

SUPPORTING STATEMENT

Mine Accident, Injury, and Illness Report and Quarterly Mine Employment and Coal Production Report (MSHA Forms 7000-1 and 7000-2) 30 CFR 50.10, 50.11, 50.20, 50.30

A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The reporting and recordkeeping provisions in 30 CFR part 50, Notification, Investigation, Reports and Records of Accidents, Injuries and Illnesses, Employment and Coal Production in Mines, are essential elements in MSHA's Congressional mandate to reduce work-related injuries and illnesses among the nation's miners.

Section 50.10 requires mine operators and independent contractors to immediately notify MSHA in the event of an accident. This immediate notification is critical to MSHA's timely investigation and assessment of the cause of the accident.

Section 50.11 requires that the mine operator or independent contractor investigate each accident and occupational injury and prepare a report. The mine operator or independent contractor may not use MSHA Form 7000-1 as the investigation report, except if the operator or contractor employs fewer than 20 miners and the injury is not related to an accident.

Section 50.20 requires mine operators and independent contractors to report each accident, injury, or illness to MSHA on Form 7000-1 within 10 working days after an accident or injury has occurred or an occupational illness has been diagnosed. The use of MSHA Form 7000-1 provides for uniform information gathering across the mining industry.

Section 50.30 requires that all mine operators and independent contractors working on mine property report employment to MSHA quarterly on Form 7000-2, and that coal mine operators and independent contractors also report coal production.

Accident, injury, and illness data, when correlated with employment and production data, provide information that allows MSHA to improve its safety and health enforcement programs, focus its education and training efforts, and establish priorities for its technical assistance activities in mine safety and health. Maintaining a current database allows MSHA to identify and direct increased attention to those mines, industry segments, and geographical areas where hazardous trends are developing. This could not be done effectively using historical data. The information collected

under Part 50 is the most comprehensive and reliable occupational data available concerning the mining industry.

Section 103(d) of the Federal Mine Safety and Health Act of 1977 (Mine Act) mandates that each accident be investigated by the operator to determine the cause and means of preventing a recurrence. Records of such accidents and investigations must be kept and made available to the Secretary or his authorized representative and the appropriate State agency. Section 103(h) requires operators to keep any records and make any reports that are reasonably necessary for MSHA to perform its duties under the Mine Act. Section 103(j) requires operators to notify MSHA of the occurrence of an accident and to take appropriate measures to preserve any evidence that would assist in the investigation into the causes of the accident.

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Data collected through MSHA Forms 7000-1 and 7000-2 enable MSHA to publish timely quarterly and annual statistics, reflecting current safety and health conditions in the mining industry. The data gathered from this collection provides MSHA with the figures on which to base its incidence rate calculations and trend analyses. These data are used not only by MSHA, but also by other Federal and State agencies, health and safety researchers, and the mining community to assist in measuring and comparing the results of health and safety efforts both in the United States and internationally.

MSHA tabulates and analyzes the information from MSHA Form 7000-1, Mine Accident, Injury, and Illness Report, along with data from MSHA Form 7000-2, Quarterly Mine Employment and Coal Production Report, to compute incidence and severity rates for various injury types. MSHA uses the employment data and work time information to normalize injury and illness experience at the nation's mines so that MSHA can compare mines of different sizes and injury and illness experience for different time periods.

These data allow MSHA to detect accident, injury, and illness trends ascribable to specific mine sites, types of mining, work locations, or tasks. MSHA uses these accident, injury, and illness rates to assess the degree of success of the health and safety efforts of MSHA and the mining industry. MSHA also uses this information to target its inspection and assistance activities toward those mines, industry segments, and geographical areas which the current data show as having particular problems. Injury rates must be computed at least quarterly for MSHA to target its enforcement and assistance resources. Less frequent data collection would neither be timely nor statistically valid for this purpose.

The mining industry uses this quarterly injury incidence data in its efforts to reduce injuries and illnesses. MSHA's compilations are the only source of information which permits a particular mining operation to compare its record with that of similar mines.

Coal production data are used in various analyses that range from a comparative nature to complex modeling--such as the Cost of Injury Model developed through research. Additionally, this information impacts the evaluation and review of MSHA's regulations, the development of new safety and health standards, and the evaluation of MSHA's programs.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

MSHA permits mine operators and independent contractors to fax completed 7000-1 and 7000-2 forms in lieu of sending the forms by mail. These forms may also be submitted by mine operators and contractors via the Internet. In order to better serve the mining community, and to reduce the paperwork burden, MSHA provides for and encourages mine operators and independent contractors to submit MSHA 7000-1 and 7000-2 forms electronically. Electronic submittal of the 7000-2 form can reduce response time up to 50%. The breakdown of electronic submissions from the past 2 years is as follows:

