

**SUSTAINABILITY PLAN OF FEDERAL MINE SAFETY AND HEALTH  
REVIEW COMMISSION IN ACCORDANCE WITH EO 13514**

**Section 1: Agency Policy and Strategy**

**I. Agency Policy Statement**

The Federal Mine Safety and Health Review Commission is an independent adjudicative agency that provides administrative trial and appellate review of legal disputes arising under the Federal Mine Safety and Health Act of 1977 (Mine Act). The Commission is committed to complying with all applicable environmental and energy statutes, regulations, and Executive Orders, including EO 13514. In carrying out this commitment, the Commission's Senior Sustainability Officer coordinates all relevant matters with the Chairman of the Commission and with the Commission's Executive Director, who is responsible for, among other things, financial matters, leasing arrangements, and procurement matters.

The Commission is committed to meeting its sustainability targets and goals by undertaking certain projects, including the following:

- 1) recycling of solid wastes (paper, aluminum, plastic/glass)
- 2) implementation of a new teleworking policy that will reduce emissions resulting from commuting; and
- 3) implementation of a new alternative work schedule policy that will reduce emissions resulting from commuting



Michael A. McCord

General Counsel and Senior Sustainability  
Officer

**II. Sustainability and the Agency Mission**

The Commission's mission is to provide fair and timely adjudications of cases arising under the Mine Act. The Commission functions essentially as an administrative court and has very limited control over the number of cases that are brought before it and the precise nature of those cases. As such, sustainability does not play a major role in the Commission's carrying out of its mission. However, enabling employees to telework from home and to use alternative work schedules should not only support sustainability goals but also increase employee morale and productivity.

### **III. Greenhouse Gas Reduction Goals**

The Commission is a small agency (approximately 56 employees) that is located in the equivalent of one floor of leased space in a privately owned building in Washington. It also leases a small suite of offices in a GSA-owned building in Denver. Its GHG emissions are solely scope 3 emissions.

Because of the Commission's leasing arrangement, it was not possible to obtain separate data for GHG emissions due to electricity transmission and distribution losses or contracted solid waste disposal. Almost all of the Commission's GHG emissions result from employee travel. Because the Commission's administrative law judges must travel to scheduled hearings in most instances, the only feasible area for emissions reductions is employee commuting.

The Commission is in the process of implementing a teleworking program and an alternative work schedule program. It expects that both these programs will result in a reduction of employee commuting days and therefore the programs will reduce GHG emissions from commuting. The agency has calculated that the target for the reduction in commuter mileage should be approximately 3.8% by 2020. This figure also takes into account that the Commission will likely have more employees in 2020 because of the growth in its caseload.

In addition to reductions in GHG emissions from employee commuting, the Commission has also implemented a new recycling program. The program involves segregation of paper, aluminum, and plastic/glass wastes from one another and from other solid wastes. It is being carried out in cooperation with building managers both in the privately owned headquarters building in Washington and in the GSA-owned space in the Denver field office.

### **IV. Plan Implementation**

The Senior Sustainability Officer, who is also the General Counsel, is responsible for directly reporting to the Commission Chairman on implementation of the Sustainability Plan and for keeping her apprised of all relevant developments. The SSO coordinates all sustainability activities with the Commission's Executive Director, who is responsible for budgetary matters and numerous other matters involving the Commission's physical resources. The Executive Director is also responsible for ensuring that the plan is implemented in the Commission's Denver field office and in any other field offices in the future. In addition, the SSO coordinates certain matters with the Chairman's Counsel, who is a member of the Recycling Committee for the privately owned building in which the Commission's headquarters is located.

## **V. Evaluating Return on Investment**

In carrying out her duties, the Executive Director will take return on investment into account to the extent possible. At the present time, the Commission is facing an emergency situation. Because of factors beyond its control, the annual number of mine safety cases being filed with the Commission has increased by roughly 450%. This has resulted in a case backlog of more than 17,000 cases. Congress has already held two hearings to address the situation and is currently preparing a supplemental appropriations bill so that the Commission may obtain additional resources to attack the backlog.

## **VI. Transparency**

The Commission plans to place the final Sustainability Plan on its website as a new and separate category of information. All updates will also be included.

## **Section 2: Performance Review & Annual Update**

### **I. Summary of Accomplishments**

The Commission is currently in the process of developing and implementing a teleworking program and an alternative work schedule program. Those programs are expected to reduce GHG emissions from employee commuting. In addition, the Commission has recently instituted a recycling program.

### **II. Goal Performance Review**

The only applicable goal for the Commission at this time is Goal No. 2: Scope 3 Greenhouse Gas Reduction. The only goal area where GHG emissions reductions may reasonably be pursued is the area of employee commuting.

#### **a. Goal description**

The Commission believes that the teleworking and alternative work schedule programs should result in GHG emissions reductions of 3.8% associated with employee commuting by FY 2020.

#### **b. Agency lead for goal**

The Senior Sustainability Officer is responsible for developing and overseeing the Commission's programs in this area. The Executive Director is responsible for implementing the teleworking program and the alternative work schedule program.

The Counsel to the Chairman is responsible for ensuring that the recycling program is functioning as it should.

**c. Implementation methods**

Programs are directly implemented by the Executive Director and the Administrative Office staff. Education regarding the recycling program was provided through a presentation by a District of Columbia official to all employees. Because of the Commission's small size (roughly 56 employees), implementation is relatively simple.

**d. Positions**

The principal work of developing and implementing programs will be done by personnel who already fill other positions. Because the Commission has only about 56 employees (including Commissioners and Administrative Law Judges), it is frequently necessary for supervisory employees to undertake responsibilities in many different areas.

**e. Planning table**

The programs in question should be fully implemented before or during FY 2011. No new financial resources will be needed. In any event, all new financial resources must be devoted to reducing the Commission's case backlog.

**f. Agency status**

This topic is covered by the discussion in "Summary of Accomplishments" above.

**Section 3: Agency Self Evaluation**

As already stated, the Commission is currently in the process of developing and implementing teleworking and alternative work schedule programs. The plan is for those programs to be fully implemented by the beginning of FY 2011.