



DEC 18 2019

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for
Mine Safety and Health Administration

THROUGH:

TIMOTHY R. WATKINS
Administrator for
Mine Safety and Health Enforcement

FROM:

THOMAS W. CHARBONEAU
Director, Office of Assessments

SUBJECT:

Mine Safety and Health Administration (MSHA)
Accountability Division Review

Introduction

This memorandum summarizes the Accountability Division's (AD) review of District 10 [REDACTED]. The review focused on enforcement activities at the Hastie Mining, [REDACTED]. This review included: MSHA field activities, level of enforcement, conditions and practices at the mine, Field Activity Reviews, Accompanied Activity Reviews, and MSHA supervisory and managerial oversight activities.

Purpose

The purpose of this accountability review is to determine whether MSHA enforcement policies, procedures and guidance are being followed consistently and to assess whether mission critical enforcement activities were accomplished effectively.

Overview

The Accountability Division (AD) Specialist Troy Davis conducted the review in accordance with the annual accountability review plan schedule and to measure the effectiveness of cross-trained inspectors under the "One MSHA" initiative. The review focused on a Regular Safety and Health Inspection (E01) at [REDACTED] (ID No. [REDACTED]), Event No. [REDACTED]. Specialist Davis conducted the on-site review from [REDACTED]. The review focused on enforcement activities conducted in FY 2019 and included a review of supervisory oversight activities. The mine selected for review is a [REDACTED]; this review also incorporated activities conducted in the District and Field Office that include the coal sector. The mine was previously inspected by the [REDACTED] Metal and NonMetal North Central District.

Mine Visit

Specialist Davis accompanied the Assistant District Manager, Field Office Supervisor, and an inspector to the mine on [REDACTED], as part of a Safety and Health Spot Inspection (E16).

The mine is a [REDACTED] operation located in [REDACTED], and employs approximately [REDACTED] working one ten-hour production shift and one ten-hour maintenance shift per day, six days a week. The mine produces an average of [REDACTED] of [REDACTED] annually. The mining method is open pit mining. The [REDACTED] is extracted by drilling, blasting, loading and hauling the material to a primary crusher. The material is transferred from the primary crusher to a secondary crusher for additional processing. During the mine visit, Specialist Davis evaluated general conditions at the mine, assessed whether conditions at the mine were commensurate with enforcement levels documented in the inspection reports reviewed, and observed work practices at the mine site.

The mine visit included inspections and observations of the following:

Surface areas:

- Pre-inspection discussions with mine operator
- Mine examination records and postings
- Fuel storage areas
- Roads, ramps and berms
- Highwalls
- Dump site
- Stockpile areas
- Work practices
- Mining cycle (excluding blasting)
- Front-end loading machine
- 100 ton haul truck
- Primary crusher
- Secondary crusher

During the mine visit, the accompanying inspector issued two enforcement actions (Attachment C).

Review Results

The review revealed positive findings in the following areas:

- Inspectors documented the inspection per General Inspection Procedure Handbook.
- No issues were identified that require a corrective action plan.

Specialist Davis discussed with District personnel some inspection and procedural best practices as described in the General Inspection Procedures Handbook. A general outline of discussion topics is included as an attachment to this memorandum (Attachment A).

Based on review of the inspection report for Event No. [REDACTED] and the site visit on [REDACTED], the enforcement levels were appropriate for existing mining conditions and work practices.

Attachments

- A. Discussion Topics
- B. Accountability Division Checklist
- C. Enforcement Actions Issued During the Mine Visit

Citation No.

[REDACTED]

Standard Cited

§ 56.14132(b)(1)(i)
§ 56.9300(b)

56.14132(b)(1)(i)

The back-up alarm on the Caterpillar 777D Haul Truck is inoperative.

56.9300(b)

The frequency traveled haul road to the [REDACTED] stockpile area is not provided with an adequate berm for a distance of 115' on each side of the road.

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Attachment A: Discussion Topics

Mine Information Form (MIF):

The MIF was not updated for a change in methane liberation for one underground coal mine. The air samples were taken on October 10, 2019 and results were received October 17, 2019. The results indicated an increase in methane liberation requiring the mine to be placed on a 15 day 103(i) spot inspection status. The [REDACTED] and [REDACTED] notified the operator in writing of the status change on November 1, 2019. The Field Office has been conducting the spot inspections as required since that date. During the on-site review the [REDACTED] updated the MIF and the office assistant entered the status change in MSHA Standardized Information System as required. Specialist Davis discussed further with management to assure proper continued communication so this does not occur again.

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Attachment B: Accountability Division Checklist

1. Determine if complete and thorough E01 inspections are being conducted and/or if policy and procedures were properly followed.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

2. Determine if documentation for inspections are documented according to inspection procedures.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

3. Determine if citations and orders issued during previous inspections were properly evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

4. Evaluate inspector/specialist examination of required record books and postings for compliance with applicable standards.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

5. Evaluate inspector/specialist examination of the operator's maps (on-site) for accuracy, escapeway locations, etc.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

6. Evaluate inspector/specialist examination of all working areas and highwalls for imminent dangers.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

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7. Evaluate the inspector/specialist observation of the work cycle and conditions in the active working area during the review.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

8. Evaluate the inspector/specialist air quantity, quality, and gas checks during the review.

Adequate ☐ Corrective Action Needed ☐ Comments Below ☒

Not part of this review

9. Evaluate inspector/specialist examination of equipment electrical cables during the review.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

10. Evaluate inspector/specialist examination for permissibility during the review.

Adequate ☐ Corrective Action Needed ☐ Comments Below ☒

Not part of this review

11. Determine if previous E01 inspections include examinations of the condition and maintenance of conveyor belts, belt entries, belt drives, fire detection and suppression systems, and separation of belt entries from other air courses.

