

2020 Occupational Safety and Health Law Midwinter Meeting

Palm Springs, CA
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MSHA: General Update

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The MSHA Mission

“to prevent death, illness, and injury from mining and promote safe and healthful workplaces for U.S. miners”

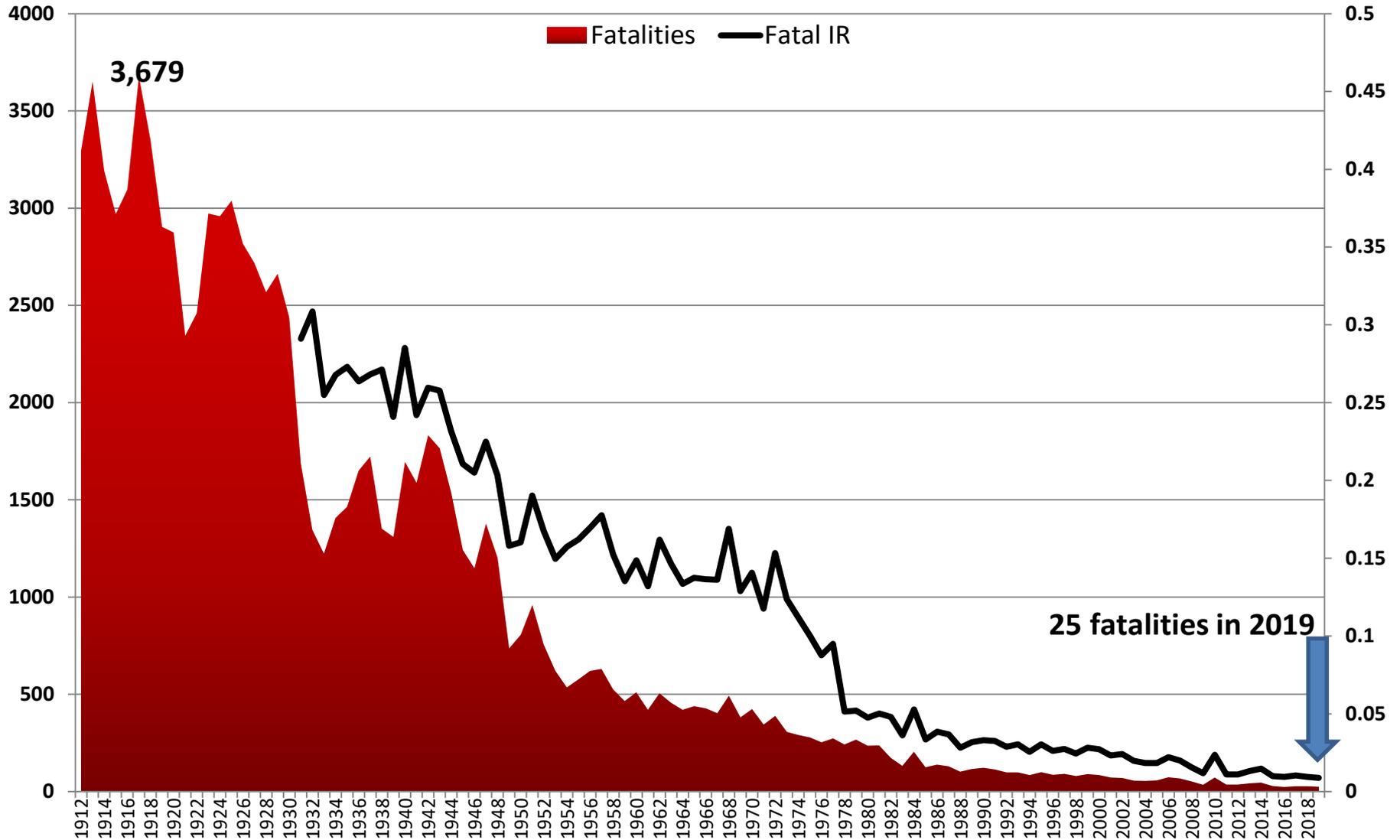


MSHA's Tools

- Fair and consistent enforcement, including mandated inspections
- Compliance and technical assistance
- Training and education
- Rulemaking and policy guidance

