

FY 2022

CONGRESSIONAL BUDGET JUSTIFICATION

MINE SAFETY AND HEALTH ADMINISTRATION

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MINE SAFETY AND HEALTH ADMINISTRATION

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MINE SAFETY AND HEALTH ADMINISTRATION

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, [\$379,816,000] \$447,201,000, 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 and not less than \$10,537,000 for State assistance grants: *Provided*, That notwithstanding 31 U.S.C. 3302, 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: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to \$2,499,000 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: *Provided further*, That 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: *Provided further*, That 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: *Provided further*, That 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: *Provided further*, That any funds available to the Department of Labor 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. (*Department of Labor Appropriations Act, 2021.*)

MINE SAFETY AND HEALTH ADMINISTRATION

AMOUNTS AVAILABLE FOR OBLIGATION						
(Dollars in Thousands)						
	FY 2020 Revised Enacted		FY 2021 Revised Enacted		FY 2022 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	1,817	\$379,816	1,707	\$379,816	2,031	\$447,201
American Rescue Plan Supplemental Funding (P.L. 117-2)	0	\$0	60	\$13,245	0	\$0
Offsetting Collections From:						
Reimbursements	0	\$3,249	0	\$3,249	0	\$3,249
<i>Subtotal</i>	<i>1,817</i>	<i>\$383,065</i>	<i>1,767</i>	<i>\$396,310</i>	<i>2,031</i>	<i>\$450,450</i>
B. Gross Budget Authority	1,817	\$383,065	1,767	\$396,310	2,031	\$450,450
American Rescue Plan Supplemental Funding	0	\$0	-60	-\$13,245	0	\$0
IT Consolidation	0	\$0	0	\$0	0	\$0
Offsetting Collections to:						
Reimbursements	0	-\$3,249	0	-\$3,249	0	-\$3,249
Shared Services Realignment	-40	\$0	0	\$0	0	\$0
<i>Subtotal</i>	<i>1,777</i>	<i>\$379,816</i>	<i>1,707</i>	<i>\$379,816</i>	<i>2,031</i>	<i>\$447,201</i>
C. Budget Authority Before Committee	1,777	\$379,816	1,707	\$379,816	2,031	\$447,201
Offsetting Collections From:						
Reimbursements	0	\$3,249	0	\$3,249	0	\$3,249
<i>Subtotal</i>	<i>1,777</i>	<i>\$383,065</i>	<i>1,707</i>	<i>\$383,065</i>	<i>2,031</i>	<i>\$450,450</i>
D. Total Budgetary Resources	1,777	\$383,065	1,707	\$383,065	2,031	\$450,450
Unobligated Balance Expiring	-58	-\$1,977	0	\$0	0	\$0
Shared Services Realignment	40	\$0	0	\$0	0	\$0
E. Total, Estimated Obligations	1,759	\$381,088	1,707	\$383,065	2,031	\$450,450

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2021 Revised Enacted	FY 2022 Request	Net Change
Budget Authority			
General Funds	\$379,816	\$447,201	+\$67,385
Total	\$379,816	\$447,201	+\$67,385
 Full Time Equivalents			
General Funds	1,707	2,031	324
Total	1,707	2,031	324

FY 2022 Change

Explanation of Change	FY 2021 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	1,707	\$160,040	0	\$0	0	\$4,820	0	\$4,820
Personnel benefits	0	\$62,754	0	\$0	0	\$2,590	0	\$2,590
Federal Employees' Compensation Act (FECA)	0	\$0	0	\$0	0	\$0	0	\$0
Benefits for former personnel	0	\$0	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$7,777	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$5,430	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$17,234	0	\$0	0	\$0	0	\$0
Rental payments to others	0	\$26	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$3,569	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$251	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$1,065	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$4,629	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$53,079	0	\$0	0	\$0	0	\$0
Other Federal sources (DHS Charges)	0	\$1,980	0	\$0	0	\$0	0	\$0
Other goods and services from Federal sources	0	\$16,197	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$1,321	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$7,571	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$5,648	0	\$0	0	\$0	0	\$0

MINE SAFETY AND HEALTH ADMINISTRATION

FY 2022 Change

Explanation of Change	FY 2021 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Equipment	0	\$9,899	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$11,137	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$2	0	\$0	0	\$0	0	\$0
Land and Structures	0	\$1,334	0	\$0	0	\$0	0	\$0
Built-Ins Subtotal	1,707	+\$370,943	0	\$0	0	+\$7,410	0	+\$7,410
B. Programs:								
Increases for Mine Safety and Health Enforcement	0	\$0	0	\$0	216	\$40,693	216	\$40,693
Increases for Technical Support	0	\$0	0	\$0	39	\$7,348	39	\$7,348
Increases for Program Administration	0	\$0	0	\$0	27	\$5,087	27	\$5,087
Increases for Educational Policy and Development	0	\$0	0	\$0	17	\$3,203	17	\$3,203
Increases for Office of Standards, Regulations, and Variances	0	\$0	0	\$0	12	\$2,260	12	\$2,260
Increases for Program Evaluation and Information Resources	0	\$0	0	\$0	9	\$1,695	9	\$1,695
Increases for Office of Assessments	0	\$0	0	\$0	4	\$753	4	\$753
Programs Subtotal			0	\$0	324	+\$61,039	324	+\$61,039
Total Increase	1,707	+\$370,943	0	\$0	324	+\$68,449	324	+\$68,449
Decreases:								
A. Built-Ins:								
To Provide For: Federal Employees' Compensation Act (FECA)	0	\$8,873	0	\$0	0	-\$1,064	0	-\$1,064
Built-Ins Subtotal	0	+\$8,873	0	\$0	0	-\$1,064	0	-\$1,064
B. Programs:								
Total Decrease	0	+\$8,873	0	\$0	0	-\$1,064	0	-\$1,064
Total Change	1,707	+\$379,816	0	\$0	324	+\$67,385	324	+\$67,385

MINE SAFETY AND HEALTH ADMINISTRATION

SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2020 Revised Enacted		FY 2021 Revised Enacted		FY 2022 Request		Diff. FY22 Request / FY21 Revised Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Mine Safety and Health Enforcement	1,297	258,913	1,269	257,190	1,485	302,257	216	45,067
General Funds	1,297	258,913	1,269	257,190	1,485	302,257	216	45,067
Office of Standards, Regulations, and Variances	17	5,382	21	5,382	33	7,744	12	2,362
General Funds	17	5,382	21	5,382	33	7,744	12	2,362
Office of Assessments	42	7,445	40	7,445	44	8,377	4	932
General Funds	42	7,445	40	7,445	44	8,377	4	932
Educational Policy and Development	114	38,559	118	39,320	135	43,038	17	3,718
General Funds	114	38,559	118	39,320	135	43,038	17	3,718
Technical Support	189	34,079	188	35,041	227	43,227	39	8,186
General Funds	189	34,079	188	35,041	227	43,227	39	8,186
Program Evaluation and Information Resources	39	19,083	19	19,083	28	20,815	9	1,732
General Funds	39	19,083	19	19,083	28	20,815	9	1,732
Program Administration	61	16,355	52	16,355	79	21,743	27	5,388
General Funds	61	16,355	52	16,355	79	21,743	27	5,388
Total	1,759	379,816	1,707	379,816	2,031	447,201	324	67,385
General Funds	1,759	379,816	1,707	379,816	2,031	447,201	324	67,385

NOTE: 2020 reflects actual FTE.

MINE SAFETY AND HEALTH ADMINISTRATION

BUDGET AUTHORITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
	Full-Time Equivalent				
	Full-time Permanent	1,759	1,707	2,031	324
	Other	1	1	0	-1
	Total	1,760	1,708	2,031	323
	Average ES Salary	\$190,388	\$192,499	\$195,295	\$2,796
	Average GM/GS Grade	11/5	11/6	11/6	0
	Average GM/GS Salary	\$88,293	\$93,755	\$96,424	\$2,669
	Average Salary of Wage Grade Positions	56,303	90,942	93,531	2,589
11.1	Full-time permanent	178,660	156,689	192,479	35,790
11.3	Other than full-time permanent	818	309	309	0
11.5	Other personnel compensation	3,708	3,042	3,042	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	183,186	160,040	195,830	35,790
12.1	Civilian personnel benefits	73,197	71,627	85,148	13,521
13.0	Benefits for former personnel	1	0	0	0
21.0	Travel and transportation of persons	9,734	7,777	9,987	2,210
22.0	Transportation of things	6,088	5,430	6,705	1,275
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	16,477	17,234	17,234	0
23.2	Rental payments to others	115	26	26	0
23.3	Communications, utilities, and miscellaneous charges	2,691	3,569	3,569	0
24.0	Printing and reproduction	230	251	251	0
25.1	Advisory and assistance services	114	1,065	1,065	0
25.2	Other services from non-Federal sources	4,893	4,629	7,053	2,424
25.3	Other goods and services from Federal sources 1/	53,687	71,256	81,229	9,973
25.4	Operation and maintenance of facilities	1,506	1,321	1,321	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	11,064	7,571	9,763	2,192
26.0	Supplies and materials	2,976	5,648	5,648	0
31.0	Equipment	2,882	9,899	9,899	0
32.0	Land and Structures	0	1,334	1,334	0
41.0	Grants, subsidies, and contributions	10,937	11,137	11,137	0
42.0	Insurance claims and indemnities	38	2	2	0
	Total	379,816	379,816	447,201	67,385
	1/Other goods and services from Federal sources				
	Working Capital Fund	48,082	53,079	53,079	0
	DHS Services	770	1,980	1,980	0
	HHS Services	1,465	831	831	0
	Services by Other Government Departments	870	3,718	3,718	0

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AUTHORIZING STATUTES

Public Law / Act	Legislation	Statute No. / US Code	Volume No.	Page No.	Expiration Date
91-173	Federal Mine Safety and Health Act of 1977, As Amended By Public Law 95-164	30 U.S.C., 801 et. seq.	30	823	None
109-236	Mine Improvement and New Emergency Response Act of 2006 (MINER Act)	30 U.S.C., 801 et. seq.	30	823	None

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APPROPRIATION HISTORY					
(Dollars in Thousands)					
	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
2012					
Base Appropriation...1/	\$384,277	\$379,854	\$384,277	\$373,293	2,365
2013					
Base Appropriation...2/	\$371,896			\$353,768	2,388
2014					
Base Appropriation	\$380,721			\$375,887	2,366
2015					
Base Appropriation	\$377,234			\$375,887	2,316
2016					
Base Appropriation	\$394,932	\$371,000	\$356,878	\$375,887	2,271
2017					
Base Appropriation	\$397,372			\$373,816	2,152
2018					
Base Appropriation	\$375,172	\$359,975		\$373,816	2,023
2019					
Base Appropriation...3/	\$375,906		\$373,816	\$373,816	1,984
2020					
Base Appropriation...4/ 5/	\$376,043	\$417,290		\$379,816	1,826
2021					
Base Appropriation...5/	\$381,587			\$379,816	1,707
2022					
Base Appropriation	\$447,201				2,031

1/ Reflects a \$707 reduction pursuant to P.L. 112-74, and a \$770 transfer to the Office of the Solicitor.

2/ Reflects a 0.2% across the board rescission pursuant to P.L. 113-6 and the sequestration reduction pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

3/ This bill was passed by the Senate. It was passed out of the House Subcommittee but was not reported out of the House Committee or by the full House.

4/ This bill was passed by the House. It was not taken up by the Senate Appropriations Subcommittee or full Appropriations Committee.

5/ FTE for FY 2020 and FY 2021 reflect the Shared Services Realignment.

