

UTAH MINE SAFETY COMMISSION  
September 10, 2007

The Role & Responsibility of MSHA in the State of Utah

BACKGROUND ON COAL MINES IN UTAH

Mine Information: 13 Underground Mines  
2 Surface Mines  
7 Surface Facilities

Locations of Mines: Carbon, Emery, & Sevier Counties

2006 Data: 26,017,679 tons of coal produced  
(approx. 2.5% of the Nation's coal prod.)  
2,058 employees

MSHA COAL MINE SAFETY & HEALTH IN UTAH

Field Office in Price, Utah:

2 work groups  
2 field office supervisors  
9 inspectors  
4 specialist positions - diesel, health, roof control (vacant),  
electrical (trainee)  
5 inspector & specialist trainees

\* In addition, EFS has 2 education & training specialists in Utah, one in Price and one in SLC

## MSHA'S ROLES & RESPONSIBILITIES

- MSHA has triangular type arrangement for roles & responsibilities
  - o Enforcement
  - o Engineering
  - o Education
  
- Enforcement - 2 divisions: CMS&H and MNM for all non-coal mines
  - o 11 CMS&H districts throughout country
  - o Utah & all states west of Mississippi under Dist. 9
  - o 16 states in Dist. 9 mine coal.
  - o D.O. in Denver
  - o 6 MNM districts throughout country. Utah covered by the Rocky Mountain district with D.O. office in Denver
  
- Engineering - Technical Support Division provides scientific and engineering solutions to mitigate hazards in mines.
  - o Located in Pittsburgh, PA and Triadelphia, WV
  
- Education - Educational Policy and Development division has 2 groups that provide mine safety and health training for the mining industry and also monitor training conducted by mine operators.
  - o Educational Field Services with E&T specialists located throughout the country (Price & SCL in Utah)
  - o The Mine H & S Academy in Beckley, WV which provides comprehensive training for our mine inspectors and industry

## SPECIFIC ENFORCEMENT FUNCTIONS OF MSHA

- MSHA administers & enforces the Federal Mine Safety & Health Act of 1977 (Mine Act) as amended by the Miner Act which was passed last year by Congress.
- MSHA enforces safety & health regulations as promulgated under the Mine Act, which are contained in Title 30 of the Federal Code of Regulations, known as 30 CFR.
- Now, what does the Mine Act actually require? There are many provisions, but let me address the main ones.
  - o MSHA conducts inspections at mines
    - 4 complete inspections/year at each underground mine
    - 2 complete inspections/year at each surface mine
    - Inspections to investigate complaints filed by miners, miner reps, and others
    - Spot inspections at mines that liberate excessive CH<sub>4</sub>. these are done on 5, 10, or 15 day intervals
    - Various other spot and special type inspections
  - o MSHA conducts investigations
    - Accident investigations
    - Investigations of Petitions for Modification of regulations
    - Special investigations of mine operators and agents for knowing & willful violations of the Mine Act and regulations. These can lead to civil and criminal penalties for operators and agents.
    - Discrimination case investigations. The Mine Act discrimination provisions protect miners who exercise their rights under the Mine Act, such as
      - making complaints to MSHA,
      - refusing to operate unsafe equipment,
      - designating miners' representative,
      - accompanying MSHA inspectors, etc

- Issue citations and orders for violations of the Mine Act & S&H regulations
  - o 104(a) citations for violations. These can be designated as S&S
  - o 104(b) orders for failure to abate 104(a) citations
  - o 104(d) citations & orders for unwarrantable failure violations
  - o 107(a) orders for imminent danger condition or practices
  - o 104(e) notices and orders for a Pattern of Violation finding
  - o 104(g) orders for untrained or inadequately trained miners
  - o These citations & orders are assessed civil penalties up to \$220,000 for those determined to be flagrant

### STATE GRANTS PROGRAM

- The Mine Act provides grants to the states to conduct safety and health programs at coal and MNM mines in the country.
- MSHA administers this program
- The State of Utah program, under the direction of Governor Huntsman, is administered by the Utah College of Applied Technology in SLC.
- The Utah College of Applied Technology administers the program through various colleges in the State to provide training to coal and MNM miners.
- MSHA program coordinator – Linda Davis, 303-231-5954

### NO COOPERATIVE STATE AGREEMENTS FOR ENFORCEMENT PROGRAMS IN MINE ACT AS IN OSHA

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