

\$15,511,000 more than the fiscal year 2015 enacted level and the same as the fiscal year 2016 budget request.

The Black Lung Disability Trust Fund pays black lung compensation, medical and survivor benefits, and administrative expenses when no mine operator can be assigned liability for such benefits, or when mine employment ceased prior to 1970.

The Black Lung Disability Trust Fund is financed by an excise tax on coal, reimbursements from responsible mine operators, and short-term advances from the Treasury. The Emergency Economic Stabilization Act of 2008 authorized a restructuring of the Black Lung Disability Trust Fund debt and required that annual operating surpluses be used to pay down the debt until all remaining obligations are retired.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
SALARIES AND EXPENSES

The Committee recommends \$535,000,000 for the Occupational Safety and Health Administration (OSHA). This recommendation is \$17,787,000 less than the fiscal year 2015 enacted level and \$57,071,000 less than the fiscal year 2016 request.

OSHA enforces the Occupational Safety and Health Act of 1970.

The Committee strongly supports the underlying mission of OSHA to promote a safe and healthy work place and protect workers from injury, illness, and death. The Committee disagrees with the manner in which this policy is being implemented. The fiscal year 2016 budget request states that OSHA supports the Department's strategic goals and objectives through "enforcement, standards, whistleblower protection, and compliance assistance and outreach programs." Yet virtually all of the requested funding increase for OSHA is proposed for additional enforcement. Compliance assistance remains less than 25 percent of OSHA's overall budget.

The Committee believes that overreliance on punitive enforcement at the expense of effective compliance assistance is a flawed approach. This approach is costly and overly burdensome on employers and is contrary to the intention of Executive Order 13563 to create a regulatory system that protects "public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation."

The Committee recognizes that enforcement is a necessary component of an effective strategy to improve workplace safety but the Department's overreliance on enforcement has created an unnecessarily hostile environment between the federal government and the private enterprises. The Department's Spring 2015 regulatory agenda affirms OSHA's aggressive, enforcement-focused agenda. Inspections and fines are costly, especially for the small businesses that are the primary drivers of job creation.

The Committee believes that OSHA should partner with businesses to create safer workplaces. Compliance assistance is an important tool that is underutilized by OSHA. The Committee supports programs like the Voluntary Protection Programs that create safer workplaces by increasing compliance and avoiding costly inspections and fines.

The Committee directs OSHA to reorient its approach and refocus its efforts and resources on helping companies to comply

with workforce safety laws thereby freeing up funds being used for inspections and fines to create new jobs. The Committee recommendation for fiscal year 2016 reflects this reorientation.

The Committee is aware that the statute clearly establishes that OSHA must receive an employee complaint to write citations. The Committee is concerned that OSHA is proceeding to unilaterally change this requirement to expand its own citation authority beyond the legally required complaint requirement.

*Safety and Health Standards.*—The Committee recommends \$20,000,000 for Safety and Health Standards.

*Federal Enforcement.*—The Committee recommends \$193,000,000 for Federal Enforcement.

*Whistleblower Programs.*—The Committee recommends \$20,000,000 for Whistleblower Programs.

*State Programs.*—The Committee recommends \$103,000,000 for State Programs.

*Technical Support.*—The Committee recommends \$24,000,000 for Technical Support.

*Compliance Assistance.*—The Committee provides \$129,000,000 for federal and State compliance assistance programs.

The Committee directs OSHA to submit a report to the House and Senate Committees on Appropriations within 120 days of enactment assessing the participation, detailed costs and effectiveness of the VPP.

*Federal Assistance.*—The Committee recommends \$71,000,000 for Federal Assistance.

*State Consultation Grants.*—The Committee recommends \$58,000,000 for State Consultation Grants.

*Training Grants.*—The Committee continues to support efforts to train and educate workers on occupational safety and health hazards within the programs and services currently offered by OSHA's Directorate of Training and Education (DTE), which includes the OSHA Training Institute and Education Centers, the revised Outreach Training Program, and the Resource Center Loan Program. The Susan Harwood Training Grant Program, the Committee believes, is comparatively inefficient and ineffective in achieving its intended purpose, at least in part due to a lack of effective oversight of grantee performance. The Committee recommendation provides no funding for the Susan Harwood Training Grant Program.

The Committee is concerned that OSHA has shifted its focus in recent years toward "capacity building" grants versus "targeted" training grants and has effectively done little more than supplant the infrastructure needs of the grantees. Not less than 120 days after enactment of this Act, OSHA shall provide a report to the House and Senate Committees on Appropriations that includes a list of Susan Harwood awardees for fiscal years 2013, 2014, and 2015, the selection criteria used to approve the initial award, and field evaluations for each of these awardees (to the extent the grantee was pre-approved for a multi-year grant). OSHA shall also make this information available on its website.

The Committee also directs that financial evaluations of grantees and the status of appropriated funds under this program be included in all OSHA evaluations of grantee performance. Should a recipient of Susan Harwood training grant funds be unable to fulfill the terms of its grant award or meet minimum performance

standards, OSHA shall terminate the contract, recapture all remaining funds, and notify the House and Senate Committees on Appropriations within 15 days including the name of the grantee, reasons for termination, and amounts to be returned to the Treasury.