Type of Submission	No. Submitted (% submitted electronically)		
	in 2008	in 2009	Average for 2008-2009
White 7000-1 initial accident, injury, or illness forms			
Total submitted	14,360	11,533	12,947
Submitted electronically	8,457 (58.9%)	7,154 (62.0%)	7,806 (60.3%)
Pink 7000-1 return to work forms			
Total submitted	6,020	5,063	5,542
Submitted electronically	3,385 (56.2%)	3,028 (59.8%)	3,207 (57.9%)
Total 7000-1 forms submitted over past 2 years			
Total submitted	20,380	16,596	18,488
Submitted electronically	11,843 (58.1%)	10,182 (61.4%)	11,013 (59.6%)
7000-2 quarterly mine employment and coal mine production			
Total submitted	116,712	104,427	110,570
Submitted electronically	43,315 (37.1%)	37,033 (35.5%)	40,174 (36.3%)

In FY 2010, about 68% of the 7000-1 forms are filed on-line. Overall, based on the total number of forms submitted over the past 2 years, 39.7% were submitted electronically. MSHA considered the wide range of resource availability among mine operators in preparing the burden estimates. The burden will be minimized to the extent that mine operators incorporate advances in information processing technology into all facets of their business. MSHA expects the percentage of forms filed on-line to continue to increase.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.

MSHA has Federal jurisdiction over safety and health at the nation's mines. The information collected pertains to specific accidents, injuries, and occupational illnesses. There is no similar information that could be used.

Although the Department of Health and Human Services may require reporting of some health and safety information from mines, it does so in concert with MSHA, and its information requests have not duplicated information collected by MSHA under 30 CFR Part 50.

A review of MSHA's information collection requirements was conducted as a part of the Department of Labor's Information Resource Management (IRM) Review Program. The purpose of the review was to verify the statutory and regulatory justification for MSHA's Quarterly Mine Employment and Coal Production Report (MSHA Form 7000-2), and to examine the practical utility and relevance of the information within the context of MSHA's program objectives.

The Energy Information Administration (EIA) of the Department of Energy collects coal production data from mine operators. To address this current duplicate data collection, MSHA and the EIA have developed a Memorandum of Understanding under which MSHA provides the EIA with mine-specific coal production and employment data.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe the methods used to minimize burden.

This collection of information does not have a significant impact on small businesses or other small entities. MSHA allows a mine operator or independent contractor who employs fewer than 20 miners to use MSHA Form 7000-1 as the investigation report under § 50.11 for an occupational injury that is not related to an accident.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Mine operators and independent contractors submit Form 7000-1 to MSHA within 10 working days after an accident or occupational injury occurs or an occupational illness has been diagnosed. Less frequent data collection would seriously jeopardize the Agency's ability to focus its resources effectively to carry out its mandate under the Mine Act.

Mine operators submit Form 7000-2 to MSHA quarterly to report employment, hours worked, and coal production levels. This provides MSHA with timely information for making decisions on improving its safety and health programs, focusing its education and training efforts, and establishing priorities for technical assistance activities in

health and safety. Maintaining a current database allows MSHA to effectively direct resources to improve safety and health in the mining industry. Maintaining a current database provides the means for directing increased attention to those mines, industry segments, and geographical areas where hazardous trends are developing.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;**
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- * requiring respondents to submit more than an original and two copies of any document;**
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- * requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Immediate notification of a mine accident is phoned into the Agency under the requirements of § 50.10. The Agency has a 24 hour call center that responds to mine operators needing immediate assistance. Under § 50.20 mine operators and independent contractors must submit Form 7000-1 to MSHA within 10 working days after an accident as defined under paragraph (h) of § 50.2 occurs or when an occupational injury occurs or an occupational illness is diagnosed.

This information collection complies with 5 CFR 1320.5.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA published a 60-day *Federal Register* notice on January 5, 2011 (76 FR 589). No comments were received.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

MSHA does not provide payment or gifts to respondents.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

MSHA 7000-1 accident forms contain privacy information in the form of first and last name, date of birth, and the last four digits of the SSN. Only a limited number of individuals within MSHA are granted access to this information, and they have been instructed to guard this information due to the privacy concerns. Public requests for copies of 7000-1 accident forms are fulfilled with the sensitive information redacted to protect accident victim privacy.

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature.

- 12. Provide estimates of the hour burden of the collection of information. The statement should:**

*** Indicate the number of respondents, frequency of response, annual hour**

burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.

Estimated Burden for the Collection of Data for MSHA Form 7000-1

Operators and independent contractors must notify MSHA immediately in the event of an accident. MSHA estimates that this notification is typically done by mine supervisory personnel by telephone and takes about 30 minutes (0.5 hour).