MINE SAFETY AND HEALTH ADMINISTRATION

OVERVIEW

Introduction

The Mine Safety and Health Administration (MSHA) works to prevent death, disease, and injury from mining and promote safe and healthful workplaces for the nation's miners. MSHA enforces 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).

More than 300,000 people work directly in the mining sector, including initial mining of raw materials through processing in preparation for commercial distribution. This industry provides essential materials for the nation's energy, power, transportation infrastructure, construction and housing, communications, medicine, manufacturing, consumer goods, and agricultural industries.

MSHA is committed to its mission and promotes safety and health through inspections and enforcement, stakeholder outreach, compliance and technical assistance, education and training, and improved safety and health standards. Effective approaches to reducing the risk of injury and disease to miners include workplace examinations, hazard recognition and elimination, and continual monitoring of the work environment to protect against new hazards and to ensure compliance with safety and health standards. MSHA also protects the rights of miners. The Mine Act gives miners the right to have a role in their safety and health by participating in the inspection process through a representative of their choosing, speaking out about hazards, refusing to work in dangerous conditions, and exercising other rights.

Since FY 2010, MSHA's data indicates that work-related accidents at coal and metal and nonmetal mines have declined, however, challenges remain. While the mining industry recorded the lowest fatality rates in mining history in FY 2016, there was a small uptick in the number of fatalities in FY 2017 and FY 2018 before a slightly downward move in FY 2019 and in FY 2020. MSHA will utilize FY 2022 resources to reduce accidents, enforce safety and health standards, initiate special emphasis programs in targeted areas, provide compliance and technical assistance, and train miners and mine operators on hazard recognition and elimination to decrease fatality, illness and injury rates.

In FY 2019, MSHA focused its compliance and technical assistance efforts on reducing accidents caused by powered haulage equipment, which continue to be a leading cause of mining fatalities. In FY 2020, MSHA increased the Agency's emphasis on reducing health hazards in mines, such as respirable coal dust in coal mines, silica/quartz in mines, diesel particulate matter, and noise. MSHA also created special emphasis outreach initiatives to focus on contractors, electrocutions and falls in mines. MSHA continues to devote resources toward a competitive grant activity for effective training devoted to emergency response, powered haulage, electrocutions, falls from heights, new miner training and hazard recognition in various types of mine conditions. MSHA also increased focus on its Scofflaw Program, and used innovative tools to ensure that operators who fail to pay penalties are appropriately addressed. Under MSHA's new enforcement structure, which merges coal and metal and nonmetal activities into one budget activity, MSHA made effective and efficient use of the Agency's cadre of experienced personnel to align their skills to address evolving mission needs. MSHA continues

MINE SAFETY AND HEALTH ADMINISTRATION

to review placement of office locations with respect to mining operations to ensure district and field offices are located in areas to maximize effective and efficient use of MSHA's resources. The success of the merger is also dependent on the availability of IT resources to modernize legacy MSHA IT applications that are the foundation of the Agency's enforcement of safety and health standards.

MSHA will measure the Agency's performance of reducing the reportable injury rate associated with powered haulage equipment by four percent per year. This performance goal is based on a rolling five-year average per 200,000 hours worked. In FY 2020, the five-year rolling average of reportable injuries was 0.171, a reduction of 4% from FY 2019. In FY 2020, despite the challenges of the pandemic, MSHA executed all of its mandated surface and underground inspections.

Resources, Priorities, and Performance

In FY 2022, MSHA is requesting \$447,201,000 and 2,031 FTE. This request includes the program increase of \$61,039,000 and 324 FTE. This request builds on the FY 2021 President's Budget and reflects MSHA's commitment to implementation and administration of the Mine Act and providing compliance and technical assistance.

Based on the President's American Jobs Plan infrastructure investments, MSHA expects an expansion in mining activities that will require an increase in Enforcement and support staff. MSHA will ensure its hiring plan advances diversity, equity, and inclusion. It is critical to ensure that good jobs created through the investments in the President's American Jobs Plan remain good jobs. To make this a reality, the Budget includes \$7.5 billion in mandatory funding for the Department's Worker Protection agencies to protect against discrimination, protect wages and benefits, enforce health and safety protections, and safeguard workers' rights. Further, the President is calling for increased penalties when employers violate workplace safety and health rules.

The American Rescue Plan Act of 2021, P.L. 117-2, Title II, Subtitle B, Sec. 2101, provides \$200,000,000 to the Secretary of Labor, for fiscal year 2021 to remain available until September 30, 2023, to carry out COVID-19 related worker protection activities and oversight of the Secretary's activities to prevent, prepare for, and respond to COVID-19. Of the \$200 million appropriation, MSHA will receive \$13,244,975. The planned usage of MSHA's allocation of these funds in FY 2021 is \$5,177,000. The remaining funds are reserved for FY 2022 and FY 2023.

MSHA will continue to:

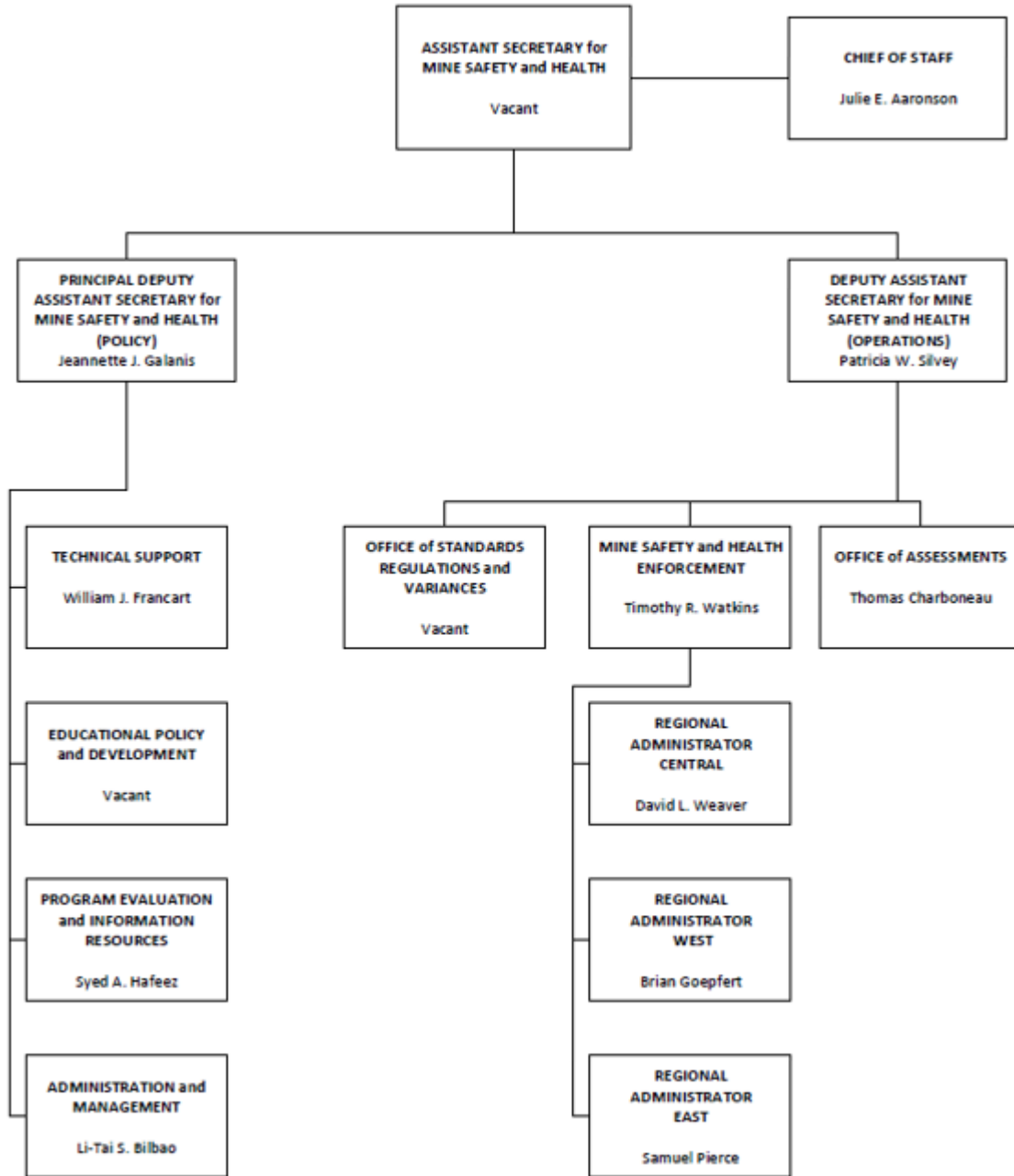
- Meet the Agency's statutory obligations under the Mine Act to include completing its mandatory mine inspections, four inspections per year in underground mines and two inspections per year in surface mines, as well as enforcing mandatory health and safety standards to protect the safety and health of the nation's miners.

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- Place increased emphasis on health hazards, including respirable coal mine dust, silica/quartz at coal and metal and nonmetal mines, diesel particulate matter and noise.
- Identify ways to improve efficiency, effectiveness and accountability by aligning the Agency's organizational structure with its core mission and operating plan, and focusing on activities to increase operational efficiency and provide cost savings.
- Work with stakeholders to strengthen collaborative relationships to better understand the mining communities' needs and to develop guidance and outreach materials to focus on the issues creating the greatest accidents, illnesses and injuries that will help to ensure miners' safety and health.
- Work to create innovative approaches to mine emergency response.
- Review trends in the mining industry to take actions in response to changes.
- Anticipate production increases in several metal and nonmetal mining industries. The Agency continues to closely monitor industry forecast and adjust MSHA resources accordingly.
- Enhance compliance assistance activities related to powered haulage hazards, electrocutions, falls from heights, contractors and training of inexperienced miners.

MINE SAFETY AND HEALTH ADMINISTRATION

ORGANIZATION CHART



MINE SAFETY AND HEALTH ENFORCEMENT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	258,913	257,190	302,257	45,067
FTE	1,297	1,269	1,485	216

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 1,269.

Introduction

In FY 2020, MSHA consolidated the Coal and Metal/Nonmetal program areas into one unified reporting structure, creating one enforcement budget activity, Mine Safety and Health Enforcement (MSHE). In FY 2021, MSHA completed the consolidation by combining Coal and Metal/Nonmetal program functions at the Headquarters level. The new enforcement structure provides the flexibility to address industry changes and maximizes the most effective and efficient use of MSHA's resources.

MSHE will continue to administer the provisions of the Mine Act, as amended by the MINER Act, to promote compliance with safety and health standards, prevent fatalities, injuries and illnesses, reduce the frequency and severity of accidents, and minimize health hazards in the nation's approximately 1,000 active coal mines and 12,000 metal and nonmetal mines. MSHE will continue to inspect all active underground mines four times per year and all surface mines twice per year. These inspections form the core of MSHA's efforts, regularly providing a first-hand look at conditions in each of the nation's mine to assure that all hazards are corrected immediately so that miners can go home to their families, safe and healthy, each and every day at the end of their shifts.

The majority of MSHE employees are located in three regions, consisting of 15 district offices and 84 field/satellite offices throughout the United States and Puerto Rico. Most employees are mine safety and health enforcement personnel who perform inspection activities and investigations of fatal accidents, non-fatal and non-injury accidents, verbal and written hazard complaints, and discrimination complaints.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2020	\$260,500	1,366
2021	\$260,500	1,269

MINE SAFETY AND HEALTH ENFORCEMENT

FY 2022

MSHA requests \$302,257,000 and 1,485 FTE for the MSHE budget activity. This request includes the program increase of \$40,693,000 and 216 FTE.

