



UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548

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HUMAN RESOURCES  
DIVISION

B-207666

JUNE 10, 1982

The Honorable Nick J. Rahall, II  
House of Representatives



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Dear Mr. Rahall:

Subject: Some Required Coal Mine Inspections Are Not  
Being Performed by the Mine Safety and Health  
Administration (GAO/HRD-82-84)

Your September 22, 1981, letter expressed concern that the Mine Safety and Health Administration's (MSHA's) Field Office in Logan, West Virginia, was seriously understaffed and was incapable of performing all required coal mine inspections. MSHA is an agency within the Department of Labor, and it is responsible for administering the mine safety and health program and making mine inspections. You requested that our office conduct an investigation to determine

--the extent of MSHA's inability to perform its required inspections,

--the reasons for the seeming lack of trained inspectors to conduct mine inspections, and

--whether inspectors are being intimidated into quitting their jobs.

Our review showed that some coal mine inspections required by law were not being performed either nationwide or in the Logan, West Virginia, Field Office. MSHA representatives attributed this to an inadequate number of mine inspectors. In recent years, the number of MSHA coal mine inspectors has declined, nationally and in Logan. This decline was caused by hiring freezes and restrictions beginning in 1978.

We interviewed seven former coal mine inspectors who had recently resigned from MSHA's Logan Office and some of them cited instances of harassment or verbal abuse. However, none said they were intimidated into resigning. The former inspectors said that the reasons they resigned were inadequate MSHA financial benefits and job dissatisfaction caused by a variety of factors.

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OBJECTIVES, SCOPE, AND METHODOLOGY

To respond to the three issues raised in your letter, we performed work at MSHA headquarters in Arlington, Virginia, and at MSHA offices in West Virginia (the District 4 Office in Mount Hope, the Madison Subdistrict Office, and the Logan Field Office). Our work was conducted in accordance with GAO's current "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."

To determine whether the Logan Field Office was performing its required inspections, we reviewed MSHA's quarterly mine status and inspection report, which lists coal mines and identifies the dates of MSHA inspections. To validate the information contained in this report, we randomly selected a 10-percent sample of the mines listed for fiscal year 1981 and compared the data to the inspection reports prepared by mine inspectors. To determine whether MSHA was performing its required inspections on a nationwide basis, we used data reported to MSHA headquarters by the district offices.

We also interviewed MSHA personnel in both headquarters and the field to obtain their views on whether there was an adequate number of coal mine inspectors. We obtained data on the number of MSHA employees involved in coal mine safety and health at selected intervals.

As agreed with your office, we limited our work regarding whether inspectors were intimidated into quitting their jobs to the Logan Office. We interviewed seven of the eight coal mine inspectors who resigned from the Logan Office from October 1980 through January 1982. The eighth inspector declined to be interviewed.

MSHA DID NOT CONDUCT ALL  
MANDATORY INSPECTIONS

The Federal Mine Safety and Health Act of 1977 (Public Law 95-164) requires MSHA to conduct comprehensive safety and health inspections of underground and surface coal mines and surface facilities associated with coal mining operations. The act requires MSHA to inspect underground coal mines four times a year and surface mines and facilities twice a year. MSHA policy requires quarterly inspections for underground mines and semiannual inspections for surface mines and facilities. MSHA refers to these mandatory inspections as AAA inspections.

Nationwide, MSHA did not perform all required AAA inspections at coal mines and associated facilities. As shown in the following table, nationally MSHA performed 95 percent of required AAA inspections from October 1980 through March 1981.

Nationwide Required and Performed AAA  
Inspections (Oct. 1980 - Mar. 1981)

<u>Description</u>	<u>Required AAA inspections</u>	<u>Completed AAA inspections</u>	<u>Percent of required AAA inspections completed</u>
Underground mines	4,330	4,065	94
Surface mines (and facilities)	<u>3,347</u>	<u>3,214</u>	96
Total	<u>7,677</u>	<u>7,279</u>	95

The following table shows that during fiscal years 1980 and 1981 and the first quarter of fiscal year 1982, the Logan Field Office performed a significantly smaller percentage of inspections.

AAA Inspections Required and Performed  
by the Logan Office

<u>Period</u>	<u>Description</u>	<u>Required AAA inspections</u>	<u>Completed AAA inspections</u>	<u>Percent of required AAA inspections completed</u>
Fiscal year 1980	Underground mines	442	345	78
	Surface mines and facilities	<u>130</u>	<u>117</u>	90
	Total	<u>572</u>	<u>462</u>	81
Fiscal year 1981	Underground mines	398	281	71
	Surface mines and facilities	<u>121</u>	<u>108</u>	89
	Total	<u>519</u>	<u>389</u>	75
First quarter of fiscal year 1982	Underground mines	106	66	62
	Surface mines and facilities	<u>32</u>	<u>27</u>	84
	Total	<u>138</u>	<u>93</u>	67

The act also requires MSHA to conduct inspections of coal mines and facilities in response to complaints concerning hazardous conditions submitted by miners or their representatives. The act further requires MSHA to inspect inactive mines before reopening and to conduct more frequent inspections of mines which

- liberate excessive quantities of methane or other explosive gases,
- have had a methane or other gas ignition or explosion which resulted in death or serious injury in the past 5 years, or
- have other especially hazardous conditions.

