



United States  
General Accounting Office  
Washington, D.C. 20548

158682

Health, Education and Human Services Division

B-275306

April 30, 1997

The Honorable Wayne Allard  
The Honorable Ben Nighthorse Campbell  
United States Senate

The Honorable David E. Skaggs  
The Honorable Dan Schaefer  
The Honorable Joel Hefley  
The Honorable Scott McInnis  
The Honorable Diana L. DeGette  
The Honorable Bob Schaffer  
House of Representatives

Subject: Mine Safety and Health Administration: Information on Proposed Relocation of Its Denver Technical Center to West Virginia

The Mine Safety and Health Administration (MSHA), an agency within the U.S. Department of Labor, is responsible for protecting the safety and health of U.S. miners who work in coal, metal, and nonmetal mines. To do this, MSHA maintains a staff of over 2,000 people who enforce federal mining laws across the country and support the agency's enforcement activities administratively or technically. MSHA's three technical centers in Denver, Colorado; Bruceton, Pennsylvania; and Triadelphia, West Virginia, provide the engineering and scientific resources the agency's enforcement staff often need. This correspondence concerns MSHA's proposal to relocate its Safety and Health Technology Center in Denver, Colorado, to Triadelphia, West Virginia. In your September 18, 1996, letter and through subsequent discussions with your staffs, you asked that we assess the likely effect of the relocation plan on MSHA's

--ability to protect the safety and health of mine workers in states west of the Mississippi, including the agency's ability to respond to mine emergencies nationwide, and

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– budget in the short term (fiscal years 1996-97), that is, what the short-term costs of the move would be.<sup>1</sup>

This correspondence summarizes the information we presented to your staffs in a preliminary briefing on December 18, 1996, and provides MSHA's responses to questions asked by your staffs during the briefing. (See enclosure I for MSHA's answers.)

To respond to your request, we reviewed literature on the mining industry; agency planning and relocation documents; and cost data on MSHA operations, including its three technical centers. We also surveyed all Denver technical center staff and interviewed various MSHA staff at headquarters, the technical centers, and selected district offices; union and trade association officials and academic experts; and selected federal and state agency officials that coordinate their work with MSHA. (A list of the major organizations we contacted appears in enclosure II.) We conducted our review between September 1996 and March 1997 in accordance with generally accepted government auditing standards.

In summary, mining industry union and trade group representatives, as well as academic experts, expressed serious concerns that MSHA's proposed relocation could adversely affect the level and quality of services provided to western mines and their workers, particularly in the event of a time-critical mining situation.<sup>2</sup> In response, MSHA modified its plan to address these concerns by maintaining in Denver the technical equipment and personnel necessary to respond to such emergencies. MSHA believes that certain planned hiring and training actions will enable the agency to maintain the level and quality of technical services currently provided to western mines. Overall, we have little

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<sup>1</sup>The relocation plan assumed that any short-term costs would be recouped within 3 years, but the scope of our work did not include analyzing this estimate.

<sup>2</sup>MSHA defines "time-critical" situations or events as those in which people are at risk and a response from technical support staff is needed as soon as possible to minimize that risk. These time-critical events include situations in which (1) miners are trapped or unaccounted for and (2) rescue personnel are being sent into an irrespirable atmosphere with the potential for encountering explosive gases, residual ignition sources, or both. Accident/field investigations, on the other hand, require that technical support staff respond expeditiously once notified by enforcement staff but do not involve an immediate risk to miners or others.

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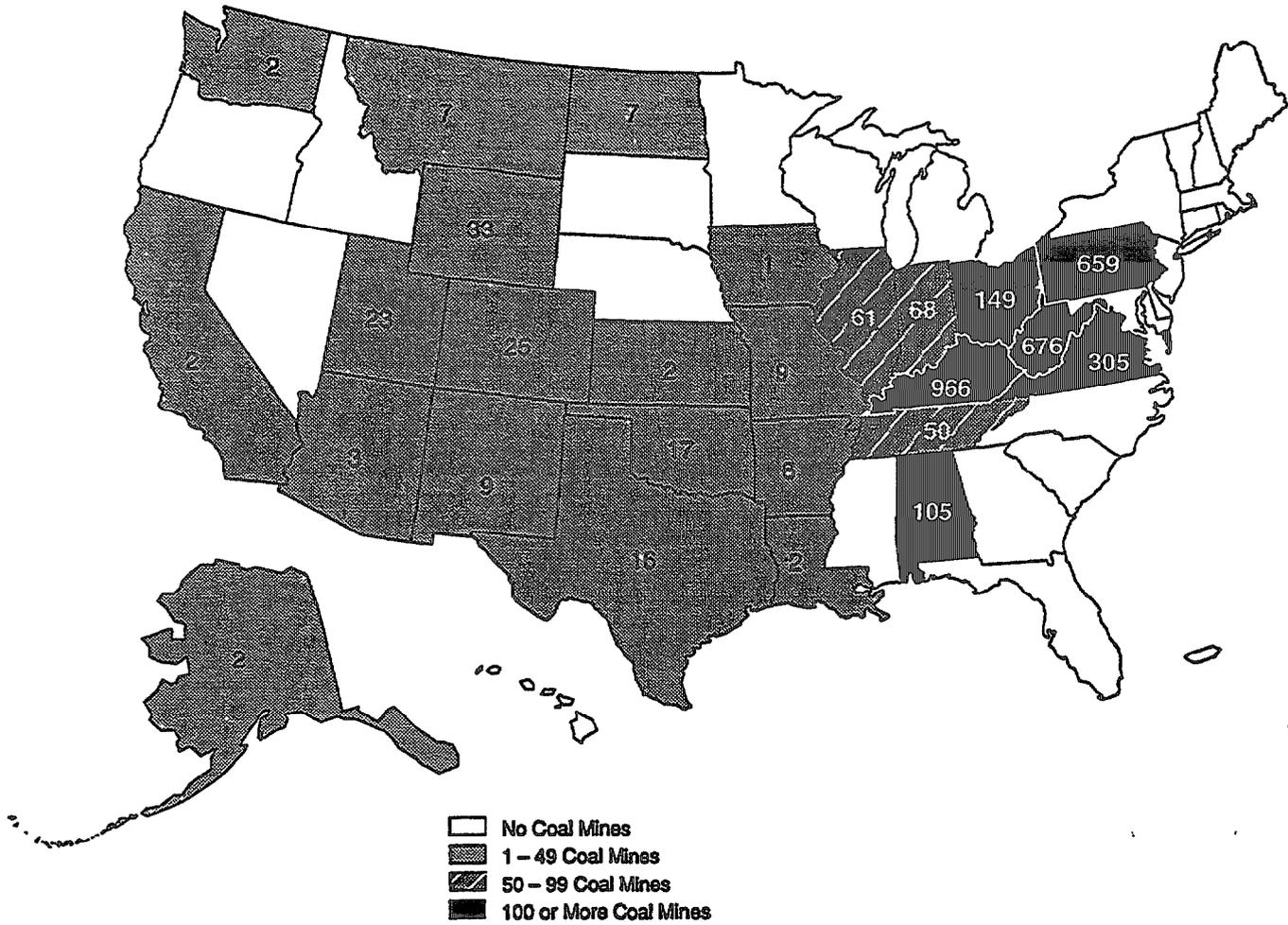
or no basis to believe that the revised relocation plan will have a significant adverse affect on MSHA's ability to protect the health and safety of western miners.

Regarding MSHA's cost estimates, our review raised issues about the agency's estimates (1) of savings from the elimination of supervisory positions, (2) of additional travel costs, and (3) for planned renovations at the Triadelphia facility. In response, MSHA revised its travel and labor cost estimates and provided us additional information on its renovation plans.

### BACKGROUND

MSHA maintains headquarters offices in Arlington, Virginia; a training facility in Beckley, West Virginia; and more than 150 field offices across the country that develop and enforce mining standards, conduct mine inspections to ensure compliance with applicable laws, assess civil penalties for violations, investigate accidents, and respond to mine emergencies. Some MSHA field offices monitor coal mines, while others oversee the activities of mines that produce metals (for example, gold, silver, and copper) and nonmetals such as salt, sand, and gravel. Because of the concentration of coal mines in the Appalachian region of the United States (see fig. 1), MSHA enforcement offices overseeing coal mining operations are largely located in West Virginia, Kentucky, and several other states east of the Mississippi River. MSHA enforcement offices that monitor metal and nonmetal mines are not as localized because, even though most metal mines are located west of the Mississippi River, nonmetal mines are more widely dispersed throughout the country (see fig. 2).

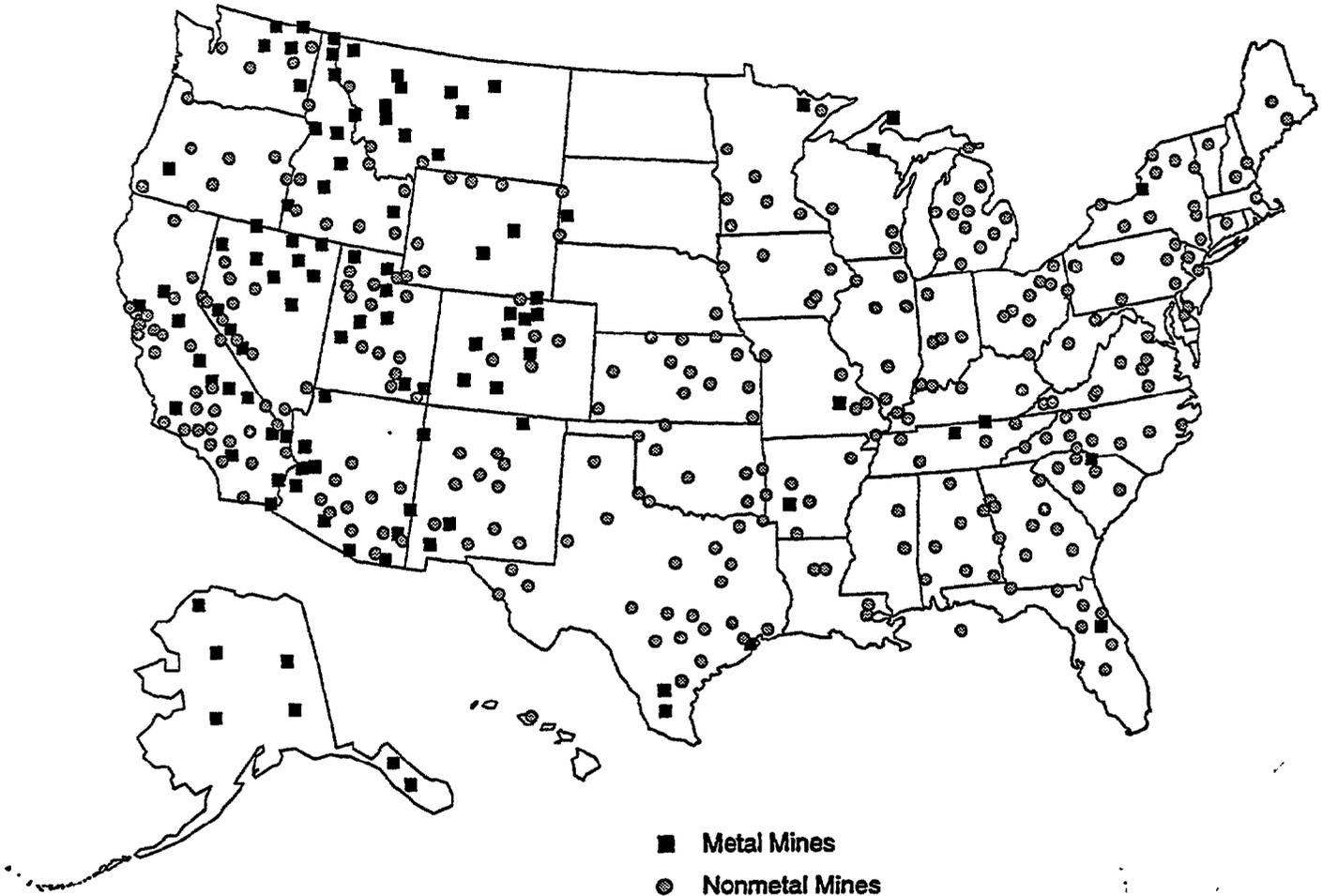
Figure 1: Active U.S. Coal Mines, Fiscal Year 1995



Note: Some of these mines may not have produced coal during this period.