To promote transparency in agency spending on its enforcement activities, MSHA continues to separately present annual spending on coal and metal/non-metal mines as it has in past Congressional Budget Justifications.

Program	Program Increase	FTE Increase	Funding Total	FTE Total
CMSH	\$11,400,000	59	\$170,325,000	804
MNMSH	\$29,293,000	157	\$131,932,000	681
Total	\$40,693,000	216	\$302,257,000	1,485

MSHE will continue to administer the provisions of the Mine Act, as amended by the MINER Act, to promote compliance with safety and health standards, prevent fatalities, injuries and illnesses, reduce the frequency and severity of accidents, and minimize health hazards in the nation's approximately 1,000 active coal mines and 12,000 metal and nonmetal mines. MSHE will continue to inspect all active underground mines four times per year and all surface mines twice per year. These inspections form the core of MSHA's efforts, regularly providing a first-hand look at conditions in each of the nation's mine to assure that all hazards are corrected immediately so that miners can go home to their families, safe and healthy, each and every day at the end of their shifts.

The majority of MSHE employees are located in three regions, consisting of 15 district offices and 84 field/satellite offices throughout the United States and Puerto Rico. Most employees are mine safety and health enforcement personnel who perform inspection activities and investigations of fatal accidents, non-fatal and non-injury accidents, verbal and written hazard complaints, and discrimination complaints.

Based on the President's American Jobs Plan infrastructure investments in the nation's roads, bridges, and other major construction projects, MSHA anticipates a significant increase in the production of aggregates (sand, stone, gravel, etc.), cement, and iron ore. This likely would include increased production at, or expansion of, existing mines and facilities, as well as the development of new mines and facilities across the nation.

An increase of this magnitude would require a commensurate increase in MSHA staffing, particularly of mine inspectors and specialists, to meet the Agency's mission and mandates of the Mine Act. MSHA aims to expand its enforcement of U.S. mines and an increase of \$40,693,000 would provide Enforcement the capacity (hiring additional 216 FTE) to complete its mandatory inspections, accident and miner discrimination investigations as required by the Mine Act and the MINER Act.

Additionally, these efforts may require the development and implementation of new technology, which may result in the promulgation of new health and safety standards for U.S. mining

MINE SAFETY AND HEALTH ENFORCEMENT

operations. This would require hiring of additional regulatory staff as well.

MSHA will ensure its hiring plan advances diversity, equity, and inclusion. MSHA will promote racial and economic hiring as a priority in recruiting, and maintaining a diverse and bilingual workforce to support the enforcement of safety and health standards at our Nation's mines and a better reflections of MSHA's workforce.

MSHE will continue efforts to improve workplace safety and health in the mining industry and will remain committed to targeted enforcement and compliance assistance in its efforts to improve safety and health conditions in the mining workplace by continuing the following strategies:

- **Enforcing mandatory health and safety standards through complete inspections of each mine.** MSHE will complete mandated inspections four times per year in active underground mines and twice per year in surface mines.
- **In response to the global climate crisis,** and to prevent environmental disasters such as the 2019 Brumadinho tailings dam disaster in Brazil, MSHA will place increased emphasis on expanding mechanisms to manage the design, construction, maintenance and operations of dams. MSHA will use guidance and training to reduce risks to public safety, health and property. MSHA will share its expertise with other Nations in need of technical and enforcement assistance.
- **Enhance compliance assistance activities** related to powered haulage hazards, contractors, electrocutions, falls from heights, training of inexperienced miners, and health hazards.
- **Protect miners from discrimination.** MSHE will conduct timely investigations of hazard complaints and discrimination complaints, and enhance miners' knowledge regarding their rights and responsibilities under the Mine Act.
- **Inspection and enforcement effectiveness.** MSHE will continue to enhance its enforcement efforts of violations that contribute to fatalities and serious accidents with emphasis on areas such as, inexperienced miners (miners with less than one year of experience at a mine or with less than one year of experience performing a particular task), falls from equipment, and powered-haulage accidents through:
 - **Special (Targeted) inspections.** MSHE will continue the Agency's targeted inspections initiative, as needed. These inspections target mines with specific conditions, problems, or compliance issues; the actual number of inspections will depend on how many mines need additional inspections.
 - **Promote adoption of prevention-focused, health and safety programs by mine operators.** MSHE will continue with its increase in health sampling activities to ensure that miners' overexposure to respirable dust, quartz/silica, and noise are addressed by mine operators. Technical investigations, which

MINE SAFETY AND HEALTH ENFORCEMENT

evaluate the root causes of hazards and accidents in mines, will be conducted. MSHE will continue to conduct accident prevention inspections in response to specific mine hazards.

FY 2021

In FY 2021, MSHA receives \$257,190,000 and 1,269 FTE for MSHE which comprises the formerly separate Coal Mine Safety and Health (CMSH) and the Metal and Nonmetal Mine Safety and Health (MNMSH) budget activities. CMSH will receive \$156,300,000 (60%) and MNMSH will receive \$100,890,000 (40%) of MSHE's budget totaling \$257,190,000.

Program	Funding Total	FTE
CMSH	\$156,300,000	745
MNMSH	\$100,890,000	524
Total	\$257,190,000	1,269

Funding will support MSHA's continued efforts to encourage the mining community to develop and implement safety and health programs and to use an integrated approach toward the prevention of serious accidents, injuries and occupational illnesses in the mining industry. In FY 2021, MSHE will continue to ensure safe and healthful workplaces for the nation's miners through the following:

- Conduct all regular mandated inspections;
- Conduct targeted inspections;
- Provide compliance assistance;
- Conduct comprehensive health inspections;
- Conduct accident investigations (including root cause analyses);
- Perform accident prevention and outreach activities;
- Educate miners to enable them to exercise their rights and protections; and
- Conduct investigations of hazard complaints and discrimination complaints made by miners or their representative.

MSHE projects that it will conduct approximately 25,000 mandated inspections. The actual number of mandated inspections completed will depend on the number of operating mines. MSHE will conduct other enhanced enforcement activities, such as targeted inspections. These inspections target not only mines with a poor compliance history, but also those that have adverse conditions, such as increased methane liberation. The program will focus inspection activity on improved impoundment safety by continuing to conduct inspections of all impoundments.

MSHE will continue to enforce health standards to prevent occupational illnesses in the mining industry. The elimination of black lung disease will continue to be a priority. MSHE will continue to enforce the standards to reduce miners' exposure to respirable coal mine dust and quartz; to review the quality of coal mine dust controls in mine ventilation and dust control plans; and to monitor operator sampling equipment in conjunction with regular inspections.

MINE SAFETY AND HEALTH ENFORCEMENT

MSHE will also continue to share best practices for controlling exposures to respirable dust, quartz/silica, and noise.

MSHA has increased the percentage of comprehensive health samples collected at Metal and Non-Metal operations each year. The goal in FY 2021 is 33 percent, which is up from the FY 2020 goal of 20 percent. MSHE reviews each overexposure and works with the mine operator to implement adjustments at the mine to correct the cause of the overexposure prior to terminating citations.

MSHE will conduct compliance assistance activities to address identified targeted hazards to prevent fatalities, injuries, and occupationally-related illnesses. MSHA will use evidence based data to determine areas on which the Agency will focus compliance assistance activities. These activities include assisting mine operators in solving difficult health and safety problems, distributing training materials to mine operators, conducting seminars, and speaking on mine health and safety in critical areas and best practices. MSHE will offer these services especially to small mine operators, contractors, and miners who have not received adequate training. It will continue to provide compliance assistance to new mine operators, which often employ less experienced miners and need additional initial assistance to establish safe and healthful workplaces.

MSHE will continue to conduct accident and technical investigations, including root cause analyses. These investigations will allow MSHE to analyze accidents to identify conditions and practices that contribute to injuries and deaths such as safety standards violated, root causes, and abatement practices. MSHE will also perform accident prevention and outreach activities such as Winter Alert campaign, Spring Thaw workshops, the Preventive Roof/Rib Outreach Program, and Powered Haulage Outreach.

MSHE will investigate hazard complaints and miner discrimination complaints in a timely manner. MSHE will continue to educate miners on their rights and responsibilities under the Mine Act through its outreach programs.

MSHE will continue to provide entry-level training programs for new inspectors, and retraining every two years for journeyman inspectors. All inspectors have been cross-trained in the inspection of metal/non-metal mines and coal mines. MSHA will continue to provide cross-over training to new inspectors and provide specialized cross-over training to inspectors during retraining.

In addition, field office supervisors will attend a two-week training program. All new supervisors will attend appropriate training as required by DOL. MSHA will continue to utilize technology such as video teleconferencing and online courses to provide some of the training as a cost-effective method of delivery.

MINE SAFETY AND HEALTH ENFORCEMENT

FY 2020

In FY 2020, MSHA's requested budget included \$258,913,000 and 1,297 FTE for MSHE. CMSH received \$156,369,308 (60%) and MNMSH \$102,543,692 (40%).

Program	Total	FTE
CMSH	\$156,369,308	778
MNMSH	\$102,543,692	519
Total	\$258,913,000	1,297

In FY 2020, MSHA reduced inspection hours spent at mines in active non-producing status. Mines are considered to be in active non-producing status when production at the mine has ceased, but work is still being performed at the mine. MSHA estimated that recalibrating these inspections would achieve a projected savings of 25 FTE while maintaining the same level of safety and health. In FY 2019, MSHA spent approximately 103,800 hours inspecting active non-producing mines. In FY 2020, the inspection hours at these mines was reduced to approximately 71,400 hours. This correlates to a savings of approximately 22 FTE better deployed to more impactful activity.

MINE SAFETY AND HEALTH ENFORCEMENT

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2020 Revised Enacted		FY 2021 Enacted	FY 2022 Request
		Target	Result	Target	Target
Mine Safety and Health Enforcement					
Strategic Goal 12 - Ensure Safe Jobs, Essential Protections, and Fair Workplaces					
Strategic Objective 2.1 - Secure safe and healthful workplaces, particularly in high-risk industries.					
MSHA- INSP1.1	Percent of regular mandated underground inspections	100%	100%	100%	100%
MSHA- INSP2.1	Percent of regular mandated surface inspections	100%	100%	100%	100%
MSHA-01.1	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	88%	93%	89%	90%
MSHA-02.1	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	85%	89%	86%	90%
MSHA-03.1	Number of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

MINE SAFETY AND HEALTH ENFORCEMENT

MSHE will implement its enforcement strategies and initiatives through the following:

- *MSHA-INSP1 and MSHA-INSP2*: In FY 2022, MSHE projects it will complete 100 percent of its regular mandated inspections. These inspections provide an examination of mining conditions and play a key role in assuring the safety and health of the nation's miners. The actual number of surface and underground inspections completed will depend on the number of active mines for each year. The projected number of underground and surface mandated inspections in FY 2022 is approximately 30,000. MSHE will conduct targeted inspections at mines with a poor compliance history or that have adverse conditions such as increased methane liberation, increased health hazards, or other hazards. MSHE will inspect all existing impoundments during regular mandated inspections in order to reduce the risk to miners, the general public, and the environment should these impoundments fail.

The Mine Act gives miners the right to participate in their safety and health by participating in the inspection process through a representative of their choosing, speaking out about hazards, refusing to work in dangerous conditions, and exercising other rights. MSHE will continue to ensure that all miner requests for temporary reinstatements, investigations of 105(c) miner discrimination complaints, and 103(g) imminent danger complaints are investigated within the established timeframes. Prompt investigation of discrimination complaints and reported hazardous conditions is of utmost importance in assuring miners that MSHA will protect their rights through the following efforts in FY 2022:

- *MSHA-01*: Complete 90 percent of 105(c) investigations of miner discrimination complaints within 60 days of receipt of a complaint.
- *MSHA-02*: Complete 90 percent of investigations of miner requests for temporary reinstatement within 20 days of receipt.
- *MSHA-03*: Initiate 100 percent of 103(g) imminent danger complaint investigations within one day of receipt.

