



February 2, 2009

MEMORANDUM FOR MICHAEL A. DAVIS  
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Mine Safety and Health

THROUGH: CHARLES J. THOMAS *Charles J. Thomas*  
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SUBJECT: MSHA Office of Accountability Audit, Price, Utah,  
Field Office, and [REDACTED]

### Introduction

This memorandum summarizes the Office of Accountability audit of the subject mine and field office. Audit subjects included the Uniform Mine File, MSHA field activities, level of enforcement, Field Activity Reviews (FARs), MSHA supervisory and managerial oversight, mine plans, and the conditions and practices at the mine. The audit was conducted during the week of [REDACTED] by Jerry Kissell. Positive findings and issues requiring attention are included in this audit report.

### Overview

The auditor traveled to the subject field office and mine to observe and evaluate enforcement activities, resource management, and mine conditions. Accompanying the audit team was [REDACTED]

Areas of the mine examined during this audit included the longwall section; including face equipment, the entire longwall belt conveyor, and longwall head gate, tail gate and travel way; and the 9 east entries, faces, roof, ribs, ventilation, and equipment including the continuous mining machine (MMU 004-0) along with associated feeders, belts, and point-type fire sensors. Also inspected were shuttle cars, roof bolting machines, power centers, belt conveyor guarding, fire suppression systems, and ventilation fans, STRATA refuge chambers, first aid supplies and SCSR self rescuer caches. Compliance with the MINER Act provisions was reviewed during the audit.

Function tests were conducted on random fire taps and separate sections of fire hose and their associated nozzles and connectors were inspected underground.

The Emergency Response Plan was reviewed and verified at the mine. Six STRATA" refuge chambers are located underground. One STRATA refuge chamber was examined during the audit and had the required supplies.

The inspectors and auditor conducted safety discussions with 121 miners during a "Stand down for Safety" meetings held by the company. Safety meeting discussions included an accident review of the [REDACTED] and SCSR training and general safety practices. Handouts regarding best practices for roof bolting, ground control tips, and continuous mining machine safety tips were distributed during the inspection.

The roof control and ventilation plans were also compared to the conditions and practices in the mine.

The audit revealed positive findings in several categories, including the following:

1. No violations were observed during this audit. Areas traveled in the mine were well rock dusted, adequately roof bolted and screened from rib to rib and from floor to floor. The mine was well ventilated and well maintained. No housekeeping violations were observed along the areas traveled in the mine which indicated conscientious efforts to be well organized and reduce violations.
2. FAR's and AA's were current for all inspection staff in the work group reviewed.
3. Thorough and complete inspections of the mine, and very good documentation in field notes supporting the inspection as well as describing violations observed and cited. (See Attachment B)
4. New Field office building appears to have been carefully thought out and is well planned and easy to find. (The Price staff was still moving and settling in at the time of the audit.)
5. No excessive methane or oxygen deficiency was detected in any area visited by the audit team, and the approved roof control and ventilation plans appeared adequate for current mining conditions.
6. The 104(d) tracking system is maintained up to date.
7. Interviews with mine managers, supervisors, miners, and MSHA inspectors and supervisors revealed an attitude of cooperation and mutual respect.
8. Compressed air powered 55-gallon barrel rock dusters are in use the mine on the main belts and is a very effective method of rockdusting the belt conveyor entries.
9. The mine utilizes increased emphasis on training with a BST observer program, bi-weekly stand down for safety meetings, weekly safety plan (in writing) for all employees, daily injury alerts, near miss shares, MSHA citation reviews, and recommendations.
10. The company implemented a procedure requiring a "punch and chisel holder" as well as requiring a "spring loaded utility knives" that automatically retract upon the blade losing pressure. Both ideas were implemented as a result of increased hand injuries.

11. The company sponsors all EMT costs and schedules four training classes a year.
12. The mine replaced every underground fire hose, pressure tested and replaced all units, every hose is 150' in length and all fire taps are lubricated and capped to prevent corrosion.

