

## **BRIEFLY...**

Highlights of Report Number 05-13-008-06-001, issued to the Assistant Secretary for Mine Safety and Health.

### **WHY READ THE REPORT**

The purpose of the Mine Safety and Health Administration (MSHA) is to prevent death, disease, and injury from mining and to promote safe and healthful workplaces for the Nation's miners. The Federal Mine Safety and Health Act of 1977, §110(c), gives MSHA the authority to propose penalties against agents of mine operators who knowingly fail or refuse to comply with any citation or order MSHA issues or violate mandatory health or safety standards.

MSHA's Technical Compliance and Investigations Office (TCIO) within the Office of Assessments, Accountability, Special Enforcement and Investigations is responsible for the overall administration of the National Special Investigations Program which governs investigations under §110. This includes overseeing investigations conducted by the Districts, reviewing case files, coordinating with the Office of the Solicitor, providing initial and refresher training to Special Investigators, and assisting the U.S. Department of Justice with criminal prosecution that may result from investigations.

### **WHY OIG CONDUCTED THE AUDIT**

The Office of Inspector General (OIG) as part of our audit oversight responsibility, performed work to answer the following question:

Is MSHA appropriately initiating and completing §110 special investigations?

Our audit work covered all §110 special investigations initiated and completed during Fiscal Years (FY) 2010 through 2012. We reviewed and analyzed MSHA's policies and procedures; interviewed key officials; reviewed case files and training records; analyzed data; and reviewed MSHA's Standardized Information System (MSIS) documentation.

### **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/2013/05-13-008-06-001.pdf>.

**September 2013**

## **MSHA CAN IMPROVE ITS SECTION 110 SPECIAL INVESTIGATIONS PROCESS**

### **WHAT OIG FOUND**

In our sample of §110 special investigations initiated and completed during FYs 2010 through 2012, we found:

- MSHA did not meet its timeframe goals in 70 percent of the cases reviewed;
- One or more documents required by MSHA's policy were missing from 8 percent of the case files;
- MSHA did not document why it did not initiate an investigation for 6 percent of the cases reviewed; and
- TCIO failed to record credential issuance and expiration dates for 23 percent of Special Investigators.

Each of these weaknesses was compounded by an Information Technology system that did not allow TCIO to easily track data related to special investigations.

In its response, MSHA disagreed with one of the OIG's three findings and conclusions. MSHA stated that the §110 special investigations timeframes were general management goals, and were not statutory or regulatory requirements. The primary cause for not meeting the timeframes was the need to conduct thorough investigations and prioritizing work of Special Investigators. MSHA agreed that a review of the documentation requirements would be beneficial and its information systems need to be enhanced to manage all aspects of investigations.

### **WHAT OIG RECOMMENDED**

The OIG recommended the Assistant Secretary for Mine Safety and Health: (a) reevaluate its §110 activities or goals so as to better measure the program's performance; (b) assess and revise documentation guidance; and (c) take steps to consolidate information into a single source to facilitate the management of all aspects of investigations.

MSHA disagreed with the OIG's first recommendation. MSHA stated that the special investigators' need to balance demands and prioritize other work assignments impacts §110 timeframes. MSHA agreed with the recommendation on documentation guidance and information for managing special investigations.