

DOCUMENT RESUME

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Enrollment of College Students in Mining Enforcement and Safety Administration Education and Training Programs. B-170686. July 27, 1977. 5 pp.

Decision by Robert F. Keller, Deputy Comptroller General.

Issue Area: Education, Training, and Employment Programs (1100).
Contact: Office of the General Counsel: General Government Matters.

Budget Function: Education, Manpower, and Social Services: Higher Education (502).

Organization Concerned: Mining Enforcement and Safety Administration.

Authority: Federal Coal Mine Health and Safety Act of 1969; Coal Act (30 U.S.C. 801-960). Federal Metal and Nonmetallic Mine Safety Act; Metal Act (30 U.S.C. 721-740). Department of Interior and Related Agencies Appropriation Act [of] 1977 (P.L. 94-373; 90 Stat. 1043; 90 Stat. 1049). Reliable Coal Co. v. Morton, 478 F.2d 257 (1973). St. Mary's Sewer Pipe Co. v. Bureau of Mines, 262 F.2d 378 (1959). Phillips v. Interior Board of Mine Operations Appeals, 500 F.2d 772.

The Secretary of the Interior requested a decision as to whether there is authority to enroll college students in education and training programs administered by the Mining Enforcement and Safety Administration. While the statutes do not expressly provide for training of persons not presently affiliated with government agencies or the mining industry, proposed agreements for training college students in the mining-related programs are consistent with the broad remedial purposes of the statutes. (Author/SC)

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DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20540**

FILE: B-170636

DATE: 17 1977

MATTER OF: Enrollment of college students in Mining Enforcement and Safety Administration education and training program.

DIGEST: Mining Enforcement and Safety Administration (MESA) has authority under Federal Coal and Metal Acts to enter into agreements with colleges whereby college students enrolled in mining-related 7 years of study would receive training at MESA's National Mine Health and Safety Academy on a fully reimbursable basis. While statutes do not expressly provide for training of persons not presently affiliated with Government agencies or mining industry, proposed agreements for training of college students in mining-related programs are consistent with broad remedial purposes of statutes.

This decision responds to a request by the Secretary of the Interior for our opinion as to whether there is authority under the Federal Coal Mine Health and Safety Act of 1969 (Coal Act), 30 U.S.C. §§ 801-969 (1970 & Supp. V, 1975), and the Federal Metal and Nonmetallic Mine Safety Act (Metal Act), 30 U.S.C. §§ 721-749 (1970), to enroll college students in education and training programs administered by the Mining Enforcement and Safety Administration (MESA), Department of the Interior.

Under delegations of authority from the Secretary of the Interior, MESA administers and enforces the Coal and Metal Acts. As a part of this administration, MESA conducts education and training programs at the National Mine Health and Safety Academy (established by the Secretary pursuant to 30 U.S.C. §§ 552, 734) in Beckley, West Virginia, and at ten MESA Training Centers in various parts of the United States. The Secretary of the Interior administers the Acts so clearly authorizing the education and training of Federal and State inspectors, mine operators, and their agents, and miners and representatives of miners, but believes the authority to enroll persons not currently employed in the mining industries is uncertain. Because of this uncertainty, the Secretary requests our opinion. Specifically the Secretary desires to have MESA enter into agreements

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with West Virginia colleges for a student exchange program which would enable students in mining-related studies at the colleges to take courses at the Academy and receive college credit for them. As explained at an internal meeting with MESA staff, the Government would be fully reimbursed for all expenses of the training including tuition and room and board.

The purpose of the Coal Act, stated generally, is to establish standards for conditions and practices in mines which will protect life, promote health and safety, and prevent accidents. 30 U.S.C. §§ 801, 811(e). Specifically, a purpose of the Coal Act is "to improve and expand * * * training programs aimed at preventing coal mine accidents and occupationally caused diseases in the industry." 30 U.S.C. § 201(j). One method by which the Act provides for implementation of these purposes is through the requirement that the Secretary develop programs with educational institutions designed to enable persons to qualify for positions in the administration of the Act. 30 U.S.C. § 954. It further requires the Secretary to work with educational institutions in developing and maintaining adequate programs for the training of persons to carry out the provisions of the Act. *Id.*

The Coal Act also specifically requires the Secretary to develop and expand programs for the education and training of mine operators and agents, and miners, in the recognition, avoidance, and prevention of accidents or unsafe or unhealthful working conditions. 30 U.S.C. § 952. Similarly, the Metal Act requires the Secretary to develop expanded programs for the education and training of employees in the recognition, avoidance, and prevention of accidents or unsafe or unhealthful working conditions. 30 U.S.C. § 734.

