



# Winds of Change Blowing At Mine Safety Agency

Insights

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The federal agency overseeing mine safety and health has been undergoing a bit of a transformation over the past several years, and employers can expect to see the most significant change in a matter of weeks. The Mine Safety and Health Administration (MSHA) is caught up in the Winds of Change as it streamlines operations, and it will soon revamp its entire organizational structure. What do you need to know about the impending changes and how will it affect your operations?

With the implementation of the Mine Safety and Health Act of 1977, the agency split Metal/Non-Metal operations (M/NM) from Coal operations, separating them into two enforcement and administrative branches. For the past two or three years, we have heard MSHA officials discuss the concept of “One MSHA” – realigning Metal/Non-Metal and Coal operations into a single administrative and enforcement agency.

In 2018, MSHA stated it was doing its best Scorpions impersonation and ushering in change, beginning by blurring the lines between M/NM and Coal operations. From now on, the agency announced, its inspectors would inspect mines within close geographical proximity of each other, regardless if they were M/NM or Coal mines. Then, in 2019, MSHA realigned field offices within M/NM and Coal districts to tailor inspection activity to the operations in those districts, with M/NM field offices being assigned Coal operations, and Coal field offices picking up M/NM mines.

So what’s next? As soon as March 2020, we expect to see the most significant changes in MSHA’s organizational structure to date. MSHA will eliminate the current District structure and create three regions: Western, Central, and Eastern. Each region will continue to have the current District Manager roster, but those District Managers will report to a “Regional Supervisor.” There will no longer be any separation between M/NM and Coal, as each region will service both M/NM and Coal. Field offices within these three regions will inspect both M/NM and Coal mines.

While no definite geographical boundaries have been officially set, we are hearing reports that the Western region will be comprised of the current Western, Rocky Mountain, and District 9 Coal districts. The Central Region will be comprised of the current North Central, South Central, and Coal District 8 districts, with the remaining districts making up the Eastern Region. The Regional Supervisor for the Western region will be Brian Goepfert, current Deputy Administrator for M/NM. The Regional Supervisor for the Central region will be Dave Weaver, current Acting Deputy Administrator for Coal. No word, yet, on the Regional Supervisor for the Eastern region.

So what does this mean for your operations? Clearly, the agency's move to "One MSHA" is intended to eliminate redundant programs for M/NM and Coal. However, operators should be aware that field offices, inspectors, and supervisors not familiar with your operation may be responsible for compliance activity at your mines. Take the opportunity to work with the agency as much as practicable, teach inexperienced inspectors, explain current approved plans to regional personnel, and do not lose sight of the great work you have already done to operate safely. As always, your safety lawyer can help as issues arise.

Your Workplace Safety team at Fisher Phillips will keep you updated as more details of MSHA's reorganization emerge. Stay tuned.

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