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Administration and Management
U.S. Department of Labor – MSHA
201 12th Street South, Room 4E457
Arlington, Virginia 22202-5450
Fax: 202-693-9801 (to: "FOIA Request")
Email: foiarequests@dol.gov (Subject: "FOIA Request")

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January 17, 2024

Re: Freedom of Information Act Request – Tracking No. 2023-F-10854

This is the final response to your Freedom of Information Act (FOIA) dated June 26, 2023. Your request was assigned to the Mine Safety and Health Administration (MSHA) for a separate response. You will receive additional responses from other DOL agency components that have been assigned this request. You have requested the following documents, records, or information:

“A copy of the two most recent Agency Management Plans for each DOL agency (which might be, for example, the FY23 Agency Management Plans and the FY22 Agency Management Plans).”

We conducted a thorough search for the records you requested which resulted in the enclosed FY22 and FY23 MSHA Agency Management Plans.

You are considered an “All Others” requester. Under the FOIA, you are charged for search and reproduction costs, except that the first 100 pages and the first 2 hours of search time are furnished without charge. The fees associated with the processing of this record were minimal therefore, no costs were assessed.

If you need any further assistance or would like to discuss any aspect of your request please do not hesitate to contact Tanisha Dozier (202) 693-9749 or at Dozier.tanisha.n@dol.gov, or the Department of Labor FOIA Public Liaison, Thomas Hicks, at 202-693-5427 or by email at hicks.thomas@dol.gov.

Sincerely,

LI-TAI BILBAO Digitally signed by LI-TAI BILBAO
Date: 2024.01.17 08:35:36 -05'00'

Li-Tai S. Bilbao
Director
Administration and Management

Enclosures

United States Department of Labor

Mine Safety and Health Administration (MSHA)

Fiscal Year 2022 Agency Management Plan

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Agency Introduction:

The Mine Safety and Health Administration's (MSHA) mission is to prevent death, disease, and injury from mining and promote safe and healthful workplaces for the nation's miners. MSHA enforces provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended by the Mine Improvement and New Emergency Response Act of 2006 (MINER Act).

MSHA's work includes strong enforcement, active outreach, education and training, and technical support to the mining industry. MSHA continues to provide the mining community the tools and resources needed to ensure compliance with mandatory safety and health standards. MSHA's efforts contribute to the FY 2022-2026 DOL Strategic Plan through Strategic Goal 2 – *Ensure Safe Jobs, Essential Protections, and Fair Workplaces* and MSHA's Strategic Objective 2.1 – *Secure safe and healthful workplaces, particularly in high-risk industries*. This plan contains the resources and strategies MSHA will use to protect the safety and health of miners.

MSHA is advancing the Administration's and Secretary's priorities by focusing on diversity, racial and gender equity, and bilingual needs in underserved communities to build a modern, inclusive workforce. Special bilingual positions (English/Spanish) were created to enhance the mining community's safety and health needs through improved outreach and communication. This will be the standard hiring policy for all future hires, in particular regions such as the Western U.S. where there is a predominant Hispanic and American Indian mining community. MSHA is also focusing on internal processes to ensure that it not only hires but retains a diverse workforce.

In FY 2021, MSHA participated in outreach to Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Asian American, Native American, Pacific Islander Serving Institutions (AANAPISIs), and Tribal Colleges and Universities for hiring. MSHA also participated in virtual hiring events and will continue to participate in these events with special focus on hiring from HBCUs, HSIs, AANAPISIs, and Tribal Colleges and Universities (TCU). In addition, MSHA has revised its position descriptions for entry-level inspectors to make the positions more attainable to recent college graduates with scientific, safety and health related degrees. MSHA increased its outreach to institutions that serve underserved populations and focused on specific disciplines, including economists, engineers, regulatory specialists, and health and safety specialists. MSHA developed and coordinated WebEx events with the Department of Labor's Office of Human Resources on preparing a resume to apply for a federal job, which can be a significant barrier to applicants.

Theme Number	Theme Name	Strategy	Strategy Short Name
1	DOL as a Model Workplace	Engaging Employees in Building a Modernized Workforce	Modernized Workforce
1	DOL as a Model Workplace	Developing Diversity, Equity, and Inclusion-Focused Organization	Diversity, Equity and Inclusion
2	Reduce Reportable Injuries Rate associated with Powered Haulage Equipment	Reduce Powered Haulage Injuries	Powered Haulage Safety
3	Improve Inspection and Enforcement Effectiveness	Increase Inspection Effectiveness and Strengthen Safety and Health Standards	Inspection and Enforcement Effectiveness

Theme Number	Theme Name	Strategy	Strategy Short Name
4	Modernize Training and Education	Strengthen and Modernize Training and Education	Training and Education Modernization
5	Protect Miners from Discrimination	Enhance Efforts to Protect Miners from Discrimination	Protect Miners from Discrimination

Agency Theme 1: DOL as a Model Workplace

Strategy 1.1: Engaging Employees in Building a Modernized Workforce

Activities:

MSHA remains committed to building a modernized and diverse workforce by focusing on diversity, racial and gender equity, and bilingual needs in underserved communities.

To advance this strategy MSHA will:

Award Innovation and Performance – During FY 2022, MSHA will measure the number of Special Act Awards that acknowledge exceptional contributions that advance the MSHA mission. These awards will foster innovation by publicly acknowledging novel ideas implemented by staff. This activity will be tracked in measure **MSHA MW-01** and milestone **MSHA-MS-1**.

Encourage Employee Feedback – MSHA will communicate FEVS participation rates weekly while the survey is open and provide opportunities for employees to share feedback throughout the year via town halls, surveys, focus groups, or other mechanisms. MSHA will measure the results of all marketing campaigns through measure **MSHA FEVS-01** (FEVS response rate) which will be compared to the FY 2020 FEVS response rate to determine if the communication efforts were effective.

Strategic Portfolio

Performance Measures

Measure ID	Measure Name	FY 2022 Annual Target	FY 2022 Q1 Target	FY 2022 Q2 Target	FY 2022 Q3 Target	FY 2022 Q4 Target
MSHA MW-01	Number of Special Act Awards	20	Annual Target	Annual Target	Annual Target	Annual Target
MSHA FEVS-01	FEVS Response Rate	35%	35%	35%	35%	35%

Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date
MSHA-MS-1	MSHA will develop a process to keep track of the number of Special Act Awards for Performance and Innovation. To ensure our award recipient pool is diverse, MSHA will track the race, ethnicity, gender, and grade level of our recipients.	3/31/2022

Enterprise Risk Management

Risk ID	Risk Description	Mitigation Strategy	Risk Rating as of 10/1	Risk Tolerance
Attract Qualified Candidates, Retain and Develop Current Employees, and Effectively Redeploying Manpower	MSHA must attract qualified candidates; retain and develop its current qualified employees; and effectively redeploy manpower where needed; otherwise the agency will experience employee turnover and loss of institutional knowledge. As a result, the Department will be at risk of not having the resources to ensure timely completion of mandated inspections, conduct rulemaking, or approve underground equipment; and, may not be able to provide training to miners or accurate data to stakeholders.	MSHA will evaluate its 2017 succession plan, and update necessary sections to ensure feasible strategies for recruitment, retention and training are included. MSHA will work towards developing milestones for this effort.	63	Moderate

Strategy 1.2: Developing a Diversity, Equity, and Inclusion-Focused Organization

Activities:

MSHA is committed to become more diverse and equitable. In FY 2021, MSHA created a hybrid occupational series (1801) to overcome hiring obstacles and to attract a more diverse and qualified workforce. This new series provides greater flexibility in hiring. Additionally, MSHA has been active in reaching out to HBCUs, HSIs, AANAPISIs, and Tribal Colleges and Universities for hiring. Diverse teams tend to make better decisions and have a better understanding of stakeholders. Diverse, equitable, and inclusive teams increase employee engagement, maximize job satisfaction, and levels of trust.

To advance this strategy MSHA will:

- **Train Managers to Advance Equity** – The agency will require that management attends learning and development focused on skill-building, communications, and establishing, fostering, and improving relationships among employees of diverse backgrounds. MSHA will be using LearningLink as a tool to advance this activity. MSHA’s leadership will examine the opportunity to turn one elective “Advance Equity” LearningLink course into a mandatory requirement for all MSHA employees. This activity will be tracked in measure **MSHA-Training-03** and milestone **MSHA-MS-2**.
- **Develop Bilingual Signs** – The agency will develop half of its bilingual signs by 9/30/2022. This effort will be tracked in milestone **MSHA-MS-3**.

Strategic Portfolio

Performance Measures

Measure ID	Measure Name	FY 2022 Annual Target	FY 2022 Q1 Target	FY 2022 Q2 Target	FY 2022 Q3 Target	FY 2022 Q4 Target
MSHA-Training-03	Percentage of Supervisors that will take equity training	50%	50%	50%	50%	50%

Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date
MSHA-MS-2	Equity training will be a mandatory requirement for all MSHA employees	3/31/2022
MSHA-MS-3	50% of MSHA signs will be bilingual by the end of FY 2022	9/30/2022

Enterprise Risk Management

Risk ID	Risk Description	Mitigation Strategy	Risk Rating as of 10/1	Risk Tolerance
Attracting Diverse Candidates; Addressing Diversity and Inclusion in MSHA Workplace.	If MSHA cannot attract diverse candidates and address diversity and inclusion in the workplace, then it will be challenged to attract the talent needed to increase enforcement effectiveness; modernize training and education programs; or strengthen mine safety and health standards.	MSHA will develop a diversity and inclusion hiring policy for its employees. MSHA will also increase recruitment and outreach efforts in geographic areas that are underprivileged or experience higher rates of poverty to provide opportunities for those communities.	56	Moderate

Agency Theme 2: Reduce Reportable Injuries Rate associated with Powered Haulage Equipment

Strategy 2: Reduce Powered Haulage Injuries

Activities:

Powered haulage safety is a broad classification that applies to a variety of mining activities. It involves various types of equipment, from belt conveyors to haul trucks. The President's Infrastructure Bill plans to direct funds to develop, renew, and expand physical infrastructure needs throughout the United States. Based on existing data, MSHA projects around 1,800 mine expansions and a minimum of 600 new mines. This increase in mining may result in a corresponding rise in powered haulage injuries. Powered haulage accidents account for one of the highest categories of fatalities in mining.

MSHA is committed to reducing the powered haulage reportable injury rate by using a collaborative approach involving MSHA program areas and mine safety stakeholders.

Following a review of accident data, MSHA targeted three areas of powered haulage:

- Traffic control/collision avoidance/vehicular safety - Large vehicles running over smaller vehicles at surface mines accounted for a number of fatalities in recent years.

- Belt conveyor safety (guarding, Lock Out/Tag Out, crossovers) - Conveyor-related accidents are responsible for a significant share of powered haulage fatalities and injuries.
- Seat Belt Safety - Ensuring that equipment operators and truck drivers wear seat belts at all times could save 3-4 miners' lives annually, according to a review of fatality reports by Technical Support engineers.

MSHA began its enhanced compliance assistance activities related to powered haulage hazards in FY 2018 when nearly 60 percent of all fatalities were related to powered haulage. Since then, the share of fatalities related to powered haulage decreased to 33 and 27 percent in FY 2019 and FY 2020, respectively. In FY 2020, MSHA's review of recent injury and fatality data related to powered haulage showed that the root causes remain unchanged from the prior year.

Working with subject matter experts at MSHA, with input from stakeholders, MSHA identified leading problems and best practices to develop an outreach campaign.

To make this outreach more visible and accessible, MSHA revised its website to include all outreach materials and to help operators comply by publishing all related regulations and best practices. MSHA also gathered comments on powered haulage safety through an official Request for Information and is reviewing the comments to develop a proposed rule.

MSHA's hiring surge will indirectly affect this strategy in FY 2022. MSHA's efforts to increase staffing will increase inspector personnel available to contribute to MSHA's outreach, compliance assistance, and other efforts involved in reducing powered haulage injuries in coming years, as MSHA anticipates it will continue to be an enforcement focus.

MSHA continues to work with all stakeholders to identify hazards and best practices related to powered haulage, to develop training materials, and to explore possible rulemaking activity. Specifically in this fiscal year, MSHA will:

- Continue to develop outreach materials that emphasize powered haulage safety during mandated inspections;
- Develop a final rule on haulage mobile equipment safety program for review by the Department;
- Promote powered haulage best practices when conducting compliance assistance and technical assistance visits to mines;
- Improve powered haulage equipment safety training materials and provide training at conferences focused on reducing powered haulage accidents;
- Increase knowledge regarding available technology to reduce accidents and collaborate with manufacturers;
- Invite alliances, associations, labor and other stakeholder groups to partner in efforts;
- Maintain a strong web presence that will be a resource to operators, miners and others, and serve as a central repository for materials developed; and
- Continue to communicate the importance of this initiative in speeches and presentations by MSHA leadership with consistent messaging.

Strategic Portfolio

FY 2022 Budgetary Resources

Budget Activity:	Budget Authority (whole dollars)	FTE
Mine Safety and Health Enforcement	302,257,000	1,485

*Budget authority and FTE levels are based on FY 2022 President's Budget

Performance Measures

Measure ID	Measure Name	FY 2022 Annual Target	FY 2022 Q1 Target	FY 2022 Q2 Target	FY 2022 Q3 Target	FY 2022 Q4 Target
MSHA-02-PG-02	Five-year rolling average of reportable injuries associated with powered haulage equipment per 200,000 hours worked	0.169	Annual Target	Annual Target	Annual Target	Annual Target

Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date
MSHA-MS-4	Develop a final rule requiring mine operators to implement a written safety program for mobile equipment at surface mines and surface areas of underground mines	12/09/2022
MSHA-MS-5	Evaluate effectiveness of Powered haulage Accident Reduction Initiative and make changes as needed	9/30/2022

Agency Theme 3: Improve Inspection and Enforcement Effectiveness

Strategy 3: Increase Inspection Effectiveness and Strengthen Safety and Health Standards

Activities:

MSHA's enforcement and regulatory programs are vital to the organization. The enforcement program conducts the mandatory inspections required under the Federal Mine Safety and Health Act of 1977 (Mine Act), while the regulatory program provides the foundation for enforcing laws that protect miners' safety and health. There is increased emphasis on health hazards, including respirable coal mine dust, silica/quartz at coal and metal and nonmetal mines, diesel particulate matter and noise. Inspections are conducted four times per year for underground mines and twice per year for surface mines. MSHA gathers input from stakeholders to inform the Agency about changes in mining, uncover deficiencies in current standards, and provide opportunities to propose new or revised standards to improve safety. Regular safety and health inspections are central to MSHA's ability to proactively focus on the greatest areas of need in preventing deaths, injuries, and illnesses. Data collected through the inspection process allows MSHA to address recurring safety and health problems, as well as monitor and address health and safety trends. With these processes in place, MSHA aims to develop and implement targeted enforcement and compliance assistance initiatives, and be able to identify issues that have significant effects on the health and safety of miners. Addressing these issues will form the basis of the Agency's regulatory work in FY 2022.

An important factor is to address MSHA's high attrition rate of eight percent over the past five years. In order to adequately deal with initiatives, MSHA must work on succession planning to balance the enforcement cadre and ensure MSHA meets its mission.

MSHA's strategies to increase inspection and enforcement effectiveness, and strengthen safety and health standards include the following:

- **Statutorily Mandated Inspections.** MSHA will conduct inspections of all underground mines four times per year and all active surface mines twice per year, as required by the Mine Act. These inspections form the core of MSHA's enforcement, providing a first-hand look at conditions in each of the nation's mines on a regular basis. MSHA's goal is to complete all mandated inspections and to ensure that those inspections are thorough and well documented, result in valid and well-supported citations, violations are corrected immediately, and consequences for non-compliance are applied timely and consistently. In FY 2022, MSHA projects to conduct all of its mandated regular inspections of underground and surface mines (**MSHA-INSP1; MSHA-INSP2**). Targeted outputs for statutorily mandated inspections are start-of-year estimates, based on historical data. Quarterly and semi-annual inspections will be conducted at mines that are operating in that period. Inspections will be conducted consistent with the Mine Act, and MSHA policy and procedure. MSHA projects to complete 100 percent of 103(g) imminent danger complaint investigations within one day of receipt (**MSHA-03**). At least 80 percent of complaints categorized as a serious hazard/violation will be completed within 30 calendar days of receiving the complaint. MSHA projects that less than 1.5 percent of violations will be vacated (**MSHA-INSP1-Q1**).
- **Increase and diversify MSHA's inspectorate.** MSHA's hiring surge plans include the addition of mine safety and health inspector positions across the country, as well the addition of a new enforcement position – enforcement inspector. The increase in enforcement staff will assure well trained inspectorate available to conduct mandatory inspections and targeted enforcement and compliance assistance initiatives. It also assures a pipeline to the mine safety and health inspector positions assisting with continuity and resources increasing inspection effectiveness. Additionally, MSHA's hiring will also focus on diversifying its inspectorate, including hiring bilingual inspectors, which will also improve and increase enforcement effectiveness.
- **Targeted Inspections.** MSHA will continue its Targeted Inspections initiative on an as needed basis and in consultation with Headquarters. These inspections target mines with specific conditions, problems or compliance issues. Compliance issues could include adverse and recurrent mine safety and health conditions, including excessive methane and health issues. Targeted inspections will be conducted at mines identified following a review of compliance data. Targeted inspections will not be conducted in order to meet a specific number. Targeted inspections were suspended at the end of FY 2020 due to COVID-19 restrictions and will resume pending normal operations.
- **Scofflaw Program.** MSHA's Scofflaw Program is an enforcement tool intended to pursue violators demonstrating non-compliance with the Mine Act, as amended by the MINER Act. The program focuses on mining companies with delinquent civil penalties and uses traditional collection practices, District Court Injunctions, and Section 104(a) Citation/104(b) Closure Orders to mandate compliance.