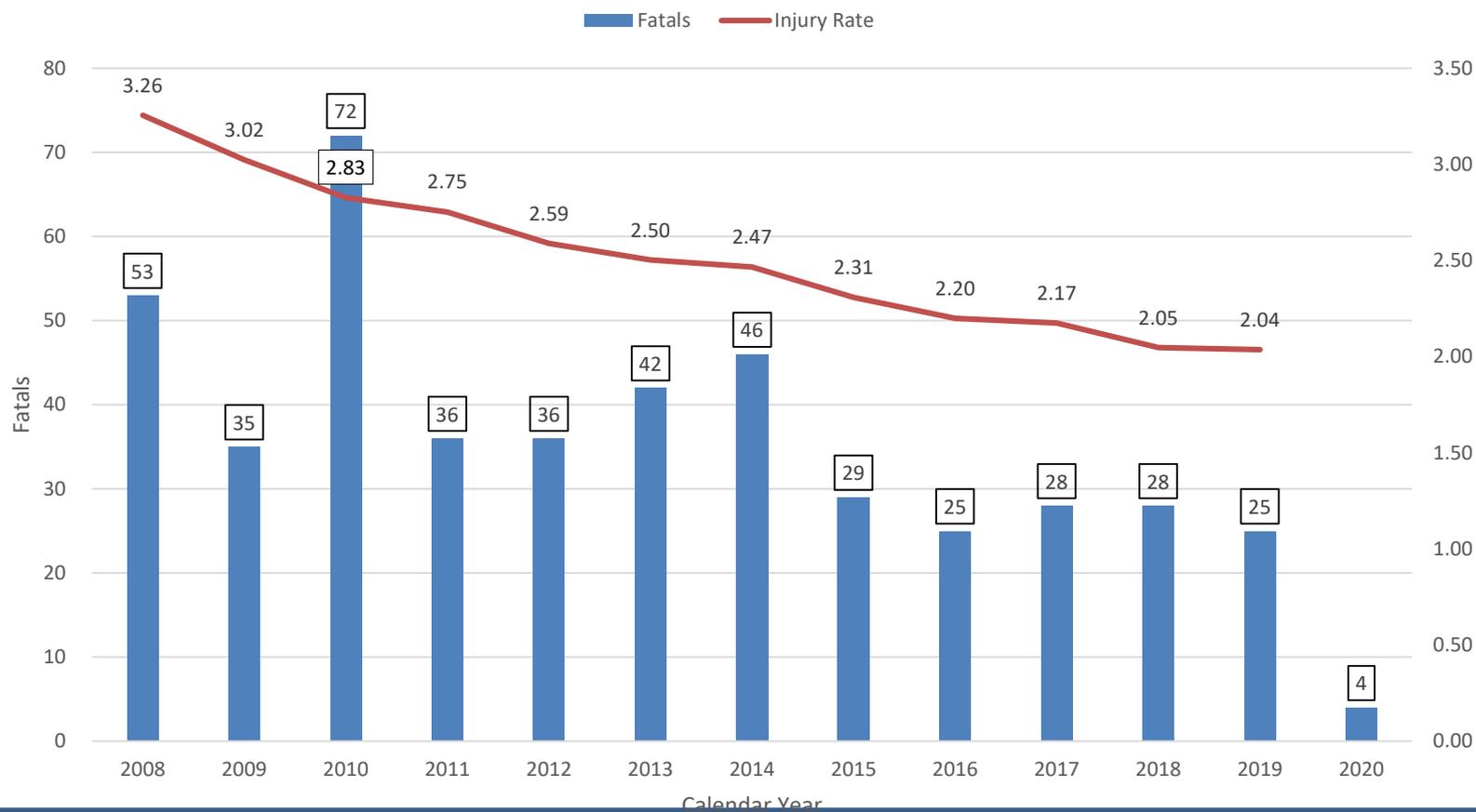


U.S. Mining Fatalities 1912-2019





Mining Injury Rates & Fatalities 2008-2020





MSHA Data for 2019

# of Mines Reporting Employment	12,928
- Coal Mines Only	1,131
- Metal/Nonmetal Mines Only	11,797
Total Industry Employment (Operator & Contractor)	330,872
MSHA Inspections/Employees	38,258/1,790
Citations & Orders Issued	99,617
Dollars Assessed (millions)	\$51.4