The audit also revealed several issues that require corrective actions, including the following:

1. Inadequate field notes documentation.
2. A 103(i) 5-day spot inspection was not completed as required for the week of November 11, 2008. The [REDACTED] went from 11-6-08 until 11-19-08 with no 103(i) spot inspections. This mine is on a 5 day spot. (Item 78)
3. Excessive "other" time, related to staffing and equipment needs. (Items 13, 17)
4. Event Calendars and Time and Activity sheets were not always adequately reviewed and compared to identify conflicts in shifts and inspection days. (Items 1, 14)

### **Recommendations**

Look into the possibility of creating a category for charging time to "Inspection preparation and review". This category would define more accurately how time is being applied and would more accurately explain how CMI's are spending time on inspection activities as well as allow supervisors to verify inspectors are spending adequate time on inspection preparation and UMF reviews.

Recommend a Lab tech position be filled in this office to reduce inspectors' time spent on health equipment repair, preparation, and calibration. This appears to be a factor in the elevated "Other" time category because of equipment maintenance repair and preparation.

### **Audit Results**

The attached checklist addresses the findings of the audit. Positive issues as well as issues requiring action are covered in detail in the checklist.

### **Attachments**

- A. Office of Accountability Checklist, with comments, recommendations, and references
- B. Audit Photographs

District  Field Office  Mine ID  Date

1. Coal  Metal/Nonmetal

Evaluate supervisory review of inspection reports and documentation for completeness.

Adequate  Inadequate  Not Applicable  Comments Below

Evaluation of citation documentation indicates an area for improving documentation. Citations documentation reviewed in event  identified 12 violations were issued and the information documented for "Who knew?" and "How long the condition existed?" was answered with the response "unknown". This information may have been identified in a review of required record logs.

The Event calendar and the Mine Activity data Sheet were not correctly completed:

- Four instances occurred where time was charged to an incorrect shift.
- No indication that Rock Dust surveys were completed, but they had been done.
- Number of respirable dust samples taken per the bi-query and data retrieval system, and number documented are not in agreement. (28 taken per data retrieval, 3 documented per Mine activity Data sheets.)
- Terminations completed but not indicated on the report
- District staff failed to provide inspection documentation and sign the Mine Activity Data Sheet, when charging time to an E-01 event.

*Reference - Coal Mine Safety and Health Supervisors handbook (AH08-III-1)*

It is suggested that the  utilize the reports in the FARS Database to ensure all dates/shifts are correctly checked and all ARs participating in the inspection sign the Mine Activity Data Sheet. This is not a requirement but a few Districts have had success cross comparing the inspection event sheets with the FARS Database.

2. Coal  Metal/Nonmetal

Determine if supervisors address report deficiencies immediately

Adequate  Inadequate  Not Applicable  Comments Below

Supervisors appear to have a rapid response to deficiencies when recognized in inspection reports.

District  Field Office  Mine ID  Date

3. Coal  Metal/Nonmetal   
Determine if supervisors are visiting each assigned mine at least annually

Adequate  Inadequate  Not Applicable  Comments Below

4. Coal  Metal/Nonmetal   
Evaluate the quality of Field Activity Review reports (FARs)

Adequate  Inadequate  Not Applicable  Comments Below

5. Coal  Metal/Nonmetal   
Determine if supervisors/managers are identifying and addressing performance or behavior based issues during and after accompanied inspections are conducted

Adequate  Inadequate  Not Applicable  Comments Below

6. Coal  Metal/Nonmetal   
Evaluate the quality of Accompanied Inspections

Adequate  Inadequate  Not Applicable  Comments Below

District  Field Office  Mine ID  Date

7. Coal  Metal/Nonmetal

Determine if supervisors are thoroughly reviewing mine files at least annually

Adequate  Inadequate  Not Applicable  Comments Below

**Recommendation:** The Dug-out mine appears to make many Ventilation plan amendments for individual development projects. In doing so It is recommended the SCMI review the UMF/vent plan/roof control plan more frequently than every 6 months, to ensure plans are removed that are no longer valid. This can reduce time spent by inspectors when reviewing the UMF/vent plan/roof control plan, thus reducing "other" time. The current plan has 28 amendments (approx.) with 15 in 2008 alone and two pending.