MINE SAFETY AND HEALTH ENFORCEMENT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	127,721	112,281	136,429	24,148
11.3	Other than full-time permanent	522	78	78	0
11.5	Other personnel compensation	2,759	2,080	2,080	0
11.9	Total personnel compensation	131,002	114,439	138,587	24,148
12.1	Civilian personnel benefits	55,242	54,400	63,271	8,871
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	8,714	6,838	8,327	1,489
22.0	Transportation of things	5,561	4,852	5,701	849
23.1	Rental payments to GSA	13,833	13,671	13,671	0
23.2	Rental payments to others	36	2	2	0
23.3	Communications, utilities, and miscellaneous charges	840	1,603	1,603	0
24.0	Printing and reproduction	36	75	75	0
25.1	Advisory and assistance services	14	20	20	0
25.2	Other services from non-Federal sources	356	564	1,321	757
25.3	Other goods and services from Federal sources 1/	35,798	47,969	56,050	8,081
25.4	Operation and maintenance of facilities	8	20	20	0
25.7	Operation and maintenance of equipment	3,540	2,145	3,017	872
26.0	Supplies and materials	1,903	3,128	3,128	0
31.0	Equipment	2,027	7,462	7,462	0
42.0	Insurance claims and indemnities	3	2	2	0
	Total	258,913	257,190	302,257	45,067
	1/Other goods and services from Federal sources				
	Working Capital Fund	33,885	42,417	42,417	0
	DHS Services	636	1,699	1,699	0
	HHS Services	610	620	620	0
	Services by Other Government Departments	667	3,233	3,233	0

MINE SAFETY AND HEALTH ENFORCEMENT

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$3,500
Personnel benefits	1,938
Federal Employees' Compensation Act (FECA)	-1,064
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$4,374**

Net Program **\$40,693**

Direct FTE **216**

	Estimate	FTE
Base	\$261,564	1,269
Program Increase	\$40,693	216
Program Decrease	\$0	0

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	5,382	5,382	7,744	2,362
FTE	17	21	33	12

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 14.

Introduction

The Office of Standards, Regulations, and Variances (OSRV) develops standards and regulations for the mining industry that protect the safety and health of miners. These standards and regulations, developed in coordination with the Office of the Solicitor Mine Safety and Health Division and other MSHA program offices, establish enforcement requirements for compliance in accordance with the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006. OSRV assures transparency in the regulatory process by posting all rulemaking documents on Regulations.gov and by maintaining MSHA’s rulemaking docket.

OSRV guides all of MSHA’s rulemaking activities from the pre-proposal stage to the publication of the final rule. Each year, it publishes MSHA’s Semi-Annual Regulatory Agenda and Regulatory Plan. OSRV reviews existing rules to identify regulations that are inconsistent with the Administration’s policy directives. It also proposes and promulgates new and improved safety and health standards and regulations. In the process, it draws on many sources of information and data including the information submitted to the Secretary by interested parties. These parties include representatives of any organization of employers or employees, nationally recognized standards development organizations, the Secretary of Health and Human Services (HHS), HHS’s National Institute for Occupational Safety and Health (NIOSH), and State or municipal government entities. In addition, OSRV develops the estimates of the anticipated benefits and costs for each significant regulatory action in accordance with Executive Orders (E.O.s) 12866 and 13563.

OSRV also manages three other regulatory programs for MSHA: the Petition for Modification program, through which mine operators or representatives of miners can request changes in the application of any mandatory safety standards; the Freedom of Information Act (FOIA) program; and information collection under the Paperwork Reduction Act of 1995.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$4,500	18
2018	\$5,382	11
2019	\$4,500	13
2020	\$4,500	14
2021	\$4,500	21

FY 2022

MSHA requests \$7,744,000 and 33 FTE for the OSRV budget activity. This request includes a program increase of \$2,260,000 and 12 FTE to support MSHA's priority to strengthen regulatory efforts through the following:

Improving Safety and Health of Miners

- Develop a proposed rule to protect miners' health from exposure to respirable crystalline silica. MSHA will take into account the data and information gathered through a recent request for information and through working with NIOSH and mining stakeholders over the years, as well as relevant information contained in the Occupational Safety and Health Administration's 2016 final rule on respirable crystalline silica. The proposal will address the control of respirable silica and the limit of permissible exposure.
- Work to complete a rulemaking to establish a written safety program for mobile equipment and powered haulage equipment (except belt conveyors) at surface mines and surface areas of underground mines. This rulemaking aims to reduce fatalities, injuries, and accidents involving surface mobile equipment. Powered haulage continues to be an area that results in a disproportionate share of fatalities or injuries.
- Complete a rulemaking on the use of electronic surveying equipment in underground mines, if the equipment meets certain technical specifications and is operated under certain conditions. This rule would make mine surveying more accurate and less time consuming, while maintaining safety at underground mines.
- Determine whether existing standards are achieving regulatory objectives such as reducing respirable coal mine dust levels to protect coal miners from developing disabling lung diseases. Continue to work with NIOSH and the mining community on MSHA's retrospective review of the 2014 final rule entitled, "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors." OSRV will continue to review and analyze the submitted information and data until the comment period of a request for information closes in July 2022.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

- Determine how to update and clarify Title 30 of Code of Federal Regulations (30 CFR) part 50 concerning the notification, investigation, and reports, and records of accidents, injuries, illnesses, employment, and coal production in mines. This update would reflect changes in mining operations over the past decades and reduce reporting and recordkeeping burdens, to the extent feasible.

FY 2022 funding will also support OSRV's efforts to process and publish documents related to requests for variances from mandatory safety standards (Petitions for Modification). For FY 2022, OSRV estimates that 42 requests for variances will be processed.

In addition, at the FY 2022 funding request level, OSRV will administer MSHA's FOIA program and information collection under the Paperwork Reduction Act of 1995, as follows:

- Process approximately 800 requests for information under FOIA. OSRV will provide timely responses to at least 70 percent of initial FOIA requests.
- Publish an estimated 20 *Federal Register* notices to notify the public of MSHA's review of the Agency's information collection requests and to seek public comments in accordance with the Paperwork Reduction Act of 1995. OSRV will ensure that MSHA collects information efficiently and effectively. When new rules are issued, additional paperwork packages will be developed, as appropriate.

FY 2021

FY 2021 funding supports MSHA's priority to strengthen regulatory efforts through the following:

Improving Safety and Health of Miners

- Published a proposed rule to revise 30 CFR part 18 that sets out the testing, evaluation, and approval requirements for electric motor-driven equipment and accessories intended for use in gassy mines. Under this proposal, MSHA would accept voluntary consensus standards that are suitable for all gassy mining environments and that provide protection against fire or explosion dangers. After analyzing public comments received during the comment period, MSHA will issue a final rule that would improve the efficiency and effectiveness of MSHA's product approval process and would promote the use of innovative and advanced technologies that lead to improvements in mine safety and health.
- Work on a proposed rule to establish a written safety program for mobile equipment and powered haulage equipment (except belt conveyors) at surface mines and surface areas of underground mines. This rulemaking aims to reduce fatalities, injuries, and accidents involving surface mobile equipment.
- Develop a proposed rule to allow the use of electronic surveying equipment in underground mines, if the equipment meets certain technical specifications and is

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

operated under certain conditions. This rule would make mine-surveying more accurate and less time-consuming, while maintaining safety at underground mines.

- Assess how existing standards protect miners' health from exposure to respirable crystalline silica. Working with NIOSH and the mining community, OSRV continues to examine a wide range of options, including lowering the limit of permissible exposure, allowing potential new protective technologies, providing technical assistance, and offering educational training, and will then identify the feasible best ways to protect miners' health. In October 2020, the NIOSH-MSHA Respirable Mine Dust Partnership that started in February held a workshop for stakeholders to review and discuss existing literature and scientific studies regarding miners' exposure to respirable dust hazards.
- Work with NIOSH and the mining community on MSHA's retrospective review of the 2014 final rule entitled, "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors." OSRV will continue to review and analyze the submitted information and data until the comment period of a request for information closes in July 2022.
- Examine how to update and clarify 30 CFR part 50 concerning the notification, investigation, and reports, and records of accidents, injuries, illnesses, employment, and coal production in mines. This update would reflect changes in mining operations over the past decades and reduce reporting and recordkeeping burdens, to the extent feasible.
- Review the information gathered from MSHA's request for information which closed on September 2020 and determine which regulatory and/or non-regulatory approaches to improve the control of diesel particulate matter and diesel exhaust.

FY 2021 funding also supports OSRV's efforts to process and publish documents related to requests for variances from existing safety standards (Petitions for Modification). In FY 2021, OSRV estimates that 42 requests for variances from safety standards will be processed.

In addition, at the FY 2021 funding level, OSRV plans to administer MSHA's FOIA program and information collection under the Paperwork Reduction Act of 1995, as follows:

- Process about 800 requests for information under FOIA. OSRV plans to provide timely responses to at least 70 percent of initial FOIA requests.
- Publish an estimated 19 *Federal Register* notices to notify the public of MSHA's review of the Agency's information collection requests and to seek public comments in accordance with the Paperwork Reduction Act of 1995. OSRV will ensure that MSHA collects information efficiently and effectively. When new rules are issued, additional paperwork packages will be developed, as appropriate.

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FY 2020

FY 2020 funding supported MSHA's priority to strengthen regulatory efforts through work on the following:

Improving Safety and Health of Miners

- Issued a direct final rule updating safety standards for explosives at metal and non-metal mines to reflect technological advancements of electronic detonators.
- Published MSHA's final determination that the existing standards addressing the frequency of miners' training on refuge alternatives for underground coal mines effectively protect miners' safety and will remain in effect without change. This determination responds to a decision from the United States Court of Appeals for the District of Columbia Circuit.
- Initiated a rulemaking on MSHA's acceptance of non-MSHA safety standards for electric motor-driven mine equipment and accessories approvals. This rule aims to improve the efficiency and effectiveness of MSHA's product approval process by accepting voluntary consensus standards that are suitable for all gassy mining environments and that provide protection against fire or explosion dangers.
- Began work on a rulemaking to establish a safety program for mobile equipment and powered haulage equipment (except belt conveyors) at surface mines and surface areas of underground mines. This rulemaking aims to reduce fatalities, injuries, and accidents involving surface mobile equipment.
- Started to develop a proposed rule to allow the use of electronic surveying equipment in underground mines, if the equipment meets certain technical specifications and is operated under certain conditions. This rule would make mine surveying more accurate and less time consuming, while maintaining safety at underground mines.
- Solicited, through a request for information, the data and information on economically and technologically feasible best practices to protect coal and metal and nonmetal miners' health from exposure to silica in respirable dust. OSRV reviewed and analyzed all the submitted data and information about emerging protective technologies, technical assistance, and educational training, among various options to lower the exposure of respirable crystalline silica.
- Convened, together with NIOSH, a Respirable Mine Dust Partnership (RMDP) to work with mining stakeholders to safeguard the health of mine workers regarding exposure to respirable crystalline silica. In February 2020, the RMDP held the inaugural meeting.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

- Continued to work with NIOSH and the mining community on approaches to control and monitor miners' exposure to diesel exhaust in underground coal and metal and nonmetal mines. Once the comment period of MSHA's request for information ended in September 2020, OSRV started to review the submitted data and information.
- Worked with NIOSH and the mining community on MSHA's retrospective review of the 2014 final rule entitled, "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors." OSRV will continue to review and analyze the information and data submitted until the comment period of an information request closes in July 2022.
- Assisted with conducting informational stakeholder meetings and developing compliance/technical assistance materials, upon the reinstatement of a 2017 final rule on the examination of working places. These informational meetings and compliance/technical assistance materials were to ensure that miners and mine operators understand the requirements of the examinations of working places in metal and nonmetal mines.

