement Act of 1996 (DCIA) that mandates aggressive collection action for operators who do not pay, including the referral of delinquent debtors to the Department of Treasury.

MSHA will take advantage of a fully integrated violation, assessment, and case management functions of MSIS. This system will be accessible to MSHA enforcement, Office of Assessments personnel, and headquarters and regional solicitors. This will allow for better management of violation data and contested case, docket, and decision information. The result will be improved timeliness of processing contested violations and assessments. MSHA will also continue to accept an increasing number of electronic filings of required forms and information from the mining industry via the Internet.

FY 2006

MSHA continued to assess violations, process civil penalty cases (preparing cases for adjudication when appealed to the Federal Mine Safety and Health Review Commission), and to collect and account for penalties paid. MSHA assessed over 126,000 violations for a total of \$30.3 million in FY 2006, while collecting in excess of \$24 million in civil penalties.

OFFICE OF ASSESSMENTS

In 2006, the MINER Act established minimum civil penalties for certain types of violations and created a new type of penalty assessment specifically for flagrant violations. The term “flagrant” under the MINER Act means a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory health or safety standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury.

In 2006, the Office of Assessments expanded MSHA’s common processing platform to track and manage contested violations and cases; propose assessments and monitor the collection of civil penalties; reviewed citations and orders for conformance to regulations and policy; accounted for all penalty cases paid or in litigation; took aggressive collection action on unpaid cases; and began work on a better case management system for contested violations and assessments.

Program personnel conducted “Outreach Presentations” at industry locations throughout the year to improve mine operator and other industry entities’ understanding of the assessment process and their rights under Part 100 Title 30 CFR. MSHA believes that a better knowledge of the assessment process by mine operators will further encourage compliance.

In order to reduce mine fatalities, MSHA increased the total dollar amount of civil penalties collected which will encourage operator compliance with mine safety and health regulations. Also, MSHA enhanced its MSHA Standardized Information System (MSIS), which will help decrease collection time for penalties assessed, reduce time processing proposed assessments and performing special assessments, help identify and resolve violations assessed in error more quickly, and track and manage contested violations and cases. Additionally, MSIS will provide stakeholders customer-friendly features, such as detailed information on current and outstanding debt, and more timely assessment information via the MSHA website. MSHA maintained an effective debt collection program for operators who did not pay their assessed penalties. MSHA continued the expanded debt collection activities implemented in 2005 to pursue the worst delinquent mine operators. MSHA also continued to refer to the Department of Treasury or Department of Justice uncollected penalties for those cases where the operator did not respond to MSHA's demand notice.

MSHA continued to conduct project analysis, define program specifics, and transmit data to the DOL accounting system. Also, MSHA made program modifications and implemented new report options along with other improvements to MSIS.

WORKLOAD SUMMARY			
(In Whole Dollars)			
	FY 2006	FY 2007	FY 2008
	Actual	Target	Target
Office of Assessments			
Violations Assessed	126,371	119,000	119,000
Penalties Collected	\$24,303,860	\$54,250,000	\$54,250,000

The significant increases in penalty collections in the above table are the result of revisions to 30 CFR Part 100 that are expected to be implemented in early CY 2007.

OFFICE OF ASSESSMENTS

CHANGES IN FY 2008 (Dollars in Thousands)

Activity Changes

Built-in:

Costs of pay adjustments.....	+\$104
Personnel benefits.....	+24
Two more days of pay.....	+35
Travel.....	+1
GSA space rental.....	+25
Communications, utilities, & miscellaneous charges.....	+2
Other services.....	+2
Working Capital Fund.....	+22
Purchases of goods and services from other Govt accounts.....	+1
Supplies and materials.....	+1
Equipment.....	+3

Total Built-in	+\$220
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Net Program	+132
Direct FTE	+1

	Estimate	FTE
Base:	\$5,391	50
Program Increases	132	1

EDUCATIONAL POLICY AND DEVELOPMENT

(\$ in thousands)

	FY 2006 Enacted 1/	FY 2007 C.R. 2/	Diff. FY06 Enact./ FY07 C.R.	FY 2008 Request	Diff. FY07 C.R./ FY08 Request
Activity Appropriation	\$35,996	\$31,701	-\$4,295	\$34,256	\$2,555
FTE	156	149	-7	148	-1

1/ Includes \$4.295 million and 8 FTE in supplemental funding available for two years.

2/ Includes 8 supplemental FTE.

Introduction

Educational Policy and Development (EPD) provides unified and comprehensive direction on all matters related to MSHA's role in education and training activities in the mining industry. Under the Mine Act, EPD is responsible for developing and implementing educational policy and programs to train government, industry, and organized 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). The Academy trains federal mine inspectors to provide the mining industry with a competent inspection workforce. The Academy also provides professional education and training services and consultation to all members of MSHA and the mining community.

MSHA has a strong education and training focus in its efforts to design, develop and implement mine health and safety educational programs, materials, and systems. EPD provides educational and training materials and programs to MSHA offices, industry, labor, and educational institutions through written, DVD, video and electronic mediums. MSHA also maintains relationships with other federal and state agencies, associations, and labor groups that have educational and training programs.

The Educational Field Services (EFS) division provides on-site education and training assistance to mines throughout the country. The Small Mine Office (SMO) assists small mines (mines with 5 or fewer employees) with limited resources to develop effective safety, health and training practices. Also, MSHA resources provide basic safety and health training to protect miners on the job. Strong educational programs are critical to improving the safety and health of the nation's miners.

The MSHA State Grants Program, authorized under Section 503 of the Mine Act, is administered through Educational Policy and Development. The Act provides funds to assist states:

- In developing and enforcing effective coal or other mine health and safety laws and regulations consistent with provisions of Section 506 of the Act
- To improve State Workmen's compensation and occupational disease laws and programs related to coal or other mine employment
- To promote Federal-State coordination and cooperation in improving the health and safety conditions in the coal or other mines.

EDUCATIONAL POLICY AND DEVELOPMENT

MSHA assists the Holmes Safety Association, a nonprofit association created in 1926 to promote health and safety in the mining industry, by providing technical assistance in coordinating efforts through grass roots safety and health programs and activities to the mining community. This program recognizes exemplary safety records both corporately and individually and presents nationally recognized awards. MSHA will provide administrative support to the Holmes Safety Association (HSA) by publishing a monthly health and safety magazine, promoting the Professional Miner Program and processing awards. These awards recognize health and safety contributions of members, exemplary safety records of mines, and acts of heroism.

Five-Year Budget Activity History

Fiscal Year	Funding	FTE
2003	27,733	140
2004	30,356	152
2005	31,255	151
2006	35,996	156
2007	31,701	149

FY 2008

EPD will continue activities in FY 2008 to provide a unified, comprehensive direction on matters related to MSHA's role in education and training activities. EPD will manage education and training programs and policies, the State Grants program, and outreach activities to optimize nationwide consistency, flexibility, and quality.