The Scofflaw program is targeted to those operators that have a mixture of delinquent debt in addition to a record of non-compliance of mandatory safety and health regulations compared to other operations of similar size and mine type. The program is designed to encourage operators to comply with standards and minimize the amount of penalties received which later become delinquent or face enhanced enforcement and collection efforts. During FY 2022, the program will concentrate on servicing payment plans currently in place.

- **Health Inspections.** MSHA will continue to review the quality of coal mine dust controls in mine ventilation plans and dust control plans to foster continued improvement. Sampling data will be reviewed quarterly. MSHA will also continue monitoring operator sampling equipment in conjunction with regular inspections and target mine operators who fail to keep hazardous contaminant exposures below established limits. MSHA will continually update and share best practices for controlling exposures to respirable dust, quartz/silica, and noise. MSHA continues to post this information on MSHA's website. In FY 2022, MSHA projects to sample 100 percent of coal mines for respirable dust in conjunction with regular mandated inspections (**MSHA-CM-04**). MSHA projects to sample 100 percent of coal mines for noise according to published inspection procedures (**MSHA-CM-05**). MSHA projects at least 33 percent of metal and nonmetal mines will receive a comprehensive health inspection (**MSHA-MNM-05**).
- **Equipment, Materials, and Engineering Plans.** Effective approaches to reducing the risk of injury and disease among miners include ensuring that mine operators' roof control and ventilation plans can control the hazards inherent to the underground coal mining environment and that equipment, materials, and structures used in mines meet MSHA's standards. MSHA is required to review roof control and ventilation plans at least every six months. MSHA also conducts timely reviews of mine operators' equipment and materials to ensure compliance with MSHA's standards. In FY 2022, MSHA projects to complete 85 percent of new plan reviews within 52 days (**MSHA-PR-01**). MSHA projects to complete 85 percent of plan addenda reviews within 22 days (**MSHA-PR-02**). MSHA projects to complete 80 percent of product reviews (electrical and mechanical equipment, materials, and refuge alternatives) within 120 days (**MSHA-TS-01**).
- **Program Audits and Evaluations.** MSHA conducts program evaluations, reviews, and audits to ensure compliance with statutory, regulatory and Agency requirements and to promote program effectiveness and efficiency. In FY 2022, MSHA will continue to evaluate the effectiveness of corrective actions implemented to address accountability audit and internal review recommendations. MSHA's Accountability Program conducts reviews to determine whether the Enforcement program operates in accordance with MSHA's enforcement policies, procedures, and guidance consistently. The reviews identify actual or potential areas for improvement. The enforcement program addresses these areas by establishing and promoting effective corrective actions and engaging in rigorous follow-up. These reviews serve to maintain a culture of consistent and effective enforcement activity (**MSHA-11; MSHA-14**). Special Investigations Field Reviews aim to identify deficiencies in the level, consistency, and quality of special investigation activities. These reviews will be coordinated with accountability reviews. In FY 2022, the Office of Program Policy Evaluation will conduct two major program evaluations (**MSHA-13**).
- **Special Emphasis Initiatives.** MSHA has launched several initiatives involving enhanced enforcement, education and outreach that include "walk and talks" at mines across the country. MSHA holds quarterly calls with stakeholders to help reduce deaths, injuries and illnesses, and improve mine safety. MSHA continues to post recent serious and close call accidents that occurred at both underground and surface operations on its public website.
- **Retrospective Study on the Respirable Coal Mine Dust Rule.** On July 9, 2018, MSHA published a Request for Information (RFI) soliciting stakeholder comments, data, and information to assist the Agency in developing the framework for a study that will assess the impact of the Dust rule on lowering coal miners' exposures to respirable coal mine dust to improve miners' health. MSHA extended the comment period until July 9, 2022.
- **Respirable Crystalline Silica (Quartz).** On August 29, 2019, MSHA published a RFI soliciting information and data on the best and most feasible ways to protect miners' health from exposure to quartz in respirable dust, including an examination of an appropriately reduced permissible exposure limit, potential new or developing technologies, and/or technical and educational assistance. The submitted comments and materials were analyzed. MSHA is

developing a notice of proposed rulemaking (NPRM) as the Agency's next step in protecting miners from respirable crystalline silica.

Additionally MSHA will:

- Continue to process petitions for modification from mine operators who request variances from safety standards.
- Ensure information collection requirements under the Paperwork Reduction Act are met.

Strategic Portfolio

FY 2022 Budgetary Resources

Budget Activity:	Budget Authority (whole dollars)	FTE
Mine Safety and Health Enforcement	302,257,000	1,485
Office of Assessments	8,377,000	44
Tech Support	43,227,000	227
Program Evaluation and Information Resources	20,815,000	28

*Budget authority and FTE levels are based on FY 2022 President's Budget

Performance Measures

Measure ID	Measure Name	FY 2022 Annual Target	FY 2022 Q1 Target	FY 2022 Q2 Target	FY 2022 Q3 Target	FY 2022 Q4 Target
MSHA-PG-01	5 year rolling average of fatal injuries per 200,000 hours worked	TBD	TBD	TBD	TBD	TBD
MSHA-09	5 year rolling average of all injuries per 200,000 hours worked	TBD	TBD	TBD	TBD	TBD
MSHA-INSP1	Percent of regular mandated underground inspections	100%	100%	100%	100%	100%
MSHA-INSP2	Percent of regular mandated surface inspections	100%	N/A	100%	N/A	100%
MSHA-03	Percent of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%	100%
MSHA - 03B	Percent of 103(g) imminent danger complaint investigations completed within 30 calendar days of receiving the complaint	80%	80%	80%	80%	80%

Measure ID	Measure Name	FY 2022 Annual Target	FY 2022 Q1 Target	FY 2022 Q2 Target	FY 2022 Q3 Target	FY 2022 Q4 Target
MSHA-INSP1-Q1	Percent of violations vacated	1.5%	1.5%	1.5%	1.5%	1.5%
MSHA-AS-01	Percent of civil penalties assessed under the regular formula within 65 days of issuance	90%	90%	90%	90%	90%
MSHA-AS-02	Percent of civil penalties special assessed within 225 days of issuance	90%	90%	90%	90%	90%
MSHA-CM-04	Percent of coal mines surveyed for respirable dust in conjunction with regular mandated inspections	100%	100%	100%	100%	100%
MSHA-CM-05	Percent of coal mines surveyed for noise according to published inspection procedures	100%	Annual Target	Annual Target	Annual Target	Annual Target
MSHA-MNM-05	Percent of MNM mines receiving comprehensive health inspections	33%	N/A	33%	N/A	33%
MSHA-PR-01	Percent of new plan reviews completed within 52 days	85%	85%	85%	85%	85%
MSHA-PR-02	Percent of plan addenda reviews completed within 22 days	85%	85%	85%	85%	85%
MSHA-TS-01	Percent of product reviews (electrical and mechanical equipment, materials, and refuge alternatives) completed within 120 days	80%	80%	80%	80%	80%
MSHA-11	Percent of audited activities not requiring corrective actions	90%	90%	90%	90%	90%
MSHA-13	Major program evaluations conducted	2	Annual Target	Annual Target	Annual Target	Annual Target

Measure ID	Measure Name	FY 2022 Annual Target	FY 2022 Q1 Target	FY 2022 Q2 Target	FY 2022 Q3 Target	FY 2022 Q4 Target
MSHA-14	Percentage of corrective actions addressed and resolved within a year	75%	75%	75%	75%	75%

Agency Theme 4: Modernize Training and Education

Strategy 4: Strengthen and Modernize Training and Education

Activities:

As a DOL enforcement agency, MSHA is committed to a compliance assistance strategy that assists the regulated community in complying with the laws and regulations under MSHA's purview. DOL has reinvested in compliance assistance as an important complement to investigative and compliant-driven enforcement activities. A mature compliance assistance strategy includes outreach, education, technical assistance, and innovative programs that help employers understand applicable laws and incentivizes their compliance. Compliance assistance events include; presentations, seminars, speeches, committee meetings, task force meetings, training courses, town hall meetings, compliance consultations, webinars, and face-to-face consultation. These events are generally pre-scheduled and arranged with the agency. In FY 2022, MSHA projects to conduct 16 compliance assistance events for mining industry personnel (**MSHA-EPD-07**).

MSHA recognizes the importance of miner training and education in the prevention of injury and disease. The mining industry can only achieve its goal of zero fatalities with an industry-wide culture of safety that reaches every level of the operation, from the CEO to the new health miner trainee. An added factor is MSHA's focus on outreach to a diverse bilingual mining community. Training will need to be bilingual to address the new and modern diverse workforce. Inadequate or ineffective training is a contributing factor in many mine fatalities.

In addition, mine inspectors require continuous training in hazard recognition to assure consistent, high-quality inspections. Ongoing training of both new and experienced inspectors is essential to assure familiarity with new mining processes and equipment, and to keep pace with changes to the law and regulations. Training improves consistency in enforcement across all MSHA Regions, Districts, and U.S. mining sectors.

In FY 2022, MSHA will continue efforts to evaluate, strengthen, and modernize training programs and provide compliance assistance to the mining industry to foster a culture of safety and health.

- Evaluate Training Programs.** MSHA will conduct evaluations of health and safety training programs, including reviewing materials, plans, and records. MSHA will provide onsite training assistance, including bilingual training assistance, to operators and contractors. The on-site trainings will include locations in underserved communities in the mining industry. Additionally, MSHA will conduct training plan reviews and assist with training plan development. MSHA will also provide education on training regulations, policies, and recordkeeping requirements. In FY 2022, MSHA projects to provide 67,000 hours of injury and illness prevention/compliance assistance (**MSHA-EPD-01**). In FY 2022, MSHA projects to provide 600 course days of training to MSHA inspectors and specialists (**MSHA-EPD-02**) and 12 course days of training to mining industry personnel (**MSHA-EPD-03**).
- Expand Academy Use.** The National Mine Health and Safety Academy continues to explore new opportunities for growth and expansion through creating and supporting partnerships with federal, state, and regional agencies such as the Border Patrol, Forestry Service, military, industry agencies, and higher education institutions. These partnerships support collaborative efforts which in turn provide efficient use of Academy resources, strengthens

relationships across these agencies and institutions, and fosters education and training within and outside the Academy's service area. Additionally, the Academy is developing educational platforms to extend its reach such as virtual training, hybrid, and virtual reality courses that will continue to support MSHA's mission.

MSHA has no training facility in the Western United States where there is a substantive presence of mining performed by Hispanics and American Indians. MSHA will pursue a new facility in line with President's immediate priority of advancing gender and racial equity and support for underserved communities.

- **Instructor Evaluation.** MSHA will continue to develop and improve the quality of training and provide feedback, training materials, and collaboration with industry instructors. MSHA evaluates training instructor performance through in-class and remote videoconference. MSHA will use this feedback to take immediate action when instructor shortcomings are identified. In FY 2022, MSHA will continue in-class and remote videoconference monitoring of instructors to ensure they are providing effective health and safety training to miners. MSHA will place special emphasis on evaluation of contract instructors. MSHA will continue to utilize the two-week training notifications submitted to the MSHA District offices by operators, contractors, and trainers. In FY 2022, MSHA projects to provide 600 approved instructor evaluations (**MSHA-EPD-06**).
- **Expand Distance Learning.** In FY 2022, MSHA will continue to provide direct training resources to develop and refine crossover health and safety training for all inspectors, and enforcement supervisors and managers. Crossover training has become part of health and safety standard training for all MSHA inspectors and supervisors. MSHA will also continue to review and update the Agency's existing library of online courses. In FY 2022, MSHA will create or update 8 online courses (**MSHA-EPD- 04**).
- **State Grants.** MSHA will continue to award grants to state, tribal, and territorial governments (including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) to assist them in developing and enforcing state mining laws and regulations, improve state workers' compensation and mining occupational disease laws and programs, and improve safety and health conditions in the nation's mines through federal-state coordination and cooperation. MSHA recognizes that state training programs are a key source of mine safety and health training and education for individuals who work or will work at mines. MSHA encourages state training programs to prioritize training for small mining operations and underserved communities within the mining industry. MSHA is also interested in supporting programs that include training on miners' statutory rights, including the right to be provided a safe working environment and to refuse an unsafe task. In FY 2022, MSHA projects 200,000 miners, including those from underserved communities, will receive training through funding of its State Grants Program (**MSHA-EPD-05**) and that 15% of competitive grant money will be awarded to institutes that serve underserved populations (**MSHA-EPD-08**).

Strategic Portfolio
FY 2022 Budgetary Resources

Budget Activity:	Budget Authority (whole dollars)	FTE
Educational Policy and Development	43,038,000	135
Program Administration	21,743,000	79

*Budget authority and FTE levels are based on FY 2022 President's Budget

Performance Measures

Measure ID	Measure Name	FY 2022 Annual Target	FY 2022 Q1 Target	FY 2022 Q2 Target	FY 2022 Q3 Target	FY 2022 Q4 Target
MSHA-EPD-01	Injury, illness prevention/compliance assistance, including bilingual, hours provided	67,000	16,000	17,000	17,000	17,000
MSHA-EPD-02	Course days of training provided to MSHA	600	150	150	150	150
MSHA-EPD-03	Course days of training provided to industry	12	2	2	4	4
MSHA-EPD-04	Number of new online courses created or updated	8	2	2	2	2
MSHA-EPD-05	Number of miners, including those from underserved communities, trained through State Grants Program	200,000	Annual Target	Annual Target	Annual Target	Annual Target
MSHA-EPD-06	Number of approved instructor evaluations	600	100	300	100	100
MSHA-EPD-07	Number of compliance assistance events conducted	16	4	4	4	4
MSHA-EPD-08	Share of competitive grants awarded to institutes that serve underserved populations	15%	15%	15%	15%	15%

Agency Theme 5: Protect Miners from Discrimination

Strategy 5: Enhance Efforts to Protect Miners from Discrimination

Activities:

The Mine Act gives miners the right to be full stakeholders in their own health and safety by participating in the inspection process through a representative of their choosing, speaking out about hazards, refusing to work in dangerous conditions, and exercising other rights. In line with the Secretary's "morning, noon, and night" vision, MSHA's efforts under this strategy assures workers have a seat at the table, that miners have a job that is safe and does not discriminate.

MSHA must ensure that miners are aware of their rights under the Mine Act, have the ability to exercise those rights, and are protected from discrimination or unlawful repercussions when they exercise their rights.

To ensure miners have a voice in the workplace, MSHA investigates all discrimination complaints miners file with the Agency under Section 105(c) of the Act.

MSHA will evaluate all complaints filed to determine how best to continue to improve its outreach to miners. The Agency will support miners if they are retaliated against for exercising their safety rights.

Activities to address this priority in FY 2022 include:

- **Prompt investigations.** In FY 2022, MSHA projects to complete 90 percent of Section 105(c) investigations of miner discrimination complaints within 60 days of receipt (**MSHA-01**). To ensure quality investigations are conducted, MSHA will perform a review of all completed discrimination investigations conducted by its enforcement personnel for discrimination complaints received. This will provide an added level of accountability for the discrimination investigation process and will demonstrate MSHA's commitment to protecting a miner's right to report health and safety hazards without fear of retaliation. MSHA projects to complete 90 percent of investigations of miner requests for temporary reinstatement within 20 days of receipt (**MSHA-02**).
- **Effective outreach and communication.** MSHA will inform the industry and miners of their rights and responsibilities under the Mine Act through training and education.
- **Evaluating conditions in underserved communities.** MSHA will analyze whether miners in underserved communities face any particular vulnerabilities (**MSHA-MS-7**).

