



BRIEFLY...

MSHA CAN IMPROVE HOW VIOLATIONS ARE ISSUED, TERMINATED, MODIFIED, AND VACATED

March 31, 2021

WHY OIG CONDUCTED THE AUDIT

Mine Safety and Health Administration's (MSHA) inspects mines to ensure they are safe for miners. The Federal Mine Safety and Health Act (Mine Act) gives MSHA the authority to issue notices, safeguards, citations, and orders ("violations" is the blanket term used by MSHA) to mine operators who do not comply with the health and safety standards or the Mine Act.

A violations process should include clear guidance, appropriate internal controls, and a strong monitoring system to ensure the process meets its goals. Incorrectly written violations or untimely verification by MSHA inspectors that operators abated hazards by the due dates can result in miners' unnecessarily continued exposure to hazards. Moreover, incorrectly written violations can result in court challenges.

WHAT OIG DID

Given these risks, we performed an audit to determine the following:

Did MSHA properly manage the process it used to issue, terminate, modify, and vacate violations?

We analyzed more than 736,000 violations, reviewed inspection reports, and reviewed supervisory reports from six districts that we judgmentally selected.

READ THE FULL REPORT

<http://www.oig.dol.gov/public/reports/oa/2021/05-21-002-06-001.pdf>

WHAT OIG FOUND

MSHA did not properly manage the process it used to issue, terminate, modify, and vacate violations. Various areas of MSHA's violations process had significant weaknesses, jeopardizing MSHA's mission to maintain miner safety.

MSHA did not timely verify operators had abated hazards. For more than 215,000 violations out of the 706,000 we reviewed, MSHA had not verified that operators corrected hazards until after their required due date. Not verifying that operators have abated hazards by the due date unnecessarily jeopardized miner safety.

Violation abatement due dates were longer than necessary and varied widely, and extensions were unjustified. These lengthy hazard abatement periods can expose miners to hazards longer than necessary and affect penalty assessments for operators.

Thousands of violations written by MSHA inspectors did not comply with the Mine Act and MSHA Handbook requirements. Despite MSHA's previous efforts to implement internal controls, controls meant to maintain compliance were missing or not working as intended. This lack of controls resulted in thousands of issued and modified violations that did not comply with Handbook requirements and the Mine Act. Errors make violations subject to court challenges and inaccurate penalty assessments and can jeopardize miner safety.

MSHA guidance was insufficient in certain instances. Specifically, MSHA had not issued sufficient guidance on timely recording of violations in MSHA Centralized Application System (MCAS) or guidance involving issuing multiple safeguards at a single mine. The insufficient guidance affected MSHA's ability to terminate violations and can lead to incorrect violation types, duplicate violations, and avoidance of penalties.

WHAT OIG RECOMMENDED

We made 10 recommendations focused on improving the violations process in this report. MSHA generally agreed with all our recommendations.