*Injury and Illness Incidence Rates.*—BLS data on injury and illness incidence and fatality rates show a steady decline since 2003. While these rates are currently among the lowest on record, the most recent data indicates that rates have not significantly declined since 2009. The Committee questions whether the Department's intensified enforcement efforts since that time are achieving the expected results. Furthermore, the Committee notes the trend since 2003 has largely occurred in the absence of new regulations. The Committee sees no evidence to support the need for sweeping new regulations of the kind currently being promulgated by OSHA, especially given the significant impact they have on small businesses.

The Committee questions the necessity of the proposed Injury and Illness Prevention Program (I2P2) regulation. The idea of an injury and illness program has existed in some variation for more than 30 years, and the Department has had voluntary safety and health guidelines in place since 1989, which have enabled companies to establish policies and procedures specific to their own workplaces. Still unclear is how this proposed regulation incorporates the recommendations from the 1998 panel that was convened to consider the Safety and Health Program Standard, the predecessor to the I2P2 proposal. This panel cited several criticisms of a federally-mandated safety and health programs and recommended to OSHA that it consider various concepts other than just a blanket, one-size fits-all regulation. The Committee is concerned that this regulation, as currently proposed, would impose additional and costly burdens on employers and subject currently effective safety programs to a new regulatory regime that may result in more fines and penalties but not necessarily safer workplaces.

*National/Regional/Local Emphasis Programs.*—The Committee is concerned that OSHA's National Emphasis Program targets employers with exemplary safety records for no other reason than sharing a geographical area or industrial sector with an employer that has had an accident or otherwise come under OSHA scrutiny. The Committee recognizes that OSHA has to target its enforcement efforts and focusing on the regions and sectors that have experienced problems is one way to do that. The Committee urges OSHA to consider means such as the improved use of statistical analysis and other strategies to ensure that employers with excellent safety records are not subject to lengthy and costly inspections and enforcement processes without warrant. The Explanatory Statement accompanying the fiscal year 2015 Appropriations Act directed OSHA to notify the House and Senate Committees on Appropriations 10 days prior to the announcement of any new National, Regional or Local Emphasis Program including the circumstances and data used to determine the need for the launch of the new program. The Committee directs OSHA to continue to provide such notices in fiscal year 2016.

*Crystalline Silica.*—The Committee understands that OSHA remains in the process of promulgating regulations to reduce the per-

missible exposure limit to crystalline silica. The Committee understands that silicosis and other silica-related illnesses are serious and can be deadly. The Committee is concerned, however, that OSHA has grossly underestimated the costs of implementing the proposed new standard. The Committee urges OSHA to delay enforcement of any new standard until it can demonstrate the effectiveness of equipment designed to accurately measure workers' exposure to silica and until it can demonstrate that methods for reducing workers' exposure to silica across all applicable industries can be feasibly implemented in a cost effective manner. The Explanatory Statement accompanying the fiscal year 2015 Appropriations Act urged OSHA to consider all currently available technology as it develops any new standard for workers exposure to silica dust. The Committee believes that personal protective equipment such as airstream helmets and respirators should be part of an all-of-the-above approach to limiting workers' exposure to respirable silica. Employers and workers should have the flexibility to choose from all available technologies that are proven to be effective at reducing workers' exposure to silica rather than the environmental control approach put forward in the proposed rule. Lowering workers' exposure to respirable silica is the goal. The Committee urges OSHA to allow the maximum flexibility possible with all currently available technology to meet any new standard for workers' exposure to silica dust.

*Solid Ammonium Nitrate.*—The Committee understands that OSHA is reviewing its standards related to the storage of ammonium nitrate and urges OSHA to propose any necessary changes under existing regulations on Explosives and Blasting Agents (29 C.F.R. 1910.109) and not to add ammonium nitrate to the list of chemicals covered under OSHA's Process Safety Management Standards of Highly Hazardous Chemicals (29 C.F.R. 1910.119). The Committee believes that changes to improve the safety of storing ammonium nitrate should be made based on scientific review of current standards rather than through a one-size-fits-all approach under OSHA's Process Safety Management Standards.

#### MINE SAFETY AND HEALTH ADMINISTRATION

##### SALARIES AND EXPENSES

The Committee recommends \$371,000,000 for the Mine Safety and Health Administration (MSHA). This recommendation is \$4,887,000 less than the fiscal year 2015 enacted level and \$23,932,000 less than the fiscal year 2016 budget request.

MSHA enforces the Federal Mine Safety and Health Act in underground and surface coal mines and metal/non-metal mines.

The Committee continues bill language designating up to \$2,000,000 for mine rescue recovery activities, and provides for the retention of fees up to \$2,499,000 for the testing and certification of equipment.

The Committee includes at least \$8,441,000 for State assistance training grants under the Educational Policy and Development program.

The Committee understands that enforcement is an important part of protecting the health and safety of miners. The Committee is concerned, however, about overreliance on an enforcement-fo-