*Reference - PH94-V-9(2): Uniform Mine file Procedures handbook: Chapter 1; section G; pg.1-3*

8. Coal  Metal/Nonmetal

Determine if Assistant District Manager is holding supervisor accountable for general mine visits, FARs, and accompanied activities

Adequate  Inadequate  Not Applicable  Comments Below

11. Coal  Metal/Nonmetal

Determine if ADMs and DMs are visiting mines with poor compliance at least monthly

Adequate  Inadequate  Not Applicable  Comments Below

12. Coal  Metal/Nonmetal

Evaluate required monthly reports of supervisory and management mine visits

Adequate  Inadequate  Not Applicable  Comments Below

The FY 2008 report shows the Technical ADM did not make the minimum required mine visits, 12 of 20 mine visits were logged in the spreadsheet. Other activities are logged but they are not considered mine visits.

District  Field Office  Mine ID  Date

13. Coal  Metal/Nonmetal

Evaluate the location, workload, and availability of specialists (roof control, ventilation, electrical, etc.) within the district

Adequate  Inadequate  Not Applicable  Comments Below

District 9 is in process to place a lab tech in the Price field office. This issue appears to be the largest contributing factor for the elevated "other" time.

Inspectors charge time to preparing, maintaining and calibrating health equipment that should be readily available for them to use in the field. According to the ADM this position has been approved to be filled.

14. Coal  Metal/Nonmetal

Evaluate supervisory and management review of 103(i) (spot inspection) tracking system for compliance with time frames

Adequate  Inadequate  Not Applicable  Comments Below

One 5-day 103(i) spot was not completed for the week of November 11, 2008. The  went from 11-6-08 until 11-19-08 with no 103(i) spot inspections. The tracking system seems adequate; the root cause for this issue was related to the task simply being overlooked and poor communication.

15. Coal  Metal/Nonmetal

Determine if supervisors and managers are ensuring that 103(i) inspections are not combined with any other type of inspection

Adequate  Inadequate  Not Applicable  Comments Below

16. Coal  Metal/Nonmetal

Determine if supervisors, staff assistants, and other management personnel are reviewing work products for accuracy and completeness

Adequate  Inadequate  Not Applicable  Comments Below

District  Field Office  Mine ID  Date

17. Coal  Metal/Nonmetal   
Determine if supervisors are monitoring inspector time and activity documentation to ensure proper use of time by inspector

Adequate  Inadequate  Not Applicable  Comments Below

Time management is being closely watched in this district as they have the highest "other" time average for the nation. In the Price, UT field office they have had the Cradle Canyon event, a move to a new office building, and they have been attempting to fill a lab tech position. The last item in this list may present the largest contributing factor as to why the "other" time is high. Inspectors must gather, repair, maintain, and calibrate their health equipment contributing to time spent on "other" tasks. The district with cooperation from HQ is attempting to fill this position. The numbers for "other" time vary from 23% to as high as 40 % for individual inspectors. The district and FO supervisors are in process to reduce these percentages. The evaluation of the office of accountability found no unusual activity directly linked to these elevated numbers other than the need for appropriate support staff. This position has been approved to fill, no action required.

19. Coal  Metal/Nonmetal   
Determine if supervisors are using the Performance Management System to hold inspectors accountable for properly evaluating gravity and negligence, termination due dates, and timely termination of citations

Adequate  Inadequate  Not Applicable  Comments Below

20. Coal  Metal/Nonmetal   
Determine if supervisors are adequately evaluating the level of enforcement by visiting each producing mine

Adequate  Inadequate  Not Applicable  Comments Below

District  Field Office  Mine ID  Date

24. Coal  Metal/Nonmetal   
Determine if appropriate actions are taken by supervisors and manager with respect to issues of misconduct and/or poor performance

Adequate  Inadequate  Not Applicable  Comments Below

The District has taken action to change supervision in a FO for performance reasons. This action is intended to improve a field office performance.

29. Coal  Metal/Nonmetal   
Determine if complete and thorough inspections are being conducted and adequately documented

Adequate  Inadequate  Not Applicable  Comments Below

30. Coal  Metal/Nonmetal   
Determine if inspection notes, air samples, rock dust samples, and tracking map/diagram support the inspector's assertion that the mine was inspected in its entirety

Adequate  Inadequate  Not Applicable  Comments Below

31. Coal  Metal/Nonmetal   
Determine that the inspector spent sufficient time on off-shifts and on weekends

Adequate  Inadequate  Not Applicable  Comments Below

34. Coal  Metal/Nonmetal   
Determine if all mine record books, postings, and other required materials are examined during the inspection