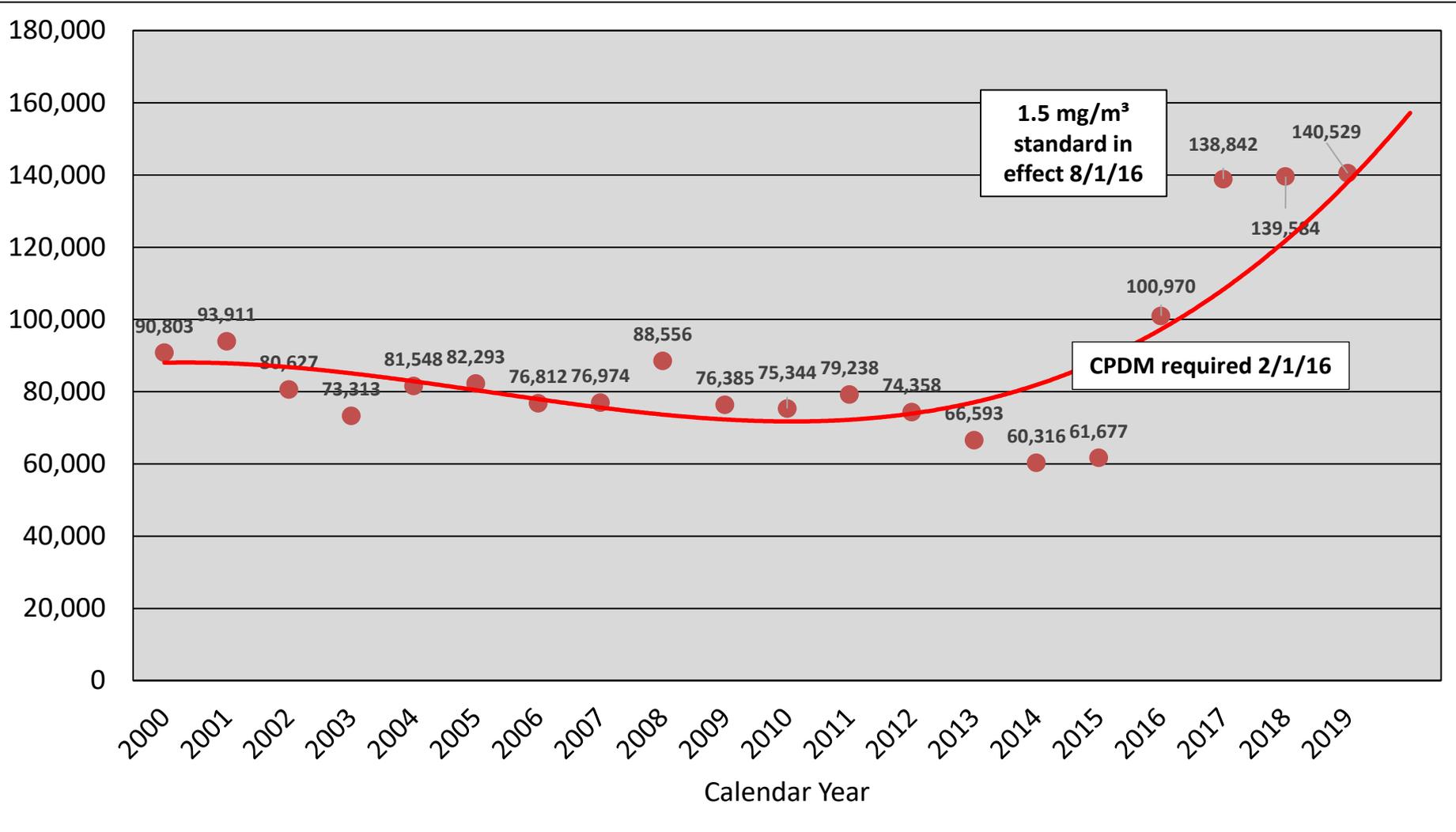


MSHA's Mine Portfolio (CY 2019)*

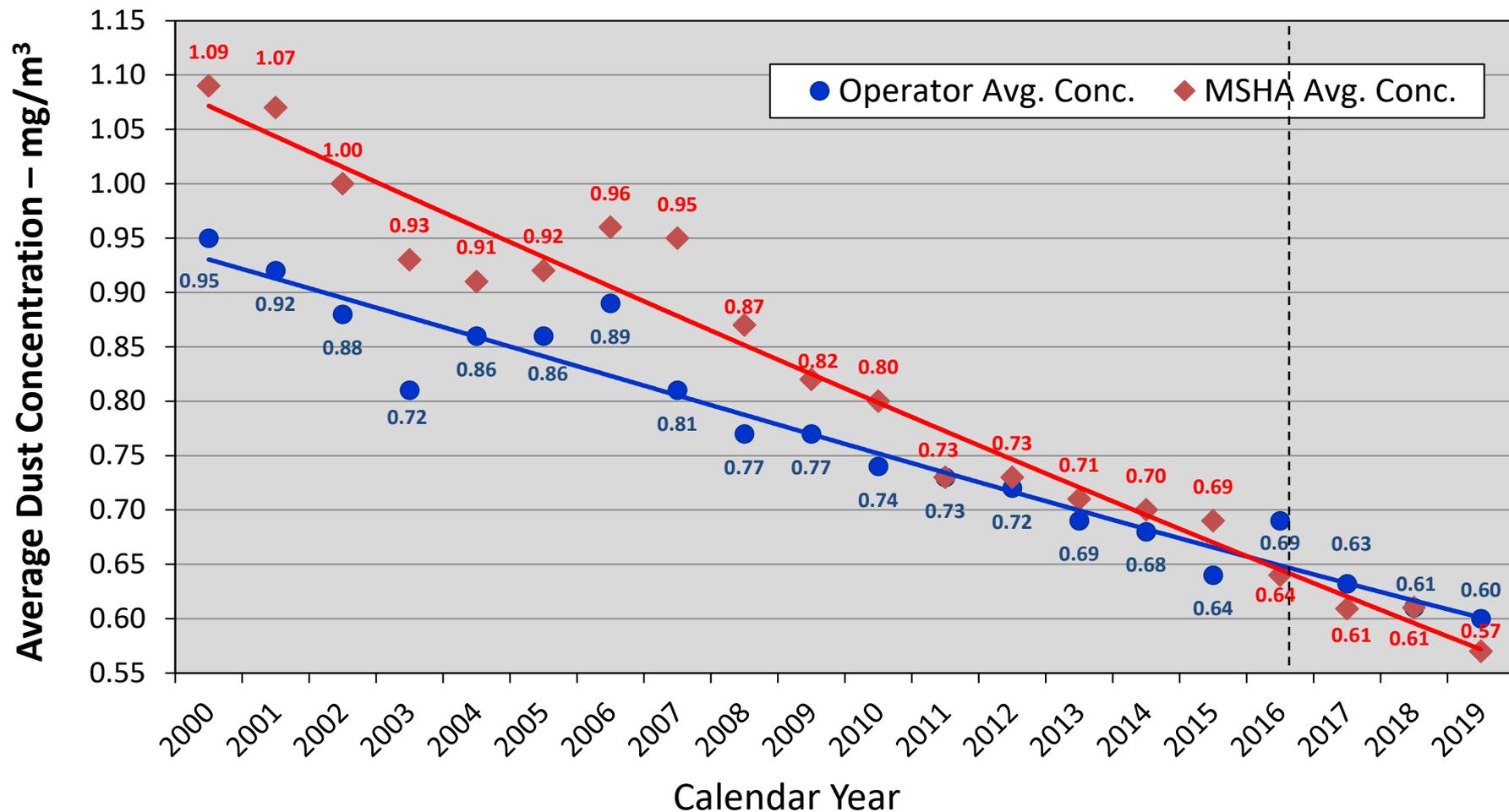
Mine Type	Number of Mines	Share of Total
UG Coal Only	388	2.8%
UG MNM Only	241	1.7%
UG Total	629	4.5%
All Surface	12,493	89.5%
Facilities Only	841	6.0%

* Includes mines that either reported employment or an injury; or received an inspection or citation.

