



# **47<sup>th</sup> Annual West Virginia Mining Symposium**

Charleston, WV  
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## **MSHA: General Update**

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Mine Safety and Health Administration



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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”



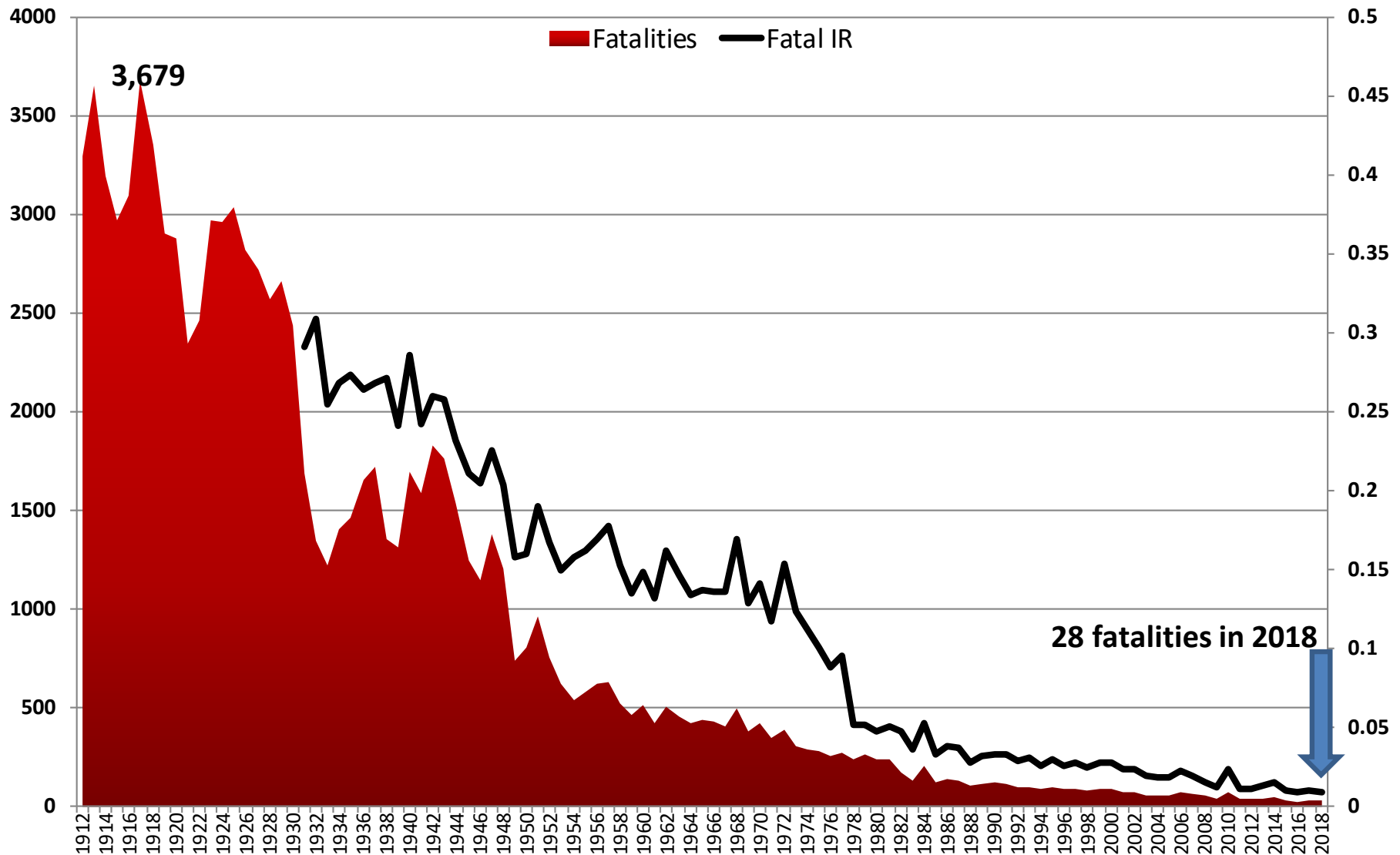
# MSHA's Tools

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



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# U.S. Mining Fatalities 1912-2018





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# MSHA Data for 2018

<b># of Mines Reporting Employment</b>	<b>13,072</b>
<b>- Coal Mines Only</b>	<b>1,192</b>
<b>- Metal/Nonmetal Mines Only</b>	<b>11,880</b>
<b>Total Industry Employment</b> (including contractors)	<b>332,179</b>
<b>MSHA Inspections/Employees</b>	<b>37,106/1900</b>
<b>Citations &amp; Orders Issued</b>	<b>97,562</b>
<b>Dollars Assessed (millions)</b>	<b>\$55.0</b>