Source: Fiscal year 1995 data, Mine Safety and Health Administration.

Figure 2: Major U.S. Metal and Nonmetal Producing Areas, July 1996



Note: According to MSHA data as of July 1996, over 10,700 metal and nonmetal mines were active in the United States. However, some of these mines may not have produced minerals during this period.

Source: General Commodity Summaries 1997, U.S. Geological Survey. This information is based on data collected from a survey of mineral information teams staffed by commodity specialists at the U.S. Geological Survey.

MSHA's Technical Support Function

MSHA's enforcement activities are supported by three technical centers located in Denver, Colorado; Bruceton, Pennsylvania (a suburb of Pittsburgh); and Triadelphia, West Virginia. These centers conduct MSHA's technical support function, which includes planning and directing the organization's engineering and scientific activities to solve technical mining problems and ensuring that U.S. miners work in healthy environments with safe equipment. Historically, the Denver Safety and Health Technology Center (DTC) has supported MSHA's metal/nonmetal enforcement staff and the metal and nonmetal mining community, while the Bruceton technical center has tended to concentrate its activities on coal enforcement offices and the coal mining industry.<sup>3</sup>

The DTC

According to one of the DTC's past managers and a former MSHA official who helped to create the center, the DTC was created in response to the passage of the federal Metal and Nonmetallic Mine Safety Act in 1966 to address the (1) peculiarities of ore mined in metal and nonmetal mines and (2) special problems associated with this type of mining—such as deep mine hoisting and ventilation.

Today, the DTC performs dust analyses for all U.S. metal and nonmetal mines and analyzes air samples for silica, asbestos, various gases, and other contaminants. It assists MSHA metal/nonmetal enforcement staff, when requested, during on-site investigations to solve mining problems, determine the causes of mine accidents, and develop accident prevention measures. In addition, the DTC advises MSHA staff, mine operators, and union personnel about accident prevention techniques; conducts explosives safety activities; and communicates scientific research results to enforcement staff and the mining

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<sup>3</sup>In 1972, when the Department of Interior was responsible for administering the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act, it maintained a technical center in Denver focused largely on metal and nonmetal issues. It also operated a Pittsburgh center that primarily provided technical support on issues related to the coal mining industry and a third center called the Health and Safety Analysis Center that maintained mining data on the entire mining industry. The Department of Labor assumed responsibility for federal mining laws in 1977 and since then has been providing MSHA technical support services in essentially the same way.

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industry. DTC staff also assess and monitor mine conditions during emergencies that involve the rescue and recovery of trapped miners, write investigation and research reports, and serve as expert witnesses during litigation.

At the end of fiscal year 1996, 36 staff worked at the DTC in its Office of the Center Chief and its six divisions: Toxic Materials (which includes the Analytical Laboratory), Physical Agents, Ventilation, Geotechnical/Ground Support, Mine Waste and Construction, and Industrial and Electrical Safety.<sup>4</sup> Many of these staff had considerable seniority, with 27 having 16 or more years of federal service (see enclosure III). In fiscal years 1994 through 1996, DTC assisted with 368 accident/field investigations; several time-critical mine events; and other activities, such as writing responses to and attending meetings with mine operators, safety managers, union officials, MSHA attorneys, and enforcement staff when engineering expertise was needed to resolve a problem. MSHA currently rents space from the General Services Administration (GSA) to house the DTC at a cost of \$336,703 in fiscal year 1996.<sup>5</sup>

#### The Bruceton Center

MSHA's Bruceton technical center performs many of the same activities as the DTC, primarily in support of the agency's coal enforcement field offices, but is the only center that conducts dust analyses for all U.S. coal mines and maintains the agency's instrument calibration facilities and specialized Mine Emergency Operations equipment. In fiscal year 1996, 99 staff at the Bruceton center performed managerial functions and mine-related activities similar to those carried out by the DTC. The Bruceton center is located on a federal compound in buildings formerly occupied by the Bureau of the Mines. Through an interagency contract with National Institute of Occupational Safety and Health, MSHA paid \$653,710 to operate this space in fiscal year 1996.

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<sup>4</sup>The DTC was also the permanent duty station for two employees supervised by MSHA's Bruceton technical center staff.

<sup>5</sup>In fiscal year 1996, GSA also billed MSHA \$13,812 for the DTC's "joint use" of parking, cafeteria, and other shared space at the Denver Federal Center. The DTC occupied office and laboratory space there and at the Lakewood Plaza Building during this period.

### The Approval and Certification Center

Unlike the other two technical centers, the Approval and Certification Center (ACC) in Triadelphia, West Virginia, develops tests and criteria for evaluating the safety of electrical and mechanical mine equipment and related components, instruments, and materials. It also approves these mining products and explosives for use in underground and surface mines. ACC staff inspect mine equipment manufactured in factories in over 41 states and examine equipment parts being sold "off the shelf" to ensure that manufacturers are producing products in accordance with MSHA standards and specifications. The ACC also assists MSHA enforcement offices with investigations when requested. In fiscal year 1996, 72 staff performed ACC activities. This center is located on a large complex in rural West Virginia, about 50 miles from MSHA's Bruceton technical center and 60 miles from the Pittsburgh Airport. MSHA owns all of the buildings and land within this 96-acre complex.

### MSHA's Relocation Plan

According to its August 1996 plan, MSHA intends to move 45 Denver technical center positions to Triadelphia, West Virginia, by October 1997.<sup>6</sup> Most of these staff will be physically located at the ACC yet supervised by managers at the Bruceton technical center. DTC managers who choose to transfer will work as senior technicians in Triadelphia but will retain their current salaries. MSHA plans to renovate a large open bay or warehouse-type area at the ACC to create office space and laboratory facilities for the Denver transferees. In addition, the plan also states that MSHA will guarantee all staff transfer rights, pay relocation costs, and provide job placement assistance to staff who choose not to relocate.

MSHA has been planning the reorganization of its technical support function since 1991. In fiscal year 1992, MSHA closed the operations of its former technical center in Pittsburgh and moved those resources to its Bruceton technical center. MSHA officials said that the proposed relocation and realignment of the DTC will allow technical support "to do more with less," ensure that the highest priority work is performed, and maintain a viable technical support function. These officials stated that moving DTC staff to Triadelphia, West Virginia, will reduce the costs associated with maintaining MSHA's technical support function, realize operational efficiencies, and improve

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<sup>6</sup>The 45 positions include staff currently on board as well as several vacant positions.

the overall quality of technical service provided to MSHA's inspection staff and industry customers. According to these officials, the relocation will accomplish these goals by (1) eliminating technical support's service and equipment duplication, (2) making greater use of MSHA-owned space in West Virginia, (3) merging the smaller Denver unit into the larger Bruceton resource pool closer to most of MSHA's customers, and (4) streamlining operations by reducing operating units and placing current Denver managers in technical staff positions.

MSHA management believes that the proposed relocation will more centrally locate its technical support within the mining industry to allow the agency to focus the majority of its activities and resources on gassy coal mines. These mines release large amounts of methane and toxic gases, creating extremely hazardous working environments for miners and, according to MSHA, the most challenging technical problems for the agency. Like most coal mines, 46 of the nation's 52 extremely gassy underground mines are located east of the Mississippi River—mostly in West Virginia, Pennsylvania, Alabama, and Illinois.<sup>7</sup>

#### The Retired Denver Mining Employees Association Contested MSHA's Relocation Plan

In an effort to get MSHA to reconsider its relocation proposal, a group of former MSHA employees called the Retired Denver Mining Employees Association organized a campaign that involved informing elected representatives, the local news media, and mining-related groups about the proposed move of the DTC. As part of this effort, the association issued a detailed assessment of MSHA's relocation plan. The assessment questioned whether any savings or operational efficiencies would result from the relocation. According to the association, MSHA's relocation plan did not present a factual or realistic justification for relocating the DTC from either a cost or a service standpoint and understated the importance and role of

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<sup>7</sup>"Extremely gassy" mines release more than 1 million cubic feet of methane in a day. According to MSHA's most recent data, 6 other extremely gassy underground mines are in Colorado and Utah, while 26 other mines in these two states and in New Mexico, Wyoming, Louisiana, and Texas also release highly explosive—yet lower—amounts of methane gas each day. The Federal Mine Safety and Health Act of 1977 requires the Secretary of Labor to conduct at least one spot inspection every 15 working days at mines releasing more than 200,000 cubic feet of methane in a 24-hour period.

technical support during mine events that require a rapid response from knowledgeable, experienced personnel.

AFFECTED GROUPS RAISED CONCERNS  
ABOUT THE RELOCATION'S IMPACT ON SERVICE

Mining labor unions, industry trade groups, MSHA's DTC staff, and other individuals generally believed that the relocation, if implemented, could (1) increase MSHA response time to time-critical mine events or (2) erode the quality and level of general technical assistance provided to western mines. MSHA headquarters officials believe that the relocation will not adversely affect the agency's response time or the level and quality of technical assistance currently provided to western mines, especially now that it has modified its plan with respect to a gas analysis capability in the West.