Coal - Number of Valid MSHA & Operator Respirable Dust Samples



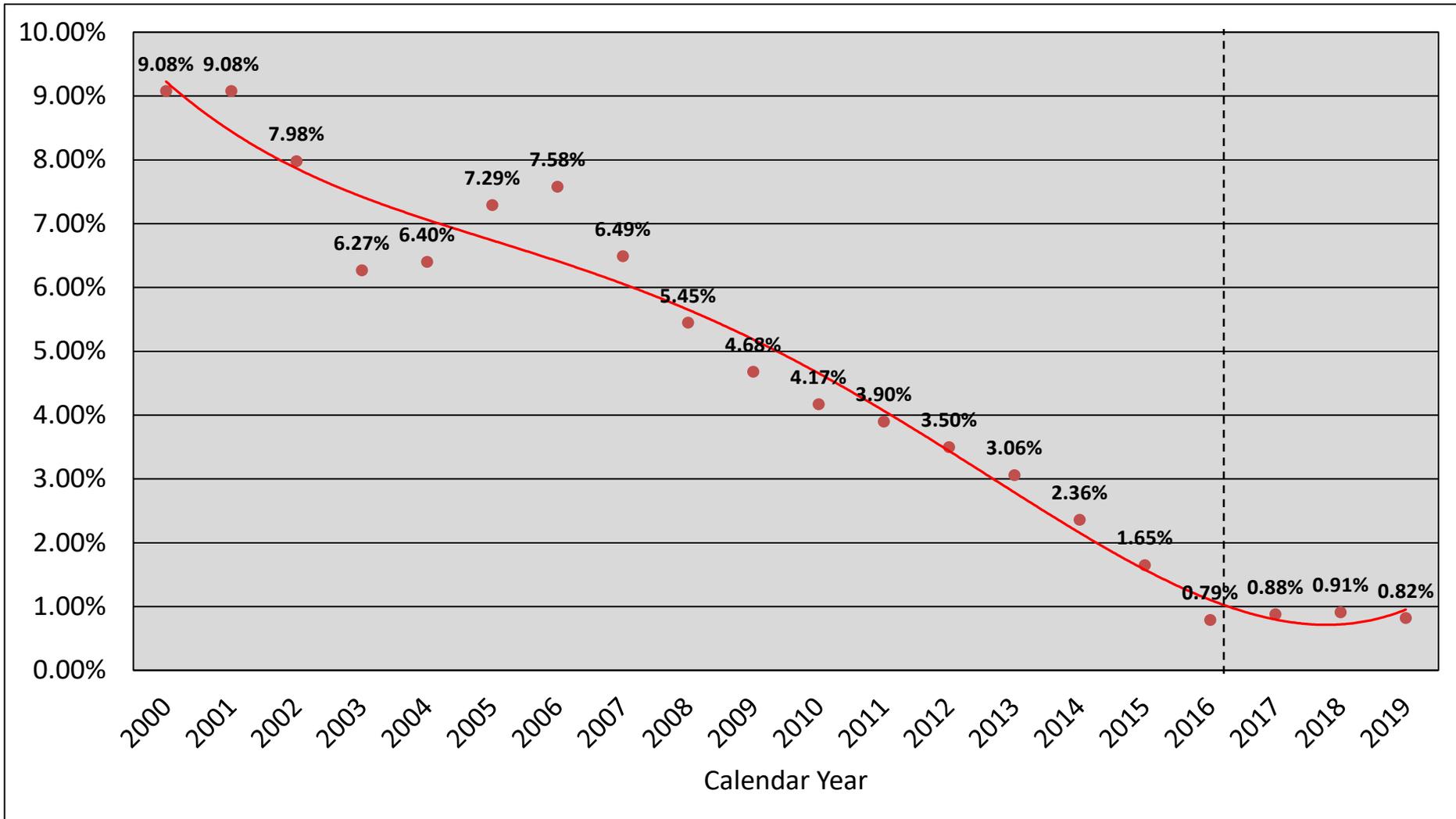
Average DO* Dust Concentration in Underground Coal Mines, by MSHA and Operator Samples



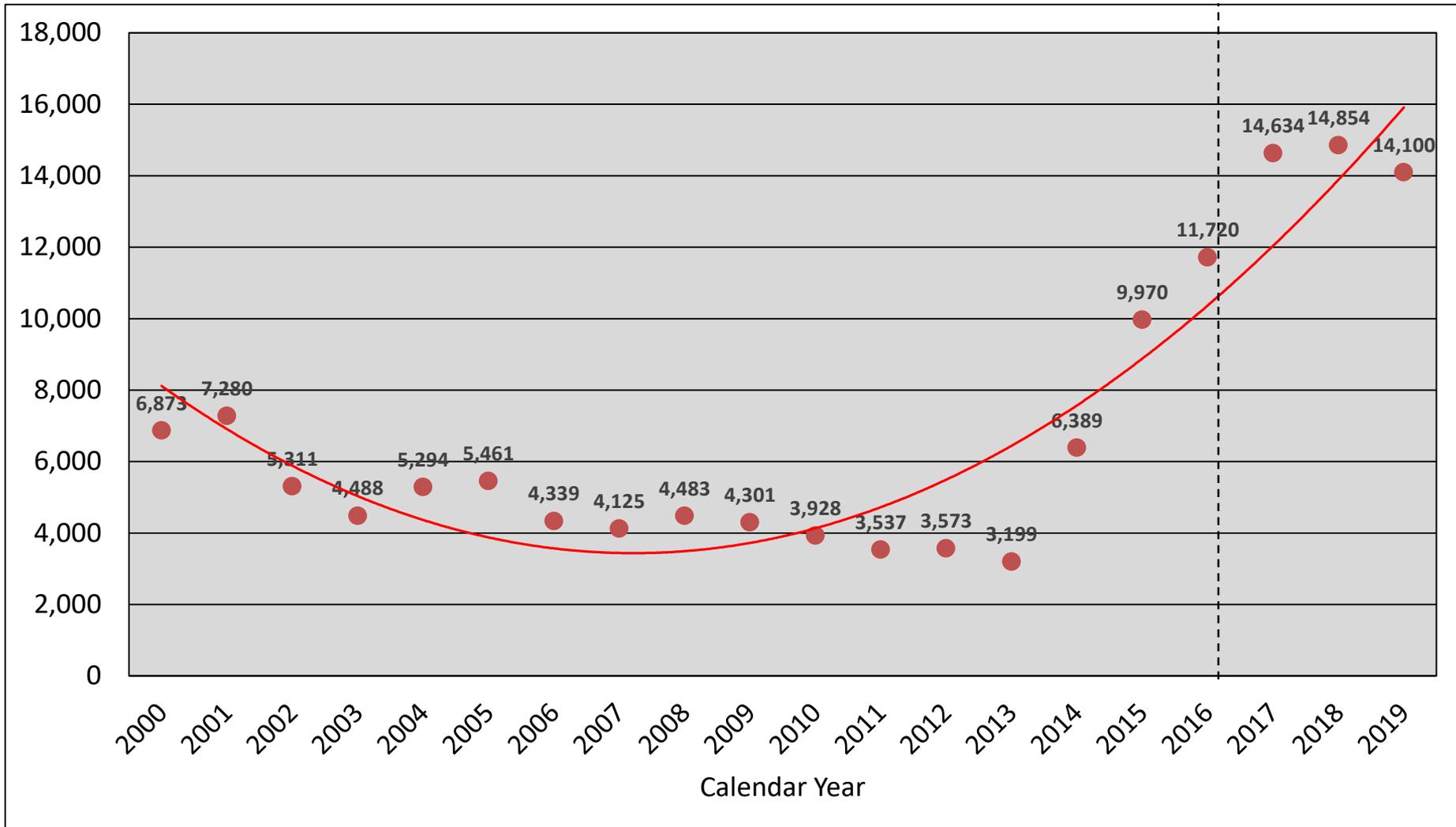
* Designated occupations (DO) exposed to the highest levels of respirable coal mine dust.