Adequate  Inadequate  Not Applicable  Comments Below

District  Field Office  Mine ID  Date

35. Coal  Metal/Nonmetal   
Determine if all provisions of the MINER Act are evaluated during the inspection  
Adequate  Inadequate  Not Applicable  Comments Below

36. Coal  Metal/Nonmetal   
Determine if the amount of time expended on each inspection activity and area of the mine is sufficient to accomplish inspection goals  
Adequate  Inadequate  Not Applicable  Comments Below

37. Coal  Metal/Nonmetal   
Evaluate each citation/order/safeguard for inspector's determination of gravity, negligence, number of persons affected, and the level of enforcement  
Adequate  Inadequate  Not Applicable  Comments Below

38. Coal  Metal/Nonmetal   
Accompany and evaluate inspector's imminent danger run  
Adequate  Inadequate  Not Applicable  Comments Below

39. Coal  Metal/Nonmetal   
Check adequacy of preshift/onshift examinations  
Adequate  Inadequate  Not Applicable  Comments Below

District  Field Office  Mine ID  Date

40. Coal  Metal/Nonmetal   
Evaluate inspector's observation of roof conditions  
Adequate  Inadequate  Not Applicable  Comments Below

41. Coal  Metal/Nonmetal   
Evaluate operator's workplace examinations  
Adequate  Inadequate  Not Applicable  Comments Below

42. Coal  Metal/Nonmetal   
Evaluate conditions on working section and observe work cycle  
Adequate  Inadequate  Not Applicable  Comments Below  
Face areas were down for scheduled maintenance, no mining activity to observe this audit.

43. Coal  Metal/Nonmetal   
Observe air quantity, quality, and gas checks by inspector  
Adequate  Inadequate  Not Applicable  Comments Below

44. Coal  Metal/Nonmetal   
Determine adequacy of Emergency Response Plan training (interview miners)  
Adequate  Inadequate  Not Applicable  Comments Below

District  Field Office  Mine ID  Date

45. Coal  Metal/Nonmetal   
 Determine adequacy of training regarding roof, ventilation, and other plans  
 (interview miners)

Adequate  Inadequate  Not Applicable  Comments Below

46. Coal  Metal/Nonmetal   
 Evaluate Self-Contained, Self-Rescuer condition, storage, and signage

Adequate  Inadequate  Not Applicable  Comments Below

New storage boxes "blood boxes" (aluminum) are being put into service to provide a higher level of protection against corrosion.

47. Coal  Metal/Nonmetal   
 Determine if the mine operator has conducted SCSR donning expectation training  
 and if the inspector has observed and evaluated the training

Adequate  Inadequate  Not Applicable  Comments Below

Observed training prior to safety meeting.

50. Coal  Metal/Nonmetal   
 Examine lifelines, manddoors, and related signage

Adequate  Inadequate  Not Applicable  Comments Below

Well maintained. Reflectors were located approx. every 10-12 feet in escape way, traveled by the examiners.

51. Coal  Metal/Nonmetal   
 Examine escapeway map for compliance with regulations

Adequate  Inadequate  Not Applicable  Comments Below

District  Field Office  Mine ID  Date

52. Coal  Metal/Nonmetal   
Evaluate integrity of primary and alternate escapeways  
Adequate  Inadequate  Not Applicable  Comments Below

53. Coal  Metal/Nonmetal   
Evaluate integrity of return side stopping line  
Adequate  Inadequate  Not Applicable  Comments Below

54. Coal  Metal/Nonmetal   
Travel and evaluate condition and maintenance of section conveyor belt, structures, and entries  
Adequate  Inadequate  Not Applicable  Comments Below  
Very clean/well ventilated/all fire tap valves were tested and found operable.

55. Coal  Metal/Nonmetal   
Evaluate conveyor belt isolation from other air courses  
Adequate  Inadequate  Not Applicable  Comments Below

56. Coal  Metal/Nonmetal   
Evaluate fire valves and hoses (condition, compatibility of fittings, and pressure test)  
Adequate  Inadequate  Not Applicable  Comments Below  
All new hoses through-out the mine, well protected and all sized to 1.5 inch couplings.

District  Field Office  Mine ID  Date

57. Coal <input checked="" type="checkbox"/> Metal/Nonmetal <input type="checkbox"/>
Observe and evaluate fire detection methods
Adequate <input checked="" type="checkbox"/> Inadequate <input type="checkbox"/> Not Applicable <input type="checkbox"/> Comments Below
Spoke with AMS operator/control. System was demonstrated and well explained.

