

**STATEMENT OF
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BEFORE THE

**SUBCOMMITTEE ON WORKFORCE PROTECTIONS
COMMITTEE ON EDUCATION AND LABOR
UNITED STATES HOUSE OF REPRESENTATIVES**

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Chairwoman Adams, Ranking Member Byrne, and Members of the Subcommittee, thank you for inviting me to testify here today. It is my honor to appear before this Subcommittee and to represent President Trump, Secretary Acosta, and all 1,868 dedicated men and women of the Department of Labor's Mine Safety and Health Administration.

What primarily distinguishes MSHA from other federal safety agencies is our foundational mandate: MSHA must inspect every underground mine at least four times per year, and every surface mine at least twice. I am pleased to report that in 2018 MSHA fulfilled that mandate, conducting 37,065 total mandatory and non-mandatory inspections at 13,486 mines.

As I stated to the Subcommittee last February, I believe I could not manage effectively and wisely without first examining the entire organization from top to bottom. I have now visited all six Metal/Nonmetal District offices, all nine Coal District offices, key Technical Support facilities, the National Mine Health and Safety Academy in West Virginia, and 49 field offices. I have met with countless field staff in person, to give them an opportunity to voice their ideas and concerns.

From my travels, I observed that the bifurcation of Coal enforcement and Metal/Nonmetal enforcement imposed artificial boundaries based on the materials mined, versus travel distances between inspectors and mines. I discovered, for instance, that enforcement staff were spending over 21% of their time traveling. To more strategically allocate MSHA's resources, we are executing a gradual reorganization that will blur but not completely erase the lines between the two main mining sectors.

Our "One MSHA" initiative began by creating the unified position of Administrator, Mine Safety & Health over all of Enforcement. We then evaluated all mines for distance from MSHA offices, and identified 90 mines where it made sense to train a coal inspector to inspect a metal/nonmetal mine, or vice versa. The Mine Academy in Beckley, WV established and revised our curriculum, with input from the National Council of Field Labor Locals (NCFL), which represents our field staff. We provided up to 56 hours of classroom training for those inspectors, plus up to 24 hours on-the-job training with a seasoned inspector or manager.

During the six months beginning last October, inspectors for those 90 mines spent 41% less time driving than previously. Clearly this saves taxpayer dollars on vehicles, fuel, food and lodging. But ultimately this is about more effectively achieving MSHA's core mission: instead of spending time driving in a car, our inspectors can spend more time on site interacting with miners and observing safety conditions.

Based on the success of phase one, starting July 1st we are adding 117 more mines. Understand that MSHA will retain specialists in their current roles to cover specific mining conditions, such

as ventilation experts inspecting underground coal mines prone to hazardous conditions like combustible coal dust and methane inundation. In keeping our promise to House and Senate Appropriations Committees, MSHA's Office of Accountability will audit crossover mine inspections to ensure that enforcement personnel adhered to MSHA's policies and procedures.

We also examined MSHA's injury and fatality data, and learned that the most common cause of fatalities is powered haulage accidents, accounting for half of fatalities in recent years. We launched an initiative focusing specifically on the three most common causes of powered haulage fatalities: mobile equipment collisions, belt conveyors, and seat belt use. Last June, we published a request for information seeking input on technologies, practices, and other ways to prevent such fatalities. In the recently released Spring Unified Agenda, MSHA announced our intention to issue a proposed rule addressing powered haulage.

As a complement to enforcement, the Trump Administration recognizes the safety and health benefits of compliance assistance. Over the past two fiscal years, MSHA has performed 8% more compliance assistance visits, half of which were for operators with 10 or fewer employees.

Additionally, following three fire suppression system failures last September, with one fatality, we swiftly inspected over 4,000 pieces of mobile equipment that had such systems installed, and educated miners and operators on how to stay safe.

In addition to more strategically focusing on the day-to-day safety of miners, we are paying close attention to the "H" in MSHA: miners' health. MSHA continues to aggressively enforce existing standards to ensure that operators protect miners from exposure to respirable dust and quartz. I

am encouraged by mine operators' current compliance with the respirable coal dust rule and controlling coal miners' exposure to quartz. The number of quartz samples collected increased 335% between 2013 and 2018, and since August 2016, MSHA samples indicate average quartz exposure 75% below the limit, on average. This can improve further with real-time quartz monitoring—similar to Continuous Personal Dust Monitor (CPDM) technology—which National Institute for Occupational Safety and Health (NIOSH) continues to develop with MSHA's collaboration. Whereas over 16% of quartz samples exceeded the standard in 2008, by 2018 only 1.2% exceeded the standard—the lowest rate since MSHA began keeping records. Samples that exceed the standard are reviewed in senior staff meetings. Field staff issue citations per MSHA's regulations, and follow up to ensure that the mine addresses the root cause to avoid future exceedances. To compel compliance, we have not hesitated to issue 104(b) withdrawal orders.

In addition, in the 2014 Respirable Coal Mine Dust Rule, MSHA committed to a retrospective study of the dust rule beginning February 1, 2017, and last year issued a request for information seeking comments on how best to structure that study. Due to the typically decades-long latency between exposure and disease, a medically valid study likely cannot be completed for a decade or more, but MSHA anticipates the study will confirm that dramatic improvements in sampling and compliance translate into reduced Black Lung incidence going forward. In the meantime, MSHA is currently considering appropriate next steps to address miners' exposures to quartz.

In closing, I want to inform the Subcommittee that MSHA is more vigorously pursuing operators who refuse to pay delinquent civil penalties. When the Trump administration took office, MSHA

was owed \$67.1 million in delinquent safety and health penalties that had accrued over decades. By not paying their fines, scofflaws gain a competitive advantage within the industry and create unsafe conditions. If not pursued, scofflaws foster an impression that violators can ignore fines with impunity. Shortly after I testified last February, we launched our enhanced Scofflaw Initiative, and I am pleased to report that so far, it has accounted for \$7.2 million that otherwise would not have been collected—with \$49.6 million in delinquent debt remaining, of which \$14.9 is potentially collectible.

Again, I appreciate the opportunity to discuss MSHA's important work with you. I look forward to answering any questions that Members of this Subcommittee may have.