The Logan Field Office performed required inspections in response to 62 hazardous condition complaints submitted by miners or their representatives in fiscal year 1981. We did not determine whether the Logan Field Office performed all required mine reopening inspections because, in our opinion, it would have required an inordinate amount of audit work. To identify such inspections would have required a detailed examination of mine inspection records. However, the Madison Subdistrict Office reported from its monthly review of inspection records that the Logan and Madison Field Offices performed a total of 14 reopening inspections in fiscal year 1981. There were no mines assigned to the Logan Field Office meeting the gaseous or hazardous conditions criteria.

According to MSHA officials, the Logan Field Office was unable to perform all mandatory AAA inspections because it had an insufficient number of mine inspectors. The number of mine inspectors assigned to Logan has steadily declined during the last 3 years, and the Office has been unable to replace inspectors who left because of hiring freezes and restrictions.

#### DECLINE IN INSPECTION WORKFORCE

There has been a decline in the coal mine inspection workforce over the past several years--agencywide as well as in the Logan Field Office. The following table shows the total number of MSHA employees in the Coal Mine Safety and Health Administration (the division of MSHA responsible for health and safety in coal mines) and in Logan.

MSHA Personnel

	As of December 31		
	<u>1979</u>	<u>1980</u>	<u>1981</u>
Total Coal Mine Safety and Health Administration	1,824	1,755	1,622
Logan Field Office	29	26	19

As shown in the following table, the decline in the number of coal mine inspectors in the Logan Field Office has been even more pronounced than the decline in the Logan Office's total staffing.

Logan Personnel

	As of December 31		
	<u>1979</u>	<u>1980</u>	<u>1981</u>
Inspectors	21	16	12
Specialists	6	6	4
Other (includes supervisors)	<u>2</u>	<u>4</u>	<u>3</u>
Total	<u>29</u>	<u>26</u>	<u>19</u>

MSHA representatives told us that the decline in MSHA staffing, nationally and in the Logan Field Office, has been the result of normal attrition through resignations, retirement, and death, together with a series of hiring freezes and restrictions imposed over the past several years, which have precluded the hiring of new employees.

MSHA representatives in the District 4 and Logan Field Offices said the Logan Field Office could not make all mandatory inspections because its inspection staff is too small. In February 1982, the Subdistrict Manager estimated that Logan needed an additional 11 inspectors to perform all mandatory inspections.

MSHA has been subjected to hiring freezes and restrictions imposed in recent years on all executive agencies. In October 1978, the President restricted the number of appointments to full-time permanent positions to 50 percent of the vacancies occurring in those positions. This restriction was issued, in part, because of section 311(a) of the Civil Service Reform Act of 1978 which provided that total Federal civilian employment at the end of fiscal years 1979, 1980, and 1981, could not exceed the total number of employees on September 30, 1977. This restriction was followed by a series of other hiring freezes and restrictions extending into 1982.

Recent initiative to  
lift hiring freeze

On February 6, 1982, the President announced that an additional \$2 million would be made available during fiscal year 1982 to enable MSHA to remove its " \* \* \* hiring freeze and hire coal mine inspectors and support personnel up to a level consistent with pre-freeze employment levels." The President also announced that he would request a \$15 million increase in MSHA's proposed fiscal year 1983 budget to protect the health and safety of the Nation's coal miners.

A MSHA official told us that the requested \$15 million increase would enable MSHA to employ a total of 1,900 persons in the Coal Mine Health and Safety Administration for fiscal year 1983. According to the official, as of March 1982, the Administration had about 1,600 employees. He also said that MSHA was taking action to reinstate some former coal mine inspectors. He said MSHA would soon ask the Office of Personnel Management to reestablish a register of qualified persons for selection and appointment as coal mine inspectors.

REASONS INSPECTORS GAVE FOR RESIGNING  
FROM THE LOGAN FIELD OFFICE

We interviewed seven of the coal mine inspectors who resigned from the Logan Field Office during October 1980 through January 1982. None indicated that intimidation was the primary reason they resigned.

The principal reasons cited for resigning were inadequate salaries and medical insurance and job dissatisfaction caused by a variety of factors including MSHA's conflict-of-interest regulations, the perceived lack of MSHA management support for inspectors, MSHA's frequent changes in enforcement policy, the use of inappropriate performance standards for mine inspectors, the excessive paperwork requirements, the possibility of a reduction-in-force, and the harassment by miners and operators.

CONCLUSIONS

MSHA has not performed all coal mine inspections required by the Coal Mine Safety and Health Act of 1977. This problem was particularly acute in the Logan Field Office because of a substantial decline in its inspector workforce. For the past several years, MSHA has been unable to hire additional inspectors because of a series of hiring freezes and restrictions.


Actions initiated by the President to remove the hiring freeze and increase MSHA's mine inspection capabilities should improve MSHA's ability to perform mine inspections mandated by the Federal Mine Safety and Health Act of 1977.

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As requested by your office, we did not obtain written agency comments. However, the matters covered in this report were discussed with agency officials and their comments were considered where appropriate.

We are sending copies of this report to the Director, Office of Management and Budget; the Secretary of Labor; and other interested parties.

Sincerely yours,



Gregory J. Hart  
Director