FY 2020 funding supported OSRV's efforts to process and publish documents related to requests for variances from existing safety standards (Petitions for Modification). A total of 42 requests for variances were processed in FY 2020.

At the FY 2020 funding level, OSRV worked on MSHA's FOIA program and information collection under the Paperwork Reduction Act of 1995, as follows:

- Processed approximately 792 requests for information under FOIA. 80 percent of the FOIA requests were processed within 20 days upon receipt.
- Published 21 *Federal Register* notices to notify the public of MSHA's review of the Agency's information collection requests and to seek public comments in accordance with the Paperwork Reduction Act of 1995.

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	2,318	2,680	3,896	1,216
11.3	Other than full-time permanent	8	43	43	0
11.5	Other personnel compensation	33	0	0	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	2,359	2,723	3,939	1,216
12.1	Civilian personnel benefits	682	925	1,402	477
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	19	30	113	83
22.0	Transportation of things	0	0	47	47
23.1	Rental payments to GSA	167	43	43	0
23.2	Rental payments to others	27	0	0	0
23.3	Communications, utilities, and miscellaneous charges	6	41	41	0
24.0	Printing and reproduction	76	90	90	0
25.1	Advisory and assistance services	62	1,000	1,000	0
25.2	Other services from non-Federal sources	30	134	255	121
25.3	Other goods and services from Federal sources 1/	1,909	351	409	58
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	38	13	373	360
26.0	Supplies and materials	6	31	31	0
31.0	Equipment	1	1	1	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	5,382	5,382	7,744	2,362
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,877	307	307	0
	DHS Services	8	25	25	0
	HHS Services	23	19	19	0
	Services by Other Government Departments	1	0	0	0

OFFICE OF STANDARDS, REGULATIONS, AND VARIANCES

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$70
Personnel benefits	32
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$102**

Net Program **\$2,260**

Direct FTE **12**

	Estimate	FTE
Base	\$5,484	21
Program Increase	\$2,260	12
Program Decrease	\$0	0

OFFICE OF ASSESSMENTS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	7,445	7,445	8,377	932
FTE	42	40	44	4

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 46.

Introduction

The Office of Assessments (OA) assesses and collects civil monetary penalties for violations of the Mine Act and mine safety and health standards. The mission includes determination of civil the penalty amounts, collection of and accounting for all delinquent penalties, and well as tracking all penalty cases in litigation before the Federal Mine Safety and Health Review Commission (FMSHRC) and the Federal Courts.

The OA is also responsible for the Mine Safety and Health Administration’s (MSHA) Special Investigations Program, which includes the investigations of discrimination complaints filed under Section 105(c) of the Mine Act by miners, representatives of miners, or applicants for employment, as well as investigation of knowing or willful violations under Section 110 of the Mine Act. The OA also manages MSHA’s enhanced enforcement strategies including the Pattern of Violations (POV) Program, which identifies mines exhibiting a potential POV for enhanced enforcement, use of injunctive authority, and impact inspections.

Finally, OA administers MSHA’s Accountability Program, which ensures enforcement policies and procedures are executed properly and efficiently.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$6,627	56
2018	\$7,445	44
2019	\$6,627	44
2020	\$6,627	46
2021	\$6,627	40

FY 2022

MSHA requests \$8,377,566 and 44 FTE for the OA budget activity. This request includes a program increase of \$753,000 and 4 FTE to support activities associated with the assessment and collection of civil penalties, strengthens MSHA’s special investigation program and increases capacity for additional accountability audits.

OFFICE OF ASSESSMENTS

In FY 2022, the OA will continue the following efforts:

- Assess civil penalties for violations of the Mine Act as amended by the MINER Act, in accordance with statutory criteria, and at levels that encourage compliance.
- Collect and account for penalties paid, and account for all penalty cases in litigation before the Federal Mine Safety and Health Review Commission.
- Coordinate MSHA's accountability functions.
- Coordinate MSHA's enhanced special enforcement initiatives and special investigations programs.

In support of MSHA's priority to guarantee that miners have a voice in the workplace, OA will ensure that MSHA investigates miner discrimination complaints in a timely manner, with the specific goals for the percentage of investigations of miner discrimination completed within 60 days of receipt at 90% and 90% for the percentage of miner requests for temporary reinstatement completed within 20 days of receipt. The OA will also review 100% of the special investigations conducted and closed out by the District offices to ensure thorough, properly developed investigations. This provides an added level of accountability for the discrimination investigation process and demonstrates MSHA's commitment to protecting a miner's right to report health and safety hazards without fear of retaliation.

To evaluate the enforcement programs' compliance in following established policies and directives for conducting inspection activities and tracking and review of corrective actions, the OA will conduct approximately 15-17 audits, incorporating to the extent possible, cross-over mining operations. The OA will track and review any corrective actions implemented as a result of the accountability reviews.

The OA will also conduct an annual screening of the nation's mining operations to identify mines exhibiting a Pattern of Violations (POV) under Section 104 of the Mine Act.

FY 2021

In FY 2021, the OA will coordinate the timely investigations of discrimination complaints miners file under Section 105(c) of the Mine Act. MSHA's goals are to investigate 89 percent of miners' discrimination complaints within 60 days of receipt and to investigate 86 percent of miners' requests for temporary reinstatement within 20 days of receipt. To ensure MSHA conducts quality investigations, the OA will perform a 100 percent review of all discrimination investigations conducted by the enforcement program staff for discrimination complaints received.

The OA will also review knowing and willful violations conducted by the enforcement programs, referring appropriate cases for civil penalties or criminal prosecution and will conduct eight reviews of enforcement field office's to ensure compliance with required investigative practices and procedures.

The OA will conduct no less than 15 enforcement field office reviews, concentrating on field offices with cross-over mining operations.

OFFICE OF ASSESSMENTS

The OA will conduct MSHA's annual screening of mining operations to identify mines exhibiting a POV. During FY 2021, MSHA revised the Agency's POV summary procedures to assure conformance with the POV regulations.

FY 2020

In FY 2020, OA supported DOL's strategic objective to protect workers' rights through MSHA's performance goal to protect miners from discrimination. MSHA completed 108 discrimination case investigations in FY 2020, completing 100 (93%) in 60 days and resolved 44 temporary reinstatement requests, completing 39 (89%) within 20 days. On behalf of miners, the Department filed 18 discrimination complaints and 10 requests for temporary reinstatement with the Federal Mine Safety and Health Review Commission.

The OA reviewed 100% of the special investigations conducted and closed out by the District offices to ensure thorough, properly developed investigations.

During FY 2020, MSHA resolved 136 possible knowing and willful Section 110 investigations. OA proposed 25 civil penalties against 18 individuals. The OA also conducted eight (8) reviews of enforcement field offices to ensure compliance with required investigative practices and procedures.

The OA conducted 15 accountability audits for the purpose of monitoring MSHA districts' compliance with established policies and procedures for conducting inspection activities and tracking and review of corrective actions. Of the 15 audits, eight were of cross-over mining operations.

The OA conducted an annual screening to identify mines exhibiting a POV and no mine met the screening criteria. This was the sixth consecutive screening that resulted in no POV notices issued.

OFFICE OF ASSESSMENTS

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	4,465	4,166	4,669	503
11.3	Other than full-time permanent	16	0	0	0
11.5	Other personnel compensation	85	132	132	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	4,566	4,298	4,801	503
12.1	Civilian personnel benefits	1,450	1,393	1,598	205
13.0	Benefits for former personnel	1	0	0	0
21.0	Travel and transportation of persons	59	56	60	4
22.0	Transportation of things	0	0	16	16
23.1	Rental payments to GSA	202	234	234	0
23.2	Rental payments to others	0	2	2	0
23.3	Communications, utilities, and miscellaneous charges	152	171	171	0
24.0	Printing and reproduction	1	0	0	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	34	137	137	0
25.3	Other goods and services from Federal sources 1/	861	1,128	1,315	187
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	104	7	24	17
26.0	Supplies and materials	10	13	13	0
31.0	Equipment	5	6	6	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	7,445	7,445	8,377	932
	1/Other goods and services from Federal sources				
	Working Capital Fund	793	1,033	1,033	0
	DHS Services	21	56	56	0
	HHS Services	42	39	39	0
	Services by Other Government Departments	5	0	0	0

OFFICE OF ASSESSMENTS

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$121
Personnel benefits	58
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$179**

Net Program **\$753**

Direct FTE **4**

	Estimate	FTE
Base	\$7,624	40
Program Increase	\$753	4
Program Decrease	\$0	0

EDUCATIONAL POLICY AND DEVELOPMENT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	38,559	39,320	43,038	3,718
FTE	114	118	135	17

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 115.

Introduction

The Directorate of Educational Policy and Development (EPD) plans, monitors, and evaluates MSHA’s education and training programs, which promote safety and health in the Nation’s mining industry. The Directorate provides training for MSHA’s enforcement staff, provides guidance on training programs and training activities to ensure consistency with existing Agency policy, and reviews all training materials developed in support of these activities. EPD also coordinates training programs with other Federal and State Agencies, mining companies, educational institutions, and labor organizations. The Directorate formulates and interprets MSHA training regulations and policy.

EPD includes the Educational Field and Small Mine Services (EFSMS) which provides assistance in the development or improvement of the health and safety programs of mines operators and contractors in the mining community. EFSMS places emphasis on assisting small mines where challenging health and safety hazards often exist. EFSMS works closely with MSHA’s enforcement program to identify industry needs and provides compliance assistance. EFSMS training specialists review mine operator training plans, monitor and assist industry instructors to develop and improve their skills, and assist miners in understanding their rights and responsibilities under the Mine Act.

EPD manages and operates the National Mine Health and Safety Academy in Beckley, WV, which designs, develops and conducts instructional programs to help reduce accidents and hazards in the mining industry. MSHA provides mine safety and health training to government, industry, and labor officials, as well as MSHA mine inspectors and other MSHA technical and administrative staff.

EPD is a major supporter of the Joseph A. Holmes Association, a nonprofit organization created in 1916, to promote health and safety in the mining industry.

EPD also manages the MSHA State Grants Program and the Brookwood-Sago Mine Safety Grants Program. The State Grants Program supports quality training programs for miners in 49 states, US Pacific Territories, Native Village of Barrow, AK, and the Navajo Nation. The Brookwood-Sago competitive grants provide funds for mine safety and health training and education programs with a special emphasis to programs and materials that target workers in smaller mines, including training miners and employers about new Mine Safety and Health Administration standards, high risk activities, and hazards.

EDUCATIONAL POLICY AND DEVELOPMENT

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$39,320	138
2018	\$38,559	131
2019	\$39,320	127
2020	\$39,320	115
2021	\$39,320	118

FY 2022

In FY 2022, MSHA requests \$43,038,000 and 135 FTE for the EPD budget activity. This request includes a program increase of \$3,203,000 and 17 FTE.