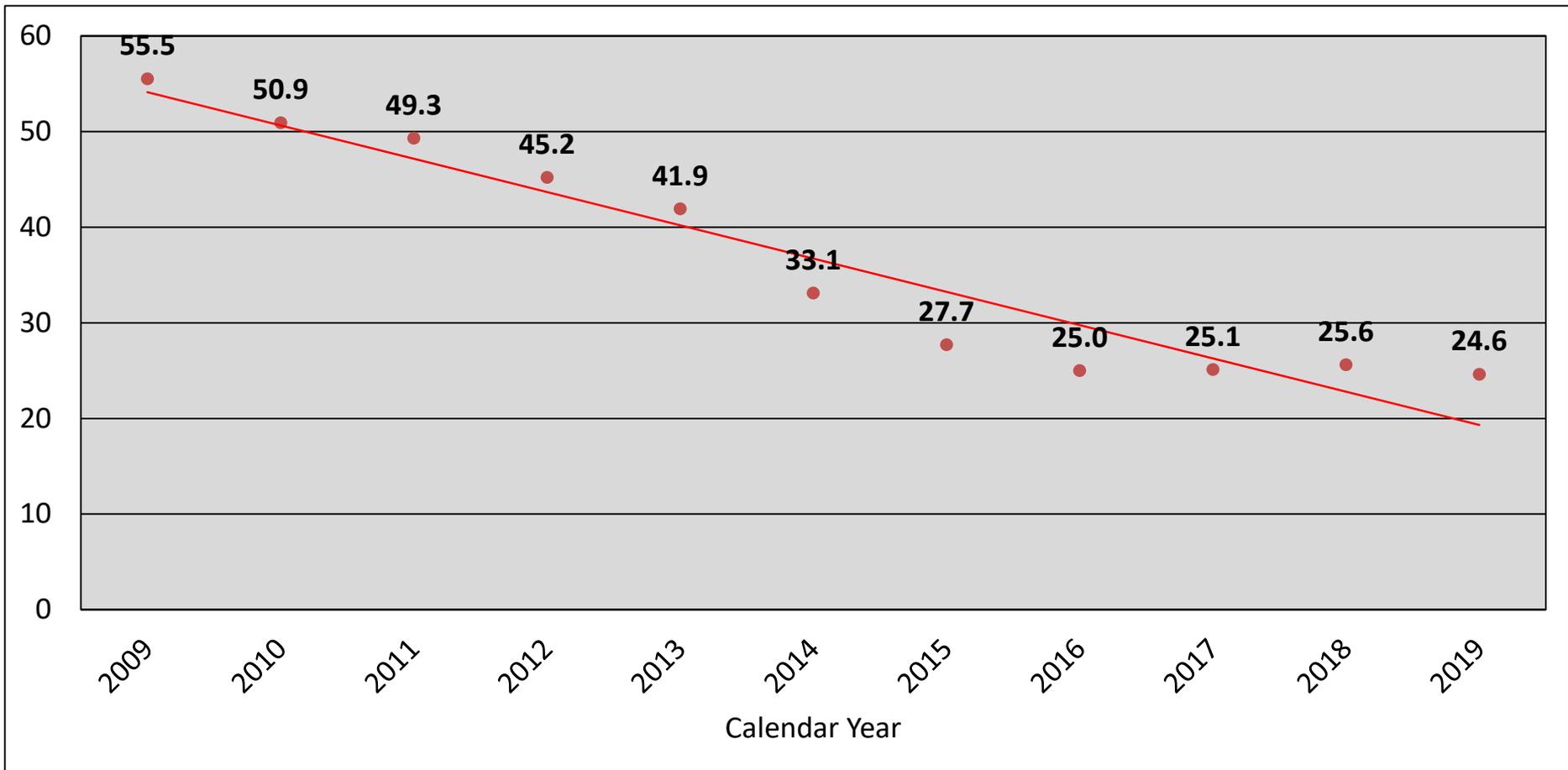
Coal - MSHA & Operator Respirable Dust Samples % > Standard



