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November 30, 2011

The Honorable Joe Main  
Assistant Secretary  
Mine Safety and Health Administration  
U.S. Department of Labor  
1100 Wilson Boulevard  
Arlington, VA 22209

Dear Secretary Main:

Recently, an investigative report uncovered an incident in which the Mine Safety and Health Administration (MSHA) failed to transmit a critical technical support document to the affected mine operator.<sup>1</sup> Unfortunately, this is not the first time such a lapse in communication has occurred. MSHA has acknowledged that a 2003 report addressing methane outbursts at Massey Energy's Upper Big Branch Mine also was not communicated to the mine operator.<sup>2</sup>

MSHA's failure to transmit these reports raises concerns about potentially systemic problems within MSHA's district offices for both the metal/nonmetal and coal mine divisions. Such reports contain important technical recommendations that could improve miner safety. However, this information is useless if the agency fails to put it into the hands of the mine operators.

In light of these concerns, I request that you immediately undertake a complete review of MSHA technical reports to determine whether any additional reports have not been transmitted to mine operators. Further, I request that you review MSHA's protocols for the drafting and transmitting of these reports to ensure important safety information is shared with all appropriate parties. MSHA should make the appropriate process changes to ensure vital safety information is communicated to mine operators in a timely fashion.

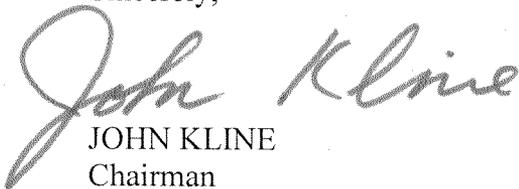
<sup>1</sup> "Poor Mining Practices, Inadequate Oversight Preceded Miner's Death." Jessica Robinson, NW News Network, September 18, 2011. <http://kuow.org/northwestnews.php?storyID=140581660>.

<sup>2</sup> See "Mine probe focuses on 'methane outbursts' at Upper Big Branch." *Charleston Gazette*, June 9, 2010. <http://wvgazette.com/News/montcoal/201006091064>.

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Thank you for your timely consideration of this request. Please provide to the Committee on Education and the Workforce a summary of the results of this review and any proposed changes to agency protocols upon the conclusion of MSHA's review. Please direct any questions to Loren Sweatt of the committee staff at 202-225-7101.

Sincerely,



JOHN KLINE  
Chairman