Strategic Portfolio

FY 2022 Budgetary Resources

Budget Activity:	Budget Authority (whole dollars)	FTE
Mine Safety and Health Enforcement	302,257,000	1,485
Office of Assessments	8,377,000	44

*Budget authority and FTE levels are based on FY 2022 President's Budget

Performance Measures

Measure ID	Measure Name	FY 2022 Annual Target	FY 2022 Q1 Target	FY 2022 Q2 Target	FY 2022 Q3 Target	FY 2022 Q4 Target
MSHA-01	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	90%	90%	90%	90%	90%
MSHA-02	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	90%	90%	90%	90%	90%

Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date
MSHA-MS-6	Revise and update the Discrimination Complaint packet utilized by a claimant.	5/31/2022
MSHA-MS-7	MSHA will analyze whether miners in underserved communities face any particular vulnerabilities.	3/31/2022

Operational Portfolio for ALL Themes and Strategies: HR, IT, and Procurement

Human Resources

Item or Issue	Description	Strategy (short name)	Agency POC
Increased Hiring Plan	MSHA is currently understaffed and received funds to staff up in FY 2022. MSHA has created a plan to increase hiring with OHR to streamline applications and needs support in this hiring initiative. MSHA will work with OHR to continue to promote “How to Apply for Federal Employment” webinars in order to assist applicants on applying for jobs with MSHA.	Modernized Workforce Diversity, Equity and Inclusion	Sylvia Henrickson, Administration and Management

Item or Issue	Description	Strategy (short name)	Agency POC
Position Description Standardization	MSHA is doing a review of all PDs to ensure they are accurate and up-to-date prior to recruitment being initiated to increase timeliness of hiring.	Modernized Workforce Diversity, Equity and Inclusion	Sylvia Henrickson, Administration and Management

Information Technology

Systems, Initiatives, or Investments	Description	Strategy (short name)	Agency POC
MSHA's Centralized Application System (MCAS) Portal	<p>Provides a secure platform that enables automation of service delivery. The investment is funded by MSHA program (012-4000) and supports MSHA's operations and functions. The investment provides Service Oriented Architecture (SOA) services and modular programming, near realtime sharing of data between applications and increased flexibility to support a mobile inspection force.</p> <p>Provides mission critical support for enforcement, penalty assessments, compliance assistance, and training activities. The investment is funded by MSHA program (012-4000).</p>	Inspection and Enforcement Effectiveness	Syed Hafeez, Program Evaluation and Information Resources

Systems, Initiatives, or Investments	Description	Strategy (short name)	Agency POC
MSHA – IT Management [Standard]	<p>The investment is funded by MSHA program (012-3385). Provides the necessary funding for MSHA IT assets that are not covered by other IT investments.</p> <p>Funds MSHA’s Enterprise Architecture, IT Capital Planning and IT governance related activities. The investment is funded by MSHA program (012-3385) and supports management of the IT Portfolio. The investment incorporates and combines IT investment management disciplines for an integrated IT portfolio management and IT governance framework.</p> <p>Supports the development, enhancement and the maintenance of MSHA’s websites, both internet and intranet sites. The investment is funded by MSHA program (012-3385). Communicates categorized and usable information to internal and external stakeholders regarding MSHA activities and operations.</p>	Inspection and Enforcement Effectiveness	Syed Hafeez, Program Evaluation and Information Resources
Educational Policy and Development (EPD) – Academy [non-major]	The investment is funded by MSHA Program (012-3380) and supports MSHA’s education and training programs for MSHA enforcement staff and the mining community.	Training and Education Modernization	Lincoln Selfe, Educational Policy and Development

Procurement

Procurement Item	Description	Strategy (short name)	Agency POC
Grant Initiative	The current structure of the grants office is understaffed and we hire more grant management specialist and grant specialist to dedicate more staff to grant monitoring and grant closeouts.	Training and Education Modernization	Nancy Sloanhoffer, Administration and Management

Procurement Item	Description	Strategy (short name)	Agency POC
Procurement Initiative	With the move to shared services for acquisition the program offices have struggled with pre-acquisition documentation and post award surveillance and documentation. We are to hire a business specialist to assist the program offices with pre and post award.	Inspection and Enforcement Effectiveness	Nancy Sloanhoffer, Administration and Management
Grant Practices	The current grant program has extremely limited standard operating procedures, checklists and guidance. Need to research, analyze and write procedures, guidance and checklist to assist the grant specialists in awarding and administering grants.	Training and Education Modernization	Nancy Sloanhoffer, Administration and Management
Small business awards	Exceeding the small business procurement goals set by the Department of Labor, which include goals for Small Disadvantaged Businesses and HUBZones, by continuing to do outreach through small business outreach events, Small Business Administration (SBA) local officers and through diligent market research for each procurement action.	Diversity, Equity and Inclusion	Nancy Sloanhoffer, Administration and Management

Appendix A – Performance Measures and Milestones

Measure ID	FY 2022 Agency Management Plan Measures	FY 2020 Result	FY 2021 Target	FY 2021 YTD Result	FY 2022 Q1 Target	FY 2022 Q2 Target	FY 2022 Q3 Target	FY 2022 Q4 Target	FY 2022 Target
MSHA-PG-02	5 year rolling average of reportable injuries associated with powered haulage equipment per 200,000 hours worked	0.173	0.164	N/A	N/A	N/A	N/A	N/A	0.169
MSHA-PG-01	5 year rolling average of fatal injuries per 200,000 hours worked	0.0095	0.0091	N/A	N/A	N/A	N/A	N/A	TBD
MSHA-09	5 year rolling average of all injuries per 200,000 hours worked	2.08	1.99	N/A	N/A	N/A	N/A	N/A	TBD
MSHA-INSP1	Percent of regular mandated underground inspections	100%	100%	100%	100%	100%	100%	100%	100%
MSHA-INSP2	Percent of regular mandated surface inspections	100%	100%	99.71%	N/A	100%	N/A	100%	100%
MSHA-PR-01	Percent of new plan reviews completed within 52 days	88%	85%	92%	85%	85%	85%	85%	85%
MSHA-PR-02	Percent of plan addenda reviews completed within 22 days	81%	85%	90%	85%	85%	85%	85%	85%
MSHA-MNM-05	Percent of MNM mines receiving comprehensive health inspections	52.7%	33.0%	N/A	N/A	33.0%	N/A	33.0%	33.0%
MSHA-CM-04	Percent of coal mines surveyed for respirable dust in conjunction with regular mandated inspections	100%	100%	100%	100%	100%	100%	100%	100%
MSHA-CM-05	Percent of coal mines surveyed for noise according to published inspection procedures	100%	100%	N/A	N/A	N/A	N/A	N/A	100%

Measure ID	FY 2022 Agency Management Plan Measures	FY 2020 Result	FY 2021 Target	FY 2021 YTD Result	FY 2022 Q1 Target	FY 2022 Q2 Target	FY 2022 Q3 Target	FY 2022 Q4 Target	FY 2022 Target
MSHA-11	Percent of audited activities not requiring corrective actions	98%	90%	98%	90%	90%	90%	90%	90%
MSHA-14	Percentage of corrective actions addressed and resolved within a year	N/A	N/A	N/A	75%	75%	75%	75%	75%
MSHA-01	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	93%	89%	100%	90%	90%	90%	90%	90%
MSHA-02	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	89%	86%	97%	90%	90%	90%	90%	90%
MSHA-03	Percent of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%	100%	100%	100%	100%
MSHA -03B	Percent of 103(g) imminent danger complaint investigations completed within 30 calendar days of receiving the complaint	N/A	N/A	N/A	80%	80%	80%	80%	80%
MSHA-AS-01	Percent of civil penalties assessed under the regular formula within 65 days of issuance	94%	88%	94%	90%	90%	90%	90%	90%
MSHA-AS-02	Percent of civil penalties special assessed within 225 days of issuance	90%	90%	93%	90%	90%	90%	90%	90%

Measure ID	FY 2022 Agency Management Plan Measures	FY 2020 Result	FY 2021 Target	FY 2021 YTD Result	FY 2022 Q1 Target	FY 2022 Q2 Target	FY 2022 Q3 Target	FY 2022 Q4 Target	FY 2022 Target
MSHA-TS-01	Percent of product approvals (electrical and mechanical equipment, materials, and refuge alternatives) completed within 120 days	76.9%	75.0%	82.4%	80.0%	80.0%	80.0%	80.0%	80.0%
MSHA-EPD-01	Injury, illness prevention/compliance assistance, including bilingual, hours provided	59,833	58,500	46,396	16,000	17,000	17,000	17,000	67,000
MSHA-EPD-02	Course days of training provided to MSHA	292	550[p]	696	150[p]	150[p]	150[p]	150[p]	600[p]
MSHA-EPD-03	Course days of training provided to industry	123	150[p]	9	2[p]	2[p]	4[p]	4[p]	12[p]
MSHA-EPD-04	Number of new online courses	16	7	11	2	2	2	2	8
MSHA-EPD-05	Number of miners, including those from underserved communities, trained through State Grants Program	122,294	200,000	N/A	N/A	N/A	N/A	N/A	200,000
MSHA-EPD-06	Number of approved instructor evaluations	653	1,000	398	100	300	100	100	600
MSHA-EPD-07	Number of compliance assistance events conducted	N/A	80[p]	10	4[p]	4[p]	4[p]	4[p]	16[p]
MSHA-EPD-08	Share of competitive grants awarded to institutes that serve underserved populations	N/A	N/A	N/A	15%	15%	15%	15%	15%
MSHA-INSP1-Q1	Percent of violations vacated	N/A	1.5%	0.8%	1.5%	1.5%	1.5%	1.5%	1.5%
MSHA-13	Major program evaluations conducted	3	2	N/A	N/A	N/A	N/A	N/A	2
MSHA-Training-03	Percentage of Supervisors that will take equity training	N/A	N/A	N/A	50%	50%	50%	50%	50%

Measure ID	FY 2022 Agency Management Plan Measures	FY 2020 Result	FY 2021 Target	FY 2021 YTD Result	FY 2022 Q1 Target	FY 2022 Q2 Target	FY 2022 Q3 Target	FY 2022 Q4 Target	FY 2022 Target
MSHA MW-01	Number of Special Act Awards	N/A	N/A	N/A	N/A	4	4	12	20
MSHA FEVS-01	FEVS Response Rate	N/A	N/A	N/A	35%	35%	35%	35%	35%

Milestone ID	FY 2022 Agency Management Plan Milestones	Due Date
MSHA-MS-1	MSHA will develop a process to keep track of the number of Special Act Awards for Performance and Innovation. To ensure our award recipient pool is diverse, MSHA will track the race, ethnicity, gender, and grade level of our recipients.	2022-03-31
MSHA-MS-2	Equity training will be a mandatory requirement for all MSHA employees	2022-03-31
MSHA-MS-3	50% of MSHA signs will be bilingual by the end of FY 2022	2022-09-30
MSHA-MS-4	Develop a final rule requiring mine operators to implement a written safety program for mobile equipment at surface mines and surface areas of underground mines	2022-12-09
MSHA-MS-5	Evaluate effectiveness of Powered haulage Accident Reduction Initiative and make changes as needed	2022-09-30
MSHA-MS-6	Revise and update the Discrimination Complaint packet utilized by a claimant.	2022-05-31
MSHA-MS-7	MSHA will analyze whether miners in underserved communities face any particular vulnerabilities.	2022-03-31

United States Department of Labor

Mine Safety and Health Administration (MSHA) Fiscal Year 2023 Agency Management Plan

Fiscal Year 2023 Agency Management Plan

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Agency Introduction:

The Mine Safety and Health Administration's (MSHA) mission is to prevent death, disease, and injury from mining and promote safe and healthful workplaces for the nation's miners. MSHA enforces provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended by the Mine Improvement and New Emergency Response Act of 2006 (MINER Act).

MSHA's work includes strong enforcement, active outreach, education and training, and technical support to the mining industry. MSHA continues to provide the mining community the tools and resources needed to ensure compliance with mandatory safety and health standards. MSHA's efforts contribute to the FY 2022-2026 DOL Strategic Plan through Strategic Goal 2 – *Ensure Safe Jobs, Essential Protections, and Fair Workplaces* and MSHA's Strategic Objective 2.1 – *Secure safe and healthful workplaces, particularly in high-risk industries*. This plan contains the resources and strategies MSHA will use to protect the safety and health of miners.

MSHA is spearheading a multi-faceted effort to implement strategies to improve Diversity, Equity, Inclusion, and Accessibility (DEIA) in the workplace and the mining industry. After reviewing the President's Management Agenda and the Secretary's vision of empowering workers morning, noon, and night, MSHA has tirelessly delineated efforts for the Agency to make this a priority. In FY 2023, MSHA plans to enhance the achievements the Agency already accomplished and simultaneously concentrate on the areas that need expansion. An area that MSHA will continue to explore is language accessibility. The Agency plans to address the language access needs in underserved communities to ensure all workers across the country are granted equal work opportunities and rights. Through a strategic recruitment plan, MSHA strives to expand its outreach to underserved mining communities across the country.

In FY 2023, MSHA will continue focusing on internal processes to ensure that it not only hires but retains a diverse workforce. Equally, an area that MSHA wants to expand new efforts is towards creating an apprenticeship program to increase DEIA presence in the mining sector. The registered apprenticeship program provides experienced miners, including those who are living or working in underserved and underrepresented communities, the opportunity to obtain a career with the Mine Safety and Health Administration. MSHA continues to aim higher than established goals. For example, MSHA's small business procurement targeted goals have had remarkable success in exceeding the goals for Small Disadvantaged Businesses and HUBZone. MSHA is also developing an assessment tool to identify, define, and achieve goals related to developing a diverse workplace. The Agency is actively recruiting a workforce that is reflective of the nation's diversity. Organizations thrive when continuity is an intentional Agency goal and institutional knowledge is passed to the next generation of leaders and specialists. MSHA is committed to identifying, assessing, and developing talent to support continuity. This ensures that when an MSHA employee retires or accepts a new opportunity, the departing employee's institutional knowledge has already been integrated, and there are no skill gaps. This is an intentional strategic plan that is essential to maintaining and providing continuity to the mission.

Agency Theme 1: DOL as a Model Workplace

Strategy 1: Implement activities in support of the Department's Diversity, Equity, Inclusion, and Accessibility (DEIA) Plan

Activities:

- **Strengthening and Empowering the Federal Workforce.** *Ensuring the Federal Government becomes a model employer. That includes having a workforce –at every level – that looks like America.*
- **Build a Modern, Inclusive Workforce.** *Building the American workforce by promoting jobs that are safe, pay a fair wage, do not discriminate or cause exploitation/social harms, have opportunity for advancement, and give workers a seat at the table and a say in their work.*
- **Executive Order EO 13985** *“Advancing racial equity and support for underserved communities” defines equity as, “the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.”*

Maximize use of Workforce Recruitment Program (WRP) MSHA is augmenting its efforts for Diversity, Equity, Inclusion and Accessibility (DEIA) through strategic recruitment. The Agency will continue to expand its focus on recruiting efforts under the Special Hiring Authority for minorities, bilingual, Schedule A, veterans hiring authority, military spouses, Peace Corps., and others.

Review of recruitment packages. Through mindful and strategic review of recruitment packages and active hiring, MSHA will be equipped with the necessary talent to carry out the Agency's mission and initiatives. For example, to assist and educate more bilingual miners on their rights, MSHA will hire additional bilingual training specialists to support the Secretary's language access initiative and ensure miners have a voice in the workplace.

Another example of MSHA's continued practice towards identifying specialized technical skills is in its effort to lead in modernizing the workforce to a new reality of converting to hoteling, maximizing telework post-pandemic, and reducing building footprint across the nation. This requires partnering with sister agencies and pooling ideas, design, and execution of space reduction activities per OMB's National Strategy for Real Property (National Strategy) and the Reduce the Footprint Policy. MSHA plans to join forces with sister agencies to pool office space that require some presence in remote areas. This will require redesign of space and renegotiating leases across all of MSHA's 84 offices. Carrying out this initiative requires new specialized staff such as Civil Engineers and Engineering Technicians collaborating with existing staff.

Just as the Agency did in previous examples, MSHA will continue to determine whether specialized technical skills, certifications, or degrees are required for effective performance in the position and will update recruitment packages, as necessary, ensuring constant alignment with OPM's position classification and qualification standards throughout the process.

Increase outreach and recruitment. MSHA utilizes a career development program to train and promote internal personnel into higher paying positions through education and training. The career development program also assists with the retention of knowledge in MSHA. This effort includes the development

and implementation of an apprenticeship program to recruit and train recent graduates as entry level inspectors in the 1801 series, and then transition them to 1822 inspectors upon completion of the training program. MSHA's registered apprenticeship program was established through the Employment and Training Administration (ETA) targeting underserved communities, specifically the Hispanic and Native American communities. This program is designed to train miners with a minimum of five-years' experience as MSHA Safety and Health inspectors under a Limited Authorized Representative role in support of succession planning.

With the outbreak of COVID-19, MSHA established a vaccination outreach program, "putting shots in the arms" of mining communities with high COVID rates. The shots were and are provided at large mining events and at mine sites. This outreach initiative made an impact in lowering COVID numbers in underserved communities. As a result of the achievements of this initiative, MSHA began an educational outreach program. These activities include discussions of the benefits of the vaccine, which can consist of, but are not limited to, events at mines and/or events within the mining communities (e.g., conferences, forums, etc.) and advertisements using social media like Facebook, Instagram.