Coal - Number of Valid MSHA Quartz Samples



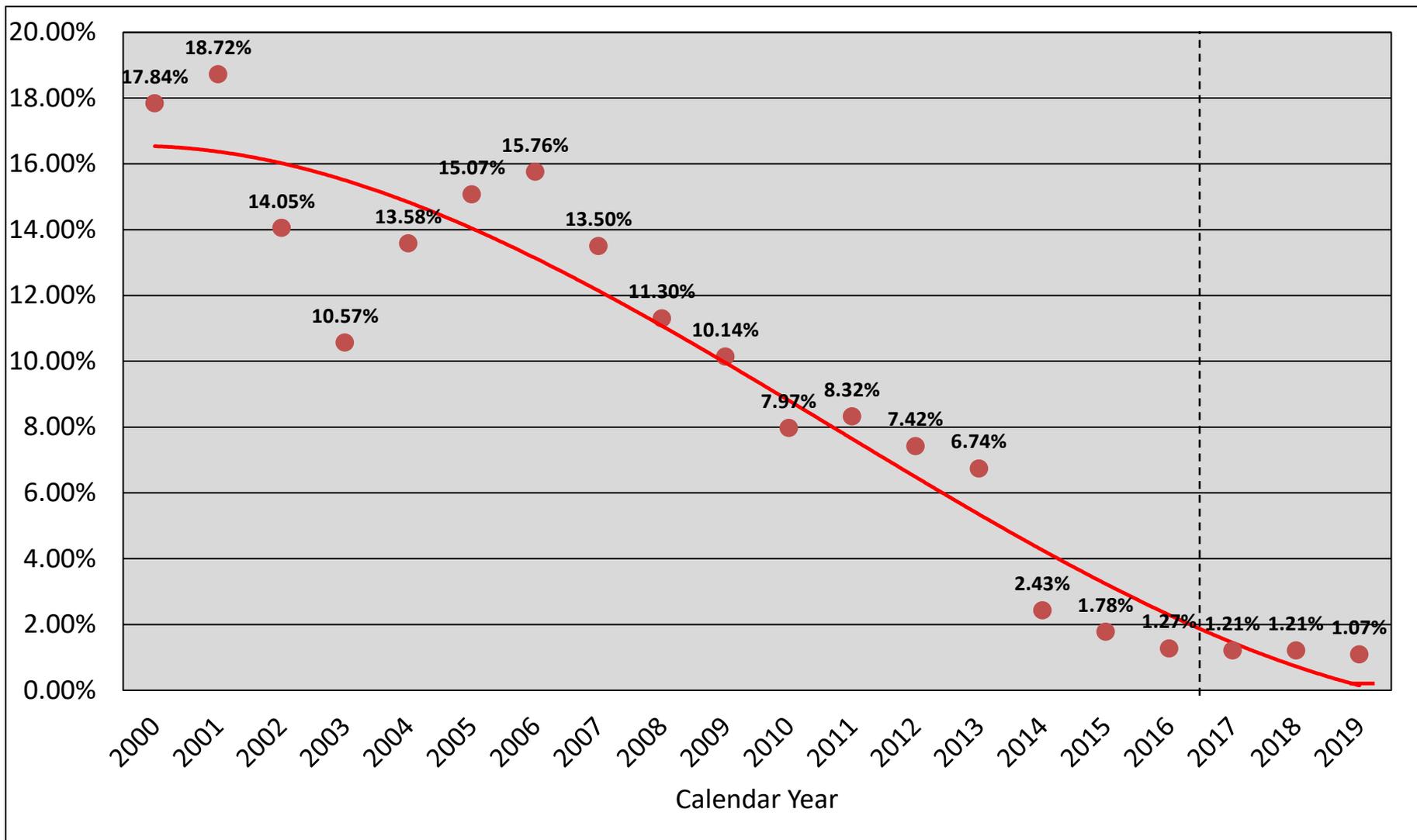
UG Coal -MSHA Average Designated Occupation* Quartz Concentration by Calendar Year