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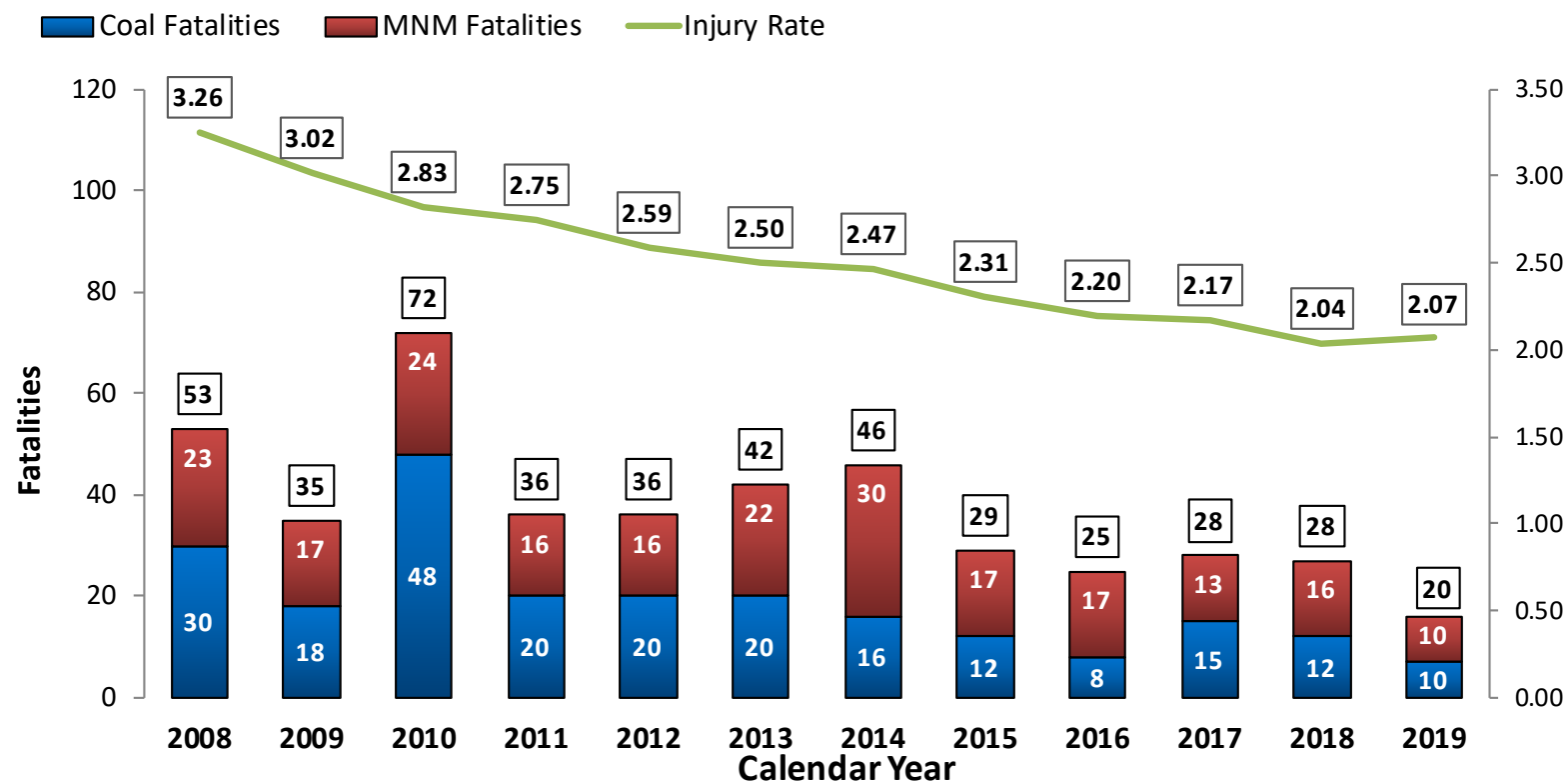
# MSHA's Mine Portfolio

Mine Type	Number of Mines	Share of Total
UG Coal Only (includes inactive)	424	3.0%
UG MNM Only (includes inactive)	241	1.7%
UG Total	665	4.7%
All Surface	12,705	89.3%
Facilities Only	859	6.0%



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# Mining Injury Rates & Fatalities 2008-2019



Fatality data as of 11/08/2019

Injury rate data as of 9/30/2019 – 200,000 hour basis



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## National and West Virginia Mine Injuries and Employment, CY2017 thru CY2019

	Fiscal Year	Fatal Accidents	Lost-Time Injury Frequency Rate	Mine Operator Employment
Nation	2019	20	2.07	229,198
	2018	28	2.04	229,168
	2017	28	2.17	223,158
West Virginia	2019	4	3.03	15,679
	2018	5	3.18	15,744
	2017	6	3.65	15,030

CY2019 data is not final.