DTC Staff and Others Believed Original  
Relocation Plan Could Increase  
Response Time for Mine Emergencies and  
Accident/Field Investigations

Many of the DTC staff, a Colorado state mining official, and mine experts we interviewed were concerned that the relocation plan could lengthen the time it currently takes to respond to time-critical mine events for which technical assistance is essential, jeopardizing the safety of miners and rescue workers. Currently, DTC staff respond to mine events primarily west of the Mississippi River and, according to MSHA headquarters officials, assisted in five such time-critical mine events in fiscal years 1994 through 1996. The original relocation plan would have resulted in the nearest agency technical resources being, in most cases, 1,500 miles farther from most western mines, adding in many cases from 3 to 4 hours of travel time to and from the mine site.

A more serious problem noted by DTC staff was the logistical difficulty of shipping certain sensitive equipment and supplies, such as compressed gases, required by technical staff during time-critical mine events.<sup>8</sup> Such equipment and supplies cannot currently be transported on commercial airlines. DTC staff

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<sup>8</sup>Compressed gases are used to standardize or adjust measuring instruments and to operate equipment such as gas chromatographs, which identify chemical mixtures by separating them into their components. Gas chromatographs are often necessary to monitor the toxicity or volatility of gases within a mine during an emergency such as a mine fire, explosion, or collapse.

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generally use customized vans to transport this type of equipment and supplies to mining sites when it is required. Relying on van transport from West Virginia could result in many hours of delay in reaching a time-critical mining situation west of the Mississippi River, seriously threatening MSHA's ability to protect workers in such a situation.

MSHA Believes Response Times Will Not Be Affected Under Revised Relocation Plan

MSHA headquarters officials noted that enforcement staff—not technical support staff—have "first response" responsibilities at any mine event. When mine accidents or emergencies occur, mine operators contact their nearest enforcement office. Enforcement staff are the first to arrive at the mine site to (1) initially determine the nature and extent of the situation and (2) decide whether technical support's assistance is needed. The primary role of technical support is to assist MSHA enforcement staff by providing expert advice, assistance, and analysis. In most instances, such support is not time critical, which minimizes the problems raised by greater distance and travel times. MSHA's relocation plan states that enforcement staff will be unaffected by the proposed move; that is, current enforcement offices located in western states and elsewhere will continue to operate.

MSHA headquarters officials also pointed out that generally more mine emergencies occur east of the Mississippi River than in the West and that the DTC, on average, is requested to respond to fewer time-critical mine events than accident and field investigations. However, MSHA officials acknowledged the potentially life-threatening difficulties posed by maintaining all essential technical equipment and supplies in Triadelphia, West Virginia. To address the problem of transporting such supplies and equipment on commercial air carriers, MSHA stated on November 27, 1996, that it will maintain gas analysis equipment and three technical support staff in Denver to assist with mine emergencies. This unit will become a part of MSHA's Denver metal/nonmetal enforcement office, which is currently colocated with the DTC.

DTC Staff, Mining Groups, and Others Concerned About Possible Erosion of Level and Quality of Service

DTC and other MSHA staff, trade group officials, and union representatives we spoke with believed that the relocation plan would make technical support less accessible and seriously erode the level of service and quality of technical assistance currently provided to western mines. Some the individuals we spoke

with also said that this problem could become more serious over time as the western mining industry continues to grow. Some of those we interviewed believed that the erosion of technical assistance will occur because such support—especially on-site support—will take longer to provide and be more costly and heavily dependent on the agency's overall travel resources.

Many individuals we interviewed believed that, given the greater distance from West Virginia to many western mining states and generally higher travel costs, providing technical support to western mines will become increasingly vulnerable to travel budget reductions. A mine expert in Pennsylvania said that, at any time, agency budgetary constraints could prohibit expensive, long-distance travel and, for this reason, a centralized technical support center may not be the most advantageous arrangement for MSHA. A January 1, 1996, memorandum from MSHA's Assistant Secretary illustrates the potential for future travel budget reductions. In the memorandum, the Assistant Secretary asked MSHA managers and supervisors to help reduce travel costs because MSHA would be "facing tight budgets in the months and years ahead." The memorandum went on to say that to save money, a "cost/benefit approach" should be used when deciding what trips to make. If agency travel funds remain stagnant or decline as they have in the past, some staff said, the proposed relocation could result in longer trips to the field and the additional travel hours would probably increase overtime charges for the agency. Concerns were also expressed about the impact of the additional distance on more routine technical support activities. For example, a Department of Labor attorney who litigates cases for MSHA said that technical support staffs' failure to get to the scene of a mine accident "right away" could hurt MSHA's credibility when staff have to present expert testimony at a trial.

Many we interviewed also believed that the demand for MSHA technical assistance will only increase as the western mining industry continues to expand. The projected growth of the mining industry in many western states is well documented in the literature and will most likely occur in both coal and metal mines west of the Mississippi River, especially in Wyoming and Nevada, because of a continuing demand for gold and silver and an increasing demand by eastern utility companies for low-sulphur coal.<sup>9</sup> Yet with the closure of the Bureau of the Mines and the downsizing of other mine-related federal agencies, several people we interviewed believed that the loss of the DTC will leave the

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<sup>9</sup>Energy Information Administration, U.S. Coal Reserves: A Review and Update, DOE/EIA-0529 (Washington, D.C.: Department of Energy, Aug. 1995) and Mining Engineering: Annual Review 1995 (May 1996).

growing western mining industry with few sources of readily accessible technical expertise to rely on to help solve its mining problems. For example, an operator for a Wyoming nonmetal mining company said that technical assistance for the western mining industry would be almost nonexistent if the DTC relocated to West Virginia. The operator said that his company had benefited greatly from DTC's help with resolving several mine design problems and a mine crisis and that, if the DTC relocated, getting technical assistance in the future would be much more costly for his company.

In addition, DTC staff and others we spoke with felt strongly that the quality of technical expertise in metal/nonmetal issues will decline if the DTC is relocated. They cited a lack of expertise at the Bruceton center in metal/nonmetal mining issues and potential hiring difficulties there as reasons for this likely decline. Because the Denver center has specialized since 1971 in the unique problems of metal, nonmetal, and western coal mines, individuals we interviewed were concerned that MSHA's technical support function could lose its knowledge base and years of experience in these skill areas if most DTC staff decide not to transfer to West Virginia. For example, several DTC staff and Department of Labor attorneys we interviewed said that relocating the DTC will encourage MSHA's most experienced technical staff in metal/nonmetal mining to retire or find jobs elsewhere, creating an agency shortage in certain skill areas that MSHA would find difficult to address. According to agency data, normal attrition and little hiring at the DTC have already depleted the number of center staff (see enclosure IV), especially staff with expertise in certain areas, such as radiation.<sup>10</sup> MSHA could begin to hire staff to replace these and other employees who may leave before the proposed move is actually implemented. However, some individuals we interviewed were concerned that, while MSHA is in the process of hiring and training new staff to fill current and expected vacancies, shortages of experienced staff could have a great impact on the quality of services now provided to MSHA enforcement staff and the western mining community in the interim.

According to several DTC staff, MSHA also could suffer shortages of experienced and knowledgeable staff for a considerable period of time after the proposed relocation because the agency could have trouble hiring staff with metal/nonmetal mining experience who are willing to live in West Virginia and perform most of their work in the West. Most DTC staff contend that MSHA

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<sup>10</sup>Staff in this skill area conducted radiation/ventilation surveys and tested for radon exposures in uranium, iron, limestone, and other underground mines, among other activities.

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will need this kind of expertise because the technical expertise in Bruceton is primarily in coal mining. Thus, staff with metal/nonmetal expertise would not be available to provide the technical assistance to enforcement and industry staff responsible for metal and nonmetal mines.

#### MSHA Believes Service Levels and Quality Will Be Maintained

MSHA officials contest the view that the quality and level of MSHA's technical support service will decline significantly in the short run if the DTC is relocated to West Virginia. MSHA officials stated that they intend to rely on Bruceton technical support staff to provide metal and nonmetal expertise and maintain service quality and that the differences in expertise between DTC and Bruceton have been overstated. They noted that nearly 50 percent of metal/nonmetal mines are located east of the Mississippi River and that the Bruceton center has always provided some metal/nonmetal mining assistance. They said that any declines in the level of service will be short lived because they anticipate few hiring problems and intend to hire quickly. They estimate 3 months as the average time it will take to fill a mining engineer position vacancy. MSHA officials also believe they have a good pool of qualified applicants from which to select applicants. To demonstrate this, they cited the 1,031 applications MSHA received in response to 38 enforcement positions advertised in 1996. These applicants were from professional organizations, academia, and federal agencies that have either closed or are downsizing.

In addition, MSHA officials said the relocation of staff will allow MSHA's technical support managers to better prioritize their workload and service delivery, thus improving service in the long run. According to the Chief of the Bruceton technical center, Bruceton staff have done more work in the West over the last 2 to 3 years and have gained some experience in metal and nonmetal mining. He also said that certain types of technical support—such as mine engineering, electricity, and ventilation work—are the same whether the mine is in the eastern or western part of the United States. If the DTC staff relocate to Triadelphia, he envisioned that these staff will continue their work in the West for a while, but eventually coal and metal/nonmetal technical staff would be cross-trained and their skills integrated. He believed that staff could be cross-trained within a reasonable amount of time.

#### NET SHORT-TERM COSTS OF ORIGINAL RELOCATION PLAN WERE UNDERESTIMATED

MSHA initially estimated that the first-year cost to close the DTC and transfer staff to West Virginia would total approximately \$1.75 million. According to the

proposal, this cost would be partially offset by savings generated by reduced supervisory salaries and rental costs. Our review of the proposal, however, showed that MSHA could not realize any cost savings from the salaries of the current DTC supervisors who will assume staff positions if the proposed relocation takes place. In addition, we believe that MSHA underestimated the increased travel costs that would be necessitated by the relocation and did not sufficiently account for the required construction costs. On December 17, 1996, MSHA revised its cost estimate to \$1.86 million in response to questions we raised about its initial estimate.

Key Components of MSHA's Original Cost Estimate  
Included Employee Relocation and Construction Costs

MSHA estimated that the relocation of the DTC would cost approximately \$1.75 million. The estimate included the following key expenses:

- \$550,000 for real estate and moving allowances for an estimated 11 DTC staff at about \$50,000 per person,<sup>11</sup>
- \$32,000 for travel costs in addition to DTC's current travel budget, and
- \$500,000 for the construction of a second floor in ACC building #2 to accommodate offices and laboratories for transferred staff.<sup>12</sup>

The agency expected to save

- \$233,000 in rent to house the 36 DTC staff on board as of August 1995<sup>13</sup> and
- from \$470,000 to \$746,000 in salaries and benefits by eliminating the positions of DTC supervisors.

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<sup>11</sup>MSHA acknowledged that these costs could increase further if more than 11 DTC staff decided to transfer.

<sup>12</sup>The ACC complex consists of five major buildings containing offices, laboratories, and test facilities. Two storage trailers are also on the property.

