



BRIEFLY...

MSHA CAN IMPROVE ITS PRE-ASSESSMENT CONFERENCING PROGRAM

September 23, 2019

WHY OIG CONDUCTED THE AUDIT

We received several hotline complaints alleging irregularities in MSHA's pre-assessment conferencing program, which affords mine operators the opportunity to present evidence challenging a violation. The complaints included allegations that MSHA did not consider evidence in conferences before assessing penalties.

Absent a safe working environment, miners can be injured or killed. MSHA enforces safety and health rules in mines. To that end, MSHA inspectors write citations and other instruments requiring mine operators to fix violations of safety laws and regulations. As part of this process, MSHA can offer mine operators a chance to challenge citations in informal conferences.

WHAT OIG DID

Because of the importance of the conferencing process and the hotline complaints we received, we conducted an audit to answer the following question:

Has MSHA properly managed the pre-assessment conferencing program?

Our work included interviewing MSHA personnel, reviewing a statistical sample of conference files, and analyzing MSHA Standardized Information System (MSIS) data covering all conferences from 2013 to early 2017.

WHAT OIG FOUND

MSHA had not properly managed aspects of the pre-assessment conferencing program, in three broad areas:

MSHA did not consistently document specific reasons for conference decisions in which it modified or vacated a violation. We found this in 75 percent of the files in our sample. Not including a clear and specific reason made it difficult to determine why MSHA made the decision to modify or vacate a violation.

MSHA did not consistently provide feedback to its workforce regarding conference results, so it was missing opportunities to point out errors in the way inspectors were writing violations and improve their quality.

MSHA did not effectively monitor its systems to ensure it had complete and accurate conference data, and did not use data it collected to identify potential issues.

We determined insufficient training, guidance, system controls, and oversight caused these issues. Consequently, these issues led to inconsistent processes among districts and potential inconsistencies in the quality of future violations. In addition, these issues reduced assurance that MSHA was making well-supported decisions.

WHAT OIG RECOMMENDED

We made nine recommendations such as providing additional training, updating two system controls, revising a handbook, and reviewing district processes.

In its response, MSHA agreed with seven of our nine recommendations and has already started taking some action. For the two recommendations where MSHA disagreed, it provided an alternative action to meet the intent of our recommendation.

READ THE FULL REPORT

<http://www.oig.dol.gov/public/reports/oa/2019/05-19-001-06-001.pdf>