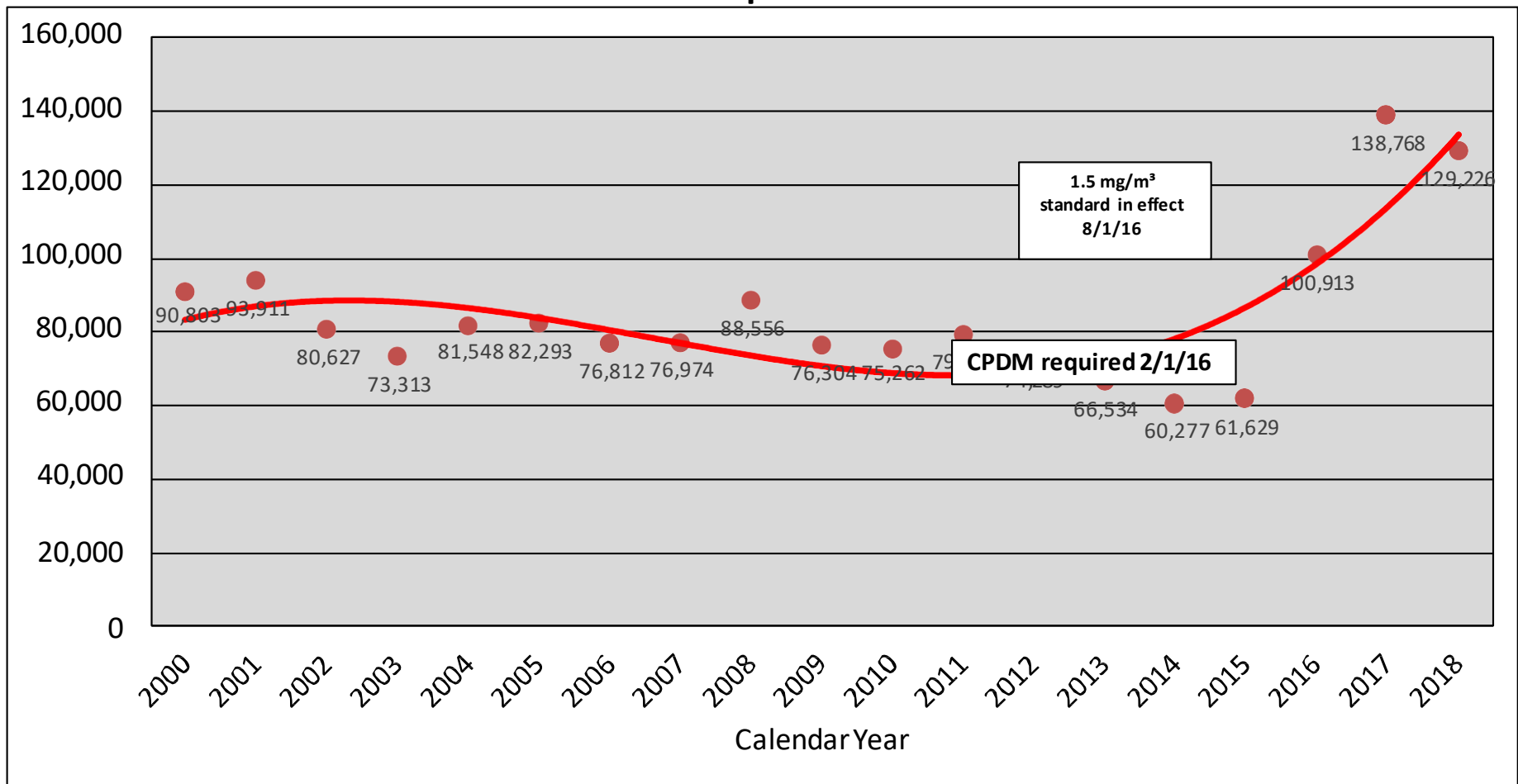
# Dust Sampling Trends

- Increased sampling of key positions in coal mines was mandated by 2014 dust rule
- What trends are we seeing?



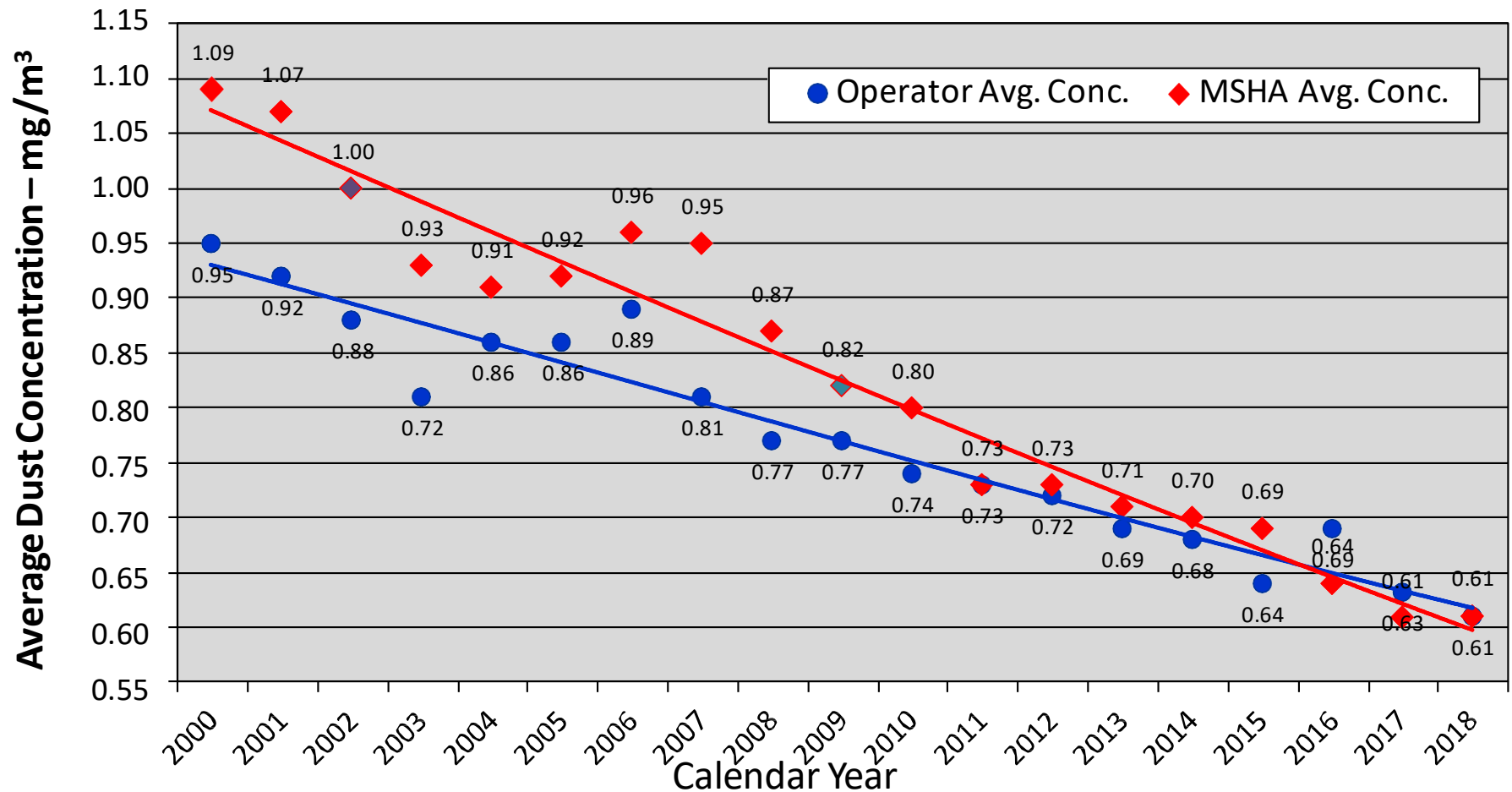
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# Coal - Number of Valid MSHA & Operator Respirable Dust Samples