<sup>13</sup>MSHA based its rent savings on the cost of smaller space to accommodate the Denver staff and not on the fiscal year 1995 lease cost of \$323,000 for its current space, which is too large for only 36 staff.

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MSHA did not include any severance payments to current DTC employees, nor did it include any hiring or training costs of new employees in its estimate. According to MSHA officials, these costs would not affect the proposed relocation because (1) staff would be transferred and not involuntarily separated from their jobs and (2) MSHA has already budgeted for staff training and hiring costs in its fiscal year 1997 budget.

No Short-Term Savings Would Result From  
the Elimination of Supervisory Positions

MSHA stated in its August 1995 realignment plan that eliminating eight supervisory positions at grade levels 13 through 15 would save from \$470,000 to \$746,000 annually. Officials based the higher figure on the mid-range of the pay scale for the Denver geographic area and included 35 percent for employee benefits. However, we found that only four supervisors were employed by DTC and that MSHA had promised these staff that they would retain their current salaries if they moved to West Virginia and assumed front-line staff positions. On the basis of this information, we concluded that MSHA would not realize any short-term savings from eliminating DTC supervisory technical support positions. MSHA concurred with our finding.

MSHA Underestimated Additional Travel Costs

To arrive at its additional travel cost estimate of \$32,000, MSHA assumed that technical support staff would make about 80 trips in fiscal year 1996 to the West after the relocation. Yet in its relocation plan, MSHA stated that the DTC performed more than 100 investigations each year in the West in fiscal year 1995. If MSHA intended to maintain the same level of service in the West, we determined that these investigations could account for additional travel expenses (that is, airfare and additional per diem costs) if DTC staff move to West Virginia. MSHA officials explained that the \$32,000 was an estimate based on travel activity during fiscal years 1990 through 1993 at an average per diem cost of \$400. On the basis of our analysis, MSHA increased its estimate of additional travel costs by 31 percent to \$42,000.

MSHA Provided Additional Explanation for  
Construction Costs Required by the Relocation

When we examined the September 1996 floor plans for the renovations that MSHA has proposed making at its Triadelphia, West Virginia, facility, we were concerned because we did not see evidence of any office or laboratory space allocated for DTC staff as stated in MSHA's relocation plan. According to the

plan and MSHA officials, the agency would contract for the construction of a second floor in a portion of building #2 at the ACC to accommodate transferring DTC staff, any new hires that might be needed, and the technical activities that they all would perform. Planning and constructing such space could result in significant additional costs for MSHA. The only renovations shown in the floor plans we examined were for the creation of conference rooms and storage areas and the installation of elevators and shower facilities.

MSHA officials explained that offices and laboratories were not indicated on the floor plans because agency management had agreed to negotiate the configuration of this space with the National Council of Field Labor Locals (NCFLL)—the union that represents all MSHA employees throughout the country. In our subsequent discussions with MSHA officials, they said that no additional costs would be involved to prepare the space in building #2 for offices, MSHA owns its own office partitions, and the cost of the labor needed to erect these partitions is included in the service contract with a company that currently provides maintenance services at the ACC. In addition, MSHA officials stated that the laboratories will probably be established in a different ACC building (building #1) where a laboratory and the proper ventilation and plumbing for laboratories already exist.

**Revised Estimate of \$1.86 Million Includes  
Employee Relocation Bonuses**

On December 17, 1996, MSHA presented a revised relocation cost estimate that included the estimated cost of a relocation bonus totaling \$75,000. The document stated that the bonus was being negotiated with the NCFLL and was the maximum amount that MSHA would pay out for this purpose. If fewer employees decided to transfer to West Virginia, MSHA's costs could be less. In its revised cost estimate, MSHA also increased its estimated additional travel costs by \$10,000 and included the cost of an expanded telephone system at the ACC totaling \$40,000. These cost increases were partially offset by decreases in the revised relocation budget estimate. For example, by mid-December 1996, MSHA had accepted a bid on the construction work planned for the ACC and, therefore, included in its revised relocation estimate the actual contract price of \$446,000 instead of the \$500,000 estimate shown in its original relocation plan. Also, the original plan stated that the agency would spend an estimated \$100,000 in additional facility operating costs per year as a result of the move. However, MSHA included only \$8,333 (one twelfth of \$100,000) in its revised relocation estimate for facility operating costs because, according to MSHA officials, DTC employees would not be expected to move to the ACC until the last month of fiscal year 1997. The Director of Technical Support assumes that

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the agency will spend the originally estimated \$100,000 in additional facility operating costs during fiscal year 1998. The net effect of these revisions was to increase MSHA's total estimated expenditures for the relocation over fiscal years 1996 and 1997 to \$1.86 million.

#### CONCLUSION

We believe the revision to MSHA's relocation plan that maintains gas analysis equipment and staff in Denver adequately addresses the concern about MSHA's ability to protect the safety and health of miners in the West by responding to time-critical events promptly. MSHA believes the overall level and quality of technical support will be maintained by cross-training existing staff and quickly hiring new staff. We agree that it is reasonable to believe that these actions will largely offset any technical support capacity temporarily lost. Although technical support services will not be as geographically accessible to enforcement staff and others involved with western mines as they have been in the past, we have little or no basis to believe that the revised relocation plan will have a significant adverse effect on MSHA's ability to protect the safety and health of western miners.

#### AGENCY COMMENTS

MSHA agreed with our findings and overall conclusion. In its written comments, the agency stressed its commitment to assisting miners nationwide who find themselves in life-threatening mine-related situations and minimizing the effect of the relocation on the affected MSHA employees. See enclosure V for the full text of MSHA's comments.

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As arranged with your offices, unless you publicly announce its contents earlier, we plan no further distribution of this letter for 30 days. At that time, we will send copies to other congressional committees, the Secretary of Labor, and the Assistant and Deputy Assistant Secretaries of MSHA. We will also provide copies to others on request. If you have any questions, please feel free

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to contact me at (202) 512-7014. Contributors to this correspondence include Charles A. Jeszeck, Assistant Director; Karen A. Whiten, Evaluator-in-Charge; and Veronica Scott, Senior Evaluator.

A handwritten signature in cursive script that reads "Carlotta Joyner".

**Carlotta C. Joyner**  
**Director, Education and**  
**Employment Issues**

**Enclosures - 5**

MSHA RESPONSES TO QUESTIONS FROM THE  
COLORADO CONGRESSIONAL DELEGATION CONCERNING  
THE REALIGNMENT OF TECHNICAL SUPPORT

On December 18, 1996, the requesters asked several clarifying questions concerning the Mine Safety and Health Administration's (MSHA) proposed relocation of its Denver Safety and Health Technology Center (DTC). We were asked to collect additional information from MSHA to answer these questions. The questions and MSHA's responses are reprinted in this enclosure. We did not independently review or evaluate the information MSHA provided. We provided MSHA's responses to the requesters on December 30, 1996.

*1. List the number of field/accident investigations that the Denver Safety and Health Technology Center responded to each year in fiscal years 1992-96.*

The role of Technical Support in MSHA is to provide expert assistance to MSHA's front-line enforcement staff. The Technical Support centers do not initiate either field or accident investigations independently. Field investigations involve travel to the mine site. Accident investigations are included as field investigations when a field visit is required. In some instances, Technical Support's involvement in an accident investigation may not include a field visit, as their role may be limited to laboratory analyses, for example.

In the case of accident investigations, mine operators contact their nearest field or district enforcement office (of which there are more than 150 located in the mining communities throughout the country) when an accident or fatality occurs. Enforcement staff are the first to arrive at the mine site and make an initial determination of the nature and extent of the accident. If necessary, the enforcement staff will request Technical Support's assistance in conducting its investigation of the cause of the accident. As noted in MSHA's earlier report to Congress, in the period between January 1, 1995 and July 24, 1996, MSHA's enforcement staff requested the assistance of Technical Support in 31 percent of the 146 fatal accidents that occurred.

Field investigations too are conducted at the request of the enforcement staff. Some of the field investigation services performed by Technical Support staff include conducting studies of the movement of the ground, performing noise or dust control surveys, evaluating equipment and materials used in a mine, analyzing miners' exposure to harmful materials, and evaluating mine ventilation, roof control and impoundment plans.

The total number of field and accident investigations conducted by MSHA's Denver Safety and Health Technology Center (DSHTC), Pittsburgh Safety and Health Technology Center (PSHTC) and the Approval and Certification Center (A&CC) in fiscal years 1992-96 is as follows:

<u>Year</u>	<u>Denver</u>	<u>Pittsburgh</u>	<u>A&amp;CC</u>
FY 1992	239	129	2
FY 1993	184	137	7
FY 1994	145	135	11
FY 1995	138	190	14
FY 1996	85	155	18

The number of field investigations conducted in fiscal year 1996 were affected by the furloughs in November and December-January and travel restrictions imposed because of the uncertainty of MSHA's fiscal year 1996 budget that was not resolved until April 26, 1996. Nationally, neither the furloughs nor the travel restrictions infringed on MSHA's responses to "time-critical" events. Whenever and wherever a mine emergency occurs and miners' lives are endangered, MSHA mobilizes the entire Agency and uses all available means to ensure that staff and equipment arrive at the mine site promptly.

*2. The Denver technical center provided the GAO a list of mine emergencies and other incidents that required a time-critical response from Denver technical support staff (see attachment). Confirm that each incident listed represents a time-critical response by the Denver center and explain why it was time critical or why you do not consider it to be a time-critical incident. Also, confirm (1) the name of the mine, (2) when MSHA enforcement staff requested the Denver center's assistance, and (3) the date and time Denver staff arrived at the mine site. Indicate whether each incident required the use of gas analysis staff and/or equipment.*

The primary role of MSHA Technical Support staff is to assist the Agency's enforcement staff by providing expert advice, assistance and analysis. Technical Support does not have "first response" responsibilities for safety and health problems at mines or during emergencies; this is the responsibility of MSHA's enforcement staff located in more than 150 offices throughout the mining regions of the United States. Likewise, Technical Support has no responsibility for securing or preserving an accident scene. This task is performed by on-site inspectors who have the legal authority to do so. MSHA's enforcement staff also has lead responsibility for conducting accident investigations. The role of Technical Support is to assist this front-line enforcement staff in carrying out their responsibilities upon the request of MSHA's 17 district managers in the field.

Following is a case-by-case analysis of 35 of the 36 events listed in the attachment which the Denver Safety and Health Technology Center identified for GAO as mine emergencies and other incidents that required a "time-critical response" during the period of FY '94 through FY '96. One of the responses cited by DSHTC ( the October 23, 1993 event at the Barrick Mine) was listed in error.