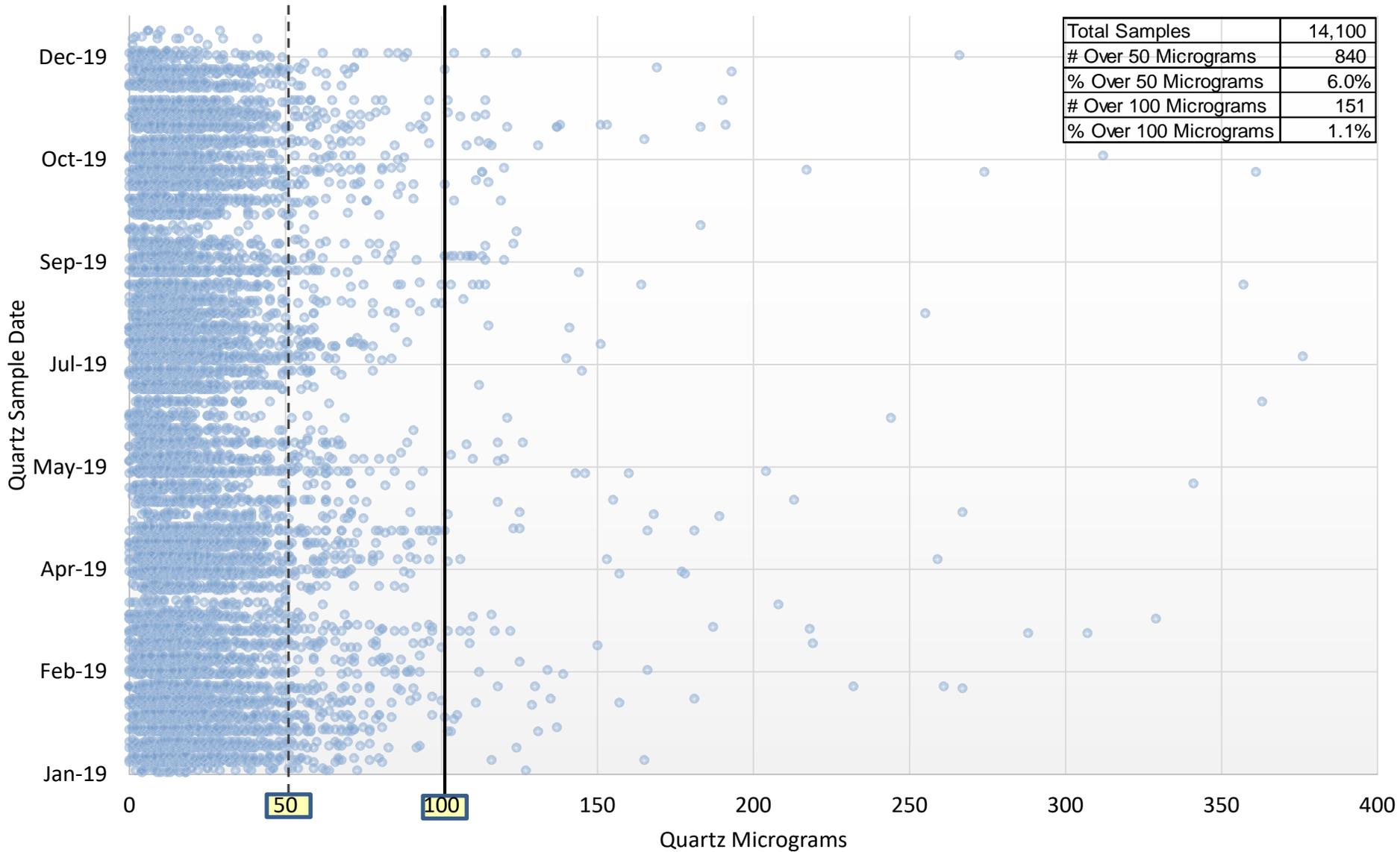
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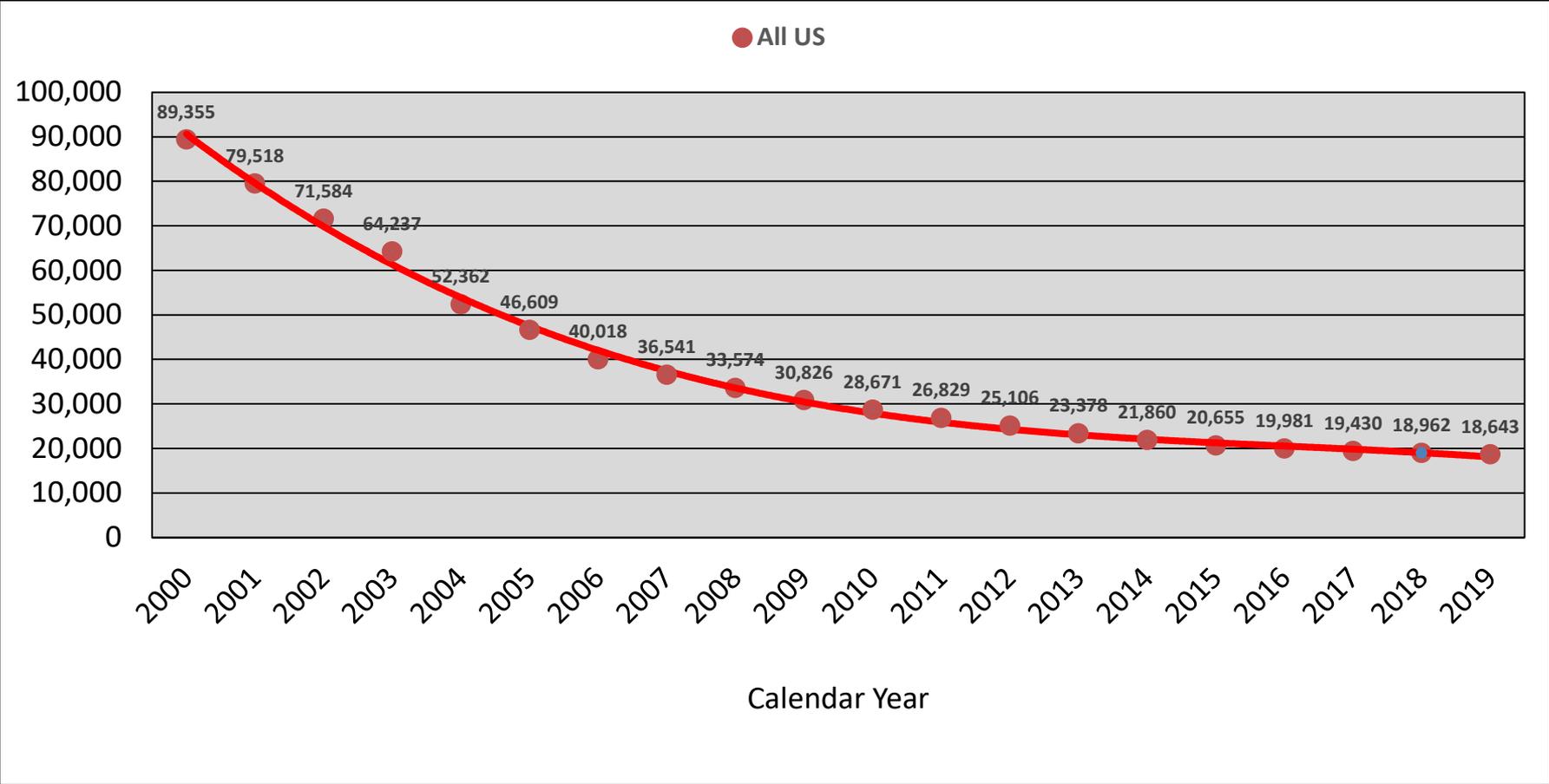
Coal - MSHA Quartz Samples % >100 $\mu\text{g}/\text{m}^3$



COAL: QUARTZ SAMPLING RESULTS CY 2019



Black Lung Claims Paid



Source: <https://www.dol.gov/owcp/dcmwc/>



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Powered Haulage Safety Initiative

Powered Haulage accidents were responsible for 50% of fatalities in recent years; 7 of 25 (28%) in 2019

Preventing these accidents is a priority for MSHA, with a focus on:

- Mobile Equipment
- Belt Conveyors
- Seat Belt Safety



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View from the Operator's Cab





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Actual Activity on the Ground

Large vehicles striking other vehicles or pedestrians have killed 24 miners since 2003



Belt Conveyors

- Eight miners killed working around belt conveyors since January 2017;
- Since 2008, 20 fatalities and more than 40 permanent injuries
- Guarding, lock-out tag-out, properly using crossovers - all essential for safety



Seat Belt Safety

- Three fatalities in 2017 and 2018, 3 more in 2019 and 41 fatalities since 2007, involved miners not wearing seat belts
- 6000+ MSHA citations issued for failure to wear seatbelts since 2007 (most in MNM mines)





ELECTROCUTIONS of 2019

- THREE **FATAL** ELECTROCUTIONS IN SIX WEEKS
- Two in West Virginia (Coal – District 04)
- One in Louisiana (M/NM – South Central)
- Near miss situations such as “victim in Florida contacted high voltage by placing head in electrical box”

All have somethings in common:

