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U.S. Department of Labor
Office of Public Affairs
Washington, D.C.
Release Number: 12-1447-NAT

For Immediate Release

July 16, 2012

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MSHA Assistant Secretary Main addresses concerns of aggregate associations

FLORENCE, Ky. – In remarks today in Florence before representatives of several Midwest state aggregate associations, Assistant Secretary of Labor for Mine Safety and Health Joseph A. Main outlined a number of important initiatives and reforms his agency has undertaken over the last two years.

Since his appointment in October 2009, Main has placed the U.S. Department of Labor’s Mine Safety and Health Administration on an aggressive path to improve overall conditions for miners. The disaster that killed 29 miners at the Upper Big Branch Mine in April 2010, however, changed everything. “It unquestionably shook the very foundation of mine safety and health, and caused all of us to take a deeper look at the weaknesses in the safety net expected to protect the nation’s miners,” said Main. “There has been an intense examination of that tragedy, and MSHA and the industry have undergone significant change as we have sought to find and fix deficiencies in mine safety and health.”

Actions by MSHA and some in the mining industry have resulted in positive change, and Main pointed to a number of specific improvements. For example, in 2011 MSHA inspected approximately 14,170 mines and issued 157,613 citations and orders – an 8 percent decline in issuances from 2010, during which MSHA issued 170,909 citations and orders. The number of significant and substantial, known as S&S, citations and orders (those contributing to a safety or health hazard that is likely to result in a reasonably serious injury or illness), dropped 12 percent from 2010 to 2011.

In 2011, 37 miners died on the job, the second-lowest number since statistics first were recorded in 1900. With a cautionary note, Main added, “We all know that one death is one too many, and mining deaths are preventable.”

MSHA also has increased its emphasis on health issues, noted Main, including the need for mine operators to monitor their employees’ exposure to harmful air contaminants by conducting dust, gas, mist and fume surveys to determine the adequacy of control measures. “Effective exposure monitoring can identify unhealthy levels of contaminants and assist in preventing disease,” said Main.

He discussed changes and improvements in MSHA’s Small Mine Consultation Program to make it more efficient and able to work more closely with state aggregate associations. “An important goal is to locate needed resources and help small mine operators understand and comply with the law,” Main said.

Finally, he outlined several initiatives in which MSHA, aggregate associations and other stakeholders have collaborated to advance the health and safety of miners related to guarding, fall protection, and improvements in enforcement consistency and compliance.

The following initiatives are among those Main discussed:

- **Enhanced enforcement:** Following the Upper Big Branch Mine disaster, MSHA initiated its impact inspection program targeting mines that merit increased attention and enforcement due to poor compliance records. From April 2010 through May 2012, MSHA conducted 452 impact inspections at mines, resulting in 8,106 citations, 811 orders and 32 safeguards for a total of 8,949 issuances. Compliance has improved at mines receiving impact inspections: Since September 2010, violations per inspection hour are down 13 percent S&S violation rates are down 21 percent, 104(d) orders are down 43 percent and the total lost-time injury rate is down 13 percent.

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- Under MSHA’s **Pattern of Violations program**, mines are screened to determine if they have met the potential POV criteria. If they do, they are required to make compliance improvements to avoid POV closure orders when S&S violations are found. MSHA has strengthened the criteria for POV and, since November 2010, has placed two mines on a POV, marking the first time in the history of the Federal Mine Safety and Health Act that mines successfully have been subject to a POV closure order. In 2011, eight mines were issued potential POV notices, down from 17 in 2010. A review of 14 mines that received potential POV notices in 2010 indicated that the total violation rate is down 23 percent, the S&S violation rate is down 42 percent, the rate of 104(d) withdrawal orders is down 64 percent and the lost-time injury rate down is 44 percent. MSHA also has created a new online tool that can track whether a specific mine meets potential POV criteria.
- **“Rules to Live By”**: This multiphase initiative, which includes education and training, focuses on the most common causes of mining deaths and the standards cited most often in mining death investigations.
- **Guarding**: In 2010, MSHA published the guide “Guarding Conveyor Belts at Metal and Nonmetal Mines” on its website to help eliminate violations. Guarding-related citations and orders are down 39 percent from 2010. A sequel to this guide, which will provide detailed compliance information on all types of equipment guarding other than conveyor belts, will be released soon.
- **Fall protection**: In June, MSHA published a program policy letter clarifying compliance with the fall protection standard. The policy recognizes that, in many cases, OSHA’s standard on unprotected sides and edges would satisfy MSHA’s standard. However, the policy also provides that MSHA will evaluate (on a case-by-case basis) “all work area hazards to ensure appropriate fall protection provisions are in place to protect miners from fall hazards.”
- **Pre-assessment conferencing**: This process was implemented in MSHA districts where resources permit and allows disputes to be resolved before they are contested and added to the backlog of contested cases.
- **Mine emergency preparedness**: MSHA, working with its stakeholders, has made significant progress in developing technologies to aid in mine rescue, improving command and control capabilities, and increasing mine emergency response.
- **Consistency in mine inspections**: MSHA has improved oversight of the inspection program and consistency in the enforcement of the Mine Act with a new training program for all field office supervisors. All supervisors have received the training to date and will receive re-training every two years. A half-day course on professionalism and consistency has been added to the two-week refresher training for each metal and nonmetal mine inspector.
- **Corrective actions for improving MSHA’s effectiveness**: An internal review of MSHA’s actions in the months leading up to the Upper Big Branch Mine disaster has resulted in the initiation of several corrective actions, including a comprehensive review of agency directives and guidance, a complete overhaul of policy directives, increased oversight of MSHA programs and further training of MSHA personnel.

“Improving mine safety and instilling a culture of prevention in the industry is of great importance to President Obama, Secretary of Labor Hilda Solis and me,” said Main. “The secretary has articulated a forward-looking vision of ensuring good jobs for every worker in the United States, which includes safe and healthy workplaces – particularly in high-risk industries – and a voice in the workplace for all workers.”

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