Data as of 1/30/2019

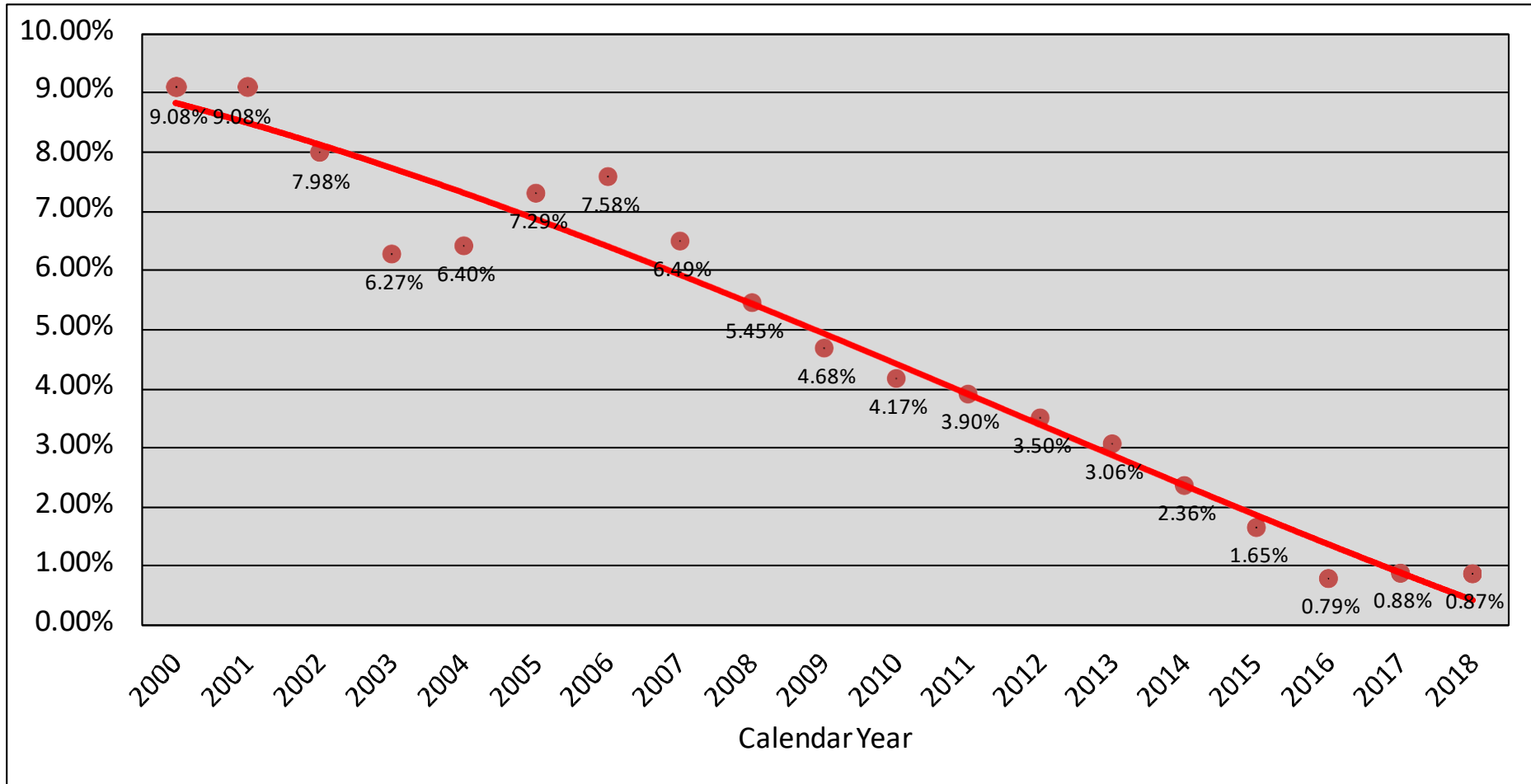
# Average DO\* Dust Concentration in Underground Coal Mines, by MSHA and Operator Samples