Training plays a critical role in preventing deaths, injuries and illnesses on the job. Only with effective training can miners recognize possible hazards and know the safe procedures to follow. Because training and education are critically important to making progress, MSHA will continue the increased visibility and emphasis on training. This emphasis includes the development and distribution of materials and targeted safety sweeps to educate and assist miners and operators in ways to improve mine safety. Because of three mining accidents which occurred in 2006 which claimed 19 lives, EPD will continue to focus on mine visits and training miners regarding the avoidance of mine fires and explosions as well as provide training and oversight to industry training regarding self-contained self-rescuers. EPD will further develop and utilize both an explosion demonstration trailer and electrical hazards/trouble shooting demonstration trailer at mine sites and seminars to train miners in both mine explosion hazards and electrical hazards. The field training specialists will continue to approve and evaluate training plans, qualify and certify miners and instructors, and support and participate in MSHA-wide special emphasis programs that address safety and health hazards such as surface haulage accidents; exposure to respirable dust, diesel emissions, and noise; safety hazards which are disproportionately prevalent in small mines; smoking in underground coal mines; underground ventilation compliance; and contractor accidents which occur at a higher than average rate.

EDUCATIONAL POLICY AND DEVELOPMENT

Currently 49 states, Navajo Nation and Puerto Rico receive grants. Most of the grantees provide safety and health training and retraining for miners. During the past year the grantees trained more than 215,000 miners and contractors working at mining operations.

Because training and education are critically important to safe and healthful work places, MSHA will continue to increase mine operators' and miners' access to effective training through increased use of distance and distributive learning techniques. The Academy will continue to populate the online faculty development area of the Learning Management System (LMS), and additional entry-level courses will be made available online. MSHA will move in-house courses to the DOL Learning Management System. Five graduate level courses will be taught in cooperation with Marshall University. These will be offered through Marshall's online Course Management System, WebCT Vista.

EPD will continue to conduct Job Training Analysis (JTA) for critical jobs in the mining industry and will train industry personnel in JTA methodology. EFS will conduct Training Makes a Difference (TMD) programs at mine sites. TMD is an in depth analysis of a mine operator's health and safety program. EPD will continue the development and distribution of materials and targeted safety sweeps to educate and to assist miners and operators in ways to improve mine safety. The field training specialists will continue to approve and evaluate mine training plans, qualify and certify miners and instructors; and support and participate in MSHA-wide special emphasis programs that address safety and health hazards such as surface haulage accidents; exposure to respirable dust, diesel emissions, and noise; safety hazards which are disproportionately prevalent in small mines; smoking in underground coal mines; underground ventilation compliance; and contractor accidents that occur at a higher than average rate. The Stop, Look, Analyze and Manage (SLAM) program will be re-emphasized in the HSA magazine which encourages miners to *Stop, Look, Analyze and Manage* hazards in the workplace.

The Academy will conduct 1,700 course days of training, and approximately 20 entry level inspector groups will attend training in FY 2008 (sixteen are currently scheduled). The Academy will provide professional instruction in mine safety and health to the MSHA inspectors as well as the mining community and will develop the training materials and publications necessary to ensure that this goal is achieved. The Academy will distribute approximately 6,000,000 publications and training materials. MSHA will maintain the facility. Necessary capital improvements are dependent on funding.

FY 2007

MSHA will continue to expand its distance and distributive learning approach to training. A minimum of 15 Academy courses will be converted to a blended learning format for presentation online and in the classroom. Five graduate level courses in Safety (mining emphasis) will be taught in cooperation with Marshall University. These will be offered through Marshall's online Course Management System, WebCT Vista.

There will be a significant increase in the number of new inspectors hired by MSHA. The majority of them will be trained in FY 2007. To meet the training needs of these new hires, EPD will hire eight new instructors at the Academy. The Academy will conduct 1,700 course days of training, and twenty-eight entry level inspector groups will attend training at the Academy in FY 2007. The

EDUCATIONAL POLICY AND DEVELOPMENT

Academy will continue to develop effective and accurate training programs and publications and provide professional instruction in mine safety and health to the MSHA inspectors as well as the mining community. The Academy will distribute approximately 6,000,000 publications and training materials.

The Academy will complete renovation of the mine simulation laboratory, the fire alarm system, and instructor offices, and will apply for OSHA Voluntary Protection Program status. Additional necessary capital improvements are dependent on funding.

FY 2006

MSHA increased access to effective training through increased use of distance and distributive learning techniques. Sixteen courses developed by the Academy were put on line for use by entry-level inspectors. Five graduate level courses were taught for 38 students, primarily from MSHA in cooperation with Marshall University using Marshall's online Course Management System, WebCT Vista.

The Academy provided professional instruction in mine safety and health to MSHA inspectors and the mining community. This included the design and delivery of training courses, instructional materials, and innovative educational programs to assist in reducing fatalities, injuries, and illnesses in mining. The Academy conducted 1,537 course days and 62,927 student days (number of course days times number of students taking course) of training. Sixteen entry level inspector groups (232 entry-level students) were taught in FY 2006. Many other students were reached including 314 journeyman students; 474 specialists; 99 union committee persons; and 2018 industry personnel. Eighty publications or courses were developed and revised, fifteen new DVDs developed, 10,944 requests for training materials processed, and over 4,500,000 publications and training materials were shipped from the Academy.

The Technical Information Center and Library increased its efforts and ability to provide research materials for the major mining accident investigation teams and to provide worldwide access to the health and safety materials. This was aided by conversion to a digital library system in cooperation with the DOL Wirtz Labor Library. The Academy's library staff developed an extensive collection of news articles related to the recent mine disasters and the resulting mining legislation for ready reference and use by investigators.

MSHA continued to engage in international activities in order to share technology and information; sponsoring training at the mine Academy for groups from Peru and Australia and technical support to representatives from Russia, Kosovo and Mexico.

In addition, the Academy completed major renovations and upgrades to the facility, particularly in the dorm area, Mine Simulation Laboratory and the Academy grounds. These improvements substantially enhanced MSHA's ability to provide state-of-the-art training to stakeholders, as well as improve safety and health and security in the Academy working environment.

EDUCATIONAL POLICY AND DEVELOPMENT

WORKLOAD SUMMARY			
	FY 2006 Actual	FY 2007 Target	FY 2008 Target
Educational Policy and Development			
Course of Days of Training:			
MSHA	1,537	1,700	1,700
Industry	728	728	728
Publications Distributed:	6,000,000	6,000,000	6,000,000
Publications Developed/Revised	17	33	17
Courses Developed/Revised	85	70	85
Training Materials Developed:			
AV Training Materials Produced	50	50	50
Miners Trained - State Grants **	210,000	210,000	210,000
EFS & Small Mines Compliance Assistance Activities	5,305	5,300	5,300

EDUCATIONAL POLICY AND DEVELOPMENT

CHANGES IN FY 2008 (Dollars in Thousands)

Activity Changes

Built-in:

Costs of pay adjustments.....	+\$361
Personnel benefits.....	+77
Two more days of pay.....	+121
Travel.....	+30
Transportation of things.....	+9
GSA space rental.....	+35
Communications, utilities, & miscellaneous charges.....	+22
Printing and reproduction.....	+6
Advisory and assistance services.....	+6
Other services.....	+431
Working Capital Fund.....	+62
Purchases of goods and services from other Govt accounts.....	+6
Operation & maintenance of facilities.....	+11
Operation & maintenance of equipment.....	+23
Supplies and materials.....	+4
Equipment.....	+41
State grants.....	+737

Total Built-in	+\$1,982
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Net Program	+573
Direct FTE	-1

	Estimate	FTE
Base:	\$31,701	149
Program Increases	573	-1

TECHNICAL SUPPORT

(\$ in thousands)

	FY 2006 Enacted 1/	FY 2007 C.R.	Diff. FY06 Enact./ FY07 C.R.	FY 2008 Request	Diff. FY07 C.R./ FY08 Request
Activity Appropriation	\$26,079	\$25,479	-\$600	\$28,200	\$2,721
FTE	200	193	-7	200	7

1/ Includes \$.6 million in supplemental funding available for two years.

