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jm - FR Pete

WASHINGTON (UPI) President Reagan lifted a hiring freeze on coal mine inspectors Saturday and sought to pump millions of new dollars into the fight against an "upswing in injuries and death" in the nation's coal mines.

The White House press office said the president ordered the rollback of a \$2 million cut in the current budget and will ask Congress for an extra \$15 million in the new 1983 budget "for protecting the health and safety of the nation's coal miners."

It was the first change in the new 1983 budget that was released ahead of schedule Saturday.

The funds will go to the mine safety and health administration of the Labor Department to allow the hiring of new inspectors and support personnel up to a level consistent with pre-freeze employment levels, the press office announced.

"The proposed funding increase will be used to help combat conditions in the nation's coalfields which have suffered a recent series of disastrous mine explosions and multiple fatal accidents and to reduce sharply historically and persistently high injury rates in the coal mining industry," the official announcement stated.

"In announcing the proposed amendment, the president emphasized to the mining industry and the mineworkers that their mutual responsibilities and roles in health and safety is of paramount importance in reversing the recent upswing in injuries and death."

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THE WHITE HOUSE

WASHINGTON

February 6, 1982

MEMORANDUM FOR THE VICE PRESIDENT

FROM: CRAIG L. FULLER 
SUBJECT: Mine Safety and Health Administration

An agreement has been reached with regard to increasing the number of mine safety inspectors. Following your meeting with Sam Church, meetings were held with OMB and Labor. The details of the arrangement are attached.

The agreement will allow DOL's Mine Safety and Health Administration to lift the hiring freeze and hire coal mine inspectors and support personnel up to the levels that existed prior to the freeze. A public statement is scheduled for release today.

cc: Ed Meese
Elizabeth Dole

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

FEB 5 1982

MEMORANDUM TO: CRAIG L. FULLER
FROM: Donald W. Moran 
SUBJECT: Mine Safety and Health Administration

I conferred with the Secretary of Labor on the steps to be taken to increase the number of coal mine inspectors, as you requested in your memorandum of January 30 to the Director and to the Secretary of Labor. We agreed to the following:

- . The rescission proposed for the Mine Safety and Health Administration (MSHA) in 1982 will be reduced by \$2 million. This will allow MSHA to lift the hiring freeze and hire coal mine inspectors and support personnel up to a level consistent with pre-freeze employment in this activity. Department of Labor materials prepared for the Congress or for the public will reflect these changes.
- . Our 1982 and 1983 employment ceilings for the Department of Labor will be revised to permit MSHA to increase full-time permanent end-of-year employment for 1983 by 412. The Department will show this increase in materials prepared for distribution to the Congress or to the public.
- . Specific increases in the President's request for 1983 budget authority for MSHA will not be made at this time; however, the additional resources necessary to support this employment level will be made available as Congressional action on the budget proceeds. A request for new budget authority will be made only if the necessary resources cannot be made available through transfer or other, similar means.

These agreements should respond to the concerns raised at the January 25 meeting involving the Vice President and the United Mine Workers.

THE WHITE HOUSE
WASHINGTON

2/4/82

Jim:

FYI

Ken

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

February 4, 1982

TO: KENNETH M. DUBERSTEIN
THRU: M. B. OGLESBY, JR. *MB*
FROM: DAVID L. WRIGHT *DW*
SUBJECT: Mine Safety Issue

I met with Mick Staton (R-W.Va.), Cleve Benedict (R-W.Va.), Jim Nelligan (R-Pa.), Hal Rogers (R-Ky.), Bill Wampler (R-VA.) and John Duncan (R-Tenn.). Ford Ford, Assistant Secretary of Labor for Mine Safety and other Department of Labor officials also attended the meeting.

In light of recent mine accidents, these Congressmen are very nervous about (1) rumored cuts in the mine safety budget, and (2) mine safety staff reductions resulting from the hiring freeze (i.e., attrition). It is their judgment that budget cuts in this area would be restored by the House and others likely would seize the initiative in this regard. These Members would be compelled, due to their constituencies, to support such an initiative.

If there is to be an increase in the mine safety budget and/or a lifting of the hiring freeze for mine safety employees, every effort should be made to make it an Administration initiative. Appropriate Members of Congress should have the opportunity to participate in the announcement and advocacy of such an initiative--perhaps a brief White House meeting followed by customary press contact. Due to existing arrangements for the release and submission of the Budget, time clearly is of the essence.

*No time to change budget but we can signal
our willingness to restore some or all the cuts in the
budget.*

Ken D

OFFICE OF THE VICE PRESIDENT
WASHINGTON, D.C.