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

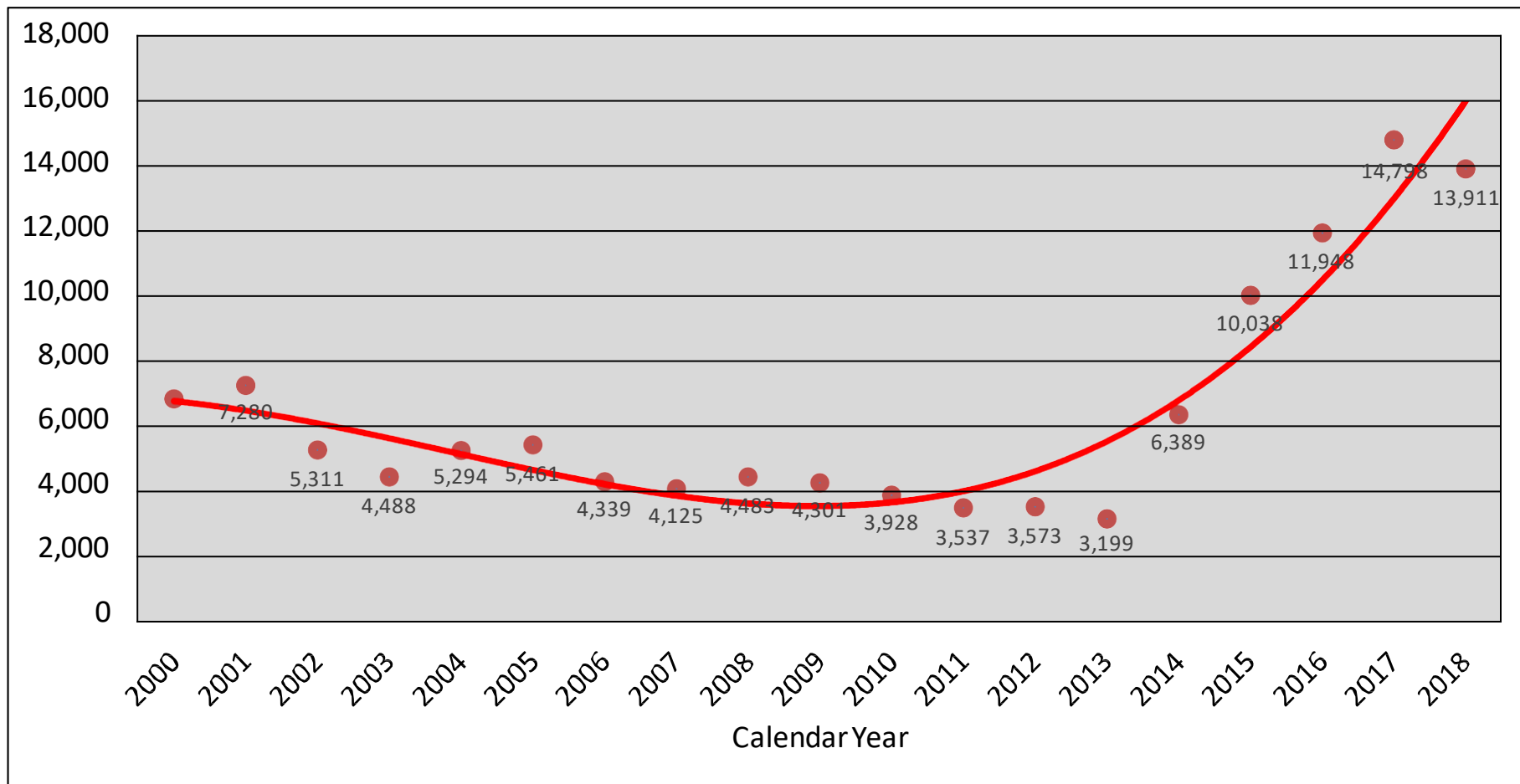
Data as of 1/30/2019

# Coal - MSHA & Operator Respirable Dust Samples % > Standard



Data as of 1/30/2019

