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June 30, 2010

Daniel R. Petrole  
Acting Inspector General  
Office of Inspector General  
Department of Labor  
200 Constitution Avenue, N.W.  
Room S-5502  
Washington, D.C. 20210

Dear Mr. Petrole:

Thank you for providing a briefing to my staff regarding the June 23, 2010 Alert Memorandum issued by your office to Assistant Secretary for Mine Safety and Health Joseph A. Main. The Alert Memorandum raises serious concerns regarding the Mine Safety and Health Administration's ("MSHA") enforcement of the Pattern of Violation ("POV") provision of the Mine Act during the past year.

I was particularly concerned by your discovery that during the past year MSHA removed at least 10 mines from the "enhanced oversight that accompanies potential POV status" for "reasons other than appropriate consideration of the health and safety conditions of those mines." The POV provision of the Mine Act is one of MSHA's most powerful enforcement tools. I am troubled by MSHA's apparent decision to set that enforcement tool aside in the case of at least 10 mines.

I understand your office intends to complete a comprehensive review of MSHA's enforcement of the POV provision of the Mine Act by September, and this review will include crucial information for any proposed changes to the law Congress may consider. In the interim, please keep my office routinely updated on the status of your investigation and provide any information that will assist our oversight of the Mine Safety and Health Administration.

Sincerely,

A handwritten signature in black ink that reads "John Kline". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John Kline  
Senior Republican Member