



## Providing Safe and Healthy Workplaces Mine Safety and Health Administration (MSHA)

The USW has long supported a strong health and safety regulatory and enforcement framework for mining in the United States. We know that mines are more safe and healthy when the operators, regulator and union work to continually improve mine health and safety. MSHA's presence in our workplaces ensures that good mine operators do not have to compete with operators taking short cuts to save money and place miner health and safety in jeopardy. The USW's goal is to ensure that our members return home after each shift safely and as healthy as when they arrived.

The following provides some details on the current state of mine safety and health at the US Department of Labor, Mine Safety and Health Administration.

### MSHA Budget

Under the proposed budget for 2019, the MSHA budget may increase by \$2 million. This includes increased funding for metal/non-metal enforcement. The proposed 2019 MSHA metal/non-metal enforcement budget increase is good news, but USW members should remember that in 2018 the House of Representatives' proposed severe budget cuts for MSHA metal/non-metal enforcement. **USW members should urge their House representatives to support the increase in metal/non-metal enforcement with budget increases for more inspectors.**

In 2017, metal/non-metal mining production increased necessitating more MSHA enforcement to ensure safe operations. USW remains concerned that the MSHA enforcement budget will be cut or will be inadequate to handle increased enforcement at the metal/non-metal mines. Deaths in metal/non-metal mines remain high: 13 fatalities in 2017, 17 in 2016, 17 in 2015, and 30 in 2014.

Industry is touting that MSHA may face budget cuts and as a result, MSHA may delay new regulations and limit enforcement of existing regulations. Now is not the time to decrease enforcement or slash the MSHA enforcement budget.

### Number of MSHA Inspectors

MSHA requested fewer staff in its 2018 proposed budget than it requested two years ago. The reduction in staff at MSHA may signal the decrease in the number of inspectors despite the projected increase in mineral production in the United States. Fewer inspectors will result in less enforcement which could lead to a decrease in safety at the metal/non-metal mines and may allow some mine operators to operate unsafely. Also, as MSHA inspectors retire, it is anticipated that MSHA will not be able to replace those inspectors due to an ongoing hiring freeze creating a situation where MSHA is greatly understaffed.

## **MSHA Workplace Examination Rule**

On April 9, 2018, MSHA announced a regulatory roll back of the workplace examination rule for metal-non-metal mines. A revised workplace examination rule is set to take effect on June 2, 2018. MSHA states that effective workplace examinations allow operators to identify and correct adverse condition that will save the lives of miners. The initial rule would have required operators to identify and correct adverse conditions before the beginning of a shift and make a record of the hazardous conditions. Now under the amendments, an operator may choose to conduct the workplace examination as miners begin working in the area. The new amendments create a confusing process that may allow miners to begin working before a hazard has been properly identified and eliminated. The amendments are significantly less protective than the Obama rule, and instead implement a deregulatory agenda.

In May 2018, the USW and United Mine Workers filed a lawsuit against MSHA in the US Court of Appeals asking for a review of the revised rule.

## **MSHA Silica Rule**

The Trump Administration has indicated that MSHA will not be moving forward with new silica standards for metal/non-metal and coal mines in the near future. MSHA's efforts are on hold subject to further study. The new MSHA silica rule had been a regulatory priority for MSHA a few years ago, but this reclassification means that miners will continue to be exposed to unacceptable levels of silica until further notice.

## **Diesel Exhaust Exposure Standards**

MSHA had been gathering information on the existing standards concerning exposure of underground miners to diesel exhaust since 2016. MSHA wanted more information on ways to improve control of diesel particulate matter (DPM) and diesel exhaust exposures. Studies show that exposures to diesel exhaust increase the risk of developing and dying from lung cancer. Instead of moving ahead with developing new standards, MSHA has decided to further delay action on any new standards and reopen the rulemaking for more comments through March 26, 2019. This unwarranted two-year delay means that miners will continue to be exposed to diesel exhaust at unacceptable levels.

## **Need for Enhanced Enforcement for Task Training to Prevent Mobile Equipment Accidents**

MSHA has documented an increase in fatalities at metal/non-metal mines involving mobile equipment. The USW would like to see an MSHA enforcement emphasis relating to safe mobile equipment operation and improved miner training to prevent fatalities. MSHA should devote additional resources to increased enforcement to help prevent these mobile equipment fatalities at metal/non-metal mines. To do this, MSHA's enforcement budget should be increased, not decreased in 2019 to allow for the hiring of additional inspectors.

For further information and assistance, please contact the USW Health, Safety and Environment Department at 412-562-2586 or [safety@usw.org](mailto:safety@usw.org).