



MAY 28, 2020

MEMORANDUM FOR PATRICIA W. SILVEY
Deputy Assistant Secretary for
Mine Safety and Health Administration
[REDACTED]

THROUGH: TIMOTHY R. WATKINS
Administrator for Mine Safety and Health Enforcement
[REDACTED]

FROM: THOMAS W. CHARBONEAU
Director, Office of Assessments

SUBJECT: Mine Safety and Health Administration (MSHA)
Accountability Division Review
Duluth District and
[REDACTED]

Introduction

This memorandum summarizes the Accountability Division's review of the Duluth District and the [REDACTED]. The review focused on enforcement activities at the [REDACTED]. This review included evaluation of District and Field Office field activities, level of enforcement, and MSHA supervisory and managerial oversight activities.

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.

Overview

Accountability Division Specialist Mark Odum conducted the review in [REDACTED] in accordance with the annual accountability review plan schedule. The review focused on a Regular Safety and Health Inspection (E01) at the [REDACTED] (ID No. [REDACTED]), Event No. [REDACTED], completed in [REDACTED]. The review also included District and Field Office oversight as identified in the attached Accountability Division checklist (Attachment A). Due to travel restrictions resulting from the March 2020 National Emergency Declaration, the site portion of the review could not be performed.

Mine Site Information

The mine is an [REDACTED] mining operation located in [REDACTED]. It employs approximately [REDACTED] employees working one eleven-hour production shift per day, five days a week. The [REDACTED] is drilled, blasted, loaded, and transported to the on-site plant for processing.

Review Results

In December 2019, the inspection procedures handbooks for metal and nonmetal and coal mines were combined into one handbook, Mine Safety and Health Enforcement General Inspection Procedures Handbook, PH19-IV/V-1, December 2019 (GIPH). The E01 inspection report reviewed for the [REDACTED] was documented according to the GIPH. The inspector issued two enforcement actions for violations observed, documented the operator's timely correction of the conditions, and terminated the citations.

Positive findings for this review included:

- For the E01 inspection documentation reviewed, the inspector consistently noted work practices observed.
- Safety talks with miners was documented.
- The inspector used an equipment list to assist in the inspection.
- The review did not identify any issues that required a corrective action plan.

The field office supervisor accompanied an inspector to the [REDACTED] once during calendar year [REDACTED] and no violations were observed. Based on the review of the E01 inspection report, Event No. [REDACTED] and discussion with the field office supervisor, the enforcement levels appeared to be appropriate for the mine.

Attachment A - Accountability Division Checklist

Some questions may not be applicable to the particular mine site or office and would not be a part of this review.

Questions 1-13 apply to the regular mine inspection report reviewed and the mine site visit.

Question Number	Question	Answer
Question 1	Determine if complete and thorough E01 inspections are being conducted and/or if policy and procedures were properly followed.	Adequate – Yes Corrective Action Needed – No Comments – None
Question 2	Determine if documentation for inspections are documented according to inspection procedures.	Adequate – Yes Corrective Action Needed – No Comments – None
Question 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 – Yes Corrective Action Needed – No Comments – None
Question 4	Evaluate examination of required record books and postings for compliance with applicable standards.	Adequate – Yes Corrective Action Needed – No Comments –None
Question 5	Evaluate examination of the operator's maps (on-site) for accuracy, escapeway locations, etc.	Adequate – Yes Corrective Action Needed – No Comments – None
Question 6	Evaluate the observation of the mining cycle and conditions in the active working area during the review.	Adequate – Yes Corrective Action Needed – No Comments – None

Question Number	Question	Answer
Question 7	Evaluate the air quantity, quality, and gas checks during the review.	Adequate – Yes Corrective Action Needed – No Comments – None
Question 8	Evaluate the examination of electrical equipment, transformer stations, and/or electrical circuits.	Adequate – Yes Corrective Action Needed – No Comments – None
Question 9	Evaluate examination for permissibility during the review.	Adequate – Not applicable Corrective Action Needed – No Comments – The mine reviewed does not have permissibility requirements.
Question 10	Determine if E01 inspections include examinations of the conveyor belts, belt entries, belt drives, and fire detection and suppression systems.	Adequate – Yes Corrective Action Needed – No Comments –None
Questions 11	Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed area.	Adequate – Not applicable Corrective Action Needed – No Comments – The mine reviewed is a nonmetal mine. This question applies to underground coal mines only.
Question 12	Determine if close-out discussions are being conducted.	Adequate – Yes Corrective Action Needed – No Comments - None

Question Number	Question	Answer
Question 13	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.	<p>Adequate – Not Applicable</p> <p>Corrective Action Needed – No</p> <p>Comments – The mine reviewed is a nonmetal mine and does not have approved plans.</p>

Questions 14-35 apply to Field Office and District specific items.