1. No Lock Out/Tag Out
2. Not protected with appropriate PPE
3. Working on electrical equipment with Certified or Qualified persons present
4. Working – Not Troubleshooting



Contractors

- 11 of 25 (44%) Fatalities in 2019 were contractors
- Contractors represent approx. 25% of workforce
- Mine Act defines “operator” to include both owner/production operators and independent contractors
- Operator & Contractor have equal responsibility for compliance with laws, standards & regulations
- Most (if not all) contractor fatalities correlate with training deficiencies

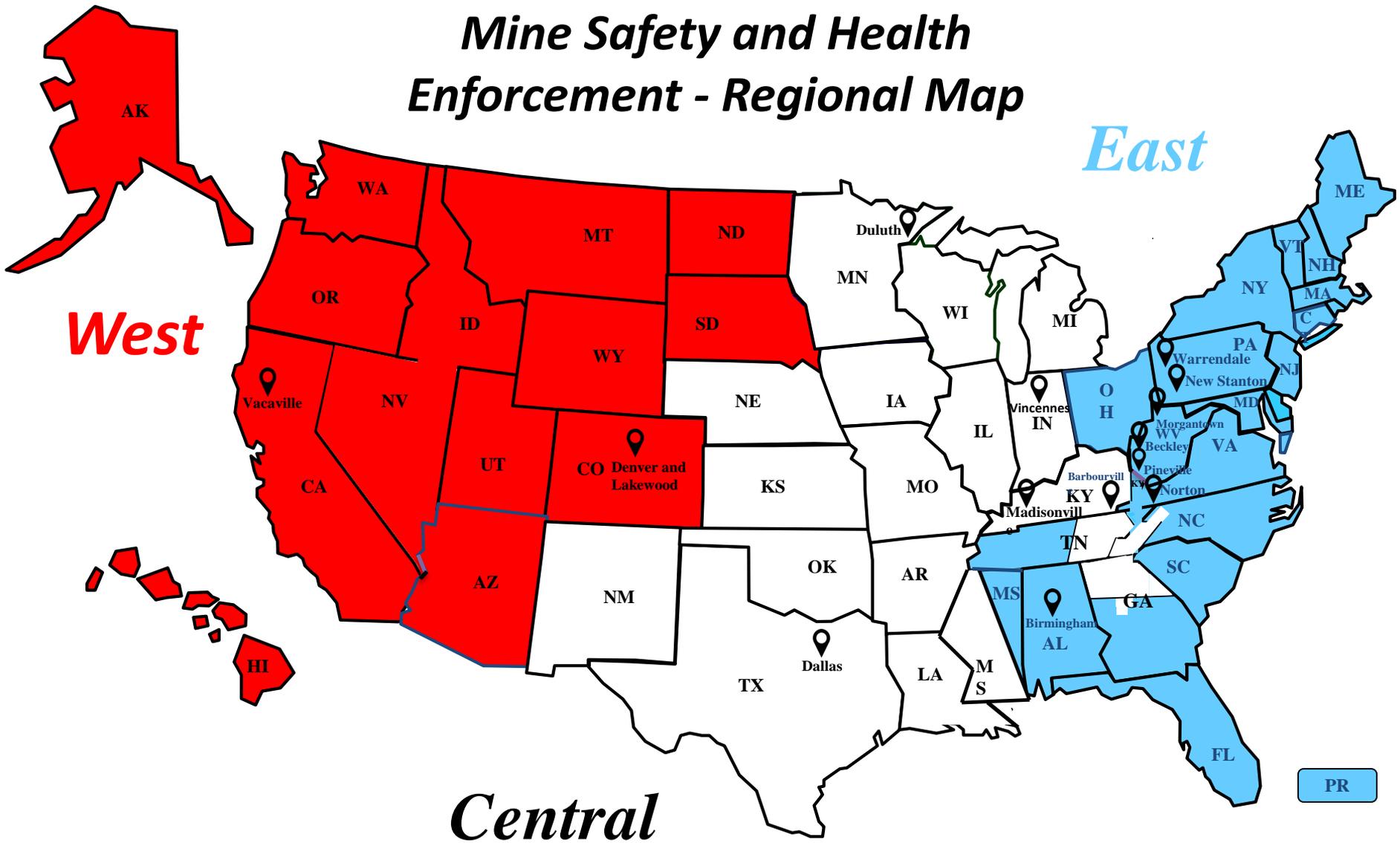


One MSHA Initiative

- Blurring the distinction between Coal and MNM enforcement for more efficient use of resources
- Cross-training inspectors and updating systems to accommodate change where it makes sense
- Specialized inspector expertise still required for certain mines
- 213 mines “blurred”
- Phasing in 3 Regions and corresponding Regional Administrators



Mine Safety and Health Enforcement - Regional Map



📍 Denotes District Offices

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Examinations of Working Places in Metal and Nonmetal Mines

Compliance Assistance and Enforcement

- MSHA held stakeholder meetings and provided in-person compliance assistance and technical advice during the first 90 days.
- Dates and locations of stakeholder meetings can be found on our website at www.msha.gov.
- During this 90-day period (which ended December 31, 2019), MSHA conducted its regular inspections and expected mine operators to comply with the 2018 rule requirements while moving to adoption of the 2017 final rule.
- As of January 1, 2020, MSHA enforces the 2017 final rule and will issue citations to mine operators not in compliance with these requirements.



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Regulations and Guidance

1. **Powered Haulage** – proposal projected in 2020.
2. **Respirable Quartz** – had public session w/ NIOSH. Spring regulatory agenda will detail next action. Workshop to be held this summer.
3. **Permissible Survey Eq** – working on proposed rule-estimated for 2020.
4. **Electronic Detonators** – proposal and direct final rule were published. To date, no adverse comments received. Notice on next actions will be published early March. MSHA anticipates finalization in March.
5. **Part 18 Approvals** - Streamlining for Electronic product approvals proposed rule in 2020.
6. **Guidance** – updating and streamlining MSHA program handbooks is underway to comply with Executive Order and best practices.



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Questions?