In addition to the basic authorities discussed above, the Secretary points out that under the Department of Interior and Related Agencies Appropriation Act, 1977, Pub. L. No. 94-373 (July 31, 1976), 90 Stat. 1043, 1049 he--

"* * * is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: Provided, further, that the Mining Enforcement and Safety Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations."

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None of the foregoing statutory provisions specifically authorizes the training of persons not presently affiliated with a governmental agency or the mining industry. However, we believe that the training here proposed for college students in mining-related courses of study may reasonably be considered to further the broad remedial purposes of the statutes. The Secretary points out in this regard:

"Its [the Academy's] program is designed to provide an effective background in mine health and safety subjects and its courses have been developed toward the singular goal of the improvement of the health and safety conditions in mines. * * * The present enrollment at the Academy is approximately 200, about 45% of capacity, comprised of Federal mine inspectors and employees, State mine inspectors, and miners. The enrollment of such students for the next few years is not expected to increase dramatically. Mining is a hazardous occupation and the need for those engaged in any way with the industry to receive formal health and safety education and training is well established. It has been proven on innumerable occasions that fatal or serious injuries have been avoided due directly to the fact that the person had received health or safety training. The converse, unfortunately, is also true - many have been killed or seriously injured because they had not received such training.

"The lack of available health and safety education and training programs in the past has resulted in the employment in industry of persons who have little or no formal health and safety training. It has also meant that there is no pool of persons qualified by education that industry and MESA can call upon to fill mining-related jobs, including that of mine inspector. It is MESA's desire to make available its mine health and safety programs to as large an audience as possible, including college students who plan to enter the mining industry in order to fill this void."

The Secretary also notes that the statutes here involved are entitled to a liberal construction:

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"Remedial and safety legislation with a humane purpose should be construed liberally to effectuate its purpose. St. Mary's Sewer Pipe Co. v. Bureau of Mines, 262 F.2d 373 (1959); Reliable Coal Co. v. Horton, 473 F.2d 257 (1973); Phillips v. Interior Board of Mine Operations Appeals, 500 F.2d 772; Freeman Coal Mining Company v. Interior Board of Mine Operations Appeals, 504 F.2d 741 (1974)."

As the court stated in Freeman, "Since the [Coal] Act * * * is a remedial and safety statute, with its primary concern being the preservation of human life, it is the type of enactment as to which a 'narrow or limited construction is to be eschewed'." 504 F.2d at 744. This stated purposes of the Coal Act demonstrate its humane and remedial purpose.

Also supporting this approach is the legislative history of the Coal Act, referred to in the Secretary's submission:

"The Managers on the part of the House of Representatives during a discussion of the purposes of the Coal Act state in the Conference Report, No. 91-761, House of Representatives, 91st Cong., 1st Sess., at page 63:

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The Senate Bill and the House Amendment each contained statements of findings and purposes which were substantially the same. The committee of conference adopts these provisions with appropriate modifications * * * to incorporate the more detailed Senate provisions relating to the particular purposes of the act which emphasize the need to eliminate unsafe and unhealthful conditions and practices in this industry. In adopting these provisions, the managers intend that the act be construed liberally when improved health or safety to miners will result. (Emphasis supplied.)"

We have also been advised that the Academy is operating at only 45 percent of capacity and can absorb the additional students

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without appreciably increasing its expenditures for teaching staff and supplies. Also, as noted above, payment for room and board and tuition will be made for each student either by the student individually or by his or her institution.

In view of the above, it is our opinion that MESA may enter into the proposed agreements in furtherance of its authority under the Coal and Metal Acts.

R. F. KELLEN

(Deputy) Comptroller General
of the United States