58. Coal <input checked="" type="checkbox"/> Metal/Nonmetal <input type="checkbox"/>
Evaluate cleanup of accumulations and application of rock dust
Adequate <input checked="" type="checkbox"/> Inadequate <input type="checkbox"/> Not Applicable <input type="checkbox"/> Comments Below
Areas traveled were well maintained, no spillage observed any where traveled. Rockdusting was very good.

59. Coal <input checked="" type="checkbox"/> Metal/Nonmetal <input type="checkbox"/>
Evaluate condition of conveyor belt drives, and fire suppression systems
Adequate <input checked="" type="checkbox"/> Inadequate <input type="checkbox"/> Not Applicable <input type="checkbox"/> Comments Below

61. Coal <input checked="" type="checkbox"/> Metal/Nonmetal <input type="checkbox"/>
Examine mine map for accuracy of workings and escapeway locations
Adequate <input checked="" type="checkbox"/> Inadequate <input type="checkbox"/> Not Applicable <input type="checkbox"/> Comments Below

District  Field Office  Mine ID  Date

62. Coal  Metal/Nonmetal

Examine mine bulletin board and evaluate adequacy of all required postings

Adequate  Inadequate  Not Applicable  Comments Below

63. Coal  Metal/Nonmetal

Interview responsible person(s) and evaluate knowledge of emergency response, evacuation procedures, and fire fighting processes

Adequate  Inadequate  Not Applicable  Comments Below

Discussed emergency plan with section personnel and longwall personnel. All demonstrated knowledge and confidence in emergency plan. Observed portable foam generators on long wall for fire fighting.

64. Coal  Metal/Nonmetal

Determine if approved plans address and are compatible with mining conditions and equipment

Adequate  Inadequate  Not Applicable  Comments Below

Appear adequate at this time.

67. Coal  Metal/Nonmetal

Determine if MSHA headquarters is conducting sufficient, in-depth Peer Reviews

Adequate  Inadequate  Not Applicable  Comments Below

No headquarters peer reviews were completed in district 9 in 2008. The required four HQ reviews were conducted in other Districts.

District  Field Office  Mine ID  Date

68. Coal  Metal/Nonmetal   
Determine if Peer Reviews identify root causes of deficiencies, corrective actions, set time lines for corrections, and identify a method for accurately measuring the success or failure of corrective actions.

Adequate  Inadequate  Not Applicable  Comments Below

The district Peer Review completed in 2008 documented deficiencies, root-cause and corrective actions, the plan did not have any documentation to determine follow-up. Effective follow-up and evaluation is part of the Peer Review program. The district will monitor the effectiveness of the corrective action plan on an ongoing basis and make adjustments to the plan as necessary. (Reference- AH08-III-4, Accountability Program Handbook, Follow-up and Evaluation, page 8.)

69. Coal  Metal/Nonmetal   
Determine if Peer Reviews are being used to assess supervisors and managers performance

Adequate  Inadequate  Not Applicable  Comments Below

The most recent peer review documented a need for the Enforcement ADM to complete second level reviews as well as for FO supervisors to complete annual UMF reviews and other tasks.

70. Coal  Metal/Nonmetal   
Determine if Peer Reviews include a visit to the mine, and include observation of the producing section, conveyor belt entries, escapeways and the ERP provisions

Adequate  Inadequate  Not Applicable  Comments Below

71. Coal  Metal/Nonmetal   
Determine if Peer Reviews accurately reflect and evaluate MSHA activities at all types of mining (underground/surface/surface facilities) within the district

Adequate  Inadequate  Not Applicable  Comments Below

District  Field Office  Mine ID  Date

72. Coal  Metal/Nonmetal   
Determine if approved plans and the Uniform Mine File books are addressed during each Peer Review

Adequate  Inadequate  Not Applicable  Comments Below

73. Coal  Metal/Nonmetal   
Evaluate the approved roof control plan after in-mine visit

Adequate  Inadequate  Not Applicable  Comments Below

74. Coal  Metal/Nonmetal   
Evaluate approved ventilation plan after in-mine visit

Adequate  Inadequate  Not Applicable  Comments Below

75. Coal  Metal/Nonmetal   
Evaluate approved training plan after discussion with miners

Adequate  Inadequate  Not Applicable  Comments Below

77. Coal  Metal/Nonmetal   
Evaluate the two most current completed E01 (regular) inspection reports (two quarters)

Adequate  Inadequate  Not Applicable  Comments Below

Indicative of thorough and complete inspections.

