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December 16, 2011

The Honorable Hilda Solis
Secretary
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Dear Secretary Solis:

I am informed that Mr. Jack Kuzar, who was leading the internal review of the Mine Safety and Health Administration's (MSHA) actions related to the 2010 Upper Big Branch disaster, is no longer serving on the internal review team. Mr. Kuzar's appointment to lead the internal review was publicly announced on May 4, 2010, and it has been the public's understanding that he was continuing to serve in this capacity. The lack of a public announcement regarding any change in the leadership of the internal review team and the consequences of a change in leadership on the completion of the internal review is concerning.

The internal review's stated purpose is to compare "MSHA's actions with the requirements of the Federal Mine Safety and Health Act of 1977 (Mine Act), its standards and implementing regulations and MSHA policies and procedures." Upon completion, MSHA will issue a report making "recommendations to improve the Agency's enforcement processes to better protect our nation's miners." With the departure of the head of the internal review team, I am concerned about the integrity of the internal review and MSHA's ability to issue a final report in a timely fashion.

It is highly unusual, if not unprecedented, for the head of an internal review team to depart in the midst of such an important examination. That such a departure occurred 16 months into the review and as the final report was nearing completion is also troubling. Last week, MSHA Assistant Secretary Joseph A. Main suggested the review would be completed in two to three months. I am concerned that Mr. Kuzar's departure may affect this deadline, and I seek your assurance that MSHA will complete this report in a timely manner.

As you are aware, MSHA's internal review of its actions relating to the Upper Big Branch accident is critical to our understanding of the tragedy and ongoing efforts to ensure the laws governing mine safety are being properly enforced. Any incident or action that may jeopardize the integrity and timely release of this internal report is unacceptable. Accordingly, I ask that you produce the following information to the committee no later than January 10, 2012:

1. All documents and communications related to Jack Kuzar's separation of service from MSHA and the internal review team;
2. All documents and communications related to the transition following Mr. Kuzar's separation of service;
3. The identity of the individual who is or will lead the internal review of MSHA's actions related to the 2010 Upper Big Branch disaster, including the date of his/her appointment as team leader and an outline of his/her qualifications to serve in this capacity;
4. All documents and communications related to the change in leadership directing MSHA's internal review of the 2010 Upper Big Branch disaster; and
5. A time table for the expected completion and issuance of the internal review of MSHA's actions related to the 2010 Upper Big Branch disaster.

If your staff has any questions regarding this request, they can contact Loren Sweatt of the committee staff at (202) 225-7101.

Sincerely,



JOHN KLINE
Chairman

cc: The Honorable George Miller, Senior Democratic Member, Committee on Education and the Workforce