§ 50.10 – Immediate Notification of MSHA:

34 fatal accidents x 0.5 hours = 17 hours

1,586 other accidents x 0.5 hours = 793 hours

.....# Responses = 1,620

.....Hours Subtotal = 810 hours

The operator of a mine must investigate each accident and each occupational injury at the mine and develop a report of the investigation. The operator must keep a copy of the report and submit a copy to MSHA at the Agency's request. MSHA estimates that mine supervisory personnel conduct the investigation and that, on average, it takes about 80 hours to conduct an investigation of a fatal accident, about 16 hours for an accident with injuries, and about 1 hour for other occurrences.

The operator may not use MSHA Form 7000-1 as the investigation report, except that an operator of a mine at which fewer than 20 miners are employed may use MSHA Form 7000-1 as an investigation report with respect to that mine for an injury not related to an accident.

§ 50.11 – Investigation of Accidents and Occupational Injuries:

34 fatal accidents x 80 hours = 2,720 hours

9,908 nonfatal accidents x 16 hours = 158,528 hours

1,591 other occurrences x 1 hour = 1,591 hours

.....# Responses = 11,533

.....Hours Subtotal = 162,839 hours

§ 50.11 – Preparation of Separate Investigation Reports:

21 fatal accidents x 4 hours = 84 hours

10,253 other occurrences x 1 hour = 10,253 hours

.....# Responses = 10,274

.....Hours Subtotal = 10,337 hours

In 2009, 2,628 mine operators and 493 independent contracting companies submitted reports of accidents, injuries, and illnesses. Mine operators and contractors must submit separate 7000-1 forms for each occurrence and for each person affected. If return-to-duty information on an injured miner is not available within the 10-day reporting period, an additional copy of the form is submitted when this information is known. These 3,121 respondents working on mine property filed 11,533 Form 7000-1, and 5,063 follow-up filings to add return-to-duty information.

MSHA estimates that, on average, it requires about 0.5 hours to complete the initial Form 7000-1 and an additional 20 minutes (0.33 hour) to complete the return-to-duty portion of the form for either electronic or manual submissions.

§ 50.20 – Mine Accident, Injury, and Illness Reports:

11,533 initial reports x 0.5 hours = 5,766 hours

5,063 follow-up reports x 0.33 hours = 1,671 hours

.....# Responses = 16,596

.....Hours Subtotal = 7,437 hours

MSHA expects the work associated with this information collection to be done by supervisory personnel. In estimating the cost associated with the hour burden, MSHA used a 2009 hourly compensation rate of \$65.05 (composite wages and benefits for the coal and metal and nonmetal mining industries) for mine supervisors.

§ 50.10 – Immediate Notification of MSHA:

810 hours x \$65.05 per hour = \$52,690

§ 50.11(b) – Investigations of Accidents and Injuries:

162,839 hours x \$65.05 per hour = \$10,592,677

§ 50.11(b) – Separate Reports of Investigations:

10,337 hours x \$65.05 per hour = \$672,422

§ 50.20 – Mine Accident, Injury, and Illness Reports:

7,437 hours x \$65.05 per hour = \$483,777

Total Responses for MSHA Form 7000-1 =40,023 responses

Total Hour Burden Related to MSHA Form 7000-1 =181,423 hours

Total Hour Burden Cost for MSHA Form 7000-1 =\$11,801,566

Estimated Burden for Reporting Data for MSHA Form 7000-2

In 2009, 14,631 mine operators reported employment information and 12,562 independent contracting companies reported employment for 9,447 mines (27,193 respondents). MSHA received 104,427 responses on MSHA Form 7000-2. MSHA estimates that the average time required to complete the form would be 0.5 hours manually (paper) and 0.25 hours electronically. MSHA will discontinue mailing 7000-2 forms to mine operators and contractors and begin sending postcard reminders in the second quarter 2011. MSHA will encourage mine operators and independent contractors to file electronically, but will give them the option of requesting paper forms.

MSHA estimates that 10% (10,443) of the submitters will request paper forms rather than file electronically. MSHA estimates that, of these, half would be submitted to MSHA by fax and half would be mailed. An additional 5 minutes or 0.08 hours will be required to request a paper form. All mine operators and independent contractors maintain the information required on Form 7000-2 as a fundamental business requirement. They routinely record the number of employees, the number of hours worked, and in the case of coal mines, the number of tons of coal mined.

§ 50.30 – Prepare and Submit MSHA Form 7000-2:

10,443 responses x 0.58 hours = 6,057 hours
 93,984 e-responses x 0.25 hours = 23,496 hours

MSHA believes that the work of preparing and submitting MSHA Form 7000-2 will be performed by clerical personnel. In estimating the cost associated with the hour burden, MSHA used a 2009 hourly compensation rate (wages and benefits) of \$25.75 for mining industry clerical personnel.

