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July 1, 2010

The Honorable Joseph A. Main
Assistant Secretary of Labor for Mine Safety and Health
Office of the Assistant Secretary
Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939

Dear Assistant Secretary Main:

I was troubled to learn of an Alert Memorandum recently submitted to you by Department of Labor Assistant Inspector General Elliot P. Lewis regarding the Mine Safety and Health Administration's ("MSHA") failure to fully enforce the Pattern of Violation ("POV") provision of the Mine Act. The POV provision is one of the most powerful mine safety enforcement tools provided to MSHA by Congress. MSHA's apparent failure to fully utilize this enforcement tool during the past year requires an immediate and comprehensive explanation.

According to the Inspector General, on March 9, 2009, MSHA adopted a new enforcement policy under which the agency's District Managers were directed to "select no more than one mine in the initial screening list per field office and a maximum of 3 mines per district" among mines meeting MSHA's POV screening criteria. Consequently, according to the Inspector General's investigation, MSHA removed at least 10 mines during the past year 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 Alert states this narrowing of mines under review was attributed to "resource limitations."

In light of the Inspector General's findings, please provide answers to the following questions no later than Friday, July 9:

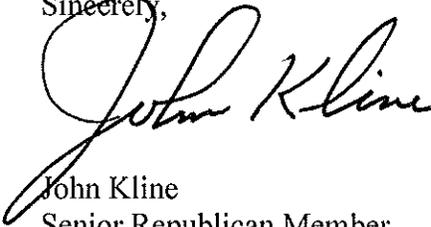
1. What officials at the Department of Labor and/or the Mine Safety and Health Administration reviewed and/or approved the March 9, 2009 policy described in the Inspector General's Alert Memorandum?

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2. The March 9, 2009 POV enforcement policy was retained for more than a year. Was a change to the March 9, 2009 POV enforcement policy considered at any point by MSHA or Department of Labor personnel prior to the Inspector General's Alert Memorandum? If so, what officials at MSHA and/or the Department of Labor reviewed and/or approved retaining the policy?
3. What consideration, if any, did MSHA give to reallocating or requesting additional resources as part of its FY 2011 budget planning process to eliminate its perceived limitations on full enforcement of the POV system?

At Congress's request, the Inspector General will complete a comprehensive review of MSHA's enforcement of the POV provision of the Mine Act by September. This review should provide valuable information for Congress and MSHA to consider with respect to reforming the POV system. Thank you for your cooperation with the Inspector General's investigation and your prompt attention to this request.

Sincerely,



John Kline
Senior Republican Member