Introduction

Technical Support provides engineering and scientific expertise to assist in the resolution of safety and health issues. Their responsibilities include the following: (1) approving and certifying equipment, instruments, materials, explosives and personal protective apparatus that can be used in mines (a fee program covers the costs of approval and certification activities); (2) providing specialized scientific and engineering expertise through technical compliance assistance mine visits as well as forensic field and laboratory investigations that address technical problems encountered in implementing the Mine Act and the MINER Act; (3) participating and providing leadership in response to mine emergency response efforts, which includes on-site analytical equipment, communications links, and other sophisticated equipment essential to critical decisions in a rescue/recovery operation; (4) investigating problems of compliance with safety and health standards, recommending solutions to the industry and to MSHA; (5) providing analysis of existing environmental conditions and projections of future technological developments; and (6) conducting in-depth studies to define true causes of accidents, injuries or occupational illnesses, determining trends and impact, and recommending improvements and solutions to the mining industry. This is accomplished in a cooperative effort with Coal Mine Safety and Health or Metal and Nonmetal Mine Safety and Health Specialists, as well as Educational Policy and Development personnel.

The Technical Support staff is comprised of administrative support personnel, engineering, scientific, and technical specialists. Unique laboratories and specialized equipment are used for evaluation, testing, field and laboratory investigations, and applied engineering.

Five-Year Budget Activity History

Fiscal Year	Funding	FTE
2003	28,489	255
2004	24,545	220
2005	25,111	209
2006	26,079	200
2007	25,479	193

TECHNICAL SUPPORT

FY 2008

During 2008, MSHA will address occupational health hazards to improve the health protection afforded to miners. Miners are still at risk of contracting work-related lung diseases, such as silicosis, which has long been recognized as an occupational hazard in mining. Miners also suffer significant hearing loss, a health problem likely to become more prevalent with new developments in mining, such as the growing use of diesel-powered equipment in confined underground environments. Technical Support will process samples to identify overexposure to occupational health hazards, and conduct industrial hygiene investigations to determine the adequacy of engineering controls for maintaining exposure levels within required limits. Technical Support will work with the industry to investigate and develop joint solutions to particularly troublesome health problems, such as retrofitting noise controls on existing mining equipment.

In collaboration with other MSHA program areas, Technical Support will identify key problem areas where safety and health could improve, analyze available data to support findings, develop solutions, and oversee the implementation of solutions to benefit miners and the mining industry.

Technical Support will conduct technical health studies to determine the feasibility of new methods of controlling health hazards at mines. Technical Support will continue outreach efforts in the mining community, sharing accident remedies and related safety information to prevent future accidents. MSHA will use its web-site to share ideas and solutions to safety and health problems that exist in the mining industry.

Technical Support will manage MSHA's International Relations program by providing safety and health technical assistance to industry and government officials around the world.

FY 2007

Technical Support will approve and certify mine equipment, materials, instruments, explosives, and respirators. Using its specialized scientific and engineering expertise, Technical Support will establish criteria for environmental controls for health protection based upon analyses of samples collected by MSHA and will evaluate the safe design of mine ventilation systems and ground control.

MSHA will conduct in-mine investigations, laboratory investigations, and laboratory analyses to evaluate existing environmental conditions, provide projections for future technological developments, and ensure compliance with safety and health standards, as well as recommend solutions to the industry and to MSHA.

Technical Support will continue to look for creative technical solutions to help mine operators protect miners in a practical and cost effective manner. Technical Support will compile and distribute tip sheets for mine operators on some of the best available control methods in use by the industry to control silica from drill operations and other work situations which expose miners to harmful dust or other hazards.

MSHA is involved in several initiatives in which Technical Support will evaluate new innovative technological solutions from other industries and the international mining community for their

TECHNICAL SUPPORT

potential to improve miners' health and safety and reduce accidents. Some of the technologies being investigated include proximity detection devices; robotic mine rescue vehicles; communication and tracking devices; refuge chambers; hydrogen powered fuel cells; fall protection devices, cable handling systems; void detection technologies; remote control dozers; and a system safety approach to equipment design and evaluation. MSHA will continue to work with NIOSH to introduce the Personal Dust Monitor for use in coal mines.

Technical Support will conduct technical health studies to determine the feasibility of new methods of controlling health hazards at mines. It will continue its outreach efforts in the mining community, sharing accident remedies and related safety information to prevent future accidents. MSHA will use its web-site to share ideas and solutions to safety and health problems that exist in the mining industry.

MSHA will continue to work cooperatively toward implementation of the Independent Lab Rule. This rule will permit items, such as equipment, that is duly certified under accredited laboratories be accepted by the United States and other countries.

FY 2006

In FY 2006, Technical Support evaluated programs and provides resources to address immediate safety and health issues. Technical Support will provide assistance to MSHA's education and training function and other government agencies.

Technical Support actively participated in the investigation of an increased number of fatal and nonfatal accidents with a view towards reducing or eliminating future accidents. In addition, Technical Support participated in several internal reviews of mining fatal accidents. Analysis of this information and review of accident databases will enable MSHA, manufacturers and industry to apply engineering controls and other solutions to eliminate future accidents and fatalities as part of its efforts in accident reduction.

Technical Support searched for technical solutions to help mine operators protect miners in a practical manner. Technical Support compiled and distributed tip sheets for mine operators on some of the best available control methods in use by the industry to control silica from drill operations and other work situations which expose miners to harmful dust or other hazards. In addition, Technical Support conducted technical health studies to determine the feasibility of new methods of controlling health hazards at mines. Technical Support continued outreach efforts in the mining community, sharing accident remedies and related safety information to prevent and eliminate future accidents.

In addition to the 1,176 investigations and 221,149 laboratory analysis performed in 2006, Technical Support provided technical expertise in response to varied technical assistance requests from MSHA program managers, industry, and other outside organizations. Investigations were for the purpose of conducting on-site engineering reviews and evaluations and/or analysis of procedures, criteria, or equipment used in mining. User complaints were investigated to determine compliance of mining produces with federal law and MSHA regulations and policies. Laboratory investigations often included such areas as rock mechanics, wire ropes, soils and roof bolts. These responses involved research and transmission of advice and written documents to the requestor. The assistance provided by Technical Support and the information contained in recommendations to MSHA's district officials

TECHNICAL SUPPORT

for solutions to in-mine problems resulted in timely operator compliance and provided abatement mechanisms for similar hazards. In the area of product/equipment approvals, a total of 731 applications were processed. These included new approvals, extensions of approval and modifications to existing approvals. Technical Support also reviewed plans for the design, construction, and maintenance of waste embankments and impoundments.