§ 50.30 – Prepare and Submit MSHA Form 7000-2:

6,057 hours x \$25.75 per hour = \$155,968
 23,496 hours x \$25.75 per hour = \$605,02

Total Responses for MSHA Form 7000-1 =104,427 responses
Total Hour Burden for MSHA Form 7000-2 =29,553 hours
Total Hour Burden Cost for MSHA Form 7000-2 =\$760,990

Table 1: Summary of Burden for Accident, Injury, and Illness Reports			
Required Report	Annual Responses	Burden Hours	Burden Hour Cost
§ 50.10 Immediate Notification	1,620	810	\$65,075
§ 50.11 Accidents & Occupational Injuries Reports:	11,533	162,839	\$13,082,485
§ 50.11 Separate Reports of Investigation (mines with >20 employees):	10,274	10,337	\$830,475
§ 50.20 Mine Accident/Injury/Illness Report:	16,596	7,437	\$597,489
Form 7000-1 Subtotal	40,023	181,423	\$14,575,524

Table 2: Summary of Burden for Employment and Coal Production Reports			
Required Report MSHA	Annual Responses	Burden Hours	Burden Hour Cost
§ 50.30 Quarterly employment & coal production			
7000-2: Mailed or faxed	10,443	6,057	\$155,968
7000-2: Electronic submission	93,984	23,496	\$605,022
Form 7000-2 Subtotal	104,427	29,553	\$760,990

Table 3: Summary of Total Respondent Burden	
Total Annual Responses (40,023 + 104,427) =	144,450
Total Annual Hour Burden (181,423 + 29,553) =	210,976 hours
Total Annual Hour Burden Cost (\$14,575,524 + \$760,990) =	\$15,336,514

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

Cost Burden to Respondents for MSHA Forms 7000-1 and 7000-2

Of the 11,533 White initial injury 7000-1 forms submitted in 2009 calendar year, 7,154 or 62.0% were submitted electronically. Of the 5,063 Pink 7000-1 return to work forms submitted in calendar year 2009, 3,028 or 59.8% were submitted electronically. MSHA estimates that 10% of the forms submitted were mailed.

Postage for submission of 7000-1 Forms (OIEI Copy):

11,533 initial reports x 10% mailed x \$0.44 = \$507

5,063 follow-up reports x 10% mailed x \$0.44 = \$223

Postage for submission of 7000-1 Forms (District Copy):

11,533 initial reports x 10% mailed x \$0.44 = \$507

Postage for submission of MSHA Form 7000-2:

104,427 responses x 10% mailed x \$0.44 = \$4,595

Total Cost Burden for MSHA Form 7000-1 = \$1,237
Total Cost Burden for MSHA Form 7000-2 = \$4,595

TOTAL COST BURDEN FOR FORMS 7000-1 AND 7000-2 = \$5,832

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The Office of Injury and Employment Information's (OIEI) function is to collect, correct, and process mine industry survey data and receive and process operator reporting forms (both 7000-1 and 7000-2). The costs to the Federal government for the 7000-1 and the 7000-2 forms are shown as overall cost for both forms.

MSHA data indicates that 14,631 mines and 12,562 independent operators reported operating in 2009. Although respondents submitted 11,533 initial injury reports and 5,063 return to duty reports, MSHA processed only 10,922 initial injury forms and 4,478 return to duty forms. The difference represents forms that were submitted in error or that cannot be processed because the analysis for the relevant year's data is closed.

Costs Associated with the Operation of the Branch: \$455,600

Costs Associated with the Use of the Sungard Computer System: \$209,000

Printing Envelopes and Handling Costs for Forms and Postcard Reminders: \$2,720

Postage Costs for 7000-2 Forms and Postcards Reminders:

117,200 postcard reminders x \$0.28 = \$32,816

10,443 paper forms sent to respondents x \$0.44 = \$4,595

.....Total Postage Costs = \$37,411

Total Cost to the Federal Government (7000-1 and 7000-2) = \$704,731

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

MSHA has made no program changes that would affect the burden estimates. MSHA has revised form formatting.

There is no change in the estimated number of respondents. The number of responses and hours has increased:

- responses have increased from 139,903 to **144,450** and
- hours have decreased from 270,666 to **210,976 hours**.

- Costs unrelated to the value of a respondent's time for have decreased from \$31,993 to **\$5,832**

All burden changes result from revised agency estimates as more respondents take advantage of electronic options.

- 16. For collections of information whose results are planned to be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

MSHA publishes its data tabulations and statistical analyses in quarterly news releases and other reports, in five Informational Reports, and in an Annual Report to Congress.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

MSHA publishes the expiration dates for OMB approval on all forms.

- 18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.**

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods.