

**STATEMENT OF**  
**DAVID G. ZATEZALO**  
**ASSISTANT SECRETARY OF LABOR**  
**FOR MINE SAFETY AND HEALTH**

**BEFORE THE**  
**SUBCOMMITTEE ON WORKFORCE PROTECTIONS**  
**COMMITTEE ON EDUCATION AND THE WORKFORCE**  
**UNITED STATES HOUSE OF REPRESENTATIVES**

**February 6, 2018**

Chairman Byrne, Ranking Member Takano, and Members of the Subcommittee, thank you for inviting me to testify today. It is my honor to appear before this Subcommittee and to represent President Donald J. Trump, Secretary of Labor R. Alexander Acosta, and all 2,032 dedicated women and men of the Department of Labor's Mine Safety and Health Administration.

For those on this committee I have not yet met, I am a coal miner. I began my mining career as an underground general laborer at the Blacksville #2 mine, worked my way through school to become a mining engineer and later was able to become a registered Professional Engineer. I worked as a certified foreman in nearly all areas of mining and later, after completing my MBA, moved into senior management roles before retiring in 2014 as Chairman of Rhino Resources. All told, I have managed and operated thirty-nine mines, in both the United States and Australia, yet at my core, I will always be a coal miner.

Mine safety is not a partisan issue. MSHA's mission is straightforward and pure: to prevent death, illness, and injury from mining, and to promote safe and healthful workplaces for our Nation's miners. It is my firm belief that fulfilling MSHA's mission starts with collaboration, collaboration begins with relationships.

As the members of this committee know, MSHA's work and workforce lies primarily outside the beltway. To lead this organization effectively, I believe it is crucial for me to examine the entire organization and build those collaborative relationships with the dedicated professionals out in the field. Accordingly, I am in the process of visiting all fifteen Mining District Offices and four remote Program Area Offices across the country to hear their thoughts, questions, concerns, and suggestions on ways to improve MSHA's operations.

**2017 in Review**

MSHA promotes safety and health primarily through inspections and enforcement, stakeholder outreach, education and training, and compliance assistance. At the heart of MSHA's enforcement efforts are the statutorily mandated inspections we conduct—the so-called 2's and 4's—to inspect all surface mines twice per year and all underground mines four times per year

for the approximately 13,000 active mines, including metal/nonmetal and coal. I am pleased to report that, in calendar year 2017, MSHA fulfilled its statutory mandate which, combined with non-mandatory inspections, resulted in 105,195 citations and orders for conditions observed during 42,219 inspections.

In 2017 a total of 28 mining fatalities occurred. That is 28 too many. I strongly believe, as I know you agree, even one mining fatality is one too many. However, 2017 represented the second lowest number of deaths ever recorded and the third year in MSHA's history that there were fewer than 30 fatalities. Thirteen miners died in metal/nonmetal mines—the lowest number ever recorded in this sector. While the metal/nonmetal sector has made improvements, we need to do better. Moving forward, MSHA will work even harder across both sectors to promote miner safety through vigorous but evenhanded enforcement, technological advancements, education and training, and compliance and technical assistance. Specifically, MSHA will pay particular attention to Powered Haulage, which constituted 43 percent of all fatalities last year. There is nothing more important than ensuring that all miners go home safely to their families at the end of every shift.

I also am concerned for the health and safety of MSHA's workforce itself and would like to take this opportunity to update you on MSHA's corrective actions with regard to medical standards for its inspectors. MSHA personnel who perform regular duties in mines must be physically able to operate without posing a direct threat to themselves or to others. Last year, Secretary Acosta learned that approximately 15 percent of MSHA's inspectors and technical personnel did not meet MSHA's medical standards, and that the percentage had been increasing over the past several years. Accordingly, Secretary Acosta directed MSHA to develop an effective, consistent, and equitable plan to remediate this issue. I am pleased to report that two months ahead of the Department's February 1st goal, MSHA completed all necessary individualized assessments for each case of an employee who did not meet a medical standard—224 in total. As of today, all but 10 cases have been resolved. Currently, we are updating MSHA's Hearing Conservation Program and Medical Standards policies to prevent any future lapses in medical standards compliance. As this process advances, we will continue to be transparent, while at the same time mindful of privacy laws and other such considerations. We will continue to work closely with stakeholders, including the employees' union, to keep all informed.

Looking ahead, MSHA will be implementing a number of initiatives this year which may be of interest to the committee. MSHA, by virtue of its inspections, is a data rich organization. However, too often this data was not synchronized or easily disseminated throughout the agency. Many inspectors conduct their operations with a pen and pad, which is not conducive to information sharing and trend recognition. This information is a critical component to efficient and effective enforcement. I am pleased to report that we will be rolling out a modernized Inspection Application System in the field. This system will provide our inspectors with lightweight, ruggedized tablets and digital tools that will improve data accuracy and capture enhanced data as they record their findings. I expect the rollout to begin by mid-February and conclude within a few months.

The modernization of MSHA's data collection is important work, and long overdue. However, it is how we use these data that will ultimately provide a safer working environment for America's miners. That is why, in addition to vigorous enforcement, this Administration recognizes the importance and benefits of compliance assistance. Used in conjunction with the enhanced data collection system, compliance assistance provides MSHA with the ability to identify trends and the flexibility to focus resources accordingly. I believe that compliance assistance, especially when provided to small mine operators who lack resources relative to larger mining concerns, is an effective strategy to ensure increased compliance with mandatory safety and health standards. MSHA District enforcement offices work closely with the Educational Field and Small Mine Services department to identify industry needs and help mine operators develop and revise training, safety, and health programs to address the conditions and hazards specific to their mines. Currently we have more than 50 employees across MSHA dedicated to this effort.

As the Assistant Secretary for MSHA, I have been reviewing the agency's current structure and delving into how the organization might be better aligned to benefit the agency and the mining workforce in the coming years. There is a perception among the broader public that MSHA is an agency whose primary focus is coal. While coal is a significant component of MSHA's responsibilities, we need to reemphasize that our mission is much broader than just one commodity. I say this because the mining industry, as the provider of raw materials, is constantly adapting to meet the changing demands of an ever evolving economy. It is important that MSHA, as an organization, is responsive to industry trends and our workforce has the flexibility, mobility, and training to keep pace with the technological demands of the industry in the future. As Assistant Secretary, I look forward to working with MSHA's career personnel, other agencies within the Department, Secretary Acosta, and the Members of this committee to continue to build upon MSHA's 40 years of success.

Again, I appreciate the opportunity to discuss MSHA's important work with you, and I look forward to answering any questions that Members of this Subcommittee may have.