WORKLOAD SUMMARY			
	FY 2006 Actual	FY 2007 Target	FY 2008 Target
Technical Support			
Approval Actions (New and Modifications)	710	610	610
Field Complaint Investigations	1,176	950	950
Respirable Coal Dust Samples Weighed	166,372	160,000	160,000
Calibrations (photometers, anemometers, noise, radiation)	5,549	4,200	4,200
Impoundment Plans Reviewed	166	220	220
Silica Samples Analyzed	20,466	23,000	23,000
Total Samples Analyzed	221,149	200,000	210,000

TECHNICAL SUPPORT

CHANGES IN FY 2008
(Dollars in Thousands)

Activity Changes

Built-in:

Costs of pay adjustments.....	+\$477
Personnel benefits.....	+112
Two more days of pay.....	+162
Travel.....	+43
Transportation of things.....	+34
GSA space rental.....	+5
Communications, utilities, & miscellaneous charges.....	+17
Other services.....	+20
Working Capital Fund.....	+85
Purchases of goods and services from other Govt accounts.....	+42
Operation & maintenance of facilities.....	+3
Operation & maintenance of equipment.....	+4
Supplies and materials.....	+20
Equipment.....	+7

Total Built-in	+\$1,031
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Net Program	+1,690
Direct FTE	+7

	Estimate	FTE
Base:	\$25,479	193
Program Increases	1,690	7

PROGRAM EVALUATION AND INFORMATION RESOURCES

(\$ in thousands)

	FY 2006 Enacted 2/	FY 2007 C.R.	Diff. FY06 Enact./ FY07 C.R.	FY 2008 Request	Diff. FY07 C.R./ FY08 Request
Activity Appropriation 1/	\$17,014	\$15,514	-\$1,500	\$16,219	\$705
FTE	75	74	-1	75	1

1/ As an administrative activity these resources have been allocated to the MSHA performance goals within the salaries and expenses appropriation.

2/ Includes \$1.5 million in supplemental funding available for two years.

Introduction

The Directorate of Program Evaluation and Information Resources (PEIR) provides MSHA's program evaluation and information technology management services.

PEIR has responsibility for monitoring and evaluating the effectiveness of MSHA's programs, including the implementation of the requirements of the Government Performance and Results Act (GPRA). PEIR monitors, measures, evaluates, and reports on agency's progress towards meeting annual performance goal and indicators. PEIR also contributes to the formulation of agency and Departmental strategic plans, Annual Performance and Accountability Reports, and performance budgets.

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, the mining community, and the public use these data to assess progress in preventing occupational injuries and illnesses in the mining industry.

PEIR manages MSHA's Enterprise Architecture 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. The Directorate also establishes standards and controls for computer and networking hardware and software.

Five-Year Budget Activity History

Fiscal Year	Funding	FTE
2003	--	--
2004	13,963	70
2005	17,524	78
2006	17,014	75
2007	15,514	74

PROGRAM EVALUATION AND INFORMATION RESOURCES

FY 2008

PEIR will continue to work to improve mission performance, productivity, and administrative processes by providing more reliable and secure information technology services. By focusing on reducing risks, improving efficiencies, and containing costs through greater integration of information technology systems, PEIR will provide MSHA's employees and stakeholders reliable, quality automated tools and improved access to information to ensure mission accomplishment.

Strategies to accomplish this goal include improvements to MSHA's network infrastructure in order to provide a communication platform that accommodates changes resulting from new technologies. PEIR also will continue to maintain and enhance MSHA's management information systems to provide efficient and timely access to critical information.

PEIR will be engaged in the following activities in FY 2008:

- Continue to evaluate the effectiveness of MSHA policies and program operations.
- Ensure ongoing oversight of MSHA program activities by conducting internal reviews and data analyses to alert both internal and external stakeholders of trends that may be developing.
- Ensure all reporting requirements under the GPRA are met.
- Coordinate program evaluation efforts such as the work with OMB on the Performance Assessment Rating Tool (PART).
- Continue to serve as liaison between MSHA and Office of the Inspector General and General Accounting Office.
- Continue coordinating the agency's Compliance Assistance Plan.
- Evaluate methods to reduce, even further, the time to process accident and injury data and provide the information to interested parties as quickly as possible.
- Continue development of a single integrated database application system for managing and utilizing MSHA data in a web-based environment.
- Improve the performance and reliability of MSHA's wide area network.
- Continue implementation of the MSHA Enterprise Architecture.
- Expand MSHA's web services to further reduce the reporting burden on businesses and the public, share information more quickly, and automate internal processes.
- Ensure continuation of an active enterprise-wide security program that achieves cost effective security, and protects personally identifiable information.

PROGRAM EVALUATION AND INFORMATION RESOURCES

- Ensure risks are mitigated and contingency plans are in place and up-to-date.
- Comply with the federal, departmental and agency enterprise architectures.

FY 2007

PEIR will continue the migration from two separate mainframe systems to a common processing platform with a Department-compliant architecture. The Directorate will publish and disseminate accurate and timely mine accident, injury, and illness statistics; develop and publish performance and strategic plans, reports, and scorecards so the public is aware of MSHA's activities and progress toward meeting its performance goal and indicators. As required, PEIR will complete three comprehensive internal reviews of the Sago, Aracoma, and Darby mining accidents.

PEIR will complete the protection of personally identifiable information by encrypting portable devices.

During FY 2007, funds will be used to integrate Alternative Case Resolution Initiative (ACRI) application into [MSHA - Information Processing — MSHA Standardized Information System \(MSIS\)](#) production applications; provide Office of the Solicitor (SOL) access to MSIS, which includes new features for contesting violations before they are assessed, adding Data Warehouse tables, visiting migration of ACRI data from multiple Access database files; automate lockbox process for Assessments; provide support to EPD to modernize its existing instructor-based coal inspector courses for on-line delivery by redesigning and converting curriculum materials that consist of PowerPoint presentations, faculty guides, student guides, lesson guides, checklists, photographic images, motion video sequences, informational and policy related bulletins; integrate Inspection Tracking into the current Inspectors' Portable Applications for Laptops (IPAL), upload/download to MSIS, provide data conversion into MSIS; and integrate Impoundments into Mine Plan Approval system.

In addition, the PEIR Directorate will support the President's Management Agenda goal to utilize information technology to improve service and efficiency by enhancing MSHA's IT applications; ensuring MSHA's FY 2006 Network, e-Government, and Web-Services initiatives remain on schedule and within budget; and implementing a consolidated IT equipment purchase program for MSHA is fully implemented.

FY 2006

In addition to the recurring annual activities for which the Directorate is responsible, PEIR formally introduced the MSHA Enterprise Architecture (EA) Governance Process in December 2004, with the publishing of the EA Governance Handbook. The process is instrumental in ensuring MSHA compliance with technology-related policies, standards, models, and processes by structuring Capital Planning, actualizing Enterprise Architecture, and formalizing Project Management into an integrated approach for directing and managing the complete lifecycle of all agency IT investments.

PEIR initiated three internal reviews following the Sago, Aracoma, and Darby mining accidents.

PROGRAM EVALUATION AND INFORMATION RESOURCES

PEIR completed MSHA's portion of the DOL enterprise-wide directory service initiative; completed the e-Authentication pilot project within applicable OMB timelines; update MSHA's Target Enterprise Architecture and Transition Sequencing Plan; completed the Internet Protocol Version 6 (IPV6) inventory; and participate fully with other DOL agencies in the development of the Unified Department of Labor Technology Infrastructure.

During FY 2006, enhancements to MSIS remained within applicable schedule and performance baselines with three enhancement releases.

PEIR completed installation of MSHA's upgraded telecommunications network active directory.

All major systems in MSHA were mapped to the Federal Enterprise Architecture Performance Reference Model (PRM). Additional customer service metrics were defined for major MSHA systems.

PEIR aggressively supported the President's Management Agenda for Expanded Electronic Government with respect to cyber security. PEIR has ensured MSHA's alignment with Federal and Departmental IT Security Requirements; compliance with documentation and testing requirements under the Computer Security Act, Privacy Act, Federal Information Security Management Act, OMB Security Guidance, and National Institute of Standards and Technology.

PROGRAM EVALUATION AND INFORMATION RESOURCES

CHANGES IN FY 2008 (Dollars in Thousands)

Activity Changes

Built-in:

Costs of pay adjustments.....	+\$161
Personnel benefits.....	+40
Two more days of pay.....	+55
Travel.....	+3
Transportation of things.....	+1
GSA space rental.....	+38
Communications, utilities, & miscellaneous charges.....	+2
Printing and reproduction.....	+2
Other services.....	+13
Working Capital Fund.....	+32
Purchases of goods and services from other Govt accounts.....	+3
Operation & maintenance of equipment.....	+186
Supplies and materials.....	+3
Equipment.....	+12

Total Built-in	+\$551
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Net Program	+154
Direct FTE	+1

	Estimate	FTE
Base:	\$15,514	74
Program Increases	154	1

PROGRAM ADMINISTRATION

(\$ in thousands)

	FY 2006 Enacted	FY 2007 C.R.	Diff. FY06 Enact./ FY07 C.R.	FY 2008 Request	Diff. FY07 C.R./ FY08 Request
Activity Appropriation 1/	\$11,906	\$11,906	\$0	\$13,413	\$1,507
FTE	86	78	-8	86	8

1/ As an administrative activity these resources have been allocated to the MSHA performance goals within the salaries and expenses appropriation.

Introduction

The mission of the Directorate of Program Administration and Management is to provide administrative and management advice, products, and services to assist the Assistant Secretary for Mine Safety and Health in implementing the Mine Act and MINER Act. The department's director and staff members serve as the principle advisors to the Assistant Secretary on federal laws, regulations, standards, policies, procedures and related theory and philosophy concerning the planning, acquisition, utilization, evaluation, and management of MSHA's human, financial, and property resources. The Program Administration support services include personnel management, financial management, procurement and contracting, training, safety, health, and diversity programs for MSHA employees, property management, and management analysis. By providing leadership, policy direction, and administrative support services, all of MSHA's program activities are supported and strengthened enabling MSHA to meet or exceed annual safety and health performance goal and objectives.

Five-Year Budget Activity History

Fiscal Year	Funding	FTE
2003	17,210	115
2004	12,082	102
2005	15,570	90
2006	11,906	86
2007	11,906	78

FY 2008

During 2008, the main focus of this activity will be to provide leadership, policy direction, program policy evaluation, and administrative support services for MSHA's safety and health programs.

MSHA's performance goal is internal and therefore costs towards achieving this goal is reflected in the appropriate programs and activities presented in this submission. This goal addressed the DOL Departmental Management Goals to achieve long-term management initiatives and cross-cutting

PROGRAM ADMINISTRATION

strategies as well as support the effort to achieve the President's Management Agenda (PMA) in the area of human capital.

FY 2007

MSHA will continue to reduce employee injuries and promote the Wellness Program, as well as conduct workplace examinations for injury and illness hazards to ensure prompt abatement of hazards.

MSHA will continue with its streamlining and flattening organizational layers using workforce planning and restructuring to help redistribute higher level positions to front-line, service delivery positions that interact with citizens. This corresponds with ongoing government reform initiatives to make government more citizen-centered and ensure as little distance as possible between citizens and decision makers. To the maximum extent possible, retraining and/or redeployment of employees will be a part of these restructuring efforts. The acquisition of needed new skills and ongoing skills improvement among MSHA's workforce will be facilitated through focused training for job skills and lifelong-learning initiatives.

FY 2006

Progress was made in following the evaluation of the level of preparedness at the Academy in meeting the criteria required for The Voluntary Protection Program. There are requests for bids to correct mechanical problems and bring machine guards up to standards. Need for extensive renovation in mine simulation lab and a job hazard analysis will be conducted for every job.

MSHA accomplished its goal and indicators by directly applying principles and systematic techniques known to improve safety and health. These included the following:

- Made safety and health an overarching priority for MSHA by the promotion of health and safety goal and indicators as a critical element in all managers' and supervisors' performance standards.
- Updated and disseminated the Safety and Health Policy, analyze on-the-job injuries and identify targets for improvement areas with high injury rates.
- Combined efforts from Employee Safety and Health and Educational Policy and Development (EPD) to incorporate safe work procedures into all new training material being developed for MSHA employees. This training would be provided for new inspectors, and journeyman level employees. EPD will include safe work procedures into the job task analysis project currently being developed.
- Conducted staff skills assessments, provide focused training for identified skill needs, provide re-training for those being reassigned or relocated, and incorporate skills training into existing programs for new hires.
- Continually enhanced purchasing techniques and appropriation and year-end closeout procedures to ensure fiscal responsibility and accountability and efficient use of resources.

PROGRAM ADMINISTRATION

In support of the Agency Proud to Be II commitments, MSHA accomplished the following:

- MSHA's executive staff reviews its performance (outcome) data on a quarterly basis and its financial information monthly. During these reviews, managers discuss current performance, trend analysis, and budget execution forecasts to determine strategies for the remainder of the year.
- A "Green" rating on the President's Management Agenda (PMA) for financial performance. MSHA will continue to conform to the PMA initiatives which include the following: Strategic Management of Human Capital, Competitive Sourcing, Improved Financial Performance, Expanded Electronic Government, and Budget and Performance Integration.
- MSHA continued to expand the managerial cost accounting model known as the Cost Analysis Manager (CAM) project to incorporate additional activities. This project provides agency managers with unit cost of safety and health activities, such as inspections, investigations, and environment sampling. Managers use the analysis results to identify activities for efficiency review.
- In accordance with the requirements of OMB Circular A-76, MSHA completed three streamlined competitions and one standard competition. Each competition has resulted in the determination that MSHA employees provide the required services in the most economical and efficient manner.

PROGRAM ADMINISTRATION

**CHANGES IN FY 2008
(Dollars in Thousands)**

Activity Changes

Built-in:

Costs of pay adjustments.....	+\$220
Personnel benefits.....	+51
Two more days of pay.....	+75
Travel.....	+5
GSA space rental.....	+54
Communications, utilities, & miscellaneous charges.....	+5
Printing and reproduction.....	+6
Other services.....	+13
Working Capital Fund.....	+34
Purchases of goods and services from other Govt accounts.....	+4
Operation & maintenance of equipment.....	+1
Supplies and materials.....	+3

Total Built-in	<hr/> +\$471
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Net Program	+1,036
Direct FTE	+8

	Estimate	FTE
Base:	\$11,906	78
Program Increases	1,036	8

MINE SAFETY AND HEALTH ADMINISTRATION

PERFORMANCE CHAPTER

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MINE SAFETY AND HEALTH ADMINISTRATION

PERFORMANCE SUMMARY

Introduction

Strategic Goal 3 — Safe and Secure Workplaces: Promote workplaces that are safe, healthful and fair; guarantee workers receive the wages due them; foster equal opportunity in employment; and protect veterans' employment and reemployment rights.

