



BRIEFLY...

COVID-19: MSHA FACES MULTIPLE CHALLENGES IN RESPONDING TO THE PANDEMIC

July 24, 2020

WHY OIG CONDUCTED THE AUDIT

On March 28, 2020, the Department of Homeland Security labeled mining among critical infrastructure industries that states should consider keeping open to help in the United States' response to the Coronavirus Disease of 2019 (COVID-19) Pandemic. Since mines continued to operate, the Mine Safety and Health Administration (MSHA) continued to perform mine inspections and investigations.

As part of phase 1 of the OIG's Pandemic Oversight Response Plan, this report presents the results of our audit of MSHA's initial response to the pandemic.

WHAT OIG DID

Given the risks to both miners and MSHA's workforce, we conducted an audit to answer the following question:

What plans and guidance has MSHA developed to address challenges created by COVID-19, and to what extent have these challenges affected MSHA's ability to protect the safety of miners and its workforce?

To answer this question, we interviewed MSHA officials and union representatives; and reviewed guidance, states' executive orders, and related documentation.

READ THE FULL REPORT

<https://www.oig.dol.gov/public/reports/oa/2020/19-20-006-06-001.pdf>

WHAT OIG FOUND

We found that MSHA faces a number of current and potential challenges related to COVID-19. While it has taken actions to address some of the concerns, more is required to ensure the safety of its workforce and the mining industry.

On March 26, 2020, MSHA posted an information sheet on its website as guidance to its workforce and to the mining industry, such as maintaining social distancing. However, unless it issues an emergency temporary standard, MSHA cannot enforce this guidance. More action is needed to determine if the agency should issue a temporary standard. While MSHA plans to suspend or reduce some of its activities to reduce unnecessary contact, such actions could impact miner health or safety as well as result in a backlog of work. MSHA will need to develop a plan to address the potential backlog once operations resume.

For mandatory inspections, MSHA faces challenges in completing the work timely while ensuring the safety of its inspectors. Workforce reductions, due to inspectors sidelined because they self-identified as high risk for COVID-19, and safety concerns by miners may challenge MSHA's ability to complete enforcement activities. Further, shortages of personal protective equipment, such as N-95 masks, complicate the safety of its personnel.

Additionally, states issued various executive orders, such as stay at home orders, which led to 18 canceled and postponed mine rescue contests that provide critical training to mine rescue personnel.

WHAT OIG RECOMMENDED

We recommended MSHA monitor the:

- Potential backlog of suspended and reduced enforcement activities and develop a plan to manage the backlog once full operations resume.
- COVID-19 outbreaks at mines and use that information to reevaluate its decision not to issue an emergency temporary standard related to COVID-19.

MSHA agreed with both recommendations.