

**U.S. Department of Labor
Office of Inspector General
Office of Audit**

BRIEFLY...

Highlights of Report Number 05-13-003-06-001 to the Assistant Secretary for Mine Safety and Health

WHY READ THE REPORT

On April 29, 2010, MSHA's Assistant Secretary initiated an Internal Review of the agency's actions at the Upper Big Branch (UBB) mine where, on April 5, 2010, a massive coal dust explosion claimed the lives of 29 miners. This was also the deadliest United States coal mine disaster in 40 years. The Internal Review team evaluated MSHA's actions relative to the UBB explosion and issued a report that contained 100 recommendations to improve the agency's performance in order to better protect the Nation's miners from similar disasters in the future.

WHY OIG CONDUCTED THE AUDIT

In response to concerns raised by Representative John Kline (R-MN), Chairman of the United States House of Representatives, Committee on Education and the Workforce, the OIG conducted an audit to assess MSHA's progress in implementing the recommendations in the Internal Review report as well as another report issued by an external independent panel on the same subject. The OIG performed work to answer the following questions:

1. What methodology did MSHA use to prioritize the recommendations for implementation?
2. Can MSHA document the recommendations reported as completed?
3. Is MSHA on track to meet its milestones for implementation of recommendations?

We tested 38 of the 100 recommendations in the Internal Review report completed between February 2012 and September 2012. We also discussed with MSHA their plans to implement recommendations from the Independent Panel report.

READ THE FULL REPORT

To view the report, including the scope, methodology, and full agency response go to:

<http://www.oig.dol.gov/public/reports/oa/2013/05-13-003-06-001.pdf>

March 2013

MSHA IS MAKING PROGRESS TO IMPLEMENT THE UPPER BIG BRANCH INTERNAL REVIEW RECOMMENDATIONS AND IS UNDERTAKING ACTIONS ON THE INDEPENDENT PANEL REPORT

WHAT OIG FOUND

UBB Internal Review

The OIG found that MSHA informally prioritized the recommendations based on several factors, including risk, availability of resources, and ease and expediency.

We confirmed that MSHA had implemented 38 recommendations as of September 2012. In addition, MSHA reported it had implemented a total of 56 recommendations as of February 11, 2013. MSHA seems to be on track to meet its milestones for implementation of the remaining 44 recommendations that have due dates. MSHA has however not set due dates for implementation of recommendations involving factors outside of its control, such as those involving rulemaking, research, legal reviews, and funding contingencies.

Independent Panel Assessment

Although MSHA did not formally rank or prioritize the Independent Panel recommendations, the agency combined many of the recommendations into the Internal Review actions and plans already underway. The Independent Panel report contains four recommendations. MSHA intends to implement recommendations 2 and 4, and intends to implement portions of recommendations 1 and 3. MSHA has provided the OIG with documentation in support of actions both completed and in progress to address these recommendations.

On March 20, 2013, MSHA met with the Independent Panel to discuss the findings and recommendations included in its report.

WHAT OIG RECOMMENDED

We recommended that the Assistant Secretary for Mine Safety and Health direct MSHA to: (a) build a process into its Internal Review framework to rank and prioritize recommendations; and (b) continue work on those recommendations that do not currently have anticipated due dates to ensure they are being diligently pursued.

Although MSHA expressed concerns regarding their ability to set due dates for actions they cannot fully control, MSHA agreed with the OIG's findings and recommendations.