Adequate ☐ Corrective Action Needed ☐ Comments Below ☒

Not part of this review

12. Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed area.

Adequate ☐ Corrective Action Needed ☐ Comments Below ☒

Not part of this review

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13. Determine if adequate close-out conferences are being conducted at the end of each inspection.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

14. Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

15. Evaluate 103(i) spot inspection (E02) reports for the office/district being reviewed for compliance with agency policies and procedures, including compliance with time frames and separating E02 inspections from other events.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

16. Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

17. Determine if supervisors are monitoring inspector time and activity to ensure proper use of time, including off-shift and weekend work, by all inspectors.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

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Determine if required Accompanied Activities (AAs); Field Activity Reviews
18. (FARs) and supervisory follow-ups are being conducted and documented
according to agency policy and procedures?

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

19. Determine if a 104(d) tracking system is in place and being kept current at
the office being reviewed.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

20. Determine if the Uniform Mine File books are being maintained and
reviewed according to current agency policy and procedures.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

21. Determine if supervisors are thoroughly reviewing Uniform Mine Files at
least annually?

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

22. Determine if supervisors are visiting each active underground mine at least
annually.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

23. Determine if all sections where retreat mining is occurring (not to include
longwall mining) are being inspected at least monthly?

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

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24. Determine if documentation of staff meetings/safety meetings are effective and relevant to current issues and the Agency's mission.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

- Determine, after an in-mine visit, if approved plans (Ventilation, Roof Control, Training, Emergency Response Plan (ERP), etc.) are compatible with mining conditions and equipment.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☒

Five Mine ERPs were reviewed to determine that provisions for "Local Coordination" was included in the plan.

26. Determine if approved plans are being revised or updated to reflect changes in conditions and/or equipment.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

27. Determine if plan reviews are in compliance with current agency policy and procedures (performed within required timeframes, tracked from the date of submission, properly documented, and contain input from all affected departments and Field Offices).

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

28. Determine if Assistant District Manager is conducting the required second level reviews and holding supervisors accountable for oversight of Field Activity Reviews and Accompanied Activities.

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29. Determine if district management personnel are reviewing work products and reports for accuracy and completeness.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

30. Determine if District Managers, Assistant District Managers, and supervisors are conducting required mine visits and properly completing the required spreadsheet.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

31. Determine if District Manager is using discretion in granting conferences and monitoring the Alternative Case Resolution (ACR) program to ensure that all decisions (including upholding, modifying or vacating citations) are properly documented and justified by the Conference and Litigation Representatives (CLRs).

Adequate ☐ Corrective Action Needed ☐ Comments Below ☒

Not part of this review

32. Determine if managers and supervisors are using standardized reports to review critical data relevant to inspections and investigations.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

33. Determine if information (mine status, methane liberation, number of employees, etc.) is being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?

Adequate ☒ Corrective Action Needed ☐ Comments Below ☒

See attachment A

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- Determine if District Managers are using the Report Center to identify
34. overdue responses from operators and take appropriate actions.

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- Determine if a complete permissibility inspection of each longwall system is
35. being conducted by electrical specialists or inspectors who hold a current
MSHA electrical qualification card on at least an annual basis.

Adequate ☐ Corrective Action Needed ☐ Comments Below ☒

Not part of this review (District 10 has no longwalls)

- Determine if a proper examination of the Atmospheric Monitoring System
36. (AMS) and/or AMS systems that operate Carbon Monoxide (CO) sensors
is being conducted. A complete inspection includes those items in the
Coal General Inspection Procedures Handbook (GIPH) AMS checklist.

Adequate ☐ Corrective Action Needed ☐ Comments Below ☒

Not part of this review

- Determine if SSIs are maintaining a memorandum detailing the reasons for
37. not conducting a special investigation when the District Manager decides
to take no further action, in accordance with the Special Investigations
Procedures Handbook.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

- Determine if proper procedures for conducting, documenting, and
38. reviewing MSHA respirable dust surveys are being followed.
Proper documentation to include blue cards, 2000-86s, etc.

Adequate ☐ Corrective Action Needed ☐ Comments Below ☒

Not part of this review (Crossover Metal and Nonmetal operation reviewed)

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- Determine if District Managers and Assistant District Managers are providing acting Field Office Supervisors with the level of oversight necessary to manage their work groups on a temporary basis including an
39. online distance learning training course with a knowledge check for temporarily promoted supervisors. The guidance will be included in each District's Standard Operating Procedure (SOP) for training newly promoted Field Office Supervisors.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

The Roof Control Plan SOP should comply with the established Program Policy Manual requirements as identified by the OIG report to address deficiencies identified in the Internal Review report. The SOPs should account for:

40.
 - checking that required information is submitted
 - checking for communication with other plan approval groups
 - assuring that designated MSHA personnel contact the operator for additional information
 - discussing results of on-site evaluations with the operator and identified miners' representatives.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