Performance Goal 3B. Reduce work-related fatalities, injuries, and illnesses in mines.

The Department's mission to assure the safety and health of the nation's miners is carried out by the MSHA through DOL's Strategic Goal of Safe and Secure Workplaces. The Department's performance in achieving its strategic goal is determined by accomplishments measured at the performance goal level. MSHA's performance indicators assess effectiveness of assistance to miners and mine operators in attaining safer workplaces. Incidence rates, which measure the number of fatalities and injuries per 200,000 hours worked by miners, are used by MSHA to report on performance because they reflect not only the number of fatalities and injuries that occur each year but also the amount of time miners are exposed to potential hazards.

Reduce Fatality and Injury Rates in the Nation's Mines

This is supported by two performance indicators:

- Mine industry fatalities per 200,000 hours worked
Target: 0.0195
- Mine industry injuries per 200,000 hours worked
Target: 2.54

Reduce Miners' Exposure to Health Hazards

This is supported by four performance indicators:

- Percent of respirable coal mine dust samples exceeding the applicable standard (for designated occupations)
Target: 8.5%
- Percent of silica dust samples taken with a result that is less than half the permissible exposure limit in metal and nonmetal mines
Target: 71.7%
- Percent of noise samples taken with a result that is less than half of the permissible exposure limit in metal and nonmetal mines
Target: 67.7%
- Percent of noise exposures above the citation level in coal mines
Target: 4.5%

MSHA's strategies to accomplish its performance goal includes meaningful inspections accompanied by firm, fair and effective enforcement, education and training to ensure operators and miners understand the law, how to comply with the law and the consequence of noncompliance, and technical support to develop technical solutions to health and safety problems and assist in their application in

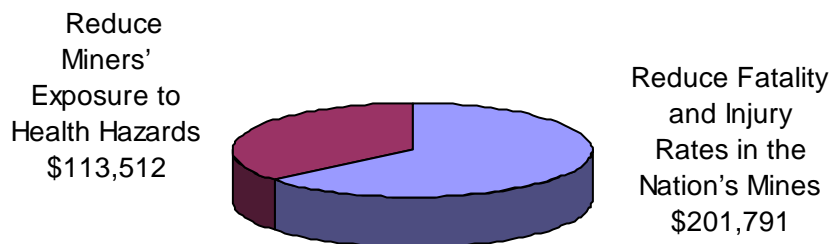
MINE SAFETY AND HEALTH ADMINISTRATION

the mines. MSHA has also implemented more rigorous sampling protocols to focus resources on the higher risk occupations in order to significantly reduce occupational illnesses in miners. Coal health indicators capture reductions in exposure levels that indicate a risk to miner health. Metal and nonmetal mine indicators focus on sampling areas where miners are at the greatest risk of overexposure. Because health issues such as lung diseases, impairment of respiratory function, and potential loss of hearing develop gradually after repeated exposures, determining the rate at which miners are overexposed to respirable dust and noise is a proxy measure of future miner health. Reducing miner exposure to well-known health hazards in the near term, MSHA believes, contributes to the longer term goal of reducing the incidence of black lung, silicosis, and hearing loss.

Cost Model

The FY 2008 MSHA budget request continues to support efforts across all program areas that have proven effective and will fund strategies that support MSHA's performance goal. The requested funds by performance goal are displayed in the following chart.

MSHA Performance Goal Cost Allocation
(Dollars in Thousands)



Performance Challenges

MSHA faces numerous challenges inherent in the mine environment and industry that can prevent it from attaining its goals of reducing hazard exposures and fatality and injury rates. Business and technological developments are only a few factors that can impact health and safety practices and pose challenges that demand attention. MSHA must be prepared to focus on and address external hurdles and know that while the agency cannot directly control these situations, it can continue to provide tools and assistance to the industry to protect the health and safety of miners. Anticipated challenges that are on the horizon include dealing with ever-changing mining environments that are relying more and more on larger, more mechanized and technically advanced equipment coupled with the experienced, yet aging mining workforce who is being replaced by younger miners. Generally, the younger miners are at greater risk of being involved in serious accidents. These employees are facing competitive pressures to increase production while containing costs. Many of the new miners are contractors, as well as non-English speaking workers. The constant opening and closing of mines

MINE SAFETY AND HEALTH ADMINISTRATION

contributes to an influx of new and inexperienced miners who are frequently unfamiliar with mining conditions, hazards, and safe working procedures.

PART Issues

MSHA was assessed with the PART in FY 2003, and was deemed Adequate. The PART improvement plan included continuing targeted enforcement and compliance assistance actions at high-risk mines beyond the requirements of the Mine Act with initiatives such as the Cooperative Accident Reduction Effort, analyzing the costs and benefits of alternatives in the agency's proposed regulations, and developing efficiency and cost effective measures that cover a larger percentage of the agency's program activities.

MSHA has been attempting to develop regulatory alternatives in our preliminary regulatory economic analyses (PREA) and regulatory economic analyses (REA). For example, in the REA in support of MSHA's Diesel Particulate Matter rule for Metal and nonmetal mines, the agency prepared analyses of the cost of two (more expensive) regulatory alternatives, and qualitatively concluded that they would have a negligible effect on miner health.

MSHA responded to the recommendation of developing efficiency measures that cover a larger percentage of the agency's program activities. The result is an efficiency measure with MSHA's Office of Assessments to reduce cost and expedite the process associated with outstanding debt related to civil penalties.

Conclusion

MSHA continues to collaborate with the Department and OMB to improve the integration of performance information with budgetary requests. For FY 2008, MSHA implemented baselines and out-year targets for cost-efficiency measures, and developed cost-result plans and logic models to serve as a building block for future marginal cost analyses. Going forward, cost-results plans and logic models will be enhanced and refined.

MSHA must remain vigilant and aggressive in its approach to addressing the performance challenges in the mining operating environment as MSHA continues its commitment to improve the safety and health of the miners. To that end, MSHA will continue to focus attention on expanding its active partnerships with industry, labor, and equipment manufacturers to identify and evaluate new technologies for their potential use to improve miners' safety and health and reduce accidents. MSHA modernized decades-old regulations governing penalty assessments for violations of the Mine Act. MSHA will continue its outreach efforts to address priority issues, for example, risks related to roof fatalities and fires/heating events /methane ignitions through Preventive Roof/Rib Outreach Program, Winter Alert, and Mine Emergency Preparedness. Recognizing the importance of safety training and education for America's miners, MSHA will continue its ongoing commitment through the States Grants Program to advance miner safety and health through funds for state-of-the-art mine rescue equipment and strong safety training.

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BUDGET AUTHORITY by STRATEGIC GOAL					
(Dollars in Thousands)					
Performance Goal	Goal 1: Prepared Workforce	Goal 2: Secure Workforce	Goal 3: Quality Workplaces	Goal 4: Competitive Workforce	Total Budget Authority
Performance Goal 1: Reduce Fatality and Injury Rates in the Nation's Mines					
Coal Mine Safety and Health			\$98,156		\$98,156
Metal and Nonmetal Mine Safety and Health			49,901		49,901
Office of Standards, Regulations, and Variances			1,911		1,911
Office of Assessments			4,493		4,493
Educational Policy and Development			23,918		23,918
Technical Support			23,412		23,412
Program Evaluation and Information Resources 1/			0		0
Program Administration 1/			0		0
Performance Goal 2: Reduce Miners' Exposure to Health Hazards					
Coal Mine Safety and Health			55,213		55,213
Metal and Nonmetal Mine Safety and Health			28,071		28,071
Office of Standards, Regulations, and Variances			1,074		1,074
Office of Assessments			2,528		2,528
Educational Policy and Development			13,454		13,454
Technical Support			13,172		13,172
Program Evaluation and Information Resources 1/			0		0
Program Administration 1/			0		0
Agency Total			\$315,303		\$315,303

1/ As an administrative activity, funding for these resources has been allocated to agency performance goals within the agency program activities.