In order to foster a culture of safety and improve safety and health conditions in the mining workplace, EPD will strengthen and modernize training and education through the following:

- Provide compliance assistance to the mining industry through EFSMS with an emphasis placed on small mines. Compliance assistance will focus on special health and safety initiatives, qualification and certification of miners, hazard recognition, training of miners and instructors, training plan evaluation, and new mine operator outreach. EFSMS plans to dedicate approximately 60,000 hours to educate operators, contractors, and stakeholders and increase their safety and health knowledge and reduce accidents, injuries, and illnesses. An expected increase in demand for construction materials and number of new mines, particularly small aggregate mines, will require EFSMS to hire 5-10 additional compliance specialists to adequately fill the compliance assistance needs of the expanding mining industry.
- EPD will participate and provide compliance assistance at approximately 80 planned stakeholder events including; presentations, seminars, town hall meetings, mining association meetings, webinars, task force meetings, and health and safety conferences.
- EPD plans to evaluate approximately 1000 industry instructors in FY 2022 to determine effectiveness of miner training, help improve the quality of training and address any deficiencies that may result in inadequate training.
- Ongoing facility upgrades, and IT modernization improvements will allow the Mine Academy to develop new methods of training including virtual reality, distance learning, and online curriculums. The Academy utilizes an all commodity inclusive format curriculum to train MSHA's enforcement staff at all levels, including entry-level, journeyman, supervisory and managerial. The Academy plans to hire 5-10 additional instructors to train an expected increase in the number enforcement inspectors and to develop additional virtual reality and distance learning curriculums. MSHA also plans to construct a surface mine rescue training tower in FY 2022. This tower will provide valuable lifesaving training to MSHA employees, industry mine rescuers, and other Federal Agencies, such as the United States Border Patrol.

EDUCATIONAL POLICY AND DEVELOPMENT

- Continue to manage MSHA's State Grants Program in which the grantees provide high-quality effective safety and health training and retraining for miners and mine operators in all states and the Territories. FY 2021 health and safety data including injury, illness, and compliance trends will determine grant emphasis in FY 2022.
- In FY 2022, MSHA expects Brookwood-Sago grantees to develop training materials or to develop and provide mine safety training or educational programs, recruit mine operators and miners for the training, and conduct and evaluate the training. MSHA will give special emphasis to programs and materials that target workers at smaller mines, including training miners and employers about new MSHA standards, high risk activities, and hazards identified by MSHA in FY 2021.

FY 2021

In FY 2021, EPD will continue to strengthen and modernize training and education through the following:

- Provide compliance assistance to the mining industry through EFSMS, including special attention to small mine operators. Compliance assistance will focus on special health and safety initiatives (including fall protection, powered haulage safety, and contractor safety), qualification and certification of miners, hazard recognition, specialized training for miners and instructors, training program evaluation, and new mine operator outreach. EFSMS will dedicate approximately 58,000 hours to educate mine operators, contractors, and stakeholders to increase their knowledge of mine safety and health regulations and policies to reduce accidents, injuries, and illnesses.
- Continue onsite monitoring of instructors to evaluate the effectiveness of miner training, improve the quality of training, and address deficiencies that may result in inadequate training. EPD expects to evaluate approximately 770 instructors in FY 2021.
- Transform the Academy into a training hub by modernizing and updating dormitory and classroom facilities and by the continuing development of technology based trained methods such as virtual reality and distance learning. EPD will develop an additional nine online courses for use by MSHA's entry-level and journeyman level inspectors and the mining industry. In FY 2021, the Mine Academy has collected \$1,962 in fees for tuition, lodging, and training materials provided to the mining industry other governmental agencies. This reduction in fees is due to the Academy being closed during the pandemic. The COVID-19 pandemic has negatively affected the amount of fees collected by the Mine Academy.

EDUCATIONAL POLICY AND DEVELOPMENT

- Cross training and combined (coal and metal/nonmetal) curriculum training continues in FY 2021, as follows:
 - 4 coal inspectors were cross trained under the metal/nonmetal curriculum
 - 1 metal/nonmetal inspector was cross trained under the coal curriculum
 - 113 field office supervisors are scheduled to receive combined training
 - 458 journeyman inspectors are scheduled to receive combined refresher training
 - 43 newly hired inspectors will began training under a new combined curriculum
- Continue to manage MSHA's State Grants Program in which the grantees provide high-quality effective safety and health training and retraining for miners and mine operators in all states and the Territories. In FY 2021, MSHA will award at least \$10.537 million to grantees. Training will have an emphasis on powered haulage safety, such as reducing vehicle-on-vehicle collisions, increasing seat belt use, conducting workplace examinations, contractor safety, electrical safety, and preventing falls from equipment.
- MSHA priorities for the FY 2021 funding of the annual Brookwood-Sago Grants will focus on powered haulage (in particular, reducing vehicle-on-vehicle collisions, increasing seat belt use, and improving belt conveyor safety), improving safety among contractors, reducing electrocutions, improving training for new and inexperienced miners, mine emergency prevention and preparedness, falls from equipment, respiratory hazards, and other programs to prevent unsafe conditions in mines.
- EPD was scheduled to participate and provide compliance assistance at approximately 80 planned stakeholder events including: presentations, seminars, town hall meetings, mining association meetings, webinars, task force meetings, and health and safety conferences. However, COVID-19 has severely impacted this target by causing the cancellation of many planned events.

FY 2020

In FY 2020, in order to foster a culture of safety and improve safety and health conditions in the mining workplace, EPD strengthened and modernized training and education through the following:

- Provided industry outreach and support in various health and safety and training initiatives focused on reducing workplace injuries, illnesses, and fatalities.
- Continued onsite monitoring of instructors to evaluate the effectiveness of miner training and to address the shortcomings of inadequate training. The COVID-19 pandemic negatively impacted this target in that of the 1,000 evaluations planned during FY 2020 only 653 were able to be completed.
- In FY 2020, a surface mine simulation lab was created at the Mine Academy to provide practical hands on training for MSHA inspectors to build upon and enhance their inspection skills. In-person training at the Mine Academy was suspended in March, 2020 due to the COVID-19 pandemic and training was converted into online/distance learning

EDUCATIONAL POLICY AND DEVELOPMENT

format. In FY 2020, the Mine Academy collected \$46,644.72 in fees for tuition, lodging, and training materials provided to the mining industry other governmental agencies. The COVID-19 pandemic reduced the amount of fees collected in FY2020.

- Cross training and combined curriculum training also continued in FY 2020, as follows;
 - 138 coal inspectors were cross trained under the metal/nonmetal curriculum
 - 25 metal/nonmetal inspectors were cross trained under the coal curriculum
 - 192 field office supervisors were trained under a new combined curriculum
 - 30 newly hired inspectors began training under a new combined curriculum
- For comparative purposes, MSHA cross training activities in FY 2019 included;
 - 321 coal inspectors were cross trained under the metal/nonmetal curriculum
 - 278 metal/nonmetal inspectors were cross trained under the coal curriculum
 - 35 field office supervisors were cross trained under both curriculums
- Continued to manage MSHA's State Grants Program in which the grantees provide high-quality effective safety and health training and retraining for miners and mine operators in all states and the Territories. In FY 2020 MSHA awarded \$10.537 million to grantees. Training had an emphasis on powered haulage safety, conducting working place examinations, mine emergency preparedness, donning and transferring self-contained self-rescuers (SCSRs), mine rescue, training for contractors, and electrical safety.
- Mine Safety and Health Administration (MSHA) awarded \$400,000 to Brookwood-Sago grantees. Grant money was used to train small mine operators and contractors involving powered haulage; create virtual reality hazard awareness training involving belt conveyors end electrical equipment; create an instructional training video on mine safety for contractors and new and inexperienced miners; and create training materials for mine emergency preparedness and prevention.
- Continued to enhance MSHA's distance learning program to complement a library of hundreds of online courses developed for MSHA's entry-level inspectors and journeyman level inspector classes. As a result of combining the Coal and Metal/Nonmetal inspector training curriculums, twenty-six new online programs were developed for the newly created combined enforcement training curriculum.
- Provided compliance assistance to the mining industry through EFSMS, including special attention to small mine operators.

EDUCATIONAL POLICY AND DEVELOPMENT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	11,808	11,715	13,677	1,962
11.3	Other than full-time permanent	75	50	50	0
11.5	Other personnel compensation	212	173	173	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	12,095	11,938	13,900	1,962
12.1	Civilian personnel benefits	4,356	4,779	5,586	807
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	541	474	591	117
22.0	Transportation of things	320	365	432	67
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	736	1,069	1,069	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	806	756	756	0
24.0	Printing and reproduction	109	77	77	0
25.1	Advisory and assistance services	0	1	1	0
25.2	Other services from non-Federal sources	3,803	3,032	3,232	200
25.3	Other goods and services from Federal sources 1/	3,876	2,937	3,432	495
25.4	Operation and maintenance of facilities	126	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	526	1,237	1,307	70
26.0	Supplies and materials	256	344	344	0
31.0	Equipment	72	1,174	1,174	0
41.0	Grants, subsidies, and contributions	10,937	11,137	11,137	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	38,559	39,320	43,038	3,718
	1/Other goods and services from Federal sources				
	Working Capital Fund	3,700	2,856	2,856	0
	DHS Services	34	66	66	0
	HHS Services	57	15	15	0
	Services by Other Government Departments	85	0	0	0

EDUCATIONAL POLICY AND DEVELOPMENT

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$337
Personnel benefits	178
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$515**

Net Program **\$3,203**

Direct FTE **17**

	Estimate	FTE
Base	\$39,835	118
Program Increase	\$3,203	17
Program Decrease	\$0	0

TECHNICAL SUPPORT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	34,079	35,041	43,227	8,186
FTE	189	188	227	39

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 196.

Introduction

The Directorate of Technical Support provides engineering, scientific, and technical expertise to MSHA and the mining industry. It is considered the agency’s repository of technical knowledge, employing most of MSHA’s engineers, industrial hygienists, scientists, and technical experts. MSHA enforcement personnel, mine operators, and miners rely on Technical Support’s staff to carry out field and laboratory investigations aimed at resolving complex mine safety and health issues. These scientists, engineers and industrial hygienists provide analyses of complex mining plans to assist MSHA enforcement programs in their review and approval of plans. They also participate in accident investigations, and identify root causes of accidents, and corrective measures which can be applied at all mining operations to prevent similar accidents.

Technical Support’s laboratories, the Pittsburgh Safety & Health Technology Center (PSHTC) in Pittsburgh, PA, the Approval and Certification Center (A&CC) in Triadelphia, WV, and the PSHTC-operated National Air and Dust Laboratory (NADL) in Beckley, WV, provide MSHA enforcement programs with analyses of gas, dust, and other industrial hygiene samples to determine miner exposures and operator compliance with health and safety standards. While FY 2020 was significantly impacted by COVID-19 restrictions, Technical Support’s laboratories still analyzed and reported results for nearly 95,000 samples.

Technicians calibrated or repaired approximately 4,000 pieces of test equipment, assuring that MSHA enforcement sampling and testing equipment provide accurate and representative data. These laboratories are accredited by national oversight organizations to assure accurate and reliable data.

Technical Support maintains a mine emergency response capability that provides equipment and expertise in the event of a mine emergency, such as an inundation of water or gas, fire, or explosion. Technical Support mine emergency personnel respond to every major US mine emergency. These mine emergency personnel engage in mine rescue and recovery operations by reviewing and advising on the adequacy of rescue and recovery plans. They also maintain and deploy a fleet of mine emergency response vehicles, including vehicles for command and control, mobile laboratories for gas analysis, ventilation support, seismic detection and location of trapped miners, robotics support and many other functions. Technical Support can dispatch equipment and trained personnel from mine emergency stations located in Pittsburgh, PA; Beckley, WV; Madisonville, KY; Denver, CO; and Price, UT.

