


MSHA Response to Draft Report

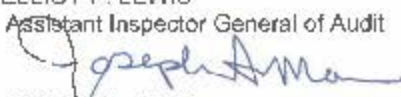
U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22201-3838



MAR 25 2014

MEMORANDUM FOR ELLIOT P. LEWIS
Assistant Inspector General of Audit

FROM: 
JOSEPH A. MAIN
Assistant Secretary of Labor for
Mine Safety and Health

SUBJECT: Response to OIG Draft Audit Report: *"MSHA Has Taken Steps to Detect and Deter Underreporting of Accidents and Occupational Injuries and Illnesses, But More Action Is Still Needed"* (05-14-001-06-001)

Thank you for the opportunity to review your Draft Audit Report referenced above. The Mine Safety and Health Administration (MSHA) will use the audit results to continue to address the problem of underreporting of accidents, injuries, and illnesses in the mining industry.

We appreciate the OIG's recognition of the steps MSHA has already taken to determine the extent of underreporting of accidents, injuries, and illnesses in the mining industry, as well as our efforts to detect and deter underreporting. As the OIG points out, MSHA identifies potential underreporting through regular safety and health inspections, Part 50 audits, and Pattern of Violations (POV) audits. MSHA revised its auditing methods in 2010 to improve the effectiveness of POV audits, and incorporated those methods into its auditing procedures. MSHA also conducts education, training programs, and outreach efforts to educate miners about their rights under the Mine Act.

As we explained in our exit conference for this audit, MSHA is developing a strategic approach to addressing underreporting. In addition to the steps it has already taken, MSHA is preparing educational materials for both miners and operators on compliance with Part 50 reporting requirements, including best practices in ensuring accurate reporting and the rights of miners to report injuries. MSHA has also been working with the Occupational Safety and Health Administration (OSHA) to learn about OSHA's policies on injury and illness reporting and identify policies suitable for addressing the

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underreporting of mining-related accidents, injuries and illnesses. Finally, MSHA is collaborating with the Office of the Solicitor to ensure any policies it develops are grounded in the Agency's enforcement authority under the Mine Act.

Below are specific responses to your recommendations.

OIG Recommendation No. 1: *Expand upon and enhance MSHA's knowledge of underreporting by deriving better estimates of its overall occurrence.*

MSHA agrees with this recommendation. It is in the best interest of health and safety in mining to have accurate information on the incidence of accidents, injuries, and occupational illnesses. We also agree with the OIG that underreporting is difficult to study in large part due to the lack of verifiable data on the subject. MSHA will consider sponsoring or participating in additional studies of underreporting based on resources, feasibility and efficacy.

OIG Recommendation No. 2: *Develop and implement policy guidance on operator programs relating to the reporting of work-related injuries or illnesses, addressing retaliation against miners for reporting, and encouraging miner reporting of work-related injuries or illnesses.*

MSHA agrees with this recommendation. As you stated in your report, "MSHA is currently engaged in developing a strategy in conjunction with the Office of the Solicitor of Labor to address operator programs and practices that MSHA believes may discourage reporting." MSHA also is consulting with the Occupational Safety and Health Administration on OSHA's policies in this area. Once thorough policy development and legal review have been completed, MSHA will transmit appropriate guidance to the mining community. MSHA will also develop educational tools to assist mine operators with Part 50 reporting requirements.

I appreciate the opportunity to respond to this Draft Report.