MINE SAFETY AND HEALTH ADMINISTRATION

TOTAL BUDGETARY RESOURCES by ACTIVITY												
FY 2006 - FY 2008												
(Dollars in Thousands)												
	FY 2006 Enacted 1/				FY 2007 C. R.				FY 2008 Request			
	Activity Approp.	Other Approp.	Other Resources	Total	Activity Approp.	Other Approp.	Other Resources	Total	Activity Approp.	Other Approp.	Other Resources	Total
Appropriation A												
Enforcement:												
(a) Coal	\$136,355	\$12,358	\$0	\$148,713	\$117,150	\$11,761	\$0	\$128,911	\$140,620	\$12,749	\$0	\$153,369
(b) Metal/nonmetal	68,063	5,372	0	73,435	68,063	5,184	0	73,247	72,290	5,682	0	77,972
(c) Standards	2,481	239	0	2,720	2,481	228	0	2,709	2,737	248	0	2,985
Assessments	5,391	1,295	0	6,686	5,391	1,203	0	6,594	5,743	1,278	0	7,021
Educational Policy and Development	35,996	2,208	750	38,954	31,701	2,146	750	34,597	34,256	2,366	750	37,372
Technical Support	26,079	7,448	1,075	34,602	25,479	6,898	1,075	33,452	28,200	7,309	1,075	36,584
Program Evaluation and Information Resources	17,014	-17,014	0	0	15,514	-15,514	0	0	16,219	-16,219	0	0
Program Administration	11,906	-11,906	0	0	11,906	-11,906	0	0	13,413	-13,413	0	0
Total Budgetary Resources	303,285	0	1,825	305,110	277,685	0	1,825	279,510	313,478	0	1,825	315,303

1/ Includes \$25,600 in supplemental funding.

MINE SAFETY AND HEALTH ADMINISTRATION

DISTRIBUTION OF OTHER APPROPRIATED RESOURCES (Dollars in thousands)			
	FY 2006 <u>Enacted</u>	FY 2007 <u>C.R.</u>	FY 2008 <u>Request</u>
Total MSHA	\$28,920	\$27,420	\$29,632
Program Evaluation and Information Resources	17,014	15,514	16,219
Program Administration	11,906	11,906	13,413
IT Crosscut	0	0	0
Coal Enforcement	12,358	11,761	12,749
Program Evaluation and Information Resources	6,784	6,187	6,469
Program Administration	5,574	5,574	6,280
IT Crosscut	0	0	0
Metal and Nonmetal Enforcement	5,372	5,184	5,682
Program Evaluation and Information Resources	2,134	1,946	2,034
Program Administration	3,238	3,238	3,648
IT Crosscut	0	0	0
Office of Standards, Regulations and Variances	239	228	248
Program Evaluation and Information Resources	121	110	115
Program Administration	118	118	133
IT Crosscut	0	0	0
Office of Assessments	1,295	1,203	1,278
Program Evaluation and Information Resources	1,039	947	990
Program Administration	256	256	288
IT Crosscut	0	0	0
Educational Policy and Development	2,208	2,146	2,366
Program Evaluation and Information Resources	700	638	667
Program Administration	1,508	1,508	1,699
IT Crosscut	0	0	0
Technical Support	7,448	6,898	7,309
Program Evaluation and Information Resources	6,236	5,686	5,944
Program Administration	1,212	1,212	1,365
IT Crosscut	0	0	0

MINE SAFETY AND HEALTH ADMINISTRATION

Mine Safety and Health Administration										
Budget Activities, Performance Goals and Indicators	2003		2004		2005		2006		2007	FY 2008
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Target
Coal Mine Safety and Health	--	--	--	--	--	--	\$148,713	\$128,911	\$153,369	
Metal and Nonmetal Mine Safety and Health	--	--	--	--	--	--	73,435	73,247	77,972	
Office of Standards, Regulations and Variances	--	--	--	--	--	--	2,720	2,709	2,985	
Office of Assessments	--	--	--	--	--	--	6,686	6,594	7,021	
Educational Policy and Development	--	--	--	--	--	--	38,954	34,597	37,372	
Technical Support	--	--	--	--	--	--	34,602	33,452	36,584	
Performance Goal 1: Reduce work-related fatalities, injuries, and illnesses in mines (DOL-083B)	--	--	--	--	--	--	305,110	279,510	315,303	
Indicator #1: Mine industry fatalities per 200,000 hours worked	.020 N	0.023	0.022 Y	0.017	0.0215 Y	0.0182	0.0208 N	0.022*	0.0201	0.0195
Indicator #2: Mine industry injuries per 200,000 hours worked	4.3 N	4.34	3.87 N	4.07	3.483 N	3.93	3.13 N	3.69*	2.82	2.54
**Indicator #3: Percent of respirable coal mine dust samples exceeding the applicable standard (for designated occupations)	14.2% Y	11.70%	11.1% Y	10.20%	10.1% N	10.80%	9.5% N	11.30%	9.00%	8.50%
**Indicator #4: Percent of silica dust samples taken with a result that is less than half of the exposure limit in metal and nonmetal mines. FY 2002-04: Percent of silica dust samples in metal and nonmetal mines exceeding the applicable standards for high risk occupations.	8.6% Y	6.50%	6.2% Y	5.60%	base N	83.70%	79.5% Y	79.67%	75.50%	71.70%
**Indicator #5: Percent of noise samples taken with a result that is less than half of the exposure limit in metal and nonmetal mines.	--	--	--	--	base N	79.10%	75.1% Y	75.02%	71.30%	67.70%
**Indicator #6: Percent of noise exposures above the citation level in coal mines. FY 2002-04: Percent of noise exposures above the citation level in all mines.	9.3% Y	4.80%	4.6% Y	4.60%	base N	5.30%	5.0% Y	4.40%	4.80%	4.50%
Agency Total	--	--	--	--	--	--	305,110	279,510	315,303	
Baseline(s): ** MSHA's health indicator baselines were changed in FY 2005 to focus on a more effective, risk-based sampling methodology.										
Data Source(s): MSHA Information System(MSIS). Mine Accident, Injury, and Employment Data which is reported to MSHA under Title 30 Code of Federal Regulations Part 50. Note: In FY 2005, OSHA and MSHA shared performance goals.										
Comments: *Preliminary Fourth Quarter Results Certain independent contractors are exempt from reporting employment and injury information if they participate in "low hazard" mining activities as defined by MSHA policy. Non-exempt contractors report employment information for aggregate work locations, not by individual mine site.										