District  Field Office  Mine ID  Date

78. Coal  Metal/Nonmetal

Ten most current completed E02 (103(i) spot) inspection reports

Adequate  Inadequate  Not Applicable  Comments Below

A 103(i) spot inspection was not conducted at the  from November 6, 2008 until November 19, 2008. The  is on a 5 day spot inspection requirement.

79. Coal  Metal/Nonmetal

Citations, orders, and safeguards issued during previous two quarters

Adequate  Inadequate  Not Applicable  Comments Below

80. Coal  Metal/Nonmetal

Determine if 104(d) tracking system is in place at the office being audited, and is being kept up to date

Adequate  Inadequate  Not Applicable  Comments Below

81. Coal  Metal/Nonmetal

Determine if all plans and documents in the Uniform Mine File are legible, and up to date

Adequate  Inadequate  Not Applicable  Comments Below

99. Coal  Metal/Nonmetal

Determine if the uniform mine file is reviewed for information related to plan adequacy

Adequate  Inadequate  Not Applicable  Comments Below

District  Field Office  Mine ID  Date

100. Coal  Metal/Nonmetal   
Determine if all plan approval groups communicate to prevent conflicting elements of plans

Adequate  Inadequate  Not Applicable  Comments Below

114. Coal  Metal/Nonmetal   
Determine if spreadsheets and/or databases provided for tracking of mine visits by supervisors and managers is kept up to date

Adequate  Inadequate  Not Applicable  Comments Below

115. Coal  Metal/Nonmetal   
Evaluate the effectiveness of management's support of, and communication with, inspectors and specialists

Adequate  Inadequate  Not Applicable  Comments Below

Discussions and observations with supervisors and inspectors indicate the communication is good.

District  Field Office  Mine ID  Date



Photograph No. 1 -  
of rockdust barrels that are powered by compressed air

District  Field Office  Mine ID  Date

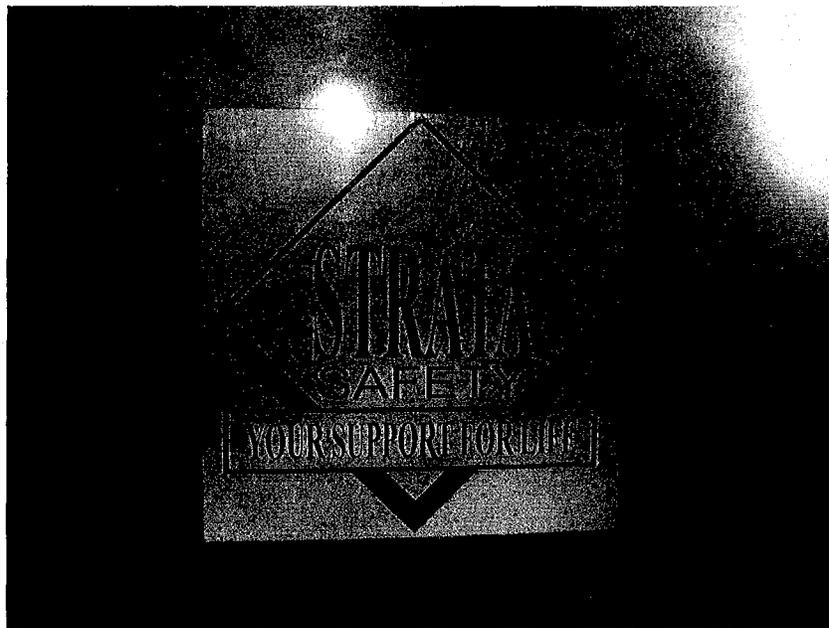
Photograph No. 2 - Refuge Chambers



Photograph No. 3 - Interior of Refuge Chamber

United States Department of Labor  
Mine Safety and Health Administration  
Office of Accountability

District  Field Office  Mine ID  Date



Photograph No. 4 - Signage on Refuge Chamber

District  Field Office  Mine ID  Date

Photograph No. 5 - Mine Rescue Station