# Coal - Number of Valid MSHA Quartz Samples

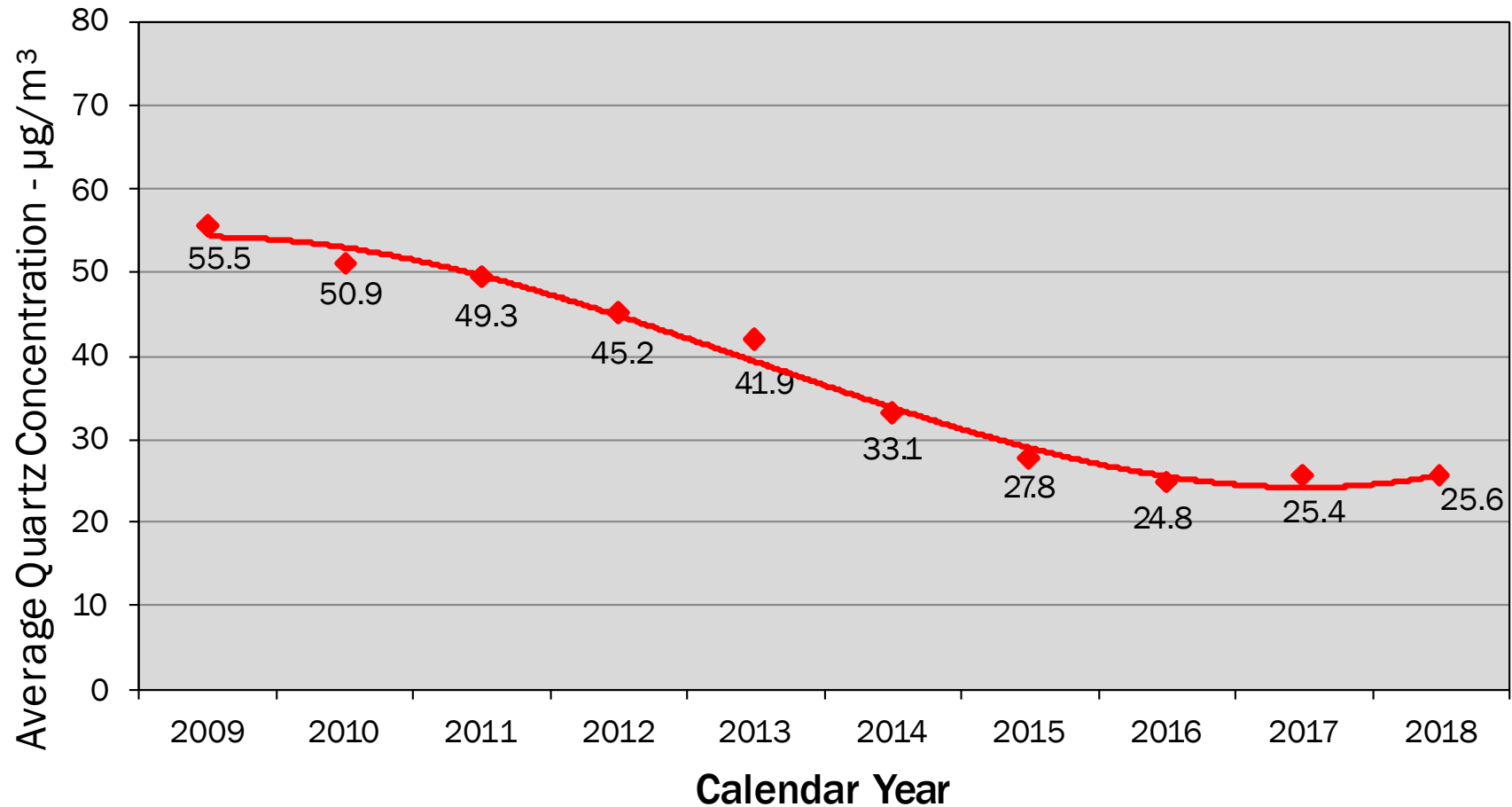


Data as of 2/5/2019

# Underground Coal Mines

## MSHA Average Designated Occupation\*

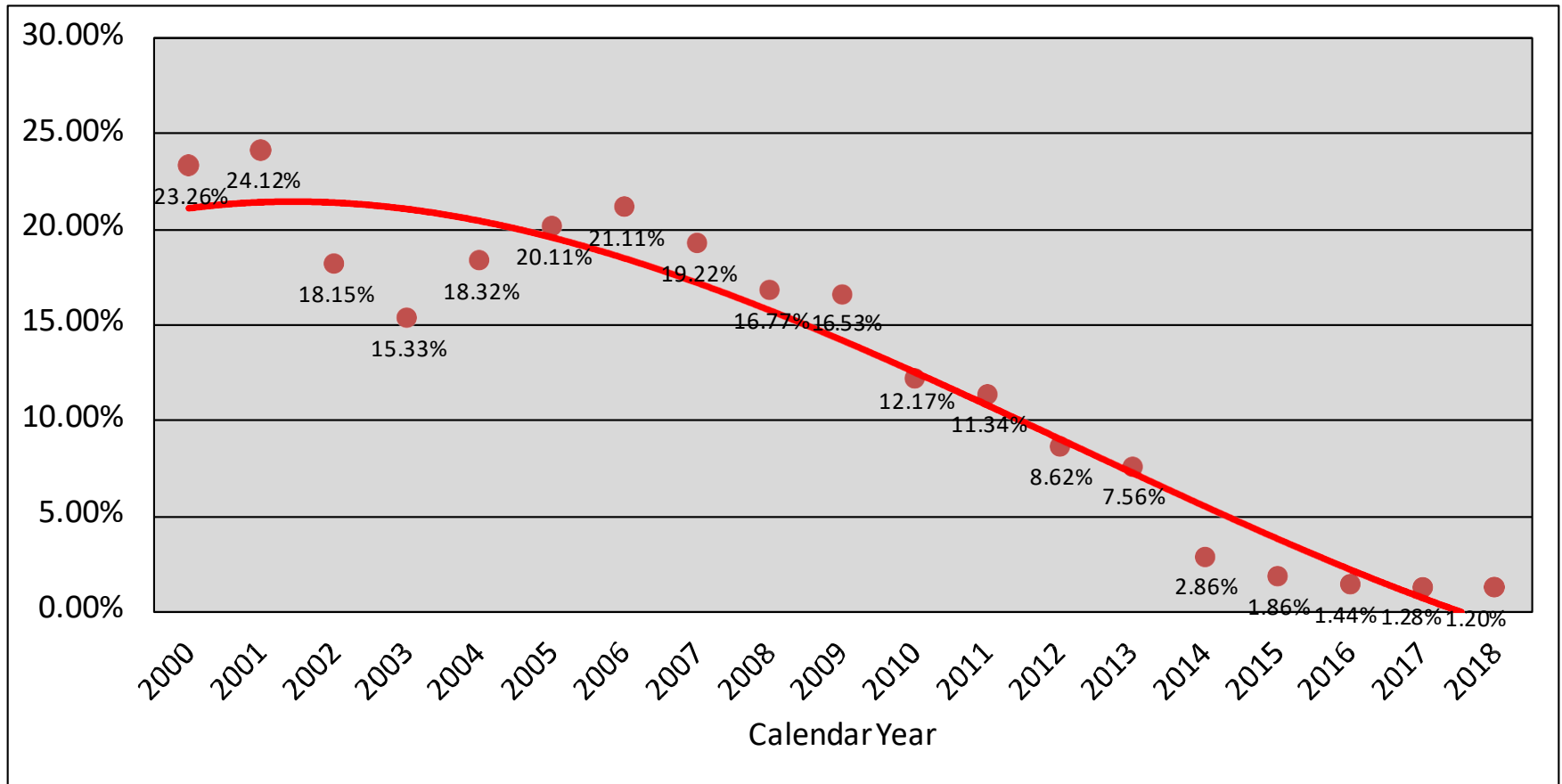
### Quartz Concentration by Calendar Year