Our analysis, based on a review of Agency records, concludes that 5 of the responses were time-critical in nature. The 5 time-critical events occurred at the Lloyd Logging (No. 16), Solvay (No. 29), Bowie (No. 30), Shosone (No.31), and Deserado (No. 33) operations. At the time MSHA was notified of the landslide that occurred at the Lloyd Logging quarry, the exact number of persons involved in the incident and their status was in question. Consequently, the assistance of DSHTC, at that point, was considered critical. However, while DSHTC personnel were en route, the number of victims was verified. As you will note, the DSHTC staff arrived seven hours after notification. When a time critical event occurs, it is MSHA's practice, nationally, to mobilize the entire Agency and use all available means to ensure that staff and equipment arrive at the mine site promptly. In this particular instance, for example, if the realignment was in place and commercial flight schedules would have impeded the prompt arrival of Technical Support staff at the mine site from the Pittsburgh airport, we have the authority, and have used that authority, to charter aircraft.

As these accidents illustrate, "time-critical" events are those in which persons are at risk and the response from Technical Support is needed as soon as possible to minimize that risk. That is, more specifically, those situations in which miners were trapped or unaccounted for; or, any situation in which mine rescue personnel were being sent into an irrespirable atmosphere with the potential for encountering explosive gases and/or the potential for encountering residual ignition sources. These situations would require the deployment of Mine Emergency Operations (MEO) personnel or equipment. MEO equipment includes the following: Seismic Location System, Mini-Seismic Location System, TV Probe System, Ventilation Vans, and Gas Analysis Van located in Pittsburgh, Pennsylvania and Transportable Infrared, detectors and auxiliary equipment, Transportable Gas Analysis equipment located in Denver, Colorado.

Many of the events cited by the DSHTC did not involve ongoing risk to persons when technical assistance was requested. For example, 17 of the incidents involved fatal accident investigations. Accident investigations are an important part of MSHA's work, but are after-the-fact in nature. The investigations are conducted in a deliberate, methodical manner requiring a timely, but not "time-critical" response by our Technical Support staff. In addition, 9 of the responses cited by DSHTC were events in which no injury occurred; and in another, there was a nonfatal injury. Again, these events are an important part of MSHA's work. However, the task at hand is determining the cause of an unexpected event, under circumstances when no miners are at risk. The priority consideration when rendering technical assistance in these cases is sending the person(s) with the requisite skills and knowledge.

In response to GAO's inquiry, DSHTC indicated that assistance with ongoing accident investigations and requests for technical assistance were included on their list of "time-critical responses" for reasons such as (1) the district manager requested a rapid response; (2) it was perceived as important to secure or preserve the accident scene, however, as previously mentioned, this is the role of the enforcement staff; and (3) it was perceived as important to complete the accident investigation quickly so that the accident scene could be returned to normal production. While there is an understandable sense of urgency to requests for the DSHTC's assistance, their response was not "time-critical" in terms of MSHA's mission – protecting miners' safety and health.

**Response No. 1** Mine Name: Kemmerer Mine, Kemmerer, Wyoming

**Response Information:**

Event Date: 10/12/93; 3:50 a.m.

Request Date: 10/12/93; p.m.

Investigation began/13/93; 8:00 a.m.

**Type of occurrence:** Fatal powered haulage accident at a surface coal mine. This incident was not a time-critical response and there was no need for MEO staff or equipment at this site.

**Why this is NOT Time-Critical:** This was a powered haulage accident which occurred in the early morning of October 12, 1993, fatally injuring one miner. The injured miner's body was removed by the local fire department and MSHA inspectors were on site and secured the accident scene. Technical Support was requested to assist in the accident investigation, but was not involved in any rescue or recovery operations. At the time the DSHTC was notified there were no additional miners in danger nor were there any on-going activities that required DSHTC staff assistance to ensure the safety of people at the accident site. With the accident site secured, the Technical Support involvement could have come from any of the Technical Support Centers with no impact on the quality or timeliness of the MSHA mission.

**Response No. 2** Mine Name: Newmont Gold Mine, Carlin, Nevada

**Response Information:**

Event Date: 10/22/93

Request Date: 10/24/93; p.m.

Arrive Mine: 10/25/93; 12:00 noon

**Type of Occurrence:** Fatal powered haulage accident at gold company's surface processing mill. This incident was not a time-critical response and there was no need for MEO staff or equipment at this site.

**Why this is NOT Time-Critical:** This was a powered haulage accident that occurred on October 22, 1993, at about 2:20 p.m. fatally injuring one miner and seriously injuring another when a conveyor support failed causing the miners to fall. A miner at the site freed the injured miners and the injured miners were transported to the hospital at 2:26 p.m. DSHTC was requested to provide assistance in the accident investigation in the afternoon of October 24, 1993. At the time of the request to the DSHTC, there were no other miners at risk and there were no activities at the site requiring assistance to protect people. The accident site was secured the day of the accident by MSHA inspector Ronald W. Barri from Boulder City, NV.

**Response No. 3** Mine Name: Kosmos Cement, Kosmosdale, Kentucky

**Response Information:**

Event Date: 01/27/94

Request Date: 02/01/94; 9:30 a.m.

Arrive Louisville, KY Hotel 02/01/94; 11:30 p.m.

**Type of Occurrence:** Fatal machinery accident at a cement mill. This incident was not a time-critical response and there was no need for MEO staff or equipment at this site.

**Why this is NOT Time-Critical:** This incident was an accident where several miners were injured, one fatally, when a raised work deck tilted and the miners fell approximately 40 feet. The accident occurred at approximately 9:00 p.m. on January 27, 1994. The DSHTC was requested to assist in the accident investigation several days after the accident. At the time of the request, there were no miners at risk and the accident scene was secured by Supervisory MSHA Inspector L.R. Nichols and MSHA Inspector C.E. McDaniel. No activities were on going that required DSHTC assistance to ensure the safety of people at the site. Had the situation at the mine site been such that technical assistance was urgent, the enforcement personnel would not have waited to request assistance.

**Response No. 4** Mine Name: Star Point No. 2 Mine, Cyprus Plateau Mining Co.,  
Price, Utah

**Response Information:**

Event Date: 02/15/94

Request Date: 02/21/94; 1:30 p.m.

Depart DSHTC: 02/22/94; 7:00 a.m.

Arrive Price, UT: 02/22/94; 5:00 p.m.

Arrive Mine: 02/23/94; 7:00 a.m.

**Type of Occurrence:** Fatal machinery accident at an underground coal mine. This incident was not a time-critical response and there was no need for MEO staff or equipment at this site.

**Why this is NOT Time-Critical:** This was a fatal accident investigation where the DSHTC request and response for assistance was several days after the fatal accident occurred. In addition, both the PSHTC and the A&CC were involved in this investigation at the same time due to the occurrence of several similar accidents on the same equipment. The accident scene was secured by MSHA enforcement personnel and no assistance was required that was urgent or necessary to protect people at the site.

**Response No. 5** Mine Name: Brisbane Quarry, Brisbane, CA

**Response Information:**

Event Date: 03/04/94; 11:40 a.m.

Request Date: 03/08/94; 10:00 a.m.

Depart DSHTC: 03/09/94; 6:07 a.m.

Arrive Mine: 03/09/94; 1:05 p.m.

**Type of Occurrence:** Fatal haul truck accident at a surface nonmetal mine. This was not a time-critical response and there was no need for MEO staff or equipment at this site.

**Why this is NOT Time-Critical:** The accident occurred on March 4, 1994, and the DSHTC was requested for assistance in the investigation on March 8, 1994. The accident occurred when a truck went through a berm and over an embankment. On March 4, MSHA inspector Jerry Millard from the Reno, NV MSHA Office was on site and protected and secured the accident site by prohibiting the use of the haul road pending completion of the MSHA accident investigation. There were no activities that required the time-critical assistance of the DSHTC. MSHA

enforcement personnel were on site and no one was exposed to any hazards that would be mitigated by DSHTC personnel.

**Response No. 6** Mine Name: Barrick Goldstrike Mine, Elko, NV

**Response Information:**

Event Date: 04/15/94; 6:30 p.m.

Request Date: 04/16/94; 7:00 p.m.

Departed Denver: 04/17/94; 7:00 a.m.

Arrived Motel: 04/17/96; 12:00 noon, meet with inspector then traveled to the mine.

**Type of Occurrence:** Building fire at a refinery of a surface metal mine. This was not a time-critical response and there was no need MEO staff or equipment at this site.

**Why this is NOT Time-Critical:** This was a surface building fire in which a fire fighter was fatally injured while fighting the fire. MSHA inspectors were on site and took steps to preserve the accident site until the investigation was completed. Technical Support was requested to assist in the investigation by determining if the ignition source was electrical. The DSHTC personnel were at the mine several days after the fire. At the time the DSHTC was requested to assist in the investigation, no other miners were at risk and no activities were underway at the mine site that required assistance to ensure the safety of people at the site.

**Response No. 7** Mine Name: Black Mesa Mine, Kayenta, Navajo County, AZ

**Response Information:**

Event Date: 06/14/94; 2:31 p.m.

Request Date: 06/15/94; 8:00 a.m.

Arrive Mine: 06/16/94; 7:15 a.m.

**Type of Occurrence:** Non-injury field fire. This was not a time-critical response and there was no need for MEO staff or equipment at this site.

**Why this is NOT Time-Critical:** At 2:31 p.m. on June 14, 1994, a "fire ball" was created by blasting coal at a surface mine that ignited brush in an abandoned field near the mine. There were no injuries and the fire was extinguished in 1 hour and 15 minutes using a water truck, a fire truck and fire extinguishers. There were no personal injuries or property damage. Technical Support provided technical assistance to determine if the blasting practices at the mine contributed to the development of the fire.

**Response No. 8** Mine Name: Fletcher Mine and Mill, Doe Run Co., Reynolds County, Missouri

**Response Information:**

Event Date: 06/27/94

Request Date: 06/28/94; 9:30 a.m.

Arrive Mine: 06/29/94; 7:00 a.m.

**Type of Occurrence:** Fatal powered haulage accident at an underground metal mine. This was not a time-critical response and there was no need for MEO staff or equipment at this site.

**Why this is NOT Time-Critical:** This was an accident investigation of a fatal powered haulage accident. The accident occurred on June 27 and assistance was requested from the DSHTC on June 28. DSHTC personnel went to the mine site on June 29, 1994, to assist in the investigation. MSHA enforcement personnel on site included a mining engineer from the District Office in Dallas, TX and an inspector from the Rolla, MO Office. There were no miners at risk and the accident scene was secured by the inspection staff. Following the visit by the DSHTC personnel and the failure to determine the cause of the accident, equipment specialists from the A&CC were requested to investigate the accident. The cause of the accident was determined and enforcement actions taken at this mine and others to ensure that the same incident did not happen in the future.

**Response No. 9** Mine Name: Homestake Mine, Lead, South Dakota

**Response Information:**

Event Date: 7/25/94

Request Date: 7/25/94; a.m.