Implement internships, fellowships, and apprenticeships. MSHA remains committed to supporting the President's Management Agenda and the Secretary's vision of empowering workers morning, noon, and night. MSHA's registered Apprenticeship program provides experienced miners living or working in underserved and underrepresented communities the opportunity to obtain a career with the Mine Safety and Health Administration. Apprentices will onboard at the GS-11 level. The goal is for apprentices to receive the first three modules of entry level inspector training within six months of onboarding. Success to MSHA means 70% of the apprenticeship participants achieve this goal, **(MSHA-MS-01)**. Apprentices will also receive on-the-job training at the field offices. Apprentices will be evaluated at the end of their first six months and after successful completion of the first three modules. Upon a successful evaluation, apprentices will be credentialed as Authorized Representatives of the Secretary and assigned to inspect surface metal/non-metal mines only. Apprentices will then receive the remaining four entry level inspector modules and any necessary on-the-job training. After a year of successful performance, the apprentices will transition to the GS-12 Journeyman inspector level and receive Journeyman refresher training, as required.

To further unleash the Agency's potential to this commitment, MSHA aims to have a total of at least 5% of apprentices be minorities and 30% hired from underserved communities. MSHA plans to recruit the first twenty-five apprentices from the southwest and then shift recruitment efforts to the southeast and northeast. This program not only enables MSHA to "Build a modern, Inclusive Workforce" under the Secretary's Vision, it also supports the President's Executive Order EO 13985 "Advancing racial equity and support for underserved communities." With this new MSHA initiative, underserved and underrepresented communities will have an equal opportunity to not only obtain, but also advance in a federal career.

Moreover, to align with the Department's Future of Work Plan, MSHA will encourage employees to increase participation in [Mentoring@Labor](#) and [ContinuousLearning@Labor](#). This is another platform which employees can use to enhance their professional skills and embark on new opportunities.

Maintain network of Recruitment Champions. To further enhance the apprentice program and recruitment in general, MSHA has contracted for professional services to assist with recruitment focus on locations in underrepresented and underserved communities. These contracts include five

underutilized communities in the southwestern United States (Arizona, Colorado, New Mexico, Utah, Nevada) and eight states in the eastern United States (Delaware, Florida, Georgia, Maryland, New York, North Carolina, Rhode Island, Tennessee). Some of the efforts include communication and networking with unions, apprenticeship programs, workforce development agencies, colleges and universities about MSHA recruitment; developing infrastructure strategy; assist with promotion and implementation of MSHA Mine Inspector Apprentice training program in underrepresented communities to include women, Tribal, and underrepresented communities; and develop a marketing plan to enhance MSHA's outreach efforts within the targeted states, presenting the best method to market to targeted audiences on methods that include social media, digital streaming services, newspapers, radio, local flyers and/or billboards.

MSHA is committed to continuing to meet with Local 12 on a monthly basis via "MSHA Forum with Local 12." MSHA is also committed to addressing issues with both National Council of Field Labor Locals (NCFL) and Local 12 to ensure that bargaining unit employees are treated equitably.

Identification of Language Groups of Underserved Communities. Through maintenance of this network, and utilization of data and evidence, MSHA will identify significant language groups eligible to be served by the Agency. Additionally, MSHA will perform an assessment of local areas across the country and/or trends and changes in demographics/economic circumstances, **(MSHA-MS-02)**.

Staff Resources. After the identification of significant language groups focusing on workers that are the most vulnerable, MSHA will identify bilingual/multilingual staff resources and needs and review how staff are assessed for language ability. MSHA will also determine if and how bilingual/multilingual staff may provide support across the Agency while ensuring equitable distribution of work. For example, as mentioned in the activity, "Review of Recruitment Packages," MSHA will hire additional bilingual training specialists to assist and educate more bilingual miners on their rights. **(MSHA-MS-03)**.

Institutionalize DEIA in performance plans. MSHA will ensure FY 2024 Performance Management plans continue to include a performance element and/or standard that clearly delineates DOL's commitment to being a model employer and clarifies the roles and responsibilities of all managers and supervisors in advancing DEIA.

Ensure the use of inclusive language. In FY 2023, MSHA will begin reviewing handbooks, guidance materials, workplace internal policies, and other materials to use inclusive language and up-to-date terminology for all employees such as gender-neutral titles. This review will include removing gender-based pronouns and negative disability terms from policy documents, formal communications, Department-wide announcements, handbooks, and other materials to ensure they are neutral about sexual orientation and gender identity, and without reflecting gender stereotypes.

To further support language access needs in mining communities, which are predominantly considered underserved communities, MSHA is continuing last year's bilingual commitment. Fifty percent of MSHA signs and/or official documents will be bilingual by the end of FY 2023, **(MSHA-MS-04)**. This will be Phase 2 of MSHA's bilingual access commitment. Per last year's language access commitment, many of MSHA's training products are now bilingual including the Agency's [best practice cards](#)¹. Other language access focused documents include all "[toolbox talks](#)" as well as [bilingual small mine guides](#) that are used at mines throughout the country and were the result of Phase 1 of this milestone, per the FY 2022 AMP.

¹ Best Practice Cards begin on page 21 of the 2022 Products Catalog.

In FY 2023, MSHA plans to continue this effort by maintaining the goal of fifty percent which includes new documents and/or signs as well.

Increase participation in leadership and career development training. The Agency will require that management attends training and development focused on skill-building, communications, and establishing, fostering, and improving relationships among employees of diverse backgrounds. MSHA will be using LearningLink as a tool to advance this activity. MSHA's leadership will examine the opportunity to turn one elective "Advance Equity" LearningLink course into a mandatory requirement for all MSHA employees. This activity will be tracked in measure **(MSHA-Training-03)**.

DEIA Efforts in Contracts:

- ***EO 14035 "Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce" charges federal agencies to advance diversity, equity, inclusion, and accessibility throughout their workforce.***
- ***Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government***
 - **Sec. 5. Conducting an Equity Assessment in Federal Agencies.** Review and assess whether underserved communities and their members face systemic barriers in accessing benefits and opportunities available pursuant to those policies and programs.
 - **Sec. 6. Allocating Federal Resources to Advance Fairness and Opportunity.** The Federal Government should, consistent with applicable law, allocate resources to address the historic failure to invest sufficiently, justly, and equally in underserved communities, as well as individuals from those communities.
 - **Sec. 7. Promoting Equitable Delivery of Government Benefits and Equitable Opportunities.** Government programs are designed to serve all eligible individuals. And Government contracting and procurement opportunities should be available on an equal basis to all eligible providers of goods and services.

MSHA is committed to increasing contract value with small and disadvantaged businesses. MSHA will ensure that there is effective outreach for contracting information to be more accessible to small businesses. Give opportunities to new small businesses to improve their ability to gain experience and expertise. MSHA will focus on minimizing potential barriers that underserved communities and individuals may face in taking advantage of Agency procurement and contracting opportunities; establish policies to improve outreach to businesses in underserved communities; and establish training in conjunction with DOL to help address any business challenges that impede their attaining federal contract opportunities.

MSHA strives to diversify the MSHA contractor base, successfully awarding contracts to qualified contractors varying from women, American Indian, Hispanic, and African American. MSHA is currently in the process of contracting for a contractor to assist MSHA with a Diversity, Equity, Inclusion, and Accessibility Plan (DEIA) which will achieve and expand proactively with the reinforcement of policies, practices, attitudes, and actions that produce equitable opportunities, treatment, and impacts of outcomes for all MSHA employees, programs, and services. The goal is a diversity, equity, inclusion, and accessibility plan that educates and engages the executive leadership team and staff towards proactive change and creating equitable and inclusive workspaces where meaningful change can be experienced to achieve fairness.

Congress sets small business procurement goals that require the federal agencies to direct a percentage of spending to small business concerns (SBCs), and certain socioeconomic categories of small businesses. Each year these goals have increased and extended to apply to socially and economically disadvantaged small businesses (SDBs), service-disabled veteran-owned small businesses (SDVOSBs), women-owned small businesses (WOSBs), and small businesses in the Historically Underutilized Business Zone (HUBZone) Program. MSHA has had immense success in exceeding the small business procurement goals set by the Department of Labor, which include goals for Small Disadvantaged Businesses and HUBZone. MSHA will continue to participate in small business outreach events such as working with the Small Business Administration's (SBA) local offices, and through diligent market research for each procurement action. MSHA embraces providing opportunities to small business and exceeding the goals. As an example of MSHA's accomplishments, MSHA exceeded FY 2020 and FY 2021. The Agency plans to exceed the FY 2022 goals, as well.

Fiscal Year	Agency	SB	SDB	SDVOSB	WOSB	HUBZone
FY 2020 Actuals	DOL	40.63%	27.12%	7.05%	12.82%	5.95%
FY 2020 Actuals	MSHA	88.60%	51.36%	32.29	8.11%	15.32%
FY 2021 Actuals	DOL	43.47%	31.43%	6.75%	14.13%	7.64%
FY 2021 Actuals	MSHA	79.21%	49.89%	28.44%	12.10%	26.51%
FY 2022 Target	DOL	37.81%	28.00%	5.00%	3.00%	3.00%
FY 2022 Target	MSHA	45.00%	28.00%	8.00%	8.00%	3.00%

To further illustrate MSHA's continued commitment to DEIA, the Agency awarded 32% of the contracts to small businesses in the first quarter of FY 2022. Of those awarded, 26% of the contracts were to disadvantaged small business, 4% of the contracts to women-owned small business, 42% of the contracts to HUBZone small business and 3% of the contracts to service-disabled, veteran-owned small business.

To advance this strategy MSHA will:

- Provide In-House training to CORs on SBCs and prioritization
- Be involved in the developmental phases of all contracts
- Review all market research to ensure that each procurement request includes small businesses
- Achieve a 90% result for DOL's FY 2022 Small Business Procurement Goals, **(MSHA-MS-05)**

Budget, Performance, Risk and Learning

FY 2023 Budgetary Resources

Budget Activity	Budget Authority (whole dollars)	FTE
Program Administration	\$16,355,000	85

Performance Measures

Measure ID	Measure Name	FY 2023 Annual Target	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	Applicable Categories (Options: Equity - All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-Training-03	Percentage of managers and supervisors that will take equity training	85%	NA	NA	NA	NA	DEIA Plan

Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-MS-01	70% of the apprenticeship participants receive the first three modules of entry level inspector training within six months of onboarding	9/30/2023	Agency Specific
MSHA-MS-02	Identify significant language groups eligible to be served by MSHA	12/31/2022	DEIA Plan
MSHA-MS-03	Identify bilingual / multilingual staff resources and needs and review how staff are assessed for language ability	9/30/2023	DEIA Plan
MSHA-MS-04	50% of MSHA signs and/or official documents will be bilingual by the end of FY 2023	9/30/2023	DEIA Plan
MSHA-MS-05	Achieve a 90% result for DOL's FY 2022 Small Business Procurement Goals	9/30/2023	DEIA Plan

Enterprise Risk Management

Risk ID	Risk Description	Mitigation Strategy	Risk Rating as of 10/1	Risk Tolerance
MSHA – Risk -02	If MSHA cannot attract diverse candidates and address diversity and inclusion in the workplace, then it will be challenged to attract the talent needed to increase enforcement effectiveness; modernize training and education programs; or strengthen mine safety and health standards.	MSHA will develop a diversity, equity, inclusion, and accessibility hiring policy for its employees.	56	Moderate

Strategy 2: Incorporation of Annual Hiring Plan

- **Strengthening and Empowering the Federal Workforce.** Ensuring the Federal Government becomes a model employer. That includes having a workforce –at every level –that looks like America.
- **Build a Modern, Inclusive Workforce.** Building the American workforce by promoting jobs that are safe, pay a fair wage, do not discriminate or cause exploitation/social harms, have opportunity for advancement, and give workers a seat at the table and a say in their work.
- **Executive Order EO 13985** “Advancing racial equity and support for underserved communities” defines equity as, “the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.”

MSHA is incorporating the Annual Hiring Plan into this AMP by reference. The plan will be linked to the appropriate Agency employee performance standards.

Strategy 3: Engaging Employees in Building a Modernized Workforce

- **Strengthening and Empowering the Federal Workforce.** Ensuring the Federal Government becomes a model employer. That includes having a workforce –at every level –that looks like America.
- **Build a Modern, Inclusive Workforce.** Building the American workforce by promoting jobs that are safe, pay a fair wage, do not discriminate or cause exploitation/social harms, have opportunity for advancement, and give workers a seat at the table and a say in their work.
- **Executive Order EO 13985** “Advancing racial equity and support for underserved communities” defines equity as, “the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.”

DEIA through Business Intelligence:

MSHA is developing an assessment tool, a business intelligence dashboard, to identify, define, and achieve goals related to developing a diverse workplace; (**MSHA-MS-06**). The organizational assessment tool will provide a benchmark to indicate quality improvement efforts, recognizing that change is an adaptive process that will be monitored throughout the fiscal year. As a part of a strategic change process, the Agency will establish a baseline, assess, and make data driven decisions to move toward diversity performance goals. The Agency will use the tool to facilitate ongoing dialogue and organizational change. Its results will be used to identify areas for further exploration and adjust the Agency's strategic DEIA priorities. This will ensure MSHA is executing the Secretary's vision of empowering workers morning, noon, and night. Data analysis can identify what areas in the mining industry are most underserved and where MSHA can enhance our outreach to strengthen inclusivity in that region.

This business intelligence tool will assist MSHA increase the use of data analytics to inform decision-making, including equity gap analysis. To align with the Department's Future of Work Plan, following the data analysis of MSHA's workforce, MSHA will work with the Human Resource Office to make sure the Agency is using the Department's employment incentives and flexibilities to their greatest advantage to retain valuable talent.

Additionally, to further support the Department's Future of Work Plan, MSHA will regularly assess workforce data to ensure telework eligibility and participation determinations are being made in accordance with agency policy and applicable law, fairly and equitably, and in a manner that effectively meets the agency's mission needs.

Succession Planning:

Organizations thrive when continuity is an intentional Agency goal and institutional knowledge is passed to the next generation of leaders and specialists. MSHA is committed to identify, assess, and develop talent to support continuity. MSHA is focusing on short and long-term strategies to identify growth potential, align skill sets with mission needs, and provide employees with opportunities to develop managerial skills and gain technical proficiency.

Based on strategic alignment, workforce analysis, competency modeling and gap analysis, and leadership potential analysis, MSHA will present specific strategies to address leadership or workforce gaps. MSHA will use best practices from other organizations, Agency succession planning goals, and feedback from out-going as well as remaining employees to recommend strategies to lessen the impact of institutional knowledge loss as employees retire or leave. This will maximize talent utilization.

By combining MSHA's intentional succession planning with its DEIA efforts, the Agency plans to fill vacant positions with the most qualified candidates that reflect the nation's diversity. To once again support the President's Executive Order EO 13985 "Advancing racial equity and support for underserved communities," MSHA will also mindfully consider candidates from underserved communities when executing the Agency's succession plans.

To advance this strategy MSHA will:

Develop the Pipeline: Proactively attract and hire qualified candidates from underserved communities including women and people with disabilities in the MSHA workforce (**MSHA-A&M-01**).

Analyze Federal Employee Viewpoint Survey (FEVS) data. Administration and Management will send weekly reminders to program areas to encourage participation in FEVS. Additionally, MSHA will communicate FEVS participation rates weekly while the survey is open and provide opportunities for employees to share feedback throughout the year via town halls, surveys, focus groups, or other mechanisms. MSHA will measure the results of all marketing campaigns through measure **(MSHA-FEVS-01)** (FEVS response rate) which will be compared to the FY 2021 FEVS response rate to determine if the communication efforts were effective.

Gather Employee Feedback Year-Round. MSHA understands that FEVS is the first step to gathering employee feedback. In FY 2023, MSHA's leadership wants to hold employee townhalls or listening sessions with each program area separately. These sessions will be held at least once per year with a separate session for each program area. The purpose of these sessions is to not only hear concerns or ideas that employees across the Agency may have, but it is also to learn about the good experiences MSHA employees have had during their time with the Agency. Lastly, as FY 2023 will be the first full fiscal year MSHA's new leadership is on-board, it will be a great opportunity for everyone to meet MSHA's new Assistant Secretary.

Employee engagement is a top priority. The Agency's senior leadership is committing to a minimum of four field office visits every year starting in FY 2023, **(MSHA-OAS-01)**. These visits will provide ample opportunities and a platform for the Agency's leadership to engage with frontline employees and foster the understanding that MSHA leads through example of inclusion and equity where every employee's feedback is valuable.

Strategic Employee Engagement Drive (SEED). In FY 2023, MSHA will increase process improvement and innovation opportunities, especially for regional and field staff. The overall goal of the SEED program is to hear and act on issues our employees believe are fundamental challenges for the organization, but to also provide the vehicle for employees to be a part of the change by helping the organization find innovative ways to address these fundamental challenges. MSHA will initiate a program that engages frontline staff via listening sessions and working groups/committees with frontline staff and managers to address issues that arise during listening sessions. MSHA will also develop mechanisms for policy change. The first year is anticipated to perform these listening sessions and form the initial committees. This effort is aligned with the Department's Future of Work Plan.

Award Innovation and Performance – During FY 2023, MSHA will increase the use of recognition programs and incentives to reward high performers. MSHA will measure the number of Special Act Awards that acknowledge exceptional contributions that advance the MSHA mission. These awards will foster innovation by publicly acknowledging novel ideas implemented by staff. This activity will be tracked in measure **(MSHA MW-01)**.