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

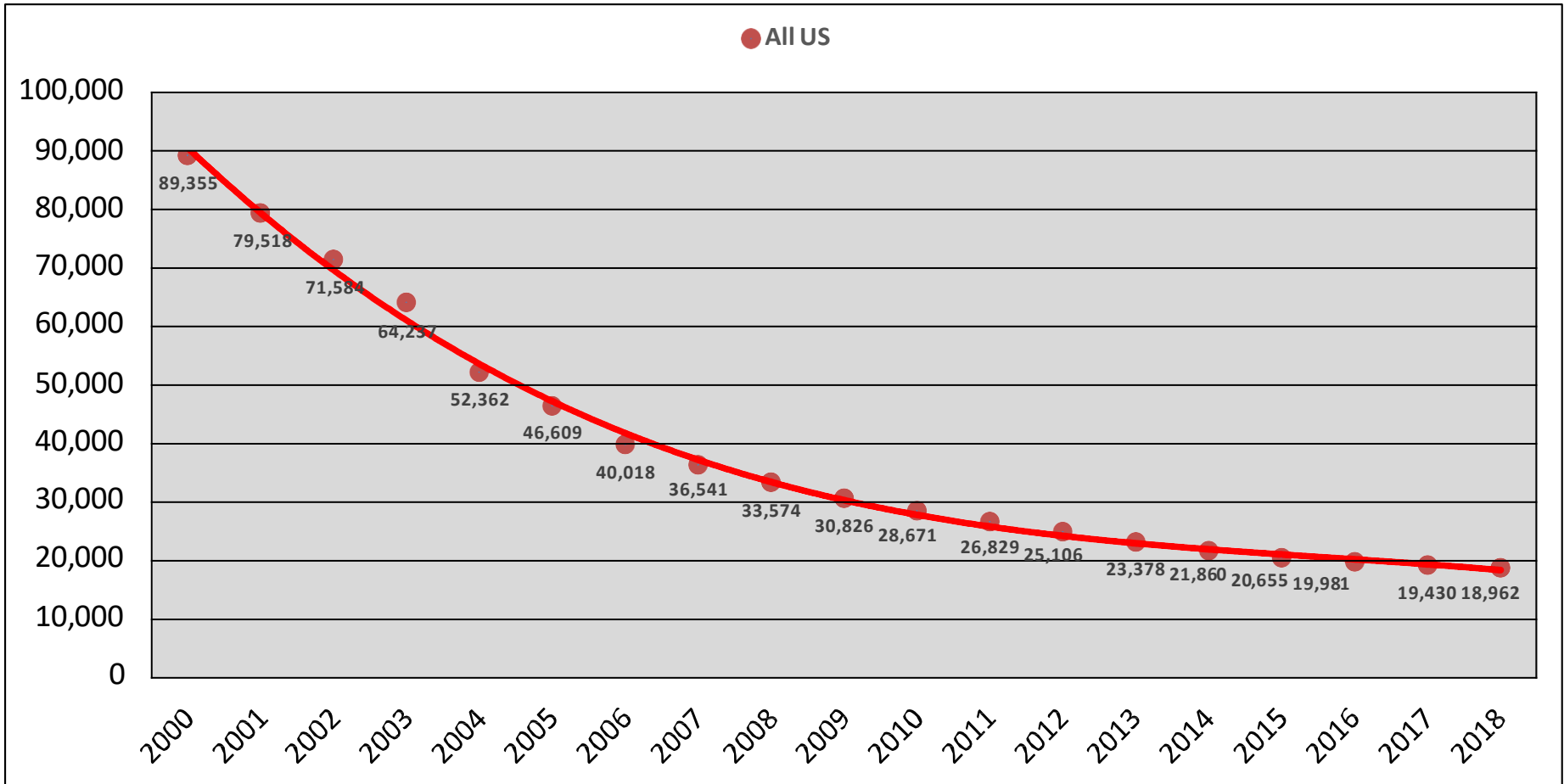
Data as of 1/30/2019

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



Data as of 2/5/2019

# Number of Black Lung Claims Paid



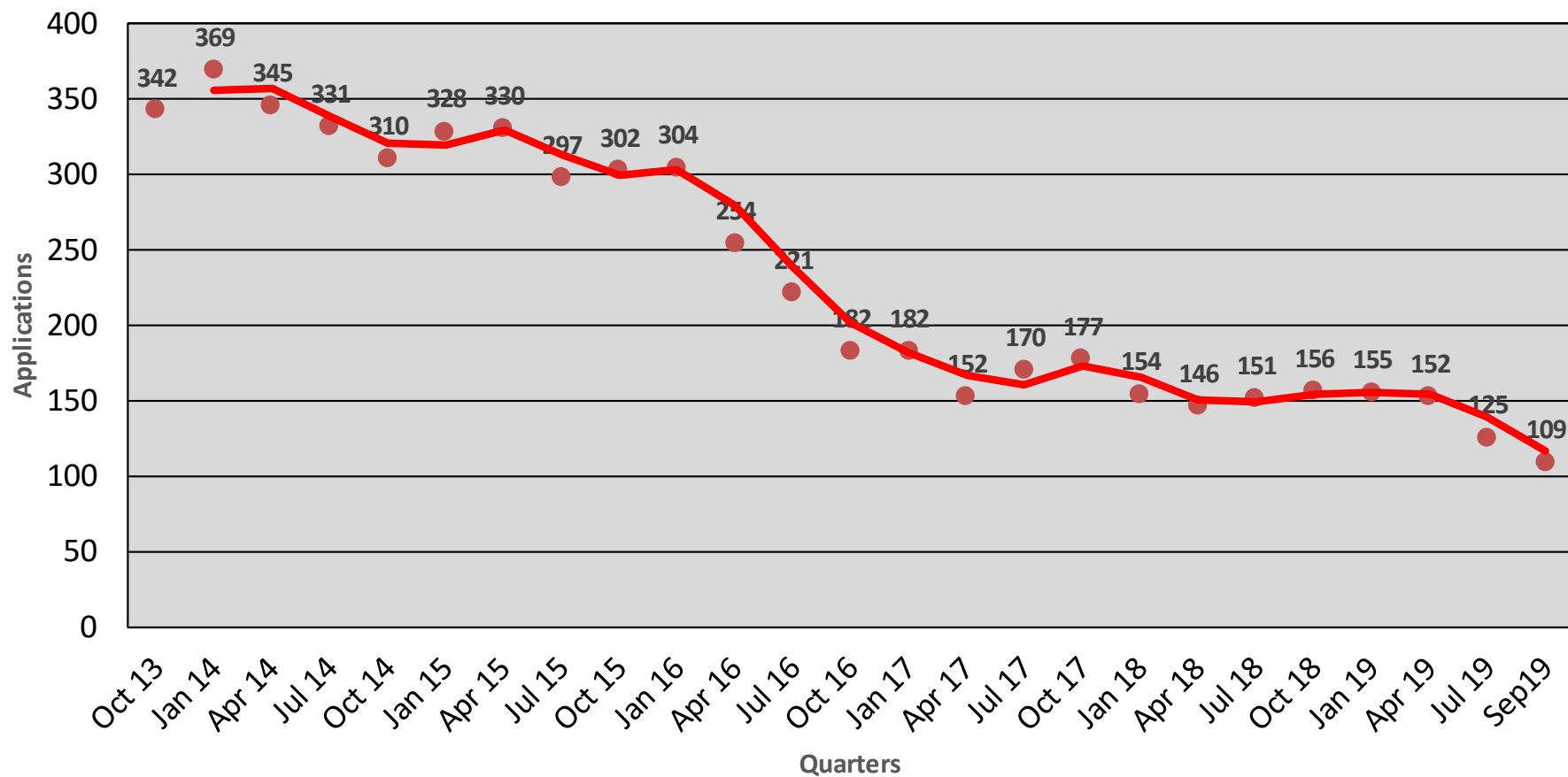
Data retrieved from <https://www.dol.gov/owcp/dcmwc/statistics/statistics.htm>