February 3, 1982

TO: JIM
FROM: THADD

Shane

THE WHITE HOUSE

WASHINGTON

January 30, 1982

M FEB 3 1982

MEMORANDUM FOR THE SECRETARY OF LABOR
THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

FROM: CRAIG L. FULLER

SUBJECT: Mine Safety and Health Administration

On January 25, 1982, the Vice President met with representatives of the United Mine Workers. Secretary Donovan and White House representatives participated in the meeting.

The principal concern expressed at the meeting pertained to the three-year hiring freeze on mine inspectors and the possible association between the freeze and recent mine accidents.

It was agreed that the freeze policy and other procedural practices would be reviewed to determine if steps could or should be taken to enhance the safety of mine workers.

Would you please have representatives of the Department of Labor and OMB confer on this matter and produce a response that both of you can approve. If I can be of any assistance I would be pleased to participate.

Please provide us with a report on this matter by February 5, 1982. Thank you.

cc: Ed Meese
✓ Dan Murphy

THE WHITE HOUSE
WASHINGTON

December 5, 1981

MEMORANDUM FOR RICHARD DARMAN

FROM: ELIZABETH H. DOLE 

SUBJECT: DOL Budget Appeal Comments
Mine Safety and Health Enforcement

Since the mine safety question will not be handled by the Budget Review Board, please pass this item directly to OMB. I am quite concerned about the level of cut-back in these safety inspections and I am very concerned about the public/media perception of asking the Congress to reduce the number of mine safety inspections by 50% in order to achieve a savings. Our earlier experience in this area would indicate that Congress is not likely to go along anyway. I feel DOL should be permitted to achieve savings without proposing legislation to halve the minimum number of these safety inspections. It is not difficult to envision the outcry against the President that is likely to occur immediately following the first disaster at a mine which had its inspections reduced at our initiative. This is likely to add to the notion that we are not concerned about the needy and the poor, since few workers are more impoverished than miners.

1983 BUDGET DECISIONS

Department: Department of Labor

AGENCY APPEAL ITEM

RECOMMENDATION FOR BRB HEARING

1. Training and Employment Block Grant. This would replace present CETA grants to State and local prime sponsors with block grants to States. Program details not yet designed. DOL asks that the OMB outlay allowance be increased by \$200 million in 1983 and \$1,750 million in 1984.
2. Job Corps. Although DOL and OMB agree that current program of 44,000 ^{1/} training slots should be cut in half, DOL believes political considerations dictate appropriation request of \$400 M in both 1983 and 1984. OMB recommendation of \$365 M in 1983 and \$315 M in 1984 would require DOL to take steps to reduce expected unit cost of \$15.4 to \$17.5 thousand per training year.
3. Employment Service. DOL requests \$93 million in 1983 and 1984 outlays above the OMB recommendation to bring the regular State Employment Services back to the level recommended last March, before the President's September reduction. The OMB recommendation provides the same level as the President's September budget. However, we expect to have to revise the level downward to remain within the maximum appropriation authorized by law from the Unemployment Trust Fund, after fully funding the State Unemployment Insurance Service to meet expected claims workload.
4. Mine Safety and Health Enforcement. DOL appeals for 324 enforcement staff years and \$10 million in 1983 outlays (\$15 M in 1984) above the OMB recommendation. OMB believes a reduction in mandatory inspections of all mines to avoid visits to non-hazardous locations could save this much. DOL believes the savings should not be recognized until Congress enacts a law providing more flexibility.

Yes x No

Yes x No

Yes x No

Yes No x

^{1/} 42,000 in DOL appeal is a typo.

Agency: Mine Safety and Health Administration

Appeal Item: Reduction of regular annual inspections to one-half of the mandated minimum number.

Budget Impact:

	<u>1982</u>	<u>1983</u>	<u>1984</u>
<u>. OMB Passback</u>			
Budget authority	140,925	129,595	124,008
Outlays	141,925	130,615	124,511
FTP	2,719	2,397	N/A
FTE	2,838	2,584	N/A
<u>. Agency Position</u>			
Budget Authority	142,946	138,430	138,430
Outlays	139,106	140,335	139,265
FTP	2,861	2,861	N/A
FTE	2,908	2,908	N/A
<u>. Amount Appealed</u>			
Budget Authority	2,021	8,835	14,422
Outlays	--	9,720	14,754
FTP	142	464	N/A
FTE	70	324	N/A

Program Description:

The Mine Safety and Health Administration operating primarily under the authority of the Federal Mine Safety and Health Amendments Act of 1977 provides safety and health protection to all of this Nation's miners through a multidisciplined program of inspecting mining operations and providing education, training, and engineering assistance to mine operators. Mine operators are assessed monetary penalties for violations of safety and health standards.