Climate Action Plan:

MSHA will assess opportunities for implementing energy-saving improvements in connection with the Climate Action Plan in FY 2024. An action plan will be established to institute improvements at the Approval and Certification Center (an MSHA-owned and operated facility in Triadelphia, West Virginia), which may include energy management systems, low-energy lighting, smart thermostats, solar panels, and other energy-saving devices. Some of these improvements will be low-cost and others may involve capital expenditures. MSHA anticipates this effort to cost \$300,000.

As part of DOL's Topic 3 of the Climate Action Plan, "Enhancing Climate Resilience," MSHA is expected to be the first DOL agency to host a congregation of Engage Energy Savings Performance Contracting (ESPC) and Utility Energy Savings Contracts (UESC) to improve energy efficiency, electrification, and resilience across DOL facilities. This event will occur at the MSHA facility in Triadelphia, WV during the fourth quarter of FY 2023.

Dam Safety. In support of the President's [Executive Order \(EO\) 14008](#), "Tackling the Climate Crisis at Home and Abroad," as well as the Secretary's DOL Climate Action Plan, MSHA will place increased emphasis on expanding mechanisms to manage the design, construction, maintenance, and operations of dams. MSHA will issue employee guidance and training to reduce risks to public safety, health, and property. MSHA will share its expertise with other nations in need of technical and enforcement assistance. Additionally, MSHA is adding Meta/Nonmetal Impoundment rulemaking as a long-term action item on the Regulatory Agenda.

Zero-Emission Vehicles:

- ***Build Back Better Investment Agenda:*** *These once-in-a-generation investments will accelerate America to win the future of transportation and manufacturing and create good-paying, union jobs, dramatically expand American manufacturing, make electric vehicles more affordable for families, and export our electric vehicles around the world.*
- ***Electric Vehicles Ambition for 2035:*** *More than a deployment target, it is a goal to leverage once-in-generation investments and a whole-of-government effort to lift up the American autoworker and strengthen American leadership in clean emissions vehicles.*
- ***Smart Fuel Efficiency and Emissions Standards:*** *Presidential Executive Order lays out a robust schedule for the development of zero emissions vehicles and charging infrastructure through at least acquisition year 2027 for light-duty vehicles and 2035 for medium-heavy duty vehicles.*

The increase in enforcement workforce will require increases in MSHA's fleet of motor vehicles. MSHA will continue to support the Administration's goal to transition MSHA's vehicle fleet to clean and zero emission vehicles (ZEV) which requires all light duty vehicle acquisitions to be ZEVs by 2027 and all vehicle acquisitions to be ZEVs by 2035. The Agency is prioritizing resources for the operation and procurement of electric vehicles (including plug-in hybrid technology), associated charging infrastructure, optimizing current fleet, training fleet representatives to introduce new technology, and for longer term electrification goals mandated by [Executive Order 14057](#). MSHA will develop and annually update a zero-emission fleet electrification plan that will include optimizing fleet size and composition; deploying zero-emission vehicle re-fueling infrastructure; and maximizing acquisitions and deployment of zero-emission light-, medium-, and heavy-duty vehicles (**MSHA-MS-07; MSHA-MS-08**). Plan for ZEVs integration in MSHA's Fleet will include the following but not limited to:

Fleet Actions & Strategy:

- **Agency Wide Assessments to plan for Infrastructure**
 - Vehicle Breakdown by District/Office
 - Vehicle Usage e.g. (Average Miles, Trip Logs, Trip Range, etc.)
 - Vehicle Environment e.g. (Rough Terrain, Extreme Weather conditions)
 - Analysis of Home to Work Program for ZEVs integration
 - Vehicle Parking & Storage

- **Acquisitions of ZEVs thru CAM Replacement Cycles**
 - Annual requirement initiated by GSA
 - Work with local customers to make informed decisions on vehicle selections and ensure planned hiring is addressed at this level
 - Strategically prioritize ZEVs implementation based on vehicle replacement schedules, usage, and locations
- **Implement charging stations at 93 MSHA Leased/Owned locations**
 - Identifying existing infrastructure
 - Prioritize by number of vehicles at each location
 - Prioritize by number of chargers needed
 - Work with local contacts to select charger types e.g. (Level 1, Level 2 or DC Fast)
 - Infrastructure Cost – BPA vs RWA
- **Provide Trainings**
 - Perform training sessions for Fleet POCs throughout the Agency to introduce new technology
 - Quarterly and/or Bi-Annual Interactive Sessions
 - Implement open discussion Forums to collect feedback

Risk Factors with ZEV Replacement Goals:

- ZEV models selected may not be available
- ZEV models available through GSA may not be suitable for rough terrain
- Infrastructure may not be available
- Delays in vehicle manufacturing and deliveries
- Identifying challenges with charging for individuals participating in Home to Work Program

MSHA is committed to reaching President Biden’s 100% Zero-Emission Vehicle Acquisitions initiative by 2035 and will take key actions to include:

- Optimizing agency fleet management to enhance efficiency
 - Agency wide assessments to plan for infrastructure to support new technology
 - Optimizing inventory
 - Acquisition of ZEVs through a strategic timeline to meet the 2035 goal
- Align financial planning for effective fleet planning
 - Implement policy to effectively plan for future costs and savings
- Expand vehicle fleet charging infrastructure to support new zero-emission vehicles
 - Coordinate with facility and fleet points of contact to discuss fleet and building needs to plan for a 100 percent ZEV fleet
 - Sharing infrastructure charging stations wherever possible
- Outreach for cultural acceptance of new technology
 - Outreach sessions for field offices providing information about the new technology

Budget, Performance, Risk and Learning

FY 2023 Budgetary Resources

Budget Activity	Budget Authority (whole dollars)	FTE
ALL MSHA	\$383,816,000	1,826

Performance Measures

Measure ID	Measure Name	FY 2023 Annual Target	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	Applicable Categories (Options: Equity - All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-A&M-01	Percent increase in workforce diversity	0.3%	N/A	N/A	N/A	N/A	DEIA Plan
MSHA FEVS-01	FEVS Response Rate	35%	35%	35%	35%	35%	Equity-All
MSHA-OAS-01	Agency's senior leadership will visit 4 field offices every year	4	1	1	1	1	DEIA
MSHA MW-01	Number of Special Act Awards	20	Annual Target	Annual Target	Annual Target	Annual Target	Equity-All

Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-MS-06	Develop a tool to support evaluation and measure progress against Agency DEIA goals and strategies	9/30/2023	DEIA Plan
MSHA-MS-07	MSHA will have 3% of its fleet converted to ZEV by the end of FY 2023	9/30/2023	Climate
MSHA-MS-08	MSHA will have ZEV charging infrastructure in place for 8% of its sites by the end of FY 2023	9/30/2023	Climate

Enterprise Risk Management

Risk ID	Risk Description	Mitigation Strategy (If applicable)	Risk Rating as of 10/1	Risk Tolerance
MSHA – Risk - 03	If MSHA cannot attract qualified candidates; retain and develop its current qualified employees; or effectively redeploy manpower where needed, then the Agency will experience employee turnover and loss of institutional knowledge. As a result, the Department will be at risk of not having the resources to ensure timely completion of mandated inspections, conduct rulemaking, or approve underground equipment; and, may not be able to provide training to miners or accurate data to stakeholders.	MSHA will evaluate its 2017 succession plan and update necessary sections to ensure feasible strategies for recruitment, retention, and training are included. MSHA will work towards developing milestones for this effort.	63	High

Agency Theme 2: Reduce Reportable Injuries Rate associated with Powered Haulage Equipment

Strategy 1: Reduce Powered Haulage Injuries

Activities:

Powered haulage safety is a broad classification that applies to a variety of mining activities. It involves several types of equipment, from belt conveyors to haul trucks. The Bipartisan Infrastructure Law plans to direct funds to develop, renew, and expand physical infrastructure needs throughout the United States. Based on existing data, MSHA projects around 1,800 mine expansions and a minimum of 600 new mines. This increase in mining may result in a corresponding rise in powered haulage injuries. Powered haulage accidents account for one of the highest categories of fatalities in mining.

MSHA is committed to reducing the powered haulage reportable injury rate by using a collaborative approach involving MSHA program areas and mine safety stakeholders. MSHA will implement an enhanced enforcement program to reduce accidents, injuries, and fatalities. MSHA's analysis of recent accident data indicate that accidents involving customers, contract truck drivers, managers, and supervisors performing mining tasks represent a significant number of recent fatalities.

Following a review of accident data, MSHA targeted the following areas of powered haulage:

- **Focused attention for Customers and Contract Drivers** – Mine operators must provide appropriate training in the tasks necessary to perform their jobs and appropriate hazard training
- **Training**- Managers and supervisors who perform mining tasks must be task trained

- **Traffic control/collision avoidance/vehicular safety** - Large vehicles running over smaller vehicles at surface mines accounted for several fatalities in recent years
- **Belt conveyor safety (guarding, Lock Out/Tag Out, crossovers)** - Conveyor-related accidents are responsible for a significant share of powered haulage fatalities and injuries
- **Seat Belt Safety** - Ensuring that equipment operators and truck drivers wear seat belts could save 3-4 miners' lives annually, according to a review of fatality reports by Technical Support engineers
- **Brakes** – the failure to properly maintain brakes has contributed to several powered haulage accidents
- **Blocking against motion (including chocking tires)** – adequate blocking, including chocking tires, is essential to keep parked mobile equipment from unintended movement
- **Traffic Rules** – establishing and assuring compliance with traffic rules provide a uniform and systematic flow for traffic at mine sites
- **Communication** – equipment operators must communicate with each other, as well as miners on foot, to ensure safe travel
- **Alerts**-MSHA will monitor the number of safety and health alerts issued. (**MSHA-ENF-01, MSHA-ENF-02**)
- **Berms** – adequate berms help assure that equipment operators do not drive off mine roads
- **Dump Site Restraints** – dump trucks have fallen down embankments at dump sites because of inadequate restraints

MSHA began its enhanced compliance assistance activities related to powered haulage hazards in FY 2018 when approximately 60 percent of all fatalities were related to powered haulage. The share of fatalities related to powered haulage decreased to 33 and 27 percent in FY 2019 and FY 2020, respectively. However, in FY 2021, powered haulage fatalities increased to 41 percent. In FY 2022, MSHA reviewed the data and found additional root causes that contributed to the fatalities.

MSHA will again work with subject matter experts in the Agency, receive input from stakeholders, and develop an outreach campaign. Additionally, MSHA will evaluate the information on the data intake form 7000-1 to identify potential trends and target safety initiatives, education, and outreach efforts focused on demographics, such as age and gender.

To make this outreach more visible and accessible, MSHA will use its website to provide materials for English and Limited English Proficient (LEP) stakeholders (i.e., Spanish). In FY 2022, MSHA funded a \$640,000 DOL Blanket Purchase Agreement (BPA), to assist with translation services. Additionally, MSHA will ensure all materials are 508 Compliant prior to posting them on the website. In FY 2022, MSHA invested \$2,000,000 for 508 Compliance. The outreach materials will help mine operators comply by allowing increased accessibility to related regulations and best practices.

MSHA's hiring surge will directly affect this strategy in FY 2023. MSHA's efforts to build up recruitment will increase the number of inspectors for outreach, compliance assistance, and other efforts involved in reducing powered haulage injuries in the future.

MSHA continues to collaborate with stakeholders to identify hazards and best practices related to powered haulage to develop training materials and to explore possible rulemaking activity.

Specifically, in this fiscal year MSHA will:

- Continue to develop outreach materials that emphasize powered haulage safety during mandated inspections
- Develop a final rule on powered haulage mobile equipment safety programs for review by the Department **(MSHA-MS-09)**
- Promote powered haulage best practices when conducting compliance assistance and technical assistance visits to mines
- Improve powered haulage equipment safety training materials and provide training at conferences focused on reducing powered haulage accidents
- Increase knowledge regarding available technology to reduce accidents and collaborate with manufacturers
- Continue to completely and thoroughly investigate accidents to determine direct, indirect, and root causes, and corrective actions to prevent recurrences of accidents
- Continue to analyze accident data to identify trends, root causes, and corrective actions at a granular level
- Invite alliances, associations, labor, and other stakeholder groups to partner in efforts
- Maintain a strong web presence that will be a resource to operators, miners, other stakeholders, and serve as a central repository for materials developed
- Continue to communicate the importance of this initiative in speeches and presentations by MSHA leadership with consistent messaging
- Evaluate effectiveness of Powered haulage Accident Reduction Initiative and make changes as needed **(MSHA-MS-10)**
- Review FY 2021 7000-1, Mine Accident, Injury, and Illness Report for trends, to establish baseline, and determine revision to outreach and enforcement strategies. MSHA will analyze FY 2022 data and continue ongoing analysis of data to refine outreach and enforcement strategies, as needed **(MSHA-MS-11)**
- Explore needs for translation of relevant outreach materials. **(MSHA-MS-12)**
- Analyze fatalities, accidents, and MSHA Escalation Reports (MERS) to identify near misses that would warrant alerts **(MSHA-MS-13)**

Budget, Performance, Risk, and Learning

FY 2023 Budgetary Resources

Budget Activity	Budget Authority (whole dollars)	FTE
Mine Safety and Health Enforcement	260,190,000	1,287

Performance Measures

Measure ID	Measure Name	FY 2023 Annual Target	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-PG-02	Five-year rolling average of reportable injuries associated with powered haulage equipment per 200,000 hours worked	0.169	Annual Target	Annual Target	Annual Target	Annual Target	Agency Specific
MSHA-ENF-01	Number of safety alerts issued	6	Annual Target	Annual Target	Annual Target	Annual Target	Agency Specific
MSHA-ENF-02	Number of health alerts issued	6	Annual Target	Annual Target	Annual Target	Annual Target	Agency Specific

Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-MS-09	Develop a final rule requiring mine operators to implement a written safety program for mobile equipment at surface mines and surface areas of underground mines	04/30/2023	Agency Specific

Milestone ID	Milestone Description	Milestone Due Date	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-MS-10	Evaluate effectiveness of Powered haulage Accident Reduction Initiative and make changes as needed	9/30/2023	Agency Specific
MSHA-MS-11	Review FY 2021 7000-1 Forms for trends, to establish baseline, and determine revision to outreach and enforcement strategies. Analyze FY 2022 data and continue ongoing analysis of data to refine outreach and enforcement strategies, as needed.	9/30/2023	Agency Specific
MSHA-MS-12	Explore needs for translation of relevant outreach materials.	9/30/2023	Agency Specific
MSHA-MS-13	Analyze fatalities, accidents, and MERS to identify near misses that would warrant alerts.	9/30/2023	Agency Specific

Learning: Completed, Underway, or Planned

Learning Item	Description of how evidence or evidence-building has or will inform the strategy
Underway	Data analysis of powered haulage accidents identified causes and trends that formed the basis for additional accident reduction initiatives, which are currently underway.

Agency Theme 3: Improve Inspection and Enforcement Effectiveness

Strategy 1: Increase Inspection Effectiveness and Strengthen Safety and Health Standards

Activities:

MSHA's enforcement and regulatory programs are vital to the organization. The enforcement program conducts the mandatory inspections required under the Federal Mine Safety and Health Act of 1977 (Mine Act), while the regulatory program provides the foundation for enforcing laws that protect miners' safety and health. There is increased emphasis on health hazards, including respirable coal mine dust, silica/quartz at coal and metal and nonmetal mines, diesel particulate matter, and noise. Inspections are conducted at least four times per year for underground mines and at least twice per year for surface mines. MSHA gathers input from stakeholders to inform the Agency about changes in mining, uncover deficiencies in current standards, and provide opportunities to propose new or revised standards to improve safety and health. Regular safety and health inspections are central to MSHA's

ability to proactively focus on the greatest areas of need in preventing deaths, injuries, and illnesses. Data collected through the inspection process allows MSHA to address recurring safety and health problems, as well as monitor and address health and safety trends. MSHA also conducts complete and thorough investigations of accidents to determine direct, indirect, and root causes, as well as corrective actions needed to prevent recurrences of accidents. With these processes in place, MSHA aims to develop and implement targeted enforcement and compliance assistance initiatives and be able to identify issues that have significant effects on the health and safety of miners. Addressing these issues will form the basis of the Agency's regulatory work in FY 2023.

In order for MSHA to increase inspection effectiveness and strengthen safety and health standards, the Agency must build up its inspectorate cadre. MSHA's high attrition rate of 8 % over the past five years impacts and hampers the Agency's ability to not only complete all mandatory inspections, but to also do so effectively as Congress intended. To deal with this issue, MSHA will continue its hiring surge by concentrating on hiring flexibilities and recruitment outreach programs to recruit and stabilize the enforcement cadre and ensure MSHA meets its mission.