Depart DSHTC: 7/25/94; 11:00 a.m.

Arrival Time: 4:50 p.m. Motel, Lead, SD; meet with inspector; arrive at mine 7:45 p.m.

**Type of Occurrence:** Cracked gears were discovered by an inspection of the man hoist. The DSHTC was requested to evaluate the impact of the cracked gear on the safe operation prior to returning it to service. This was a technical assistance request and was not a time-critical response. There was no need for MEO staff or equipment at this site.

**Why this is NOT Time-Critical:** The hoist was shut down and no miners were at risk. MSHA enforcement personnel were involved in this incident and took steps to ensure the safety of the miners at the mine.

**Response No. 10 Mine Name: Bulfrog Mine, Beatty, NV****Response Information:****Event Date: 12/09/94; 7:30 a.m.****Request Date: 12/12/94; 7:30 a.m.****Arrive Mine: 12/13/94; 6:00 a.m.****Type of Occurrence: Fatal haul truck accident at a surface metal mine.****This was not a time-critical response and there was no need for MEO staff or equipment at this site.****Why this is NOT Time-Critical: The accident occurred on December 9, 1994, and DSHTC was requested to assist in the investigation on December 12, 1994. There were no miners at risk and MSHA prohibited the use of the roadway, equipment or facilities in the area until the investigation was completed to secure the accident scene.****Response No. 11 Mine Name: Homestake Mine -- Lead, South Dakota****Response Information:****Event Date: January 5, 1995****Request Date: 1/5/95; 9:00 a.m.****Arrive mine: 1/5/96; 10:00 p.m.****Type of Occurrence: High wall failure in an open pit gold mine resulting in a fatality. This was not a time-critical response and there was no need for MEO staff or equipment.****Why this is NOT Time-Critical: This was an accident investigation. The accident occurred at about 1:50 a.m. January 5, 1995, and the DSHTC personnel departed at 2:00 p.m. on the same day. The miner was recovered at 11:30 a.m. on January 5, 1995, before the DSHTC personnel departed Denver. MSHA enforcement personnel on site secured the accident scene. The role of the DSHTC personnel was to assist in the investigation of the cause of the accident and not the recover of the miner. There were no activities that put people at risk and required the DSHTC personnel to be on site.**

**Response No. 12 Mine Name: Swanson Coal Mine, Cougar Coal Co., Rock Springs, Wyoming**

**Response Information:**

**Event Date: 01/20/95**

**Request Date: 01/22/95; p.m.**

**Arrive Mine: 01/23/95; 2:30 p.m.**

**Type of Occurrence: Nonfatal machinery accident. This was not a time-critical response and there was no need for MEO staff or equipment at this site.**

**Why this is NOT Time-Critical: This was a nonfatal accident. The DSHTC was requested to assist MSHA enforcement personnel in the investigation of the cause of the accident. No miners were at risk and enforcement personnel were on site.**

**Response No. 13 Mine Name: Jim Walters No. 5, Brookwood, AL**

**Response Information:**

**Event Date: 02/15/95; 3:00 p.m.**

**Request Date: 02/16/95; 9:30 a.m.**

**Arrive Mine: 02/17/95; 10:30 a.m.**

**Type of occurrence: Technical assistance at a shaft sinking operation. This was not a time-critical response and there was no need for MEO staff or equipment.**

**Why this is NOT Time-Critical: On February 15, 1995, the work platform at a shaft-sinking operation began to spin and miners were unable to leave the work platform until the spinning stopped. Local MSHA inspectors went to the mine site and began an investigation. The site was secured and there were no injuries, but the miners did get sick from the spinning. The DSHTC was requested to assist with the investigation. There were no activities that put miners at risk during the investigation.**

**Response No. 14 Mine Name: Barrick Goldstrike Mine, Carlin, NV****Response Information:****Event Date: 04/04/95; 8:45 p.m.****Request Date: 04/05/95; 5:15 p.m.****Arrive Mine: 04/06/95; 4:20 p.m.**

**Type of Occurrence: Fatal haul truck fire at a surface metal mine. This was not a time-critical response and there was no need for MEO staff or equipment at this site.**

**Why this is NOT Time-Critical:**

The DSHTC was requested to assist in the accident investigation. This was a machine fire on the surface and the fire was extinguished before the assistance was requested. The accident site and equipment involved were secured by MSHA enforcement personnel on site and there were no people at risk.

**Response No. 15 Mine Name: Cresson Pit, Pikes Peak Mining Co., Victor, CO****Response Information:****Event Date: 4/11/95; 1:23 p.m.****Request Date: 4/12/95; 3:00 p.m.****Arrive Mine: 4/13/95; 10:00 a.m.**

**Type of Occurrence: Technical assistance to determine the cause of a premature explosives detonation in an open pit gold mine. This was not a time-critical response and there was no need for MEO staff or equipment at this site.**

**Why this is NOT Time-Critical: This incident was a premature detonation of explosives. There was no accident nor were miners at risk. This response was a routine technical assistance request to evaluate a situation at a mine site.**

**Response No. 16 Mine Name: Lloyd Logging, Inc., Wenatchee, WA****Response Information:****Event Date: 5/19/95****Request Date: 5/19/95; 4:00 p.m.****Arrive Mine: 5/19/95; 11:00 p.m.**

**Type of Occurrence:** Landslide with emergency recovery of two people. This was a time-critical response; however, there was no need for MEO staff or equipment at this site.

**Why this is Time-Critical:** A massive landslide occurred at a gravel quarry that killed two people, including a 5-year old child. MSHA inspection staff immediately secured the area and began rescue and recovery efforts. The DSHTC was requested to assess the stability of a nearby highwall, and assist in the accident investigation.

The requested assistance for an evaluation of the highwall was time-sensitive in that a collapse of the highwall could have endangered rescue workers. Under the circumstances, however, on-site personnel used their experience and judgement and responded to the situation at hand. In this case, rescue and recovery efforts proceeded without delay and were completed before the requested technical advice could be rendered. Rescue workers were not endangered.

**Response No. 17 Mine Name: Holnam Cement, Lyons, Colorado****Response Information:****Event Date: 9/12/95****Request Date and Time: 9/11/95; 3:45 p.m.****Depart Date and Time: 9/12/95; 7:00 a.m.****Arrive Mine: 9:30a.m.**

**Type of Occurrence:** Technical assistance to evaluate a condition involving water in high voltage manholes. This was not a time-critical response and there was no need for MEO staff or equipment at this site.

**Why this is NOT Time-Critical:** This was a routine technical assistance request to determine if the water presented a hazard. The water was pumped down for the investigation. There was no water when the situation was repaired.

**Response No. 18 Mine Name: Barrick Goldstrike Mine, Elko, NV****Response Information:****Event Date: 12/09/95****Request Date: 12/11/95; 9:30 a.m.****Arrive Mine: 12/12/95: 7:00 a.m.**

**Type of Occurrence: Fatal haul truck accident at a surface metal mine. This was not a time-critical response and there was no need for MEO staff or equipment at this site.**

**Why this is NOT Time-Critical: The request was received several days after the accident. MSHA enforcement staff were at the mine site investigating the incident and secured the area and ensured that no miners were at risk. DSHTC was requested to assist in the accident investigation.**

**Response No. 19 Mine Name: Sanborne Creek - Somerset, CO****Response Information:****Event Date: 1/24/96****Request Date: 1/24/96; 3:30 p.m.****Arrive Mine: 1/25/96; 3:30 p.m.**

**Type of Occurrence: Technical assistance to investigate a coal bounce or outburst with extensive damage. This was not a time-critical response and there was no need for MEO staff or equipment at this site.**

**Why this is NOT Time-Critical: A bounce occurred in the New North Main entries at the Sanborne Creek Mine. The affected area was closed for MSHA's investigation. The technical assistance request was to assess the risk of another bounce or roof fall in the mine. The technical activity involved was the evaluation of mining plans and not time-critical. No miners were at risk.**

**Response No. 20 Mine Name: Phelps Dodge Morenci Mine, Morenci, AZ****Response Information:****Event Date: 01/25/96; 5:20 a.m.****Request Date: 01/29/96; 3:00 p.m.****Arrive Mine: 01/31/96; 8:00 a.m.****Type of Occurrence: Fatal haul truck accident at a surface metal mine.****This was not a time-critical response and there was no need for MEO staff or equipment at this site.****Why this is NOT Time-Critical: This was an accident investigation in which DSHTC personnel were requested to assist almost a week after the accident. MSHA inspectors were on site and began the investigation. The area and equipment were secured and no one was at risk.****Response No. 21 Mine Name: Medicine Bow High wall Mine - Hanna, WY****Response Information:****Event Date: 4/17/96****Request Date: 4/22/96; 9:00 am, followed by briefing in District office****Arrive Mine: 4/23/96; 1:00 p.m.****Type of Occurrence: Technical assistance when a high wall failure trapped a mining machine. This was not a time-critical response and there was no need for MEO staff or equipment at this site.****Why this is NOT Time-Critical: A high wall mining machine is a remotely controlled machine that penetrates a coal seam with no workers in the underground areas of the mine. The machine operators and all involved in this type of mining operation are located on the surface and are not exposed to the underground environment. In this instance, the high wall failed and the mining machine was trapped but no people were at risk. The DSHTC was requested to assist the District inspection staff in evaluating the plans of the mine operator to remove the trapped machine. This was assistance in the evaluation of mining plans and not a time critical activity.**

**Response No. 22 Mine Name: Jaxon, Carson City, NV**

**Response Information:**

**Event Date: 04/23/96; 2:00 p.m.**

**Request Date: 04/24/96; 3:00 p.m.**

**Arrive Mine: 04/25/96; 12:30 p.m.**

**Type of Occurrence: Fatal mobile crane accident at surface nonmetal mine. This was not a time-critical response and there was no need for MEO staff or equipment at this site.**

**Why this is NOT Time-Critical: The DSHTC was requested to assist in the accident investigation. The accident site and the equipment involved was secured by MSHA inspection staff and there were no people at risk.**

**Response No. 23 Mine Name: Bowie Mine, Paonia, CO**

**Response Information:**

**Event Date: 5/10/96**

**Request Date: 5/10/96; 7:00 p.m.**

**Arrive Mine: 5/13/96; 6:30 p.m.**

**Type of Occurrence: Technical assistance during equipment recovery and bounce investigation. This was not a time-critical response and there was no need for MEO staff or equipment at this site.**

**Why this is NOT Time-Critical: A large coal outburst or bounce occurred on May 10, 1996, trapping a mining crew underground. All escaped without injury. MSHA secured the area and required plans from the operator for reestablishing ventilation and installing adequate ground support. DSHTC was requested to assist the District in evaluating the plans to recover the equipment and rehabilitate the roadways and to assist in the investigation. No miners were at risk pending completion of these activities.**

**Response No. 24 Mine Name: Southwest Lime Company, Neosho, Missouri****Response Information:****Event Date: 5/10/96; a.m.****Request Date: 5/10/96; 2:30 p.m.****Arrive mine: 5/10/96; 11:00 p.m.**

**Type of Occurrence: Ground fall in underground limestone mine, resulting in a double fatality. This was not a time-critical response and there was no need for MEO staff or equipment at this site.**

**Why this is NOT Time-Critical: This was an accident that occurred at about 1:00 p.m. on May 10, 1996, and MSHA was notified at 1:30 p.m. The bodies of the fatally injured miners were recovered by the Newton County Fire Department arriving on site at 1:11 p.m. MSHA inspection staff secured the accident scene and the DSHTC was requested to assist in the investigation.**

**Response No. 25 Mine Name: Kokoweef Mine, Mountain Pass, San Bernardino County, CA****Response Information:****Event Date: 5/18/96****Request Date: 5/21/96; a.m.****Arrival Time: 05/21/96; 5:30 p.m. at mine**

**Type of Occurrence: Fatal truck accident at a metal mine. This was not a time-critical response and there was no need for MEO staff or equipment at this site.**

**Why this is NOT Time-Critical: This was an accident investigation and DSHTC was requested to assist some three days after the accident. No people were at risk and the role of the DSHTC was to provide assistance to the District inspection staff.**

**Response No. 26 Mine Name: Sterling Mine – Beatty, Nevada****Response Information:**

Event Date: 7/24/96; 2:00 p.m.