Justification for Agency Position:

The Department of Labor respectfully requests reconsideration of the full time equivalent staff years and end-of-year employment allowances recommended for the Mine Safety and Health Administration by OMB for fiscal years 1982 and 1983. The OMB passback reflects a 30% staffing reduction from the January 1981 employment levels. While MSHA has announced organizational realignments to strengthen its field structure and achieve operational economies, we do not believe that a reduction below the agency position which reflected the 12% reduction from the March budget can be achieved without adversely affecting the safety and health of the mine worker.

The Agency position provided a comprehensive safety and health program of plan approvals, regular inspections, and other mandated inspections and investigations, complemented by education and training and engineering assistance efforts. Estimated average inspection completion rates for regular inspections were 75% for coal mines and 61% for metal and nonmetal mines. These average levels are far below the inspection frequency specified in the 1977 Act. Experience has indicated that certain operations require additional inspection events, over and above statutory minimums, to achieve a safe and healthful work environment.

The OMB passback directing the Department to propose legislation to halve the minimum numbers of inspections would, we feel, have an immediate adverse impact upon the success in achieving necessary revisions to the Mine Act.

Departmental officials have assessed mine safety legislation currently pending before the Congress and areas where changes seem appropriate have been identified. These changes have been discussed with OMB from the standpoint of the Administration's legislative program. The reduction in the statutory number of minimum inspections was not included in these discussions nor is it a viable alternative. Instead, we addressed this issue by urging that MSHA, given additional flexibility in utilizing existing enforcement resources, could achieve tangible health and safety benefits and could provide additional incentives for mine operators to improve safety and health conditions. It was also agreed that the classification of the surface mining of stone, clay, colloidal phosphate and sand and gravel are properly classified as mine operations and should not be exempt from the provisions of the Federal Mine Safety and Health Amendments Act.

The program modifications recently announced by MSHA appropriately recognizes the role of labor and management in achieving a viable, effective safety and health program with reduced Federal effort. However, there has been considerable expression of concern from both Union and Management as a result of previous reductions. Intensive opposition and possible legal action may be expected if the OMB passback remains unchanged. We request that MSHA be allowed to complete its organizational alignments and program modifications in an orderly transition at the level previously requested. As additional economies are identified and savings achieved, OMB will be notified to determine appropriate distribution of surplus funds.

MSHA is totally supportive of the President's economic recovery program. We also support the President's and the Secretary's expressed concern for healthy and safe workplaces. While we have geared our program changes to the 12% September 1982 budget proposal we will make further adjustments if an additional government-wide uniform percentage reduction is mandated. The new integrated management system being implemented in MSHA makes it imperative that MSHA be permitted to meet such required equitable budget level to maintain the integrity of its organization and mission. A mandate to cut selected functions of this Agency would effectively inhibit the goals of our reorganization.

Accidents Up, Citations Down in Coal Fields

By Douglas B. Feaver
Washington Post Staff Writer

Federal mine inspectors are issuing fewer violation notices, closing fewer mines for safety reasons and collecting less in fines at a time when fatalities from mine accidents appear to be on the rise.

Twenty miners have been killed in the coal fields since Jan. 1, compared with nine a year ago. A total of 153 miners were killed in 1981, the highest annual rate since 1975.

The Labor Department's Mine Safety and Health Administration (MSHA), which is required to inspect all underground coal mines four times a year, is being squeezed by budget problems just like other agencies.

Unlike everyone else, however, MSHA is also caught in a strange never-never land. A small part of its mission—inspection of sand and gravel and quarrying operations—was moved by Congress in the continuing resolution from MSHA to Labor's Occupational Safety and Health Administration (OSHA). No one knows whether or when that mission will be returned, but OSHA has it until March 31, when the continuing resolution expires.

The result: 220 MSHA sand and gravel quarrying inspectors have been furloughed since Jan. 1. Since many of them are also qualified coal inspectors, they are now beginning to "bump" less senior coal inspectors under federal personnel rules.

"I certainly empathize with the employees who were impacted," said MSHA Administrator Ford B. Ford, an appointee of President Reagan. "That was not an administration-sponsored move."

Further, attrition and the federal hiring freeze combined to cut by 9 percent the number of coal inspectors actually on the job from 1,389 to 1,264 between the end of fiscal 1979 and fiscal 1981.

"We are losing our best inspectors to industry," according to a source in an MSHA field office. "Previously we could keep them because of the continuity of the work and the dignity of the job, but no longer."