TECHNICAL SUPPORT

Technical Support is responsible for administering a program to evaluate the safety of equipment and materials used in the mining industry in its Approval and Certification Center (A&CC). The A&CC evaluates new technologies to identify potential improvements to the safety and health of miners. The A&CC audits manufacturers of mining and rescue equipment to maintain the highest level of quality assurance. MSHA collects fees for the approval and certification of equipment, materials, and explosives for use in mines. In 2020, the A&CC collected \$1,592,206 in fees from equipment manufacturers for testing and approval of equipment and products used in the mining industry. MSHA is authorized to retain up to \$2,499,999 of collected fees annually.

Technical Support provides training for MSHA enforcement to assist the mining industry and equipment manufacturers in achieving compliance with MSHA safety and health standards. Training activities cover a broad range of technical subject areas that apply to health and safety hazards in the mining environment and the testing and evaluation of mine equipment and products.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$35,041	208
2018	\$34,079	208
2019	\$35,041	211
2020	\$35,041	196
2021	\$35,041	188

FY 2022

In FY 2022, MSHA requests \$43,227,000 and 227 FTE for the Technical Support budget activity. This request includes a program increase of \$7,348,000 and 39 FTE.

Technical Support will continue to:

- Evaluate safety of mine equipment, materials, and instruments, with a focus on reducing time to complete approvals;
- Evaluate the design of seals, mining impoundments, mine ventilation systems, and ground control systems;
- Provide engineering and scientific technical expertise to evaluate complex health and safety issues, identify causes of accidents, and to support MSHA litigation cases;
- Provide laboratory support for MSHA enforcement by analyzing airborne dust samples, atmospheric gas samples, mine rock dust samples, and other industrial hygiene related samples collected to determine compliance with health and safety standards; and
- Participate and provide leadership in mine emergency response efforts, including providing and managing onsite analytical equipment, communications links, and other sophisticated equipment essential to making critical decisions in rescue and recovery operations.

TECHNICAL SUPPORT

Technical Support anticipates a significant increase in the number of respirable dust samples collected by Enforcement personnel as a result of increased mining to meet the demands of the Administration's American Jobs Plan infrastructure investment, as well as an increase in samples collected as part of the Agency's new respirable silica standard. As a result, significant increases in staffing will be needed to process and report results of these samples. A second shift may be needed to expand use of existing laboratory facilities, or additional lab space may need to be constructed to accommodate the increased workloads.

Technical Support also will need to increase staffing to improve its ability to provide timely reviews of mine impoundment design plans to prevent catastrophic failures and ecological disasters.

FY 2021

In FY 2021, Technical Support continues to:

Approve equipment for use in underground mines and conduct testing and quality control auditing of mining equipment and materials to ensure manufacturers' products continue to meet MSHA standards. Technical Support projects completing approximately 300 approval actions in FY 2021, similar to the actions completed in FY 2020. Since FY 2012, the number of new approval applications received in each fiscal year has trended downward, primarily due to the general decline in coal mining in the United States. The type of equipment Technical Support evaluates and approves includes the following:

- Proximity detection systems in underground coal mines;
- Permissible electric equipment including longwall mining machines, continuous mining machines, shuttle cars, and other equipment powered by either Alternating or Direct Current power sources;
- Portable emergency alternatives in underground coal mines;
- Underground diesel equipment, including diesel engines, diesel power packages, diesel machines, and dust collector systems; and
- Flame resistant materials.

MSHA collects fees for the approval and certification of equipment, materials, and explosives for use in mines. Projections for FY 2021 include approximately \$1,600,000 in approval fees, which is similar to the amount collected for FY 2020.

Technical Support's PSHTC laboratories support enforcement by analyzing respirable dust samples, mine dust samples, mine air samples, and other industrial hygiene samples. Technical Support estimates that its laboratories will analyze 90,000 samples in support of the enforcement of mine safety and health standards in FY 2021.

TECHNICAL SUPPORT

FY 2020

In FY 2020, Technical Support:

- Continued to approve and certify mine equipment, materials, instruments, and explosives, with a focus on minimizing backlogs and evaluating the safe design of seals, mining impoundments, mine ventilation systems, and ground control;
- Analyzed fatal accident data in support of Enforcement's efforts to reduce fatalities, accidents and injuries with a focus on prevention of surface haulage accidents.
- Continued to provide laboratory support for MSHA Enforcement by analyzing airborne dust samples, atmospheric gas samples, mine rock dust samples, and other industrial hygiene related samples to determine compliance with health and safety standards;
- Continued to further develop and improve the seismic location system, which can remotely detect and locate trapped miners from a surface location;
- Maintained equipment for MSHA's mine rescue stations for use during mine emergency response;
- Evaluated the sections of ground control plans that address blasting and assisted in the evaluation and investigation of concerns regarding explosives as requested by MSHA's enforcement programs;
- Conducted fire protection design reviews and assisted in the evaluation and investigation of concerns related to fire protection issues as requested by MSHA's enforcement programs;
- Reviewed complex mine plans specific to mine waste impoundments, roof control, seals, and ventilation, and reviewed amendments to these mine plans as requested by MSHA's enforcement programs; and
- Provided scientific and engineering technical expertise in the development of standards and regulations, and in support of MSHA litigation cases.

Technical Support approved equipment for use in underground mines. It conducted testing and quality control auditing of mining equipment and materials to ensure manufacturers' products continue to meet MSHA standards and regulations. Technical Support completed approximately 300 approval actions in FY 2020. Technical Support analyzed nearly 95,000 health and safety compliance samples in FY 2020.

TECHNICAL SUPPORT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	17,958	17,382	21,671	4,289
11.3	Other than full-time permanent	144	138	138	0
11.5	Other personnel compensation	382	328	328	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	18,484	17,848	22,137	4,289
12.1	Civilian personnel benefits	6,822	7,348	9,070	1,722
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	291	286	555	269
22.0	Transportation of things	197	180	333	153
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	167	968	968	0
23.2	Rental payments to others	27	5	5	0
23.3	Communications, utilities, and miscellaneous charges	274	549	549	0
24.0	Printing and reproduction	3	4	4	0
25.1	Advisory and assistance services	26	27	27	0
25.2	Other services from non-Federal sources	426	296	1,091	795
25.3	Other goods and services from Federal sources 1/	3,902	2,957	3,446	489
25.4	Operation and maintenance of facilities	1,372	1,301	1,301	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	666	757	1,226	469
26.0	Supplies and materials	695	1,716	1,716	0
31.0	Equipment	726	799	799	0
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	1	0	0	0
	Total	34,079	35,041	43,227	8,186
1/Other goods and services from Federal sources					
	Working Capital Fund	3,228	2,860	2,860	0
	DHS Services	8	18	18	0
	HHS Services	662	79	79	0
	Services by Other Government Departments	4	0	0	0

TECHNICAL SUPPORT

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$560
Personnel benefits	278
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

Built-Ins Subtotal **\$838**

Net Program **\$7,348**

Direct FTE **39**

	Estimate	FTE
Base	\$35,879	188
Program Increase	\$7,348	39
Program Decrease	\$0	0

PROGRAM EVALUATION AND INFORMATION RESOURCES

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	19,083	19,083	20,815	1,732
FTE	39	19	28	9

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 28.

Introduction

The Directorate of Program Evaluation and Information Resources (PEIR) manages MSHA’s program evaluations, data processes, reporting, analytics, and serves as the liaison between MSHA and DOL’s Office of the Chief Information Officer (OCIO) for MSHA’s information technology (IT) program. PEIR plans to conduct internal reviews, evaluates the effectiveness of the MSHA’s programs, and conducts follow-up reviews to ensure that appropriate corrective actions have been taken. PEIR manages MSHA’s directives system and ensures enforcement personnel have electronic access (online and offline) to handbooks, manuals, and related directives for inspections via their tablets.

PEIR collects, analyzes, and publishes data obtained from mine operators and contractors on the occurrence of work-related injuries and illnesses in the mining industry. MSHA, the mining community, and the public use this data to assess progress in preventing occupational injuries and illnesses in the mining industry. PEIR manages all agency information technology applications, with the assistance of the OCIO, and the agency’s internet and intranet sites. PEIR collaborates with stakeholders to develop customer driven projects that support MSHA’s mission to protect the safety and health of miners.

PEIR serves as MSHA’s business process owner whose function is to plan and prioritize the Agency’s IT initiatives that will be executed by the Department’s Office of the Chief Information Officer (OCIO) IT shared services resources.

Among its other responsibilities, PEIR serves as a liaison between MSHA and the Office of the Inspector General (OIG) and the Government Accountability Office (GAO).

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$17,990	53
2018	\$19,083	47
2019	\$17,990	45
2020	\$17,990	28
2021	\$17,990	19

PROGRAM EVALUATION AND INFORMATION RESOURCES

FY 2022

MSHA requests \$20,815,000 and 28 FTE for the PEIR budget activity. This request includes a program increase of \$1,695,000 and 9 FTE. The funding includes support for 29 FTE that will be aligned under Shared Services.

In FY 2022, PEIR will continue to mature its data analytics program by developing dynamic dashboards, promoting predictive analytics, and making MSHA's data more accessible to the public. Moreover, PEIR will use the additional resources to advance development of its enterprise risk management (ERM) program, support the DOL's IT investments, and enhance MSHA's directives system.

The FY 2022 request includes \$3,200,000 for improvements to further support MSHA's integrated enforcement initiative, eliminate employee Personal Identifiable Information (PII), and support increasing trends toward digitization and elimination of paper-based systems. Additional improvements will focus on enforcement weekly activity reports, and updates to the following applications: alternative case resolution contests applications, and hazardous condition complaints, reporting, qualification and certification, and reengineering of the status list functionality to improve user experience. Additionally, MSHA will modernize the Agency's Student Information System to support combined Coal and Metal and nonmetal inspection activities, and digitization of the Office of Assessments Mine ID catalog to allow for streamlined approval of legal identification submissions.

The FY 2022 budget request includes \$275,000 to upgrade end of life equipment for Mine Emergency Operations to ensure reliable voice and data to deployed staff in remote locations where many standard IT services may be inadequate to perform duties.

FY 2021

In FY 2021, PEIR will continue to counter redundancies, and other system inefficiencies, and leverage investments across the Agency through reuse, collaboration, cost sharing, and common governance to produce the most effective use of Information Technology to address critical business needs. This aligns with the Presidential Executive Order of promoting more secure, efficient, and economical use of information technology to achieve the Agency's mission.

PROGRAM EVALUATION AND INFORMATION RESOURCES

PEIR will support MSHA's mission to improve the safety and health of the nation's miners by continuing the following efforts:

- Continue modernizing MSHA Specific Infrastructure in alignment with DOL's target architecture by consolidating and optimizing MSHA's core mission system into a modern, unified, and standardized MSHA IT infrastructure that creates robust and scalable applications to support MSHA inspectors and other stakeholders. Modernization will continue focus on Legal ID, Quality Control Application; Programspecific reports; and Applications for Training and Mine Operation Plans.
- Continue to leverage Shared Services provided by the DOL such as Cloud Services, DevSecOps (e.g., JIRA Service Desk, JIRA, Confluence, Bitbucket, Jenkins, AppDynamics, and SharePath), UC, ServiceNow and Virtual Development Environment (VDE).
- Continue to improve current technologies and provide new information technology solutions to enhance MSHA's mission with enhanced inspection tools such as drone technologies.
- Continue to assess risk and evaluate internal controls. MSHA will continue its internal controls program and institute facets of the ERM in accordance with OMB Circular A-123 and in alignment with the DOL. In addition, PEIR will continue evaluate policies and program operations supporting Agency programs for compliance.
- Continue the development of Business Intelligence (BI) Solutions that enhance data presentation, data accuracy, and additional functionality for all internal and external stakeholders. This activity will support more Agency data driven decision-making by creating additional models. PEIR will use more Artificial Intelligence (AI) to assist in predictive analytics.
- Continue to provide satellite solutions to improve redundancies for mine emergency operations.
- Provide information technology solutions to improve mine emergency operations such as communication enhancements.