Request Date: 7/26/96; 12:30 p.m.

Arrive Mine: 7/26/96; 10:00 p.m.

**Type of Occurrence:** Ground fall fatality in an underground gold mine. This was not a time-critical response and there was no need for MEO staff or equipment at this site.

**Why this is NOT Time-Critical:** The accident occurred on July 24, 1996, and the assistance of the DSHTC was requested on July 26, 1996, to assist in the accident investigation. MSHA enforcement personnel were on site and secured the mine. The request for assistance was to determine the cause of the accident and how to prevent future incidents; not to protect those at the mine during the investigation.

**Response No. 27 Mine Name: San Juan Ridge Mine – Nevada City, California****Response Information:**

Event Date: 8/15/96

Request Date: 8/21/96, 7:30 am

Arrive Mine : 8/21/96, 2:30 p.m.

**Type of Occurrence:** Non-injury ground failure. This was not a time-critical response and there was no need for MEO staff or equipment at this site.

**Why this is NOT Time-Critical:** This was a request for technical assistance in evaluating a mining plan. The request was made almost a week after a non-injury ground failure. No miners were at risk.

**Response No. 28 Mine Name: Centralia Coal Mine, Centralia, Washington****Response Information:****Event Date: 08/18/94; p.m.****Request Date: 08/19/94; 9:00 a.m.****Arrive Mine: 08/19/94; 4:30 p.m.**

**Type of occurrence:** Fatal oxygen explosion in surface coal mine maintenance shop. This was not a time-critical response and there was no need for MEO staff or equipment at this site.

**Why this is NOT Time-Critical:** The DSHTC was requested to assist in the accident investigation. No other miners were at risk and there was no activity on going that put people involved at risk. MSHA inspectors were on site and had the area secured.

**Response No. 29 Mine Name: Solvay Trona Mine—Green River, Wyoming****Response Information:****Event Date: 2/3/95; 8:30 a.m.****Request Date: 2/3/95; 1:00 p.m.****Arrive Mine: 2/3/95; 7:30 p.m.****Gas Monitoring: 2/4/95; 1:00 a.m.**

**Type of Occurrence:** Massive ground failure in an underground trona mine. This was a time-critical response. MEO gas analysis staff and equipment was used at this site.

**Why this is Time-Critical:** A massive ground failure occurred in an underground trona mine that damaged ventilation devices in all areas of the mine. The mine was exhausting large quantities of explosive gases including carbon monoxide. There was speculation that an explosion may have taken place. At the time the Technical Support team left Denver, the number of missing miners was believed to be two. Mine rescue teams were being assembled from the states of WY, UT, and CO. Prior to the arrival of Technical Support, the mine gases were monitored by the enforcement staff using hand held instruments. Technical support was requested to provide technical assistance by monitoring the mine environment, evaluating conditions in the mine, and assisting in ensuring the safety of the personnel involved in the mine rescue efforts. One miner was successfully rescued; the second miner died.

**Response No. 30 Mine Name: Bowie Mine, Paonia, Colorado****Response Information:****Event Date: 3/27/95****Request Date: 3/27/95, 5:00 p.m.****Arrive Mine: 3/28/95, 8:45 a.m.****Gas Monitoring: 3/28/95, 12:05 p.m.**

**Type of Occurrence:** A spontaneous combustion heating occurred at the Bowie Mine near Paonia, CO in a mined-out area. This was a time-critical response. MEO gas analysis staff and equipment were used at this site.

**Why this is Time-Critical:** The District inspection staff requested technical assistance from DSHTC to monitor the atmosphere while workers were installing seals and performing other activities in the mine. Limits on gas concentrations were established for the event which would trigger the evacuation of the mine. Technical Support was responsible for monitoring the gas concentrations, consulting with inspection staff concerning plans and advising of adverse changes which would require evacuation.

**Response No. 31 Mine Name: Shoshone Mine, Hanna, Wyoming****Response Information:****Event Date: 11/17/95****Request Date: 11/17/95; 11:00 a.m.****Arrive Mine: 11/17/95; 10:30 p.m.****Gas Monitoring: 11/18/95; 1:00 a.m.**

**Type of Occurrence:** Spontaneous combustion heating. This was a time-critical response. MEO gas analysis staff and equipment were used at this site.

**Why this is Time-Critical:** DSHTC was requested to assist on-site MSHA inspection staff in developing and approving plans for control of the heating. Miners and MSHA personnel would be underground during the heating, and monitoring of the mine atmosphere was required to respond to changes in the state of the fire. DSHTC personnel performed these functions.

**Response No. 32 Mine Name: White River Oil Shale, Vernal, Utah****Response Information:****Event Date: 12/4/95****Request Date: 12/18/95****Arrive Mine: 1/17/96; 7:00 a.m.****Gas Monitoring: 1/17/96; 8:00 a.m.**

**Type of Occurrence: Noninjury explosion at a sealed underground mine. This was not a time-critical response. MEO gas analysis staff and equipment was used at this site.**

**Why this is NOT Time-Critical: The explosion occurred in a sealed shaft on December 4, 1995. No miners were hurt. MSHA inspection staff initiated an investigation into the cause of the explosion, which included plans for re-entering the explosion area. For this phase of the investigation, DSHTC was requested to provide monitoring assistance. As this was a planned—not emergency—event, the assistance was not time-critical.**

**Response No. 33 Mine Name: Deserado Mine, Rio Blanca, CO****Response Information:****Event Date: 1/31/96****Request Date: 1/31/96; 3:30 p.m.****Arrive Mine: 2/1/96; 9:00 a.m.****Gas Monitoring: 2/1/96; 10:00 p.m.**

**Type of Occurrence: Mine Fire. This was a time-critical response. MEO gas analysis staff and equipment were used at this site.**

**Why this is Time-Critical: All miners were safely evacuated and inspection staff were on-site to oversee the safety of efforts to control the fire. The inspection staff requested assistance from DSHTC in monitoring gases from the fire to help determine when it would be safe to enter the mine and to stay abreast of conditions while crews were underground and at risk.**

**Response No. 34 Mine Name: Weeks Island, Louisiana**

**Response Information:**

**Event Date: 4/12/96**

**Request Date: 4/12/96; 10:00 a.m.**

**Depart Lafayette 4/12/96; 12:00 noon**

**Arrive Mine: 4/12/96; 2:00 p.m.**

**Type of Occurrence: Mine fire. This was not a time-critical response and there was no need for MEO staff or equipment at this site.**

**Why this is NOT Time-Critical: When assistance was requested of the DSHTC, the mine fire was extinguished and all miners were evacuated safely. MSHA inspectors were on site and the assistance was in the investigation of the cause of the fire. The mine was secure and there were no persons at risk.**

**Response No. 35 Mine Name: Deserado Mine, Rangely, Colorado**

**Response Information:**

**Event Date: 2/14/94; 2:00 p.m.**

**Request Date: 2/15/94; 9:00 a.m.**

**Depart DSHTC: 2/15/94; 10:51 a.m.**

**Arrive Craig, Co.: 4:00 p.m.**

**Underground Investigation began: 2/16/94**

**Type of Occurrence: Cracked longwall shields. Several longwall shields on both the headgate and tailgate of the longwall were cracked. This was not a time-critical response and there was no need for MEO staff or equipment at this site.**

**Why this is NOT Time-Critical: At the time of the request the extent, cause, and effect of the damage were unknown. The longwall area of the mine had been closed and all personnel with drawn from the area until the investigation was completed. No miners were at risk.**

**3. According to MSHA's revised realignment plan, a 3-person gas analysis team will remain in Denver at the Rocky Mountain District Office. What activities will the gas analysis unit perform? Will 3 staff be adequate to perform the work currently done by a staff of 6? Why?**

The Denver laboratory presently is staffed with six employees whose work includes more than gas analysis. In addition to gas analysis, this staff performs dust samples analysis, toxic materials and physical agents analysis, preweighing assembly of dust cassettes, evaluation of new field instruments, and maintains an inspection equipment supply warehouse.

The realignment plans will fully maintain the gas analysis capability now in Denver with a three-person staff consisting of two Chemists and a Technician. The routine gas analysis workload performed for inspection staff requires about 1.5 FTE of technical staff resources per year. However, for reliability and continuity, MSHA plans to commit two full-time Chemists to this function in Denver. Additional available work-time will be utilized evaluating inspection equipment for repair or replacement.

The warehouse workload presently accounts for less than .5 FTE of staff resources per year. Under the realignment plan, a full-time Technician will maintain the warehouse and supply administrative support for the gas analysis work and equipment evaluation duties of the Chemist.

Together, this three-person staff is fully qualified and able to promptly deploy the gas analysis equipment located in Denver, thereby maintaining MSHA's current capability of responding in the event of a mine fire or explosion.

**4. According to the GAO, recent revisions to MSHA's realignment plan also include a new cost for bonuses to employees that will transfer from the Denver technical center to Triadelphia, West Virginia.**

- **What legislation or regulation gives MSHA the authority to provide such bonuses?**
- **How will MSHA cover the cost of the bonuses (totaling \$75,000) in its fiscal year 1997 budget?**
- **When was this expenditure approved by the Congress?**

Relocation bonuses are authorized under the Federal Employees Pay Comparability Act of 1990 (FEPCA). Consistent with FEPCA, the implementation regulations, at 5 CFR Part 575, authorize retention and recruitment bonuses. Nothing in FEPCA or its implementing regulations contemplates prior Congressional approval, unlike early-out bonuses.