Claims counts are based on number of payments made to miners, widows, or dependents in the state in which the beneficiary resides.



# ELECTRICAL SAFETY DIVISION APPLICATION BACKLOG BY QUARTER

(January 1, 2016 to September 18, 2019)





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# Powered Haulage Safety Initiative

Powered Haulage accidents were responsible for 50% of fatalities in recent years; 13 of 27 (48%) in 2018

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

- Seven miners killed working around belt conveyors since January 2017; four in coal, three in MNM
- Since 2008, 19 fatalities and more than 40 permanent injuries
- Guarding, lock-out tag-out, properly using crossovers - all essential for safety



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# Seat Belt Safety

- Three fatalities in 2017 and 2018, and 38 fatalities since 2007, involved miners not wearing seat belts
- 6000+ MSHA citations issued for failure to wear seatbelts since 2007 (most in MNM mines)



# Powered Haulage Safety Outreach

We are distributing stickers, brochures and more to spread the word





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# ELECTROCUTIONS

- 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

- Nine of Nineteen Fatalities
- Contractors represent 25% of workforce
- Mine Act defines “operator” to include both owner/production operators and Independent contractors
- Operator & Contractor have equal responsibility for compliance of laws, standards & regulations
- Most (if not all) contractor fatalities show training deficiencies



# One MSHA Initiative

- Blurring the distinction between Coal and Metal/Nonmetal enforcement for more efficient use of resources
- Cross training inspectors and updating systems to accommodate change where it makes sense
- Inspector expertise still required for certain mines
- Moved to Phase 2 with an additional 123 mines
- Total to date “blurred” 213 mines



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# Scofflaw Initiative

- Small share of operators are chronically delinquent and have poor safety records; worst violators selected each month
- Payment plans proposed/established with total commitment of \$4.2 million
- 39 mines paid in full for \$2.2 million
- 57 104(a) citations issued; 26 104(b) orders issued. Two (2) operations are currently closed under an order.



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# Examinations of Working Places in Metal and Nonmetal Mines

- On June 11, 2019, a court challenge to the final examinations rule published on April 9, 2018, was decided.
- The D.C. Circuit Court ordered MSHA to vacate the 2018 final rule and to reinstate the 2017 final rule.
- On September 30, 2019, MSHA published a technical amendment, “Examinations of Working Places in Metal and Nonmetal Mines.” The technical amendment reinstates two regulatory provisions established by the 2017 final rule – 30 CFR 56.18002 and 57.18002.

# Examinations of Working Places in Metal and Nonmetal Mines

## Two Provisions affected by the court's ruling

### 1. Timing of the Examination (30 CFR 56/57.18002)

Mine operators must perform a working place examination at least once per shift before miners begin work in that place.



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# Examinations of Working Places in Metal and Nonmetal Mines

## Two Provisions affected by the court's ruling

### 2. Examination Record (30 CFR 56/57.18002)

A description of each condition found during the examination that may adversely affect the safety or health of miners needs to be included in the record.





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# Examinations of Working Places in Metal and Nonmetal Mines

## Compliance Assistance and Enforcement

- MSHA will use the first 90 days to hold stakeholder meetings and provide in-person compliance and technical assistance. Dates and locations of our stakeholder meetings are found on our website at [www.msha.gov](http://www.msha.gov).
- During this 90-day period (which ends December 31, 2019), MSHA will conduct its regular inspections and expect mine operators to comply with the 2018 rule requirements while moving to adoption of the 2017 final rule.
- Starting on January 1, 2020, MSHA will enforce the 2017 final rule and will issue citations to mine operators not in compliance with these requirements.



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# In Summary: MSHA Today & Tomorrow

- Health Focus
- Workforce for the 21<sup>st</sup> Century – VR orientated
- Regulatory Review
  - Dust
  - Diesel Emissions
  - Powered Haulage





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# Questions?