MSHA's strategies to increase inspection and enforcement effectiveness and strengthen safety and health standards include the following:

- **Statutorily Mandated Inspections and Investigations.** MSHA will conduct inspections of all underground mines at least four times per year and all active surface mines at least twice per year, as required by the Mine Act. These inspections form the core of MSHA's enforcement work, providing a first-hand look at conditions in each of the nation's mines on a regular basis. MSHA's goal is to complete all mandated inspections and to ensure that those inspections are thorough and well documented, result in valid and well-supported citations, hazards and violations are corrected, and consequences for non-compliance are applied timely and consistently. In FY 2023, MSHA projects to conduct all its mandated regular inspections of underground and surface mines. **(MSHA-INSP1; MSHA-INSP2).** Targeted outputs for statutorily mandated inspections are start-of-year estimates, based on historical data. Quarterly and semi-annual inspections will be conducted at mines that are operating in that period. Inspections will be conducted consistent with the Mine Act, and MSHA policy and procedure. MSHA projects to complete 100 percent of 103(g) imminent danger complaint investigations within one day of receipt **(MSHA-03).** At least 80 percent of complaints categorized as a serious hazard/violation will be completed within thirty calendar days of receiving the complaint. MSHA projects that less than 1.5 percent of violations will be vacated **(MSHA-INSP1-Q1).** Additionally, MSHA inspectors will completely and thoroughly investigate all fatal accidents and many non-fatal accidents.

MSHA will integrate the Enhanced Enforcement Program as part of regular inspections. The Enhanced Enforcement Program was implemented in 2022 to reduce accidents, injuries, and fatalities. The program focused on several contributing factors representing a significant number of recent fatalities. The program included stronger penalties for any citations issued for violations of the following:

- **Customer and Contract Truck Drivers** – Truck drivers must be trained in tasks necessary to perform their jobs at the mine. Mine operators must assure task training and hazard training is conducted.
- **Managers and Supervisors who perform mining tasks** – Mine operators must ensure managers and supervisors are tasked trained.

- **Compliance Assistance Program** – MSHA will identify mines that can benefit from compliance assistance.
- **Increase and diversify MSHA’s inspectorate.** MSHA projects that the growth of new mines will be mainly in the Southern and Southwestern states. Mine operations in these geographical locations will experience expansion compared to current operation levels because of a longer mining season due to warmer weather. It is important to note that the Southwestern states also have the lowest inspector to miner ratio. MSHA’s current staffing levels are too low to address the projected expansion effectively and efficiently in mining. To compound matters further, MSHA’s attrition rate is relatively high (8% average over the past 5-years). Mine Safety and Health Inspectors must go through significant training, to include classroom training, and on-the-job training. The minimum timeframe required to adequately train Enforcement personnel to independently inspect mines is two years. Individuals in the newly created Enforcement Inspector position (occupational series 1801), most without mining experience, will have approximately one year of additional training before starting the training curriculum for Mine Safety and Health Inspectors, for a total of up to three years of intensive training.

MSHA’s hiring surge plans include the addition of mine safety and health inspector positions across the country. The Agency’s hiring will focus on diversifying the inspectorate, including hiring bilingual inspectors, which will also improve and increase enforcement effectiveness. The hiring of enforcement staff will assure a well-trained inspectorate available to conduct mandatory inspections and investigations, as well as targeted enforcement and compliance assistance initiatives. The hiring surge ensures continuity of resources, and it will positively impact increasing inspection effectiveness. MSHA will ensure its Enforcement hiring plan advances diversity, equity, inclusion, and accessibility. By promoting recruitment opportunities that foster a diverse workforce that enforces safety and health standards at our nation’s mines, MSHA directly supports the President’s view that when public servants reflect the communities they serve, the government is more effective and successful.

- **Targeted Inspections.** MSHA will continue its Targeted Inspections initiative on an as needed basis. These inspections target mines with specific conditions, problems, or compliance issues. Compliance issues could include adverse and recurrent mine safety and health conditions, including excessive methane and health issues. Targeted inspections will be conducted at mines identified following a review of compliance data. Targeted inspections will not be conducted to meet a specific number. Targeted inspections were suspended at the end of FY 2020 due to COVID-19 restrictions, however, powered haulage targeted inspections were conducted in FY 2021 and FY 2022 and will continue as needed to reduce fatalities and injuries in FY 2023.

MSHA will focus on mines where the majority of the workers are LEP. MSHA will focus making sure that LEP workers know health and safety practices and know and understand their rights.

MSHA is implementing a Silica Enforcement Initiative to protect Coal and Metal and Nonmetal (MNM) miners’ health by limiting their exposures to respirable crystalline silica. This initiative has four components: inspections, sampling, compliance assistance, and miners’ rights. Working together with the mining industry, MSHA can take important steps to better protect miners from overexposures to toxic levels of respirable dust now while the Agency continues to develop a new mandatory health standard for respirable crystalline silica. These efforts will better protect miners’ health and save lives. MSHA will take several steps in FY 2023 to address the issues associated with

Silica. MSHA will identify the worst mines violating the dust standards, develop health alerts to inform workers, and increase the occupations in which sampling occurs within the mines.

Specifically, MSHA will:

- Track and analyze the number of coal miners participating in the 30 CFR, Part 90 program. The Part 90 option program was designed to protect miners with evidence of coal workers' pneumoconiosis by establishing the right to work in an environment with a lower concentration of respirable coal mine dust **(MSHA-MS-14)**
- Establish team of experts to conduct health evaluation assistance. **(MSHA-MS-15)**
The team will:
 - Identify a plan to address critical health issues;
 - Identify and visit at least four targeted mines determined to have consistently demonstrated failures to meet health standards **(MSHA-MS-16)**;
 - Provide assistance and guidance for improvements in health issues.
- Increase inspections at mines with a history of repeated silica overexposure and increase dust sampling in targeted conditions.
- Identify the worst mines violating the dust standards, as related to the Enforcement Silica Initiative. **(MSHA-MS-17)**
- Complete initial plans to increase efforts to educate coal miners about their rights in accordance with 30 CFR Part 90. **(MSHA-MS-18)**
- Gather and analyze data from mines with a history of repeated silica overexposure. **(MSHA-MS-19)**
- Develop health alerts to inform workers in the mines.
- Provide guidance for training plans to focus on exposure risks and informing miners of rights for exposure, specifically Part 90 rules, for discretionary use to supplement current training objectives.
- Increase the occupations in which sampling occurs within the mines.

MSHA will also reinvigorate efforts to educate miners about their rights to report hazardous conditions and their protections against retaliation and discrimination. MSHA will dedicate resources to support the increase of inspections focused on repeated silica overexposures. Additionally, resources will support additional training and sampling, activities related to 30 CFR Part 90, and investigating miner discrimination complaints arising from exercising their rights.

- **Scofflaw Program.** MSHA's Scofflaw Program is an enforcement tool intended to pursue violators demonstrating non-compliance with the Mine Act, as amended by the MINER Act. The program focuses on mining companies with delinquent civil penalties and uses traditional collection

practices, District Court Injunctions, and Section 104(a) Citation/104(b) Closure Orders to mandate compliance.

The Scofflaw program is targeted to those operators that have a mixture of delinquent debt in addition to a record of non-compliance of mandatory safety and health regulations compared to other operations of comparable size and mine type. The program is designed to encourage operators to comply with standards and minimize the number of penalties received which later become delinquent or face enhanced enforcement and collection efforts. During FY 2022, the program will concentrate on servicing payment plans currently in place. In FY 2023, MSHA will target those mining operations that meet the programs criteria and issue collection letters accordingly.

The Scofflaw program supports MSHA in meeting business objectives as well as enhancing its ability to meet the needs and expectations of our workforce.

- **Health Inspections.** MSHA will continue to review the quality and effectiveness of coal mine dust controls in mine ventilation and dust control plans to foster improved health protections for miners. Sampling data will be reviewed quarterly. MSHA will also continue monitoring operator sampling equipment in conjunction with regular inspections and target mines that fail to keep hazardous contaminant exposures below permissible limits. MSHA will continually evaluate and share best practices for controlling exposures to respirable dust, quartz/silica, and noise. MSHA continues to post this information on MSHA's website. In FY 2023, MSHA projects to sample 100 percent of coal mines for respirable dust in conjunction with regular mandated inspections (**MSHA-CM-04**). MSHA projects to sample 100 percent of coal mines for noise according to published inspection procedures (**MSHA-CM-05**). MSHA projects that at least 41% of metal and nonmetal mines receiving a regular mandated inspection will receive a comprehensive health inspection (**MSHA-MNM-05**).
- **Equipment, Materials, and Engineering Plans.** Effective approaches to reducing the risk of injury and disease among miners include ensuring that mine operators' roof control and ventilation plans can control the hazards inherent to the underground coal mining environment and that equipment, materials, and structures used in mines meet MSHA's standards. MSHA is required to review roof control and ventilation plans at least every six months. MSHA also conducts timely reviews of mine operators' equipment and materials to ensure compliance with MSHA's standards. In FY 2023, MSHA projects to complete 85 percent of new plan reviews within 52 days (**MSHA-PR-01**). MSHA projects to complete 85 percent of plan addenda reviews within 22 days (**MSHA-PR-02**). MSHA projects to complete 80 percent of product reviews (electrical and mechanical equipment, materials, and refuge alternatives) within 120 days (**MSHA-TS-01**).
- **Program Audits and Evaluations.** MSHA conducts program evaluations, reviews, and audits to ensure compliance with statutory, regulatory, and Agency requirements and to promote program effectiveness and efficiency. In FY 2023, MSHA will continue to evaluate the effectiveness of corrective actions implemented to address accountability audit and internal review recommendations. MSHA's Accountability Program conducts reviews to determine whether the Enforcement program operates in accordance with MSHA's enforcement policies, procedures, and guidance consistently. The reviews identify actual or potential areas for improvement. The enforcement program addresses these areas by establishing and promoting effective corrective actions and engaging in rigorous follow-up. These reviews serve to maintain a culture of consistent and effective enforcement activity (**MSHA-11; MSHA-14**). Special Investigation Field Reviews aim to identify deficiencies in the level, consistency, and quality of special investigation activities. These

reviews will be coordinated with accountability reviews. In FY 2023, the Office of Program Policy Evaluation will conduct two major program evaluations (**MSHA-13**).

- **Special Emphasis Initiatives.** MSHA has launched several initiatives involving enhanced enforcement, education, and outreach that include "walk and talks" at mines across the country. MSHA holds quarterly calls with stakeholders to help reduce deaths, injuries, and illnesses, and improve mine safety. MSHA continues to post recent serious and close-call accidents that occurred at both underground and surface operations on its public website.
- **Retrospective Study on the Respirable Coal Mine Dust Rule.** On July 9, 2018, MSHA published a Request for Information (RFI) soliciting stakeholder comments, data, and information to assist the Agency in developing the framework for a study that will assess the impact of the Dust rule on lowering coal miners' exposures to respirable coal mine dust to improve miners' health. The comment period closed on July 9, 2022. Several of the comments raised in the retrospective study are being addressed in the proposed silica rulemaking and the Silica Enforcement Initiative (SEI).
- **Respirable Crystalline Silica (Quartz).** Considering public comments in response to MSHA's 2019 Request for Information, OSHA's respirable crystalline silica standards, and NIOSH research, MSHA is developing a notice of proposed rulemaking (NPRM) that will protect all miners (metal, nonmetal, and coal miners) from respirable crystalline silica. The NPRM will lower the existing permissible exposure limit of respirable crystalline silica for all miners and update existing respiratory protection standards under 30 CFR 56, 57, and 72.
- **Identification of Vital Documents and Information for Workers.** MSHA will identify the vital documents/information, including those on the web, within its program(s) that should be available in languages other than English and, unless already translated, need to be translated into relevant language(s). MSHA will focus efforts from the perspective of the most vulnerable workers that it serves. MSHA will consider the key question: what information and documents should we ensure are accessible to vulnerable workers who are limited English proficient? MSHA will create a standard operating procedure and inventory of vital documents and information to promote the sustained and ongoing need to provide timely translations (**MSHA-MS-20**).
- **Translation of Vital Documents and Information.** MSHA will begin translation of vital documents and information into languages based on the needs of vulnerable workers (a process which will be completed no later than the end of FY 2024) (**MSHA-MS-21**).

Additionally, MSHA will:

- Continue to process petitions for modification from mine operators who request variances from safety standards.
- Ensure information collection requirements under the Paperwork Reduction Act are met.

Budget, Performance, Risk, and Learning

FY 2023 Budgetary Resources

Budget Activity	Budget Authority (whole dollars)	FTE
Mine Safety and Health Enforcement	\$260,190,000	1,287
Office of Standards, Regulations and Variance	\$5,382,000	27
Office of Assessments	\$7,745,000	45
Technical Support	\$35,041,000	199
Program Evaluation and Information Resources	\$19,083,000	24

Performance Measures

Measure ID	Measure Name	FY 2023 Annual Target	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-PG-01	5 year rolling average of fatal injuries per 200,000 hours worked	0.0091	TBD	TBD	TBD	TBD	Agency Specific
MSHA-09	5 year rolling average of all injuries per 200,000 hours worked	1.99	TBD	TBD	TBD	TBD	Agency Specific
MSHA-INSP1	Percent of regular mandated underground inspections	100%	100%	100%	100%	100%	Agency Specific
MSHA-INSP2	Percent of regular mandated surface inspections	100%	N/A	100%	N/A	100%	Agency Specific

Measure ID	Measure Name	FY 2023 Annual Target	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-03	Percent of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%	100%	Agency Specific
MSHA -03B	Percent of 103(g) imminent danger complaint investigations completed within 30 calendar days of receiving the complaint	80%	80%	80%	80%	80%	Agency Specific
MSHA-INSP1-Q1	Percent of violations vacated	1.5%	1.5%	1.5%	1.5%	1.5%	Agency Specific
MSHA-AS-01	Percent of civil penalties assessed under the regular formula within 65 days of issuance	90%	90%	90%	90%	90%	Agency Specific
MSHA-AS-02	Percent of civil penalties special assessed within 225 days of issuance	90%	90%	90%	90%	90%	Agency Specific

Measure ID	Measure Name	FY 2023 Annual Target	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-CM-04	Percent of coal mines surveyed for respirable dust in conjunction with regular mandated inspections	100%	100%	100%	100%	100%	Agency Specific
MSHA-CM-05	Percent of coal mines surveyed for noise according to published inspection procedures	100%	Annual Target	Annual Target	Annual Target	Annual Target	Agency Specific
MSHA-MNM-05	Percent of MNM mines receiving E-01 (Regular Safety and Health Inspections) will receive comprehensive health inspections	41%	Annual Target	Annual Target	Annual Target	Annual Target	Agency Specific
MSHA-PR-01	Percent of new plan reviews completed within 52 days	85%	85%	85%	85%	85%	Agency Specific
MSHA-PR-02	Percent of plan addenda reviews completed within 22 days	85%	85%	85%	85%	85%	Agency Specific

Measure ID	Measure Name	FY 2023 Annual Target	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-TS-01	Percent of product reviews (electrical and mechanical equipment, materials, and refuge alternatives) completed within 120 days	80%	80%	80%	80%	80%	Agency Specific
MSHA-11	Percent of audited activities not requiring corrective actions	90%	90%	90%	90%	90%	Agency Specific
MSHA-13	Major program evaluations conducted	2	Annual Target	Annual Target	Annual Target	Annual Target	Agency Specific
MSHA-14	Percentage of corrective actions addressed and resolved within a year	75%	75%	75%	75%	75%	Agency Specific
MSHA-AS-03	Number of debt collection letters issued under the Scofflaw Program	12	Annual Target	Annual Target	Annual Target	Annual Target	Agency Specific

Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-MS-14	Track and analyze the number of coal miners participating in the Part 90 program.	9/30/2023	Agency Specific
MSHA-MS-15	Establish a team of experts to address the silica initiative.	12/31/2022	Agency Specific
MSHA-MS-16	Complete analysis of at least four mines by the team of experts, as related to the silica initiative.	9/30/2023	Agency Specific
MSHA-MS-17	Identify the worst mines violating dust standards, as related to the silica initiative.	12/31/2022	Agency Specific
MSHA-MS-18	Complete initial plans to increase efforts to educate coal miners about their rights in accordance with 30 CFR Part 90.	9/30/2023	Agency Specific
MSHA-MS-19	Gather and analyze data from mines with a history of repeated silica overexposure.	9/30/2023	Agency Specific
MSHA-MS-20	MSHA will create a standard operating procedure and inventory of vital documents and information, such as on the web, to promote the sustained and ongoing need to provide timely translations.	12/31/2022	Equity-All
MSHA-MS-21	MSHA will begin translation of vital documents and information into languages based on the needs of vulnerable workers, as determined by the inventory review.	3/31/2023 – to start 9/30/2024- complete	Equity-All

Learning: Completed, Underway, or Planned

Learning Item	Description of how evidence or evidence-building has or will inform the strategy
Completed	Pillar Collapse Initiative -conducted seminars to the mining community

Agency Theme 4: Data as a Strategic Asset

Strategy 1: Utilizing Data as a Strategic Asset

Activities:

Data Use. MSHA will design, develop, and implement a real-time enforcement dashboard to depict trends in violations that can support front-line staff and inspectors in more efficient and effective management of inspection activities. The dashboard will provide useful metrics to include the number of enforcement activities and their status, district and field office location, and what percent reached specific enforcement targets (**MSHA-MS-22**).