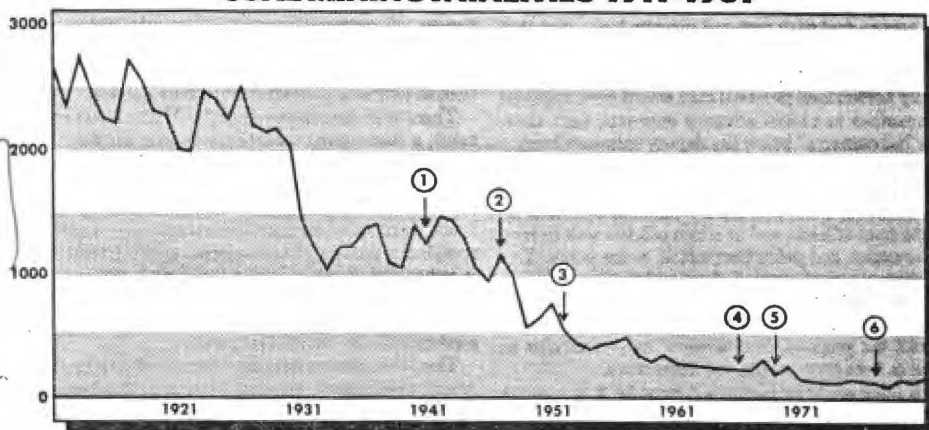
"If you asked, 'Does that account for these disasters?' I would say I hope not, but it troubles me."

Ford said he could not be "definitive" on whether such uncertainties might have contributed to laxness in the field. "A great number of our inspectors come from coal mining and coal mining families. I would say they are doing a good job. I can't say how individuals react."

The statistical evidence is interesting, if not conclusive. It shows that MSHA coal inspectors issued 129,921 citations for violations in fiscal 1980, but only 108,914 in fiscal 1981, a drop of 16 percent.

Orders—where an inspector literally closes a mine or a section of a mine or prohibits use of a piece of equipment until a hazard is corrected—dropped from 5,270 to 4,787, or 9 percent, from one fiscal

COAL MINING FATALITIES 1911-1981



- 1 1941: Advisory federal inspections permitted
- 2 1947: Advisory regulations issued
- 3 1952: Inspectors allowed to issue violation notices; inspectors allowed to order miners removed
- 4 1966: Mine injuries had to be reported; Government empowered to study causes of accidents
- 5 1969: Inspectors' powers expanded; development of health and safety standards required; government allowed to assess civil penalties
- 6 1977: MSHA created

By Gail McCrory — The Washington Post

\$19.5 million in calendar 1980 to \$14.2 million in calendar 1981, or 27 percent.

The General Accounting Office, at the request of Rep. Nick J. Rahall II (D-W.Va.), is three weeks into an investigation of whether MSHA is, in fact, performing the inspections the law requires.

Miners in Rahall's district told him that the Logan, W.Va., MSHA office was not conducting the required number of inspections, according to Rahall spokesman Michael Serpe. Rahall confirmed that charge from MSHA's own statistics, Serpe said, and asked for the GAO probe. "The fact that mine inspections are not being carried out is a travesty of the law that we in Congress worked hard to implement," Rahall said.

MSHA's Ford said that "from the information we've been able to glean, those inspections required by the [Coal Mine and Safety] Act are being carried out to the extent those mines are available for inspection." Mines regularly move in and out of

production, he said, and if they are out of production there is nothing to inspect.

Ford said that MSHA's inspectors inspect "100 percent of those mines available," but only 92 percent of all 5,700 coal mines because of availability problems. Labor Department statisticians said that the number of inspections that may have been missed (depending on whether the mine was really open or not) jumped from 485 in fiscal 1980 to 887 in fiscal 1981.

The switch from MSHA to OSHA of sand, gravel and stone inspections has the immediate result of removing thousands of small operators from the burden of federal inspection because OSHA is not permitted to inspect firms with fewer than 10 employees unless there is a complaint or a reported accident.

While the resolution transfers about 162,000 protected workers at 12,395 operations from MSHA to OSHA, the inspectors remain on furlough. About 86 percent of the sand and gravel and two-thirds of the

quarry operators will be exempt from OSHA enforcement barring a reported accident or complaint, OSHA spokesman Jim Foster said.

The National Sand and Gravel Association was able to build enough support in Congress to win at least temporary freedom from MSHA in the continuing resolution. However, MSHA statistics show, sand, gravel and quarrying operations have accounted for about 50 percent of the fatalities in the non-coal mining industry. Deaths in the non-coal mining industry dropped steadily from 234 in 1972 to an all-time low of 83 last year.

Ford has reorganized MSHA to place education and training staffs under the direct supervision of district managers instead of under Washington. That has resulted in the closing of some MSHA offices in the field, Ford said, but does not mean that MSHA's presence is diminished in any way.

"There has been no message to us to lessen regulatory enforcement," Ford said.