FY 2020

PEIR supported MSHA's mission to improve the safety and health of the nation's miners through the following efforts:

- Continued the development of Service Oriented Architecture (SOA) that provides a basis/foundation for all MSHA's program infrastructure as part of the MSIS

PROGRAM EVALUATION AND INFORMATION RESOURCES

Modernization. This phase of Modernization focused on MSHA specific applications to assist in Sampling, Assessments, Enforcements, and Technical Support.

- Continued to improve MSHA's intranet and internet sites, in an effort to make the websites compliant and more resource efficient. MSHA continued to use a content management system based on DRUPAL (a free content management platform).
- Continued support for satellite solution for mine emergency operations to ensure mine emergency operations are always connected, particularly in remote areas with limited data services.
- Continued to provide technology solutions to improve mine emergency operations.
- Evaluated the effectiveness of the agency policies and program operations and supporting other agency programs in developing processes that review and ensure compliance with these policies and procedures.
- Continued to support BI Solutions and implemented new BI models to support improved data analytics.

PROGRAM EVALUATION AND INFORMATION RESOURCES

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	5,303	1,888	2,772	884
11.3	Other than full-time permanent	20	0	0	0
11.5	Other personnel compensation	88	45	45	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	5,411	1,933	2,817	884
12.1	Civilian personnel benefits	1,858	744	1,090	346
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	40	12	74	62
22.0	Transportation of things	1	1	37	36
23.1	Rental payments to GSA	502	485	485	0
23.2	Rental payments to others	0	2	2	0
23.3	Communications, utilities, and miscellaneous charges	540	241	241	0
24.0	Printing and reproduction	2	2	2	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	112	125	202	77
25.3	Other goods and services from Federal sources 1/	4,903	13,666	13,957	291
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	5,584	1,391	1,427	36
26.0	Supplies and materials	63	36	36	0
31.0	Equipment	43	445	445	0
32.0	Land and Structures	0	0	0	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	24	0	0	0
	Total	19,083	19,083	20,815	1,732
	1/Other goods and services from Federal sources				
	Working Capital Fund	2,296	1,956	1,956	0
	DHS Services	23	49	49	0
	HHS Services	16	13	13	0
	Services by Other Government Departments	68	0	0	0

PROGRAM EVALUATION AND INFORMATION RESOURCES

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$24
Personnel benefits	13
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

Built-Ins Subtotal **\$37**

Net Program **\$1,695**

Direct FTE **9**

	Estimate	FTE
Base	\$19,120	19
Program Increase	\$1,695	9
Program Decrease	\$0	0

PROGRAM ADMINISTRATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	16,355	16,355	21,743	5,388
FTE	61	52	79	27

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 61.

Introduction

Program Administration (PA) provides executive direction as well as administrative and management advice and services to support all of MSHA’s activities. The support of PA will help to eliminate fatal mining accidents, reduce the frequency and severity of accidents, and minimize health hazards through enforcement of mandatory safety and health standards in the mining industry.

PA plans and directs administrative management activities within MSHA. Services include budget, finance, facilities, property, fleet, records management, ethics, and employee safety and health programs for MSHA. PA supports and strengthens all of MSHA’s program activities by providing leadership, policy direction, and administrative support services, enabling the agency to meet annual performance goals and objectives.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$15,838	95
2018	\$16,355	91
2019	\$15,838	84
2020	\$15,838	61
2021	\$15,838	52

FY 2022

Based on the President’s American Jobs Plan infrastructure investments, MSHA projects an expansion in mining activities that will require increase in Enforcement and support staff. MSHA will ensure the promotion of racial and economic hiring as a priority in recruitment to develop a more vibrant and diverse workforce to address projected increase in mining activities. This would include a hiring outreach in Hispanic, Black and Native American communities which are a significant portion of the energy communities in the Western United States.

- In FY 2022, MSHA requests \$21,743,000 and 79 FTE for Program Administration budget activity. This request includes a program increase of \$5,057,000 and 27 FTE (the funding includes support for 24 FTE aligned under Shared Services) for Program

PROGRAM ADMINISTRATION

Administration to enhance operations that would allow MSHA to continue to support MSHA's Agency Priority Goal (APG), as well as the Departmental strategic goals and objectives, to prevent fatalities, illness, and injury from mining and promote safe and healthful workplaces for America's miners. MSHA's APG is: By September 30, 2022, reduce the reportable injury rate associated with powered haulage equipment, the primary cause of miners' injuries, by four percent per year based on a rolling five-year average per 200,000 hours worked.

- Program Administration will continue to ensure increased outreach by continuing to hold quarterly calls with stakeholders to help reduce deaths, injuries and illnesses, improve mine safety, and include special emphasis discussions on COVID-19. Outreach will expand to Hispanic and Native American communities especially in the Western U.S.
- PA will support the continued efforts of the Agency to merge the enforcement workforce to help ensure miners' safety and health. PA will support Departmental activities associated with Agency reform and consolidation for several administrative functions. PA will continue to reduce workers' compensation costs through improved employee health and safety programs, and proactive management of the workers' compensation program. MSHA will explore innovative approaches to reduce workers' compensation costs. PA will continue to drive employee engagement and coordinate employee training and development to continue to reduce Charge Back (CB) 2022 total workers' compensation costs.
- MSHA will continue to reduce its facilities footprint across the nation by positively impacting research, design and execution of space reduction activities per OMB's National Strategy for Real Property (National Strategy) and the Reduce the Footprint Policy. PA will continue to support facility and space related initiatives by analyzing space usage and identifying opportunities to consolidate and improve cost effectiveness. PA projects a total reduction and/or consolidation effort of 53,375 square feet of space.
- Program Administration will also be better positioned to meet the mandated National Archives and Records Administration (NARA), M-19-21 Digitization Requirements for permanent and temporary records, and development of digitization centers.
- Program Administration will continue to manage the acquisition process for all COVID 19 supplies and cleanups for its field staff located throughout the nation. MSHA projects costs to support the pandemic to be approximately \$100,000 less than FY 2021.
- An increase of FTE will have positive impact on MSHA's mandated activities to offset the numerous losses due to attrition during the last fiscal years, to ensure better compliance, better management, and timely processing of grants. MSHA will increase the amounts to both Brookwood-Sago and state grants.

PROGRAM ADMINISTRATION

- PA will continue to use funds from the American Rescue Plan (ARP) to bolster hiring in areas impacted by the COVID 19 Pandemic to ensure MSHA meets its statutory requirement for inspections and investigations. PA will hire a minimum of 60 FTE and purchase COVID 19 supplies.
- PA will focus on improving vehicle fleet management initiatives through more effective and efficient operations.

FY 2021

PA will continue to execute the following:

- PA will continue to support MSHA's Agency Priority Goal (APG), as well as the Departmental strategic goals and objectives, to prevent fatalities, illness, and injury from mining and promote safe and healthful workplaces for America's miners.
- PA will support the continued efforts of the Agency to merge the enforcement workforce to help ensure miners' safety and health. Program Administration will increase outreach by continuing to hold quarterly calls with stakeholders to help reduce deaths, injuries and illnesses, improve mine safety, and include special emphasis discussions on COVID-19. Outreach will expand to Hispanic and Native American communities especially in the Western U.S.
- PA will support Departmental activities associated with Agency reform and consolidation for several administrative functions. MSHA is exploring innovative approaches to reduce workers' compensation costs. PA will continue to reduce workers' compensation costs through improved employee health and safety programs, and proactive management of the workers' compensation program. In CB 2021, MSHA will continue efforts to bring down total workers' compensation costs further.
- FY 2021, Program Administration will continue to address all COVID 19 related issues (to include the management and purchasing all COVID 19 supplies and cleanups for its field staff throughout the nation in accordance to CDC guidance. PA projects FY 2021 cost will be approximately \$300,000, a decrease from FY 2020 due to stricter policy and training.
- PA will continue to support grant activities ensuring compliance with rules and regulations. In FY 2021, PA will process up to \$1,000,000 for Brookwood-Sago grant, an increase of \$600,000 from FY 2020 and \$10,537,000 for state grants.
- PA will continue to support facility and space related initiatives by analyzing space usage and identifying opportunities to consolidate and improve cost effectiveness. PA will initiate efforts to consolidate space and reduce footprint by at least 39,000 square feet in FY 2021.

PROGRAM ADMINISTRATION

- PA will use funds from the ARP to bolster hiring in areas impacted by the COVID 19 Pandemic to ensure MSHA meets its statutory requirement for inspections and investigations. PA is expected to hire a minimum of 60 FTE and purchase more COVID 19 supplies.
- PA will focus on vehicle fleet management initiatives improving operations.

FY 2020

- In FY 2020, PA supported MSHA's APG, as well as the Departmental strategic goals and objectives, to prevent fatalities, illness, and injury from mining and promote safe and healthful workplaces for America's miners.
- Program Administration held quarterly calls with stakeholders to help reduce deaths, injuries and illnesses, improve mine safety, and included special emphasis discussions on COVID-19.
- PA continued efforts to merge the enforcement workforce to help ensure miners' safety and health. PA supported Departmental activities associated with Agency reform and consolidation for several administrative functions. PA reduced workers' compensation costs through improved employee health and safety programs, and proactive management of the workers' compensation program. PA continued employee engagement and coordinated employee training and development. In CB 2019, MSHA's total workers' compensation costs was \$8,873,444. In CB 2020, total workers' compensation costs were \$7,810,391 a reduction of \$1,063,053.
- PA continued to support grant activities ensuring compliance with rules and regulations. In FY 20, PA processed \$400,000 for Brookwood-Sago grants and \$10,537,000 for state grants.
- PA focused on vehicle fleet management initiatives improving operations and enhancing program support.
- PA continued to support facility and space related initiatives by analyzing space usage and identifying opportunities to consolidate and improve cost effectiveness.

PROGRAM ADMINISTRATION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	9,087	6,577	9,365	2,788
11.3	Other than full-time permanent	33	0	0	0
11.5	Other personnel compensation	149	284	284	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	9,269	6,861	9,649	2,788
12.1	Civilian personnel benefits	2,787	2,038	3,131	1,093
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	70	81	267	186
22.0	Transportation of things	9	32	139	107
23.1	Rental payments to GSA	870	764	764	0
23.2	Rental payments to others	25	15	15	0
23.3	Communications, utilities, and miscellaneous charges	73	208	208	0
24.0	Printing and reproduction	3	3	3	0
25.1	Advisory and assistance services	12	17	17	0
25.2	Other services from non-Federal sources	132	341	815	474
25.3	Other goods and services from Federal sources 1/	2,438	2,248	2,620	372
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	606	2,021	2,389	368
26.0	Supplies and materials	43	380	380	0
31.0	Equipment	8	12	12	0
32.0	Land and Structures	0	1,334	1,334	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	10	0	0	0
	Total	16,355	16,355	21,743	5,388
	1/Other goods and services from Federal sources				
	Working Capital Fund	2,303	1,650	1,650	0
	DHS Services	40	67	67	0
	HHS Services	55	46	46	0
	Services by Other Government Departments	40	485	485	0

PROGRAM ADMINISTRATION

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$208
Personnel benefits	93
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0
Land and Structures	0

Built-Ins Subtotal **\$301**

Net Program **\$5,087**

Direct FTE **27**

	Estimate	FTE
Base	\$16,656	52
Program Increase	\$5,087	27
Program Decrease	\$0	0