



National Institute for
Occupational Safety and Health
Centers for Disease Control
and Prevention (CDC)
395 E Street, SW - Ste 9200
Washington, DC 20201
PH: 202-245-0625

March 22, 2012

The Honorable Hilda L. Solis
Secretary
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C.

Dear Secretary Solis:

Following the explosion at Performance Coal Company's Upper Big Branch Mine South (UBB), which resulted in the death of 29 miners and serious injuries to two other miners, you requested that the Director of the National Institute for Occupational Safety and Health identify a panel of individuals with relevant experience to conduct an independent assessment of the Mine Safety and Health Administration's Internal Review of its enforcement actions at the Upper Big Branch Mine (South).

I appointed four experts in areas relevant to the MSHA Internal Review Report and MSHA's Upper Big Branch enforcement activities to serve as members of the Independent Assessment Panel. Members of the IP included Lewis Wade, Ph.D., (Chair); Jeffery Kohler, Ph.D. (Executive Secretary); Michael Sapko, M.S; and Alison Morantz, Ph.D., J.D.

I am pleased to present to you today the findings and recommendation of the Independent Assessment Panel.

On behalf of the Panel, we would like to thank Joseph Main, Assistant Secretary for Mine Safety and Health, and the MSHA Internal Review Team, for their support and assistance to the Independent Assessment Panel.

Sincerely,

A handwritten signature in black ink, appearing to read "John Howard", is written over a horizontal line.

John Howard, M.D.
Director