MSHA will also develop an electronic tool that uses internal and external data to aid miners in locating drug and mental health treatment facilities, by mine location. The application will provide resources for locating drug and alcohol treatment facilities by mine name, identification number, address, city, and zip code. The tool will allow a miner to specify a local facility by type, i.e., substance use, mental health, and health care centers (**MSHA-MS-23**).

Taking data utilization to the next level, MSHA is designing an application that would help miners, equipment operators, mine foremen, and their safety managers of all degrees of experience receive hazard bulletins and access a knowledgebase of safety regulations, best practices that is quick and easy to use in environments where time spent searching for information may be a hazard itself. These users will even be able to submit MSHA forms, including accident reports right from the app. Storing the knowledgebase on the device and using on-device technologies such as Artificial Intelligence and Machine Learning, hazards can be quickly identified and explained even when a wireless network is not available.

Data Talent. The Agency staff will hire four FTEs with specific skills in statistics, data analytics, visualization, management, and evaluation to the greatest extent possible, using standardized templates and position descriptions, hiring package materials, and leveraging appropriate SME reviews of the applicants, emphasis will be placed on acquiring multilingual candidates. This activity supports learning item 1, risk management item 1 (**MSHA-MS-24**).

Budget, Performance, Risk and Learning

FY 2023 Budgetary Resources

Budget Activity	Budget Authority (whole dollars)	FTE
PEIR	\$19,083,000	24

Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-MS-22	Optimize use of enforcement data to aid decision making to support front line staff, inspectors.	09/30/2023	Agency Specific
MSHA-MS-23	Develop a tool that uses internal and external data to aid miners in locating drug and mental health treatment facilities, by mine location.	09/30/2023	Equity -All, Agency Specific
MSHA-MS-24	Strengthen data talent to build data analytic capabilities across the Agency and increasingly adopt sophisticated analytic methods to strengthen data governance.	09/30/2023	Hiring

Learning: Completed, Underway, or Planned

Learning Item	Description of how evidence or evidence-building has or will inform the strategy
Planned	Developing a real-time Enforcement dashboard will provide useful metrics to include the number of enforcement activities and their status, district and field office location, and what percent have reached specific enforcement target.

Agency Theme 5: Modernize Training and Education

Strategy 1: Strengthen and Modernize Training and Education

Activities:

As a DOL enforcement agency, MSHA is committed to a compliance assistance strategy that assists the regulated community in complying with the laws and regulations under MSHA's purview. DOL has reinvested in compliance assistance as an important complement to investigative complaint-driven enforcement activities. A mature compliance assistance strategy includes outreach, education, technical assistance, and innovative programs that help employers understand applicable laws and incentivizes their compliance. Compliance assistance events include presentations, seminars, speeches, committee meetings, task force meetings, training courses, town hall meetings, compliance consultations, webinars, and face-to-face consultation. These events are pre-scheduled and arranged with the Agency.

In FY 2023, MSHA projects to conduct sixteen compliance assistance events for mining industry personnel **(MSHA-EPD-07)**.

MSHA recognizes the importance of miner training and education in the prevention of injury and disease. The mining industry can only achieve its goal of zero fatalities with an industry-wide culture of safety that reaches every level of the operation, from the CEO to the new health miner trainee. An added factor is MSHA's focus on outreach to a diverse bilingual mining community in areas that employ Spanish speaking miners throughout the southwestern states. Due to the fact that operators will need to provide training that is bilingual to address the new and modern diverse workforce in the southwest, EPD will utilize bilingual specialists to monitor training in an effort to make certain miners receive training in a language they understand. This effort is incorporated into **(MSHA-EPD-06)**. Inadequate or ineffective training is a contributing factor in many mine fatalities.

Educational Policy and Development (EPD) has been working on a new curriculum geared to individuals with limited or no mining experience. The goal of this new program is to create another channel for individuals interested in being MSHA Safety and Health inspectors, specialists, and other professional positions within MSHA. This program is comprised of academic education coupled with on-the-job training.

In addition, mine inspectors require continuous training in hazard recognition to assure consistent, high-quality inspections. Ongoing training of both new and experienced inspectors is essential to assure familiarity with new mining processes and equipment, and to keep pace with changes to the law and regulations. Training improves consistency in enforcement across all MSHA Regions, Districts, and U.S. mining sectors.

In FY 2023, MSHA will continue efforts to evaluate, strengthen, and modernize training programs and provide compliance assistance to the mining industry to foster a culture of safety and health.

- **Evaluate Training Programs.** MSHA will conduct evaluations of health and safety training programs, including reviewing materials, plans, and records. MSHA will provide onsite training assistance, including bilingual and culturally competent training assistance, to operators and contractors. The on-site trainings will include locations in underserved communities in the mining industry. Additionally, MSHA will conduct training plan reviews and assist with training plan development. MSHA will also provide education on training regulations, policies, and recordkeeping requirements. In FY 2023, MSHA projects to provide 72,000 hours of injury and illness prevention/compliance assistance **(MSHA-EPD-01)**. In FY 2023, MSHA projects to provide six hundred course days of training to MSHA inspectors and specialists **(MSHA-EPD-02)** and sixteen course days of training to mining industry personnel **(MSHA-EPD-03)**.
- **Expand Academy Use.** The National Mine Health and Safety Academy continues to explore new opportunities for growth and expansion through creating and supporting partnerships with federal, state, and regional agencies such as the Border Patrol, Forestry Service, military, industry agencies, and higher education institutions. These partnerships support collaborative efforts which in turn provide efficient use of Academy resources, strengthens relationships across these agencies and institutions, and fosters education and training within and outside the Academy's service area. Additionally, the Academy is developing educational platforms to extend its reach such as virtual training, hybrid, and virtual reality courses that will continue to support MSHA's mission.

- **Expand Distance Learning.** In FY 2023, MSHA will continue to provide direct training resources to develop and refine crossover health and safety training for all inspectors, and enforcement supervisors and managers. Crossover training has become part of health and safety standard training for all MSHA inspectors and supervisors. MSHA will also continue to review and update the Agency's existing library of online courses. In FY 2023, MSHA will create or update eight online courses **(MSHA-EPD- 04)**.
- **Instructor Evaluation.** MSHA will continue to develop and improve the quality of training and provide feedback, training materials, and collaboration with industry instructors. MSHA evaluates training instructor performance through in-class and remote videoconference. MSHA will use this feedback to take immediate action when instructor shortcomings are identified. In FY 2023, MSHA will continue in-class and remote videoconference monitoring of instructors to ensure they are providing effective health and safety training to miners. MSHA will place special emphasis on evaluation of contract instructors. MSHA will continue to utilize the two-week training notifications submitted to the MSHA District offices by operators, contractors, and trainers. In FY 2023, MSHA projects to provide one thousand approved instructor evaluations **(MSHA-EPD-06)**.
- **State Grants.** Grants remain an area where MSHA can increase opportunities to underserved communities. MSHA has two grant programs: State Grants and Brookwood-Sago Grants. State Grants are formula grants and are made to the state agency program responsible for miners' health and safety, while Brookwood-Sago Grants are competitive grants. Both State Grants and Brookwood-Sago Grants are used to fund education and training programs to better identify, avoid, and prevent unsafe working conditions in and around mines. MSHA will expand outreach of grants to tribal governments and underserved mining communities. An underserved mining community is defined as marginalized and affected by persistent poverty and inequality. Accessing adequate training and illness prevention/compliance resources are often difficult to obtain for small and remote mine operators.
 - MSHA will continue to award grants to state, tribal, and territorial governments (including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) to assist in developing and enforcing state mining laws and regulations, improve state workers' compensation and mining occupational disease laws and programs, and improve safety and health conditions in the nation's mines through federal-state coordination and cooperation. MSHA recognizes that state training programs are a key source of mine safety and health training and education for individuals who work or will work at mines. MSHA encourages state training programs to prioritize training for small mining operations and underserved communities within the mining industry. MSHA is also interested in supporting programs that include training on miners' statutory rights, including the right to be provided a safe working environment and to refuse an unsafe task. In FY 2023, MSHA projects 200,000 miners, including those from underserved communities, will receive training through funding of its State Grants Program **(MSHA-EPD-05)** and that 15% of competitive grant money will be awarded to institutes that serve underserved populations **(MSHA-EPD-08)**.
- **Outreach and Engagement Strategy.** MSHA will develop an outreach and engagement strategy that outlines the various means by which the agency interacts with and serves LEP workers (e.g., over the phone, in person, while conducting investigations, outreach and education, phone/hotline inquiries,

when workers report violations, intake meetings, interviews or other meetings, etc.). MSHA also, will describe how it will outreach to and engage with individuals and community-based and other organizations that offer free language access services as a mean to build additional capacity to serve vulnerable LEP workers (**MSHA-MS-25**).

Strategic Portfolio

FY 2023 Budgetary Resources

Budget Activity:	Budget Authority (whole dollars)	FTE
Educational Policy and Development	\$40,020,000	159
Program Administration	\$16,355,000	85

Performance Measures

Measure ID	Measure Name	FY 2023 Annual Target	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	Applicable Categories (Options: Equity - All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-EPD-01	Injury, illness prevention / compliance assistance, including bilingual, hours provided	72,000	17,250	18,250	18,250	18,250	Agency Specific
MSHA-EPD-02	Course days of training provided to MSHA	600	150	150	150	150	Agency Specific
MSHA-EPD-03	Course days of training provided to industry	16	4	4	4	4	Agency Specific
MSHA-EPD-04	Number of new online courses created or updated	8	2	2	2	2	Agency Specific

Measure ID	Measure Name	FY 2023 Annual Target	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	Applicable Categories (Options: Equity - All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-EPD-05	Number of miners, including those from underserved communities, trained through State Grants Program	200,000	Annual Target	Annual Target	Annual Target	Annual Target	Agency Specific
MSHA-EPD-06	Number of approved instructor evaluations	1,000	150	350	250	250	Agency Specific
MSHA-EPD-07	Number of compliance assistance events conducted	16	4	4	4	4	Agency Specific
MSHA-EPD-08	Share of competitive grants awarded to institutes that serve underserved populations	15%	15%	15%	15%	15%	Equity-All

Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-MS-25	MSHA will develop an outreach and engagement strategy for LEP workers	06/30/2023	Equity-All

Enterprise Risk Management

Risk ID	Risk Description	Mitigation Strategy (If applicable)	Risk Rating as of 10/1	Risk Tolerance
MSHA-Risk-05	If MSHA does not promote safety and health through compliance assistance - via stakeholder outreach, and education and training, particularly to new and inexperienced miners, then the Department may not be able to ensure the safety and health of miners.	MSHA will engage in stakeholder events with mining associations and State Grant participants. MSHA will conduct on site outreach to educate miners on health and safety regulations and policies at our nation's mines. MSHA will continue to assist new as well as small and remote mine operators.	18	Moderate

Learning: Completed, Underway, or Planned

Learning Item	Description of how evidence or evidence-building has or will inform the strategy
Review of industry trends via evidence provided by internal data sets, and evidence obtained from the time and activity application.	Evidence input and extracted from the internal time and activity application informs the strategy. The evidence aids in the direction of the workforce to achieve the target goals set forth in the operating plan. Additionally, MSHA utilizes data from internal databases to recognize and respond to industry trends and identifies stakeholders that may benefit from compliance assistance.
Review of the evidence obtained from the evaluation of industry instructors to improve the quality and effectiveness of instructors.	Evidence input and extracted from the internal time and activity application informs the strategy. The evidence assists management with determining effectiveness of industry instructors.
Assist and engage industry stakeholders at association meetings, conferences, or events. Identify needs of stakeholders.	Evidence input and extracted from the internal time and activity application informs the strategy. The evidence provided allows EPD to enhance or modify their community outreach efforts.

Learning Item	Description of how evidence or evidence-building has or will inform the strategy
ELT Hybrid Program	The Entry Level Training curriculum has been revised to accommodate hybrid delivery of the 7-Module program. To ensure continued quality training, incorporate technological advantages, and to reduce costs, the ELT program has been revised to a hybrid format. Of the 7 modules 3 will be delivered online and 4 in-person at the National Mine Health and Safety Academy. This new hybrid program provides more versatility and flexibility.
Experiential Learning	Hands-on training continues to be an essential facet in teaching and training students attending the ELT program. The Academy employs various hands-on simulations and experiential labs to reinforce course content and material to students. These labs are designed for specific purposes and provide real-life training for students. Students are exposed to scenarios that mimic real life situations and can perform actual inspections on equipment as they would encounter during regular inspection activities.

Agency Theme 6: Protect Miners from Discrimination

Strategy 1: Enhance Efforts to Protect Miners from Discrimination

Activities:

The Mine Act gives miners the right to be full stakeholders in their own health and safety by participating in the inspection and investigation process through a representative of their choosing, speaking out about hazards, refusing to work in dangerous conditions, and exercising other rights. In line with the Secretary's "morning, noon, and night" vision, MSHA's efforts under this strategy assures workers have a seat at the table, and that miners have a job that is safe without fear of discrimination.

MSHA must ensure that miners are aware of their rights under the Mine Act, can exercise those rights and are protected from discrimination or unlawful repercussions when they exercise their rights.

To ensure miners have a voice in the workplace, MSHA investigates all discrimination complaints miners file with the Agency under Section 105(c) of the Act. Under the provisions of Section 105(c)(1) of the Federal Mine Safety and Health Act (Mine Act), miners, representatives of miners and applicants for employment are protected from retaliation for engaging in safety and/or health related activities, such as identifying hazards, asking for MSHA inspections, or refusing to engage in an unsafe act. To encourage miners to exercise their rights under the Mine Act and maximize their involvement in monitoring safety and health conditions, MSHA vigorously investigates discrimination complaints. Particular attention is given to those operators who have repeatedly discriminated against miners. MSHA will seek more substantial civil penalties for discrimination violations as a deterrent to future instances of illegal discrimination.

MSHA will evaluate all complaints filed to determine how best to continue to improve its outreach to miners. The Agency will support miners if they are retaliated against for exercising their safety rights.

Activities to address this priority in FY 2023 include:

- **Prompt investigations.** In FY 2023, MSHA projects to complete 90 percent of Section 105(c) investigations of miner discrimination complaints within sixty days of receipt (**MSHA-01**). To ensure quality investigations are conducted, MSHA will perform a review of all completed discrimination investigations conducted by its enforcement personnel for discrimination complaints received. This will provide an added level of accountability for the discrimination investigation process and will demonstrate MSHA's commitment to protecting a miner's right to report health and safety hazards without fear of retaliation. MSHA projects to complete 90 percent of investigations of miner requests for temporary reinstatement within twenty days of receipt (**MSHA-02**).
- **Effective outreach and communication.** MSHA will inform the industry, labor, miners' representatives, and individual miners of their rights and responsibilities under the Mine Act through training and education. MSHA will continue to conduct regular stakeholder meetings and maintain alliance relationships, as well as provide regular technical assistance and engagements with mining communities.
- **Evaluating conditions in underserved communities.** MSHA will analyze whether miners in underserved communities face any vulnerabilities. (**MSHA-MS-26**)

Budget, Performance, Risk and Learning

FY 2023 Budgetary Resources

Budget Activity	Budget Authority (whole dollars)	FTE
Mine Safety and Health Enforcement	260,190,000	1,287
Office of Assessments	7,745,000	45

Performance Measures

Measure ID	Measure Name	FY 2023 Annual Target	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-01	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	90%	90%	90%	90%	90%	Customer Experience

Measure ID	Measure Name	FY 2023 Annual Target	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-02	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	90%	90%	90%	90%	90%	Customer Experience

Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date	Applicable Categories (Options: Equity -All, DEIA Plan, Customer Experience, Climate, Agency Specific, Hiring)
MSHA-MS-26	MSHA will analyze whether miners in underserved communities face any vulnerabilities	3/31/2023	Equity-All

Learning: Completed, Underway, or Planned

Learning Item	Description of how evidence or evidence-building has or will inform the strategy
Underway	MSHA will continue to analyze whether miners in underserved communities face any vulnerabilities particularly looking out for trends, if any.