MINE SAFETY AND HEALTH ADMINISTRATION

PART RECOMMENDATIONS AND STATUS

Agency/Program: Mine Safety and Health Administration				
PART Recommendation	Milestone(s)	Target (FY/Q)	Completion (FY/Q)	Comments on Status; Reference/Documentation
Continuing targeted enforcement and compliance assistance actions at high-risk mines beyond the requirements of the Mine Act with initiatives such as the Cooperative Accident Reduction Effort.	Action taken but not completed	FY 2006/Q4	FY 2006/Q4	Ongoing: with initiatives such as Cooperative Accident Reduction Effort
Including an analysis of the costs and benefits of major regulatory alternatives in the agency's Regulatory Impact Analyses for proposed regulations.	No action taken	FY 2006/Q4	FY 2006/Q4	Ongoing: MSHA has been attempting to develop regulatory alternatives in preliminary regulatory economic analyses (PREA) and regulatory economic analyses (REA).
Developing efficiency and cost-effectiveness measures for a larger percentage of the agency's program activities.	Action taken but not completed	FY 2006/Q2	FY 2006/Q3	MSHA developed an efficiency measure to reduce cost and expedite the process associated with outstanding debt related to civil penalties. The ultimate expected outcome is to reduce the age of delinquent debt.

MINE SAFETY AND HEALTH ADMINISTRATION

EFFICIENCY MEASURES

Program/Budget Activity	MSHA Quarterly Mine Employment and Coal Production Reports					
FY Program PARTed	2003					
Status of Approval	Approved					
Efficiency Measure	Reduce the average cost per Quarterly Mine Employment and Coal Production Report					
Numerator Description	Costs (FY) for coding (end-end processing) Quarterly Mine Employment and					
Denominator Description	No.(FY) Quarterly Mine Employment and Coal Production Reports coded					
Baseline Data	FY 2004	Numerator: 262,942			Ratio: \$3.03	
		Denominator: 86,807				
	FY/PY	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
	Target Ratios	\$3.00	\$2.97	\$2.94	\$2.91	\$2.88
	Result Ratios	\$3.29	\$3.43*			
Comment/Data Source	<p>In FY 2003, MSHA processed over 90,000 employment and production reports submitted by mine operators and independent contractors, and approximately 24,000 accident, illness, and injury reports. Data from these reports is used in computing fatality and injury rates. The timely and accurate processing of these reports allows MSHA officials to monitor and report on performance data and progress on GPRA goals during the year.</p> <p>* Estimate using CAM model. Includes PEIR overhead costs.</p>					
Strategy(s) to Achieve Efficiency	Cost and time efficiencies through automation					

EFFICIENCY MEASURES

Program/Budget Activity	MSHA Quarterly Mine Employment and Coal Production Reports					
FY Program PARTed	2003					
Status of Approval	Approved					
Efficiency Measure	Reduce the average minutes per Quarterly Mine Employment and Coal Production Report coded					
Numerator Description	Minutes spent coding (FY) Quarterly Mine Employment and Coal Production Reports					
Denominator Description	No.(FY) Quarterly Mine Employment and Coal Production Reports coded (end-end processing)					
Baseline Data	FY 2004	Numerator: 398,568			Ratio: 4.6 minutes	
		Denominator: 86,807				
	FY/PY	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
	Target Ratios	4.55	4.50	4.45	4.4	4.35
	Result Ratios	4.3	3.7			
Comment/Data Source	<p>In FY 2003, MSHA processed over 90,000 employment and production reports submitted by mine operators and independent contractors, and approximately 24,000 accident, illness, and injury reports. Data from these reports is used in computing fatality and injury rates. The timely and accurate processing of these reports allows MSHA officials to monitor and report on performance data and progress on GPRA goals during the year.</p>					
Strategy(s) to Achieve Efficiency	Cost and time efficiencies through automation					

MINE SAFETY AND HEALTH ADMINISTRATION

EFFICIENCY MEASURES

Program/Budget Activity	MSHA Mine Accident, Injury, and Illness Reports				
FY Program PARTed	2003				
Status of Approval	Approved				
Efficiency Measure	Reduce the average cost per Mine Accident, Injury, and Illness Report coded				
Numerator Description	Costs of coding Mine Accident, Injury, and Illness Reports coded				
Denominator Description	No.(FY) Mine Accident, Injury, and Illness Reports coded				
Baseline Data	FY 2004	Numerator: 383,473			Ratio: \$17.25
		Denominator: 22,234			
FY/PY	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Target Ratios	\$17.07	\$16.90	\$16.73	\$16.56	\$16.39
Result Ratios	\$19.47	\$20.06*			
Comment/Data Source	<p>In FY 2003, MSHA processed over 90,000 employment and production reports submitted by mine operators and independent contractors, and approximately 24,000 accident, illness, and injury reports. Data from these reports is used in computing fatality and injury rates. The timely and accurate processing of these reports allows MSHA officials to monitor and report on performance data and progress on GPRA goals during the year.</p> <p>* Estimate using CAM model. Includes PEIR overhead costs.</p>				
Strategy(s) to Achieve Efficiency	Cost and time efficiencies through automation				

EFFICIENCY MEASURES

Program/Budget Activity	MSHA Mine Accident, Injury, and Illness Reports				
FY Program PARTed	2003				
Status of Approval	Approved				
Efficiency Measure	Reduce the average minutes per Mine Accident, Injury, and Illness Report coded				
Numerator Description	Minutes spent coding Mine Accident, Injury, and Illness Reports				
Denominator Description	No.(FY) Mine Accident, Injury, and Illness Reports coded				
Baseline Data	FY 2004	Numerator: 359,662			Ratio: 16.2
		Denominator: 22,234			
FY/PY	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Target Ratios	16.01	15.85	15.69	15.53	15.38
Result Ratios	13.8	14.41			
Comment/Data Source	<p>In FY 2003, MSHA processed over 90,000 employment and production reports submitted by mine operators and independent contractors, and approximately 24,000 accident, illness, and injury reports. Data from these reports is used in computing fatality and injury rates. The timely and accurate processing of these reports allows MSHA officials to monitor and report on performance data and progress on GPRA goals during the year.</p>				
Strategy(s) to Achieve Efficiency	Cost and time efficiencies through automation				

MINE SAFETY AND HEALTH ADMINISTRATION

EFFICIENCY MEASURES					
Program/Budget Activity	MSHA Office of Assessments				
FY Program PARTed	2003				
Status of Approval	<i>Proposed</i>				
Efficiency Measure	<i>Number of days before delinquent debt is transferred to Treasury</i>				
Numerator Description	<i>Total days from delinquency date to Treasury referral date</i>				
Denominator Description	<i>Number of cases referred to Treasury</i>				
Baseline Data	2006 (partial year)	Numerator: 620,168 days			Ratio: 801 days
		Denominator: 774 cases			
FY/PY	CY 2006	CY 2007	CY 2008	CY 2010	CY 2011
Target Ratios	801 days	180 days	170 days	160 days	150 days
Result Ratios	554 days				
Comment/Data Source	MSHA developed an efficiency measure to reduce cost and expedite the process associated with outstanding debt related to civil penalties. The expected outcome is to reduce the age of the delinquent debt. Data sources: Teradata				
Strategy(s) to Achieve Efficiency	All components/factors of the delinquent debt process will be analyzed to identify barriers. Appropriate adjustments and/or modifications will be developed and implemented accordingly. Variables to efficacy, development, and implementation include impact, cost, and relativity to goal of reducing delinquent debt.				