During negotiations relative to the realignment with MSHA's employee union, the National Council of Field Labor Locals (NCFL), the Union proposed that the Denver Technical Support personnel who agreed to relocate to Triadelphia, West Virginia also be considered for relocation bonuses. Consistent with the Agency's prior commitment to minimize the impact of the realignment on employees, and the desire to retain qualified staff, MSHA responded to the employee union's proposal favorably and committed to relocation bonuses consistent with FEPCA, DOL regulations and within budget resources. MSHA and the Union have tentatively agreed to relocation bonuses up to \$7,500 for an individual employee, but in no case exceeding a total of \$75,000 for the entire realignment. In addition, employees accepting a bonus must sign a written commitment to stay with MSHA for 24 months.

The Office of Personnel Management delegated authority to develop relocation plans to the Agencies. Under the Department of Labor's (DOL) Relocation Bonus Plan, each DOL Agency Head may review and approve payment of a relocation bonus of up to 25 percent of base salary for General Schedule employees. Other DOL agencies have used this authority. DOL regulations specify several criteria for granting relocation bonuses, including maintaining the continuity of operations when a organizational unit is relocated.

Since the decision was made to realign the Technical Support function, MSHA has consistently stated that it would make every effort to minimize the impact of the realignment on the Agency's employees. From the outset, the Agency has been prepared to offer the Denver Technical Support employees an opportunity to be specially considered for specified MSHA vacancies (some of which are in the Denver area), along with all the benefits available under the directed reassignment procedures. In addition, MSHA is prepared to work with employees in developing the time frames for relocating and arranging all the services available via the Department of Labor's Career Transition Assistance Program

The funds for relocation bonuses are available under MSHA's authorized appropriations for personnel compensation.

ORGANIZATIONS WE CONTACTED

During our review of the proposed relocation of MSHA's DTC, we contacted many individuals and officials who were knowledgeable about the mining industry or familiar with the work performed by the DTC. The following is a list of the major organizations with which those individuals and officials were affiliated.

TRADE GROUPS

Colorado Mining Association—Denver, Colo.  
National Mining Association—Washington, D.C.

UNION AND EMPLOYEE ASSOCIATIONS

National Council of Field Labor Local—Denver, Colo.  
Retired Denver Mining Employees Association—Denver, Colo.  
United Mine Workers of America—Washington, D.C.  
United Steel Workers of America—Pittsburgh, Penn.

GOVERNMENT AGENCIES

National Institute of Occupational Safety and Health—Washington, D.C.  
State of Colorado, Department of Natural Resources, Division of Minerals  
and Geology—Denver, Colo.

MINING COMPANIES

ARCO Coal Company—Denver, Colo.  
Consol—Pittsburgh, Penn.  
Coteau Properties Company—Beulah, N. Dak.  
Cotter Corporation—Denver, Colo.  
Martin Marietta Aggregates—Raleigh, N.C.  
Newmont Gold Company—Denver, Colo.  
Solvay Minerals—Cheyenne, Wyo.

ACADEMIC ORGANIZATIONS

Colorado School of Mines—Golden, Colo.  
Pennsylvania State University, Department of Mineral Engineering—University Park, Penn.

1996 STAFFING PROFILE OF THE DTC

At the end of fiscal year 1996, MSHA's DTC employed 36 staff, including the center chief.<sup>1</sup> Below are the occupational titles, grade levels, and years of federal service of the 36 center staff then on board. (Six staff have since either resigned or retired.) Over 70 percent of the staff were in grades 11 through 13, and 75 percent had worked at least 16 years for the federal government. Most staff were from 40 to 72 years old.

Job title	Number of staff by grade level					Number of staff by years of federal service				
	GS-1- GS-6	GS-7- GS-10	GS-11- GS-13	GS-14- GS-15	Total	1-7 yrs.	8-15 yrs.	16-23 yrs.	24-31 yrs.	32 yrs. or more
Industrial hygienist			4		4			3	1	
Mine safety and health specialist		1	1		2				2	
Mining engineer			11	3	14	1	4	4	5	
Electrical engineer			2		2			1	1	
Electronics engineer			1		1				1	
Chemist			2		2	1		1		
Physicist			1		1			1		
Physical scientist			2		2		1			1
Technical support staff	1	1	1		3		1	2		
Administrative support staff	3	1	1		4		1	1	2	
<b>Total</b>	<b>4</b>	<b>3</b>	<b>26</b>	<b>3</b>	<b>36</b>	<b>2</b>	<b>7</b>	<b>14</b>	<b>12</b>	<b>1</b>

<sup>1</sup>The DTC was also the permanent duty station for two civil engineers supervised by MSHA's Bruceton technical center staff. These engineers (1) were in the grade category GS-11-13 and (2) had from 16 to 31 years of federal work experience.

**MSHA TECHNICAL SUPPORT ON-BOARD STAFF (FIELD AND HEADQUARTERS),  
FISCAL YEARS 1991-96**

Of MSHA's three technical centers, the DTC experienced the greatest staffing decline between fiscal years 1991 and 1996. Staffing at this center decreased by 45 percent during this period, while staffing at MSHA's Bruceton Safety and Health Technology Center and the Approval and Certification Center (ACC) decreased by over 8 and 19 percent, respectively. MSHA headquarters in Arlington, Virginia, increased its staffing by 18 percent.

Significant attrition and low hiring were the reasons for the large staffing declines at the DTC and ACC. During the period 1991-96, 38 staff separated from the DTC, but it was able to hire only 4 new staff. Twenty-one staff left the ACC, but only 1 staff person was hired during the period. However, the Bruceton technical center lost 29 but hired 21 staff, and MSHA headquarters lost 8 but regained 9 staff.

Fiscal year	DTC <sup>a</sup>			ACC			Bruceton			Headquarters		
	Separated	Hired	EOY staff total	Separated	Hired	EOY staff total	Separated	Hired	EOY staff total	Separated	Hired	EOY staff total
1991	5	0	65	3	0	89	4	5	106	3	2	11
1992	9	0	56	3	1	87	9	1	98	0	0	11
1993	9	4	51	4	0	63	3	3	98	1	1	11
1994	3	0	48	4	0	79	1	0	97	2	0	9
1995	10	0	38	4	0	75	8	11	100	0	5	14
1996	2	0	36	3	0	72	4	1	97	2	1	13

Notes: The term "separated" includes any person who retired, resigned, or was fired during the fiscal year. EOY=end of year.

<sup>a</sup>Includes information for the technical center only. Excludes the Division of Mine Information Systems and any other functional unit.

Source: MSHA Technical Support's Weekly Personnel Reports.

COMMENTS FROM THE DEPARTMENT OF LABOR

U. S. Department of Labor

Mine Safety and Health Administration  
4015 Wilson Boulevard  
Arlington, Virginia 22203-1984

15 APR 1997

Ms. Carlotta G. Joyner  
 Director, Education and Employment  
 Issues  
 U.S. General Accounting Office  
 1 Massachusetts Avenue, Suite 650  
 Washington, DC 20001

Dear Ms. Joyner:

Thank you for the opportunity to comment on the draft General Accounting Office (GAO) report, "The Proposed Relocation of the Mine Safety and Health Administration's Safety and Health Technology Center from Denver, Colorado, to Triadelphia, West Virginia." The draft report accurately portrays Technical Support's role in support of the Mine Safety and Health Administration's (MSHA) enforcement staff. The draft report also provides an accurate description of our purpose and intent in realigning the Technical Support function. We appreciate that the GAO has confirmed that MSHA's realignment plan can be implemented without adversely affecting the Agency's ability to protect the safety and health of any of the Nation's miners, including those in the west.

As outlined in MSHA's August 1996 report to Congress, the realignment of our Technical Support function will enable MSHA to maintain the highly skilled scientific and engineering support staff essential to solving some of the most difficult and complex safety and health problems MSHA encounters. The decision to realign Technical Support was based on a realistic assessment of the role of Technical Support in furthering our goal of improved miners' safety and health throughout the Nation, and available resources. The realignment plan contemplates a nationally-oriented Technical Support function that will result in increased operational efficiencies, and improved Technical Support services. It also comports with this Administration's streamlining initiatives.

In addition to the technical comments already provided to the GAO, there are several issues which would benefit from clarification. The record should be clear that MSHA--in order to resolve any questions about the impact of the realignment plan--modified its realignment plan in November 1996 to retain its gas analysis equipment and three staff people in Denver.



At the same time, MSHA initiated a national review of its mine emergency response capabilities, including an evaluation of the location of its mine emergency equipment and supplies. This review is in the final stages of completion.

The draft report also recites the concerns of some commenters that future travel budget constraints could hinder the delivery of Technical Support services to western mines. MSHA has never failed to respond to a mine emergency and has always maintained its mine emergency preparedness. To ensure that the record is clear, travel budget constraints are never a consideration when delivering Technical Support services in mine emergencies. Mine emergencies are supported by the Agency as a whole, and if necessary, by the Department of Labor. Even during the 1995-1996 government shutdown, MSHA maintained its mine emergency response preparedness. As noted in Enclosure 1 to the draft report, when a mine emergency occurs, the entire Agency is mobilized. Depending on availability and the location of the emergency, MSHA will use either commercial, chartered or U.S. Air Force equipment to deploy personnel and equipment to the site of the emergency. Whenever and wherever miners' lives are at stake, MSHA uses all available means and resources.

Similarly, the more routine Technical Support activities, such as conducting field and laboratory investigations, are essential components of MSHA's accident prevention program and will continue to be fully supported under the realignment plan. As discussed with GAO's evaluators, MSHA expects that the realignment will better enable the Agency to prioritize Technical Support's workload and respond to requests with the best interests of all the Nation's miners in mind. In the event of future travel budget constraints, this improved capability should be beneficial in maintaining services to all mines, including those in the west. As a point of clarification, the January 1996 Agency memorandum concerning travel expenditures cited in the draft report was directed to all MSHA managers and was not limited to our Technical Support managers. At the time the memorandum was issued, the Agency was operating without a budget with FY 1996 budget reductions ranging from 20 to 50 percent under consideration by the Congress.

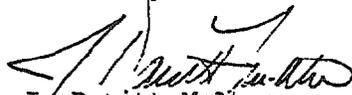
It should also be noted that we appreciate the concerns of the Denver Technical Support staff raised in the draft report. While we may disagree with their opinions, we also understand that the realignment directly impacts their working lives. For this very reason, we remain committed to minimizing the impact of the realignment on our employees.

ENCLOSURE V

ENCLOSURE V

Thank you again for the opportunity to comment on the draft report, and if we can be of any further assistance, please feel free to contact me.

Sincerely,



J. Davitt McAteer  
Assistant Secretary for  
Mine Safety and Health

(205341)

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