Appendix A – Performance Measures and Milestones (Complete List)

Measure ID	FY 2023 Agency Management Plan Measures	FY 2021 Result	FY 2022 Target	FY 2022 YTD Result	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	FY 2023 Target
MSHA-Training-03	Percentage of managers and supervisors that will take equity training	N/A	50%	0%	N/A	N/A	N/A	N/A	85%

Measure ID	FY 2023 Agency Management Plan Measures	FY 2021 Result	FY 2022 Target	FY 2022 YTD Result	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	FY 2023 Target
MSHA-A&M-01	Percent increase in workforce diversity	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.3%
MSHA FEVS-01	FEVS Response Rate	N/A	35%	24%	35%	35%	35%	35%	35%
MSHA-OAS-01	Agency's senior leadership will visit 4 field offices every year	N/A	N/A	N/A	1	1	1	1	4
MSHA MW-01	Number of Special Act Awards	N/A	20	N/A	N/A	N/A	N/A	N/A	20
MSHA-PG-02	5 year rolling average of reportable injuries associated with powered haulage equipment per 200,000 hours worked	0.172	0.169	N/A	N/A	N/A	N/A	N/A	0.169
MSHA-ENF-01	Number of safety alerts issued	N/A	N/A	N/A	N/A	N/A	N/A	N/A	6
MSHA-ENF-02	Number of health alerts issued	N/A	N/A	N/A	N/A	N/A	N/A	N/A	6
MSHA-PG-01	5 year rolling average of fatal injuries per 200,000 hours worked	0.0107	0.0091	N/A	TBD	TBD	TBD	TBD	0.0091
MSHA-09	5 year rolling average of all injuries per 200,000 hours worked	2.03	1.99	N/A	TBD	TBD	TBD	TBD	1.99
MSHA-INSP1	Percent of regular mandated underground inspections	100%	100%	100%	100%	100%	100%	100%	100%
MSHA-INSP2	Percent of regular mandated surface inspections	99.85%	100%	100%	N/A	100%	N/A	100%	100%
MSHA-03	Percent of 103(g) imminent danger complaint investigations initiated within 1 day of receipt	100%	100%	100%	100%	100%	100%	100%	100%

Measure ID	FY 2023 Agency Management Plan Measures	FY 2021 Result	FY 2022 Target	FY 2022 YTD Result	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	FY 2023 Target
MSHA - 03B	Percent of 103(g) imminent danger complaint investigations completed within 30 calendar days of receiving the complaint	N/A	80%	100%	80%	80%	80%	80%	80%
MSHA- INSP1-Q1	Percent of violations vacated	0.9%	1.5%	0.5%	1.5%	1.5%	1.5%	1.5%	1.5%
MSHA- AS-01	Percent of civil penalties assessed under the regular formula within 65 days of issuance	94%	90%	94%	90%	90%	90%	90%	90%
MSHA- AS-02	Percent of civil penalties special assessed within 225 days of issuance	78%	90%	95%	90%	90%	90%	90%	90%
MSHA- CM-04	Percent of coal mines surveyed for respirable dust in conjunction with regular mandated inspections	100%	100%	100%	100%	100%	100%	100%	100%
MSHA- CM-05	Percent of coal mines surveyed for noise according to published inspection procedures	100%	100%	N/A	N/A	N/A	N/A	N/A	100%
MSHA- MNM- 05	Percent of MNM mines receiving E-01 (Regular Safety and Health Inspections) will receive comprehensive health inspections	41.0%	33.0%	N/A	N/A	N/A	N/A	N/A	41.0%
MSHA- PR-01	Percent of new plan reviews completed within 52 days	93%	85%	92%	85%	85%	85%	85%	85%
MSHA- PR-02	Percent of plan addenda reviews completed within 22 days	84%	85%	81%	85%	85%	85%	85%	85%

Measure ID	FY 2023 Agency Management Plan Measures	FY 2021 Result	FY 2022 Target	FY 2022 YTD Result	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	FY 2023 Target
MSHA-TS-01	Percent of product reviews (electrical and mechanical equipment, materials, and refuge alternatives) completed within 120 days	84.0%	80.0%	87.1%	80.0%	80.0%	80.0%	80.0%	80.0%
MSHA-11	Percent of audited activities not requiring corrective actions	97%	90%	95%	90%	90%	90%	90%	90%
MSHA-13	Major program evaluations conducted	3	2	N/A	N/A	N/A	N/A	N/A	2
MSHA-14	Percentage of corrective actions addressed and resolved within a year	N/A	75%	100%	75%	75%	75%	75%	75%
MSHA-AS-03	Number of debt collection letters issued under the Scofflaw Program	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12
MSHA-EPD-01	Injury, illness prevention/compliance assistance, including bilingual, hours provided	67,113	67,000	50,526	17,250	18,250	18,250	18,250	72,000
MSHA-EPD-02	Course days of training provided to MSHA	890	600[p]	424	150[p]	150[p]	150[p]	150[p]	600[p]
MSHA-EPD-03	Course days of training provided to industry	16	12[p]	37	4[p]	4[p]	4[p]	4[p]	16[p]
MSHA-EPD-04	Number of new online courses created or updated	14	8	14	2	2	2	2	8
MSHA-EPD-05	Number of miners, including those from underserved communities, trained through State Grants Program	137,657	200,000	32,000	N/A	N/A	N/A	N/A	200,000
MSHA-EPD-06	Number of approved instructor evaluations	538	600	614	150	350	250	250	1,000

Measure ID	FY 2023 Agency Management Plan Measures	FY 2021 Result	FY 2022 Target	FY 2022 YTD Result	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	FY 2023 Target
MSHA-EPD-07	Number of compliance assistance events conducted	11	16[p]	17	4[p]	4[p]	4[p]	4[p]	16[p]
MSHA-EPD-08	Share of competitive grants awarded to institutes that serve underserved populations	N/A	15%	N/A	15%	15%	15%	15%	15%
MSHA-01	Percent of 105(c) investigations of miner discrimination complaints that are completed within 60 days of receipt	99%	90%	99%	90%	90%	90%	90%	90%
MSHA-02	Percent of investigations of miner requests for temporary reinstatements that are completed within 20 days of receipt	98%	90%	100%	90%	90%	90%	90%	90%

Milestone ID	FY 2023 Agency Management Plan Milestones	Due Date
MSHA-MS-01	70% of the apprenticeship participants receive the first three modules of entry level inspector training within six months of onboarding.	2023-09-30
MSHA-MS-02	Identify significant language groups eligible to be served by MSHA	2022-12-31
MSHA-MS-03	Identify bilingual / multilingual staff resources and needs and review how staff are assessed for language ability	2023-09-30
MSHA-MS-04	50% of MSHA signs and/or official documents will be bilingual by the end of FY 2023	2023-09-30
MSHA-MS-05	Achieve a 90% result for DOL's FY 2022 Small Business Procurement Goals	2023-09-30
MSHA-MS-06	Develop a tool to support evaluation and measure progress against Agency DEIA goals and strategies	2023-09-30
MSHA-MS-07	MSHA will have 3% of its fleet converted to ZEV by the end of FY 2023	2023-09-30

Milestone ID	FY 2023 Agency Management Plan Milestones	Due Date
MSHA-MS-08	MSHA will have ZEV Charging infrastructure in place for 8% of its Sites by the end of FY 2023	2023-09-30
MSHA-MS-09	Develop a final rule requiring mine operators to implement a written safety program for mobile equipment at surface mines and surface areas of underground mines	2023-04-30
MSHA-MS-10	Evaluate effectiveness of Powered haulage Accident Reduction Initiative and make changes as needed	2023-09-30
MSHA-MS-11	Review FY 2021 7000-1 Forms for trends, to establish baseline, and determine revision to outreach and enforcement strategies. Analyze FY 2022 data and continue ongoing analysis of data to refine outreach and enforcement strategies, as needed	2023-09-30
MSHA-MS-12	Explore needs for translation of relevant outreach materials	2023-09-30
MSHA-MS-13	Analyze fatalities, accidents, and MERS to identify near misses that would warrant alerts	2023-09-30
MSHA-MS-14	Track and analyze the number of miners participating in the Part 90 program	2023-09-30
MSHA-MS-15	Establish a team of experts to address the silica initiative	2022-12-31
MSHA-MS-16	Complete analysis of at least four mines by the team of experts, as related to the silica initiative	2023-09-30
MSHA-MS-17	Identify the worst mines violating dust standards, as related to the silica initiative	2022-12-31
MSHA-MS-18	Complete initial plans to increase efforts to educate miners about their rights in accordance with 30 CFR Part 90	2023-09-30
MSHA-MS-19	Gather and analyze data from mines with a history of repeated silica overexposure	2023-09-30
MSHA-MS-20	MSHA will create a standard operating procedure and inventory of vital documents and information, such as on the web, to promote the sustained and ongoing need to provide timely translations	2022-12-31
MSHA-MS-21	MSHA will begin translation of vital documents and information into languages based on the needs of vulnerable workers, as determined by the inventory review	2024-09-30
MSHA-MS-22	Optimize use of enforcement data to aid decision making to support front line staff, inspectors	2023-09-30
MSHA-MS-23	Develop a tool that uses internal and external data to aid miners to locate drug and mental health treatment facilities, by mine location	2023-09-30
MSHA-MS-24	Strengthen data talent to build data analytic capabilities across the Agency and increasingly adopt sophisticated analytic methods to strengthen data governance	2023-09-30
MSHA-MS-25	MSHA will develop an outreach and engagement strategy for LEP workers	2023-06-30
MSHA-MS-26	MSHA will analyze whether miners in underserved communities face any particular vulnerabilities	2023-03-31

Appendix B – Equity Appendix

Theme 1: DOL as a Model Workplace

Strategy 1: Implement activities in support of the Department’s Diversity, Equity, Inclusion, and Accessibility (DEIA) Plan (pg. 5)

MSHA will identify significant language groups eligible to be served by the Agency. Additionally, the Agency will perform an assessment of local areas across the country and/or trends and changes in demographics/economic circumstances, **(MSHA-MS-02)**. After the identification of significant language groups focusing on workers that are the most vulnerable, MSHA will identify bilingual/multilingual staff resources and needs and review how staff are assessed for language ability **(MSHA-MS-03)**. To further show support for DOL’s language access initiative, 50% of MSHA signs and/or official documents will be bilingual by the end of FY 2023, **(MSHA-MS-04)**.

MSHA will require that management attends training and development focused on skill-building, communications, and establishing, fostering, and improving relationships among employees of diverse backgrounds. MSHA will be using LearningLink as a tool to advance this activity. MSHA’s leadership will examine the opportunity to turn one elective “Advance Equity” LearningLink course into a mandatory requirement for all MSHA employees. This activity will be tracked in measure **(MSHA-Training-03)**.

MSHA is committed to achieving a 90% result for DOL’s FY 2022 Small Business Procurement Goals, **(MSHA-MS-05)**. By doing so, the Agency is creating more opportunities for small businesses and assisting with effort to level the procurement world of large and small businesses.

Strategy 2: Incorporation of Annual Hiring Plan (pg. 11)

MSHA’s biggest asset is the Agency’s workforce. Therefore, hiring for all positions is one of the Agency’s major priorities. The Agency details how it will build a DEIA focused workforce throughout the AMP especially in Theme 1, Strategies 1 and 3. However, due to the nature of these activities, a racial equity lens is not applicable in Strategy 2.

Strategy 3: Engaging Employees in Building a Modernized Workforce (pg. 11)

MSHA is developing an assessment tool, a business intelligence dashboard, to identify, define, and achieve goals related to developing a diverse workplace; **(MSHA-MS-06)**. To build a modernized workforce that is reflective of America’s diversity, MSHA will proactively attract and hire qualified minorities, women, and people with disabilities in the MSHA workforce **(MSHA-A&M-01)**.

Fostering open communication and a collaborative effort to modernize the Agency’s workforce, MSHA will communicate FEVS participation rates weekly while the survey is open and provide opportunities for employees to share feedback throughout the year via town halls, surveys, focus groups, or other mechanisms. MSHA will measure the results of all marketing campaigns through measure **(MSHA-FEVS-01)** (FEVS response rate) which will be compared to the FY 2022 FEVS response rate to determine if the communication efforts were effective. To show how devoted MSHA’s leadership is to acquiring employee feedback, the Agency’s senior leadership is committing to a minimum of four field office visits every year starting in FY 2023, **(MSHA-OAS-01)**.

During FY 2023, MSHA will measure the number of Special Act Awards that acknowledge exceptional contributions that advance the MSHA mission. These awards will foster innovation by publicly acknowledging novel ideas implemented by staff. This activity will be tracked in measure (MSHA MW-01).

Equity Performance Measures

Measure ID	Measure Name	FY 2023 Annual Target	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	Applicable Category (Options: Equity - All, DEIA Plan)
MSHA-Training-03	Percentage of Supervisors that will take equity training	50%	50%	50%	50%	50%	DEIA Plan
MSHA-A&M-01	Percent increase in workforce diversity	0.3%	N/A	N/A	N/A	N/A	DEIA Plan
MSHA FEVS-01	FEVS Response Rate	35%	35%	35%	35%	35%	Equity-All
MSHA OAS-01	Agency's senior leadership will visit 4 field offices every year	4	1	1	1	1	DEIA Plan
MSHA MW-01	Number of Special Act Awards	20	Annual Target	Annual Target	Annual Target	Annual Target	Equity-All

Equity Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date	Applicable Categories (Options: Equity -All, DEIA Plan)
MSHA-MS-02	Identify significant language groups eligible to be served by MSHA	12/31/22	DEIA Plan
MSHA-MS-03	Identify bilingual/multilingual staff resources and needs and review how staff are assessed for language ability	9/30/2023	DEIA Plan
MSHA-MS-04	50% of MSHA signs and/or official documents will be bilingual by the end of FY 2023	9/30/2023	DEIA Plan
MSHA-MS-05	Achieve a 90% result for DOL's FY 2022 Small Business Procurement Goals	9/30/2023	DEIA Plan
MSHA-MS-06	Develop a tool to support evaluation and measure progress against agency DEIA goals and strategies	9/30/2023	DEIA Plan

Theme 2: Reduce Reportable Injuries Rate associated with Powered Haulage Equipment

Strategy 1: Reduce Powered Haulage Injuries (pg. 17)

MSHA's mission is to ensure the health and safety of our Nation's miners. Therefore, reducing reportable injuries rate associated with power haulage equipment is a vital component of the work. However, due to the nature of these activities, a racial equity lens is not applicable.

Theme 3: Improve Inspection and Enforcement Effectiveness

Strategy 1: Increase Inspection Effectiveness and Strengthen Safety and Health Standards (pg. 21)

MSHA plans to address the language access needs in underserved communities to build a modern and more inclusive workforce. To support DOL's language access initiative, MSHA will create a standard operating procedure and inventory of vital documents and information, such as on the web, to promote the sustained and ongoing need to provide timely translations (**MSHA-MS-20**). Additionally, MSHA will begin translation of vital documents and information into languages based on the needs of vulnerable workers, as determined by the inventory review (**MSHA-MS-21**).

Equity Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date	Applicable Categories (Options: Equity -All, DEIA Plan)
MSHA-MS-20	MSHA will create a standard operating procedure and inventory of vital documents and information, such as on the web, to promote the sustained and ongoing need to provide timely translations.	12/31/2022	Equity-All
MSHA-MS-21	MSHA will begin translation of vital documents and information into languages based on the needs of vulnerable workers, as determined by the inventory review.	9/30/2024	Equity-All

Theme 4: Data as a Strategic Asset

Strategy 1: Utilizing Data as a Strategic Asset (pg. 32)

MSHA plans develop an electronic tool that uses internal and external data to aid miners in locating drug and mental health treatment facilities, by mine location. The application will identify drug and alcohol treatment facilities in proximity to mine locations by mine name, identification number, address, city, and zip code. Assistance in combating alcohol and drug abuse within the mining community will provide miners new and equal opportunities, regardless of their past experiences (**MSHA-PEIR-02**).

Equity Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date	Applicable Categories (Options: Equity -All, DEIA Plan)
MSHA-PEIR-02	Develop a tool that uses internal and external data to aid miners in locating drug and mental health treatment facilities, by mine location.	09/30/2023	Equity -All

Theme 5: Modernize Training and Education

Strategy 1: Strengthen and Modernize Training and Education (pg. 33)

Brookwood-Sago Grants are competitive grants used to fund education and training programs to better identify, avoid, and prevent unsafe working conditions in and around mines. Grantees will use these funds to establish and implement education and training programs or to create training materials and

programs on MSHA-identified safety priorities. In FY 2023, MSHA projects 200,000 miners, including those from underserved communities, will receive training through funding of its State Grants Program. Additionally, 15% of the Brookwood-Sago competitive grant money will be awarded to institutes that serve underserved populations **(MSHA-EPD-08)**.

Equity Performance Measures

Measure ID	Measure Name	FY 2023 Annual Target	FY 2023 Q1 Target	FY 2023 Q2 Target	FY 2023 Q3 Target	FY 2023 Q4 Target	Applicable Category (Options: Equity -All, DEIA Plan)
MSHA-EPD-08	Share of competitive grants awarded to institutes that serve underserved populations	15%	15%	15%	15%	15%	Equity-All

Equity Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date	Applicable Categories (Options: Equity -All, DEIA Plan)
MSHA-MS-25	MSHA will develop an outreach and engagement strategy for LEP workers	06/30/2023	Equity-All

Theme 6: Protect Miners from Discrimination

Strategy 1: Enhance Efforts to Protect Miners from Discrimination (pg. 39)

To ensure miners have a voice in the workplace, MSHA investigates all discrimination complaints miners file with the Agency under Section 105(c) of the Act. MSHA will evaluate all complaints filed to determine how best to continue to improve its outreach to miners. The Agency will support miners if they are retaliated against for exercising their safety rights. MSHA will analyze whether miners in underserved communities face any vulnerabilities. **(MSHA-MS-26)**.

Equity Performance Milestones

Milestone ID	Milestone Description	Milestone Due Date	Applicable Categories <small>(Options: Equity -All, DEIA Plan)</small>
MSHA-MS-26	MSHA will analyze whether miners in underserved communities face any vulnerabilities.	03/31/2023	Equity-All