



SEP 16 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)  
Office of Accountability Review  
District 3,

### Introduction

This memorandum summarizes the Office of Accountability's review of the District 3, [REDACTED] mine. The review focused on enforcement activities at the [REDACTED] mine. This review included MSHA field activities, the level of enforcement, conditions and practices at the mine.

### Purpose

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

## Overview

Office of Accountability (OA) Supervisor Ted Smith and Specialist Troy Davis (Review Team) conducted the review to measure the effectiveness of cross-trained inspectors under the "One MSHA" initiative. The review focused on two Regular Safety and Health Inspections (E01) at the [REDACTED] (ID No. [REDACTED]), Event Nos. [REDACTED] (completed [REDACTED]) and [REDACTED] (completed [REDACTED]). The Review Team conducted the on-site part of the review from [REDACTED]. The [REDACTED] District 3 has inspection jurisdiction over the mine. The mine was previously inspected by the [REDACTED] Metal and Nonmetal Northeastern District.

## Mine Visit

The Review Team traveled to the mine on [REDACTED] accompanied by the Assistant District Manager, Field Office Supervisor and an inspector. This was part of a Regular Safety and Health inspection (E01).

The mine is located in [REDACTED] and employs approximately [REDACTED] miners, working two ten-hour production shifts per day, five days a week. The mine produces an average of [REDACTED] annually. The limestone is drilled, blasted and loaded onto trucks and transported to the primary crusher. The material is then transported to the surface by conveyor belt systems for processing and shipment to the customers. During the mine visit, the Review Team 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 office
- Wireless communications and tracking system control room
- Mine map on surface
- Highwall
- Check in/out system
- Daily close-out conference

### Underground areas:

- Underground working faces
- Mining cycle
- Face drill
- Two scaling machines
- 75 ton haul truck
- Front-end loader
- Roads, ramps and berms
- Escapeways

- Use of personal protective equipment
- Work practices

During the mine visit, no violations were observed.

### Review Results

The review revealed positive findings in the following areas:

- Inspector's field notes were well documented and legible for areas traveled and equipment inspected.
- The inspector used a mine map to track daily travel during the inspection.

Based on review of the inspection reports and the site visit on [REDACTED] the enforcement levels were appropriate for existing conditions and work practices.

Attachment

A. Office of Accountability Checklist

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

District	District 3	Field Office		Mine ID		Date	
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Attachment A - Office of Accountability 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 is complete and thorough.

Adequate ☒

Corrective Action Needed ☐

Comments Below ☐

- 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's examination of required records and postings for compliance with applicable standards.

Adequate ☒

Corrective Action Needed ☐

Comments Below ☐

5. Evaluate the inspector's physical examination of the active working areas of the mine and inspection of all mining cycles.

Adequate ☒

Corrective Action Needed ☐

Comments Below ☐

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6. Evaluate the inspector's on-site contaminant assessment and documentation.

Adequate ☒

Corrective Action Needed ☐

Comments Below ☐

7. Evaluate inspector's examination of electrical equipment, transformer stations and/or electrical circuits.

Adequate ☒

Corrective Action Needed ☐

Comments Below ☐

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

Adequate ☒

Corrective Action Needed ☐

Comments Below ☐

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

Adequate ☐

Corrective Action Needed ☐

Comments Below ☒

Not part of this review.

10. 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 ☐

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

Adequate ☒

Corrective Action Needed ☐

Comments Below ☐

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12. 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 ☐

13. Are required Field Accompanied Reviews (FARs), Office Reviews (ORs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?

Adequate ☐ Corrective Action Needed ☐ Comments Below ☒

Performed under previous audit.

14. 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 ☐

15. Determine if the Mine Files are legible, up to date and reviewed by supervisors.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

16. Determine if supervisors are visiting active mines.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

17. Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to current issues and the Agency's mission.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

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

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

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

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

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

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

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

22. Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐

23. Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.

Adequate ☒ Corrective Action Needed ☐ Comments Below ☐



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- Determine if inspectors have an understanding of when a violation of Section 103(a) for  
24. Advance Notice occurs and whether appropriate citations are issued for Advance Notice.

Adequate ☒

Corrective Action Needed ☐

Comments Below ☐

25. Determine if the management resource tracking tool is being used to track resources regarding Special Investigations.

Adequate ☒

Corrective Action Needed ☐

Comments Below ☐

26. Determine if retraining of supervisors, inspectors and specialists is being tracked.

Adequate ☒

Corrective Action Needed ☐

Comments Below ☐

27. Determine if supervisors are rotating the mine assignments annually among inspectors assigned to their Field Office.

Adequate ☒

Corrective Action Needed ☐

Comments Below ☐