Question Number	Question	Answer
Question 14	Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.	<p>Adequate – Yes</p> <p>Corrective Action Needed – No</p> <p>Comments – None</p>
Question 15	Determine if inspectors have an understanding of when a violation of Section 103(a) for Advance Notice occurs and whether appropriate citations are issued for Advance Notice.	<p>Adequate – Yes</p> <p>Corrective Action Needed – No</p> <p>Comments - None</p>
Question 16	Determine if a proper examination of the Atmospheric Monitoring System (AMS) and Automatic Fire Sensor and Warning Device is being conducted.	<p>Adequate – Not applicable</p> <p>Corrective Action Needed – No</p> <p>Comments – The mine reviewed is a nonmetal mine. This question applies to underground coal mines only.</p>
Question 17	Determine if proper procedures for conducting, documenting, and reviewing MSHA health inspections are being followed.	<p>Adequate – Yes</p> <p>Corrective Action Needed – No</p> <p>Comments – None</p>

Question Number	Question	Answer
Question 18	Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.	Adequate – Yes Corrective Action Needed – No Comments – None
Question 19	Determine if the District Manager has made a determination to initiate or decline investigation within 30 calendar days for Possible Knowing/Willful (PKW) Reviews.	<div style="background-color: black; width: 100px; height: 1.2em; margin-bottom: 5px;"></div> <div style="background-color: black; width: 150px; height: 1.2em; margin-bottom: 5px;"></div> <div style="background-color: black; width: 100px; height: 1.2em;"></div>
Question 20	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.	Adequate – Not applicable Corrective Action Needed – No Comments – No inspections of 103(i) spot mines are conducted from this field office.
Question 21	Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.	Adequate – Yes Corrective Action Needed – No Comments – None
Question 22	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 – Yes Corrective Action Needed – No Comments – None
Question 23	Determine if required supervisory accompanied activities and office reviews are being conducted and documented according to agency policy and procedures.	Adequate – Yes Corrective Action Needed – No Comments – None
Question 24	Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.	Adequate – Yes Corrective Action Needed – No Comments – None

Question Number	Question	Answer
Question 25	Determine if the Electronic Mine Files are being maintained and reviewed according to current agency policy and procedures.	Adequate – Yes Corrective Action Needed – No Comments – None
Question 26	Determine if supervisors are rotating the mine assignments at least annually among inspectors assigned to their Field Office.	Adequate – Yes Corrective Action Needed – No Comments – None
Question 27	Determine if retraining for supervisors, inspectors, and specialists is up to date and being tracked.	Adequate – Yes Corrective Action Needed – No Comments – None
Question 28	Determine if District Managers, Assistant District Managers, and supervisors are conducting required mine visits and properly completing the required spreadsheet.	Adequate – Yes Corrective Action Needed – No Comments – None
Question 29	Determine if supervisors are visiting each active underground mine at least annually.	Adequate – Yes Corrective Action Needed – No Comments – None

Question Number	Question	Answer
Question 30	Determine if plan reviews are in compliance with current agency policy and procedures.	Adequate – Yes Corrective Action Needed – No Comments – None
Question 31	Determine if Assistant District Managers are conducting the required second level reviews.	██████████ ████████████████████ ██████████████████
Question 32	Determine if district management personnel are reviewing work products and reports for accuracy and completeness.	Adequate – Yes Corrective Action Needed – No Comments – None
Question 33	Determine if managers and supervisors are using standardized reports to review critical data relevant to inspections and investigations.	Adequate – Yes Corrective Action Needed – No Comments – None

Question Number	Question	Answer
Question 34	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 – Yes Corrective Action Needed – No Comments – None
Question 35	<p>Determine if the district’s Roof Control Plan Review Standard Operating Procedures (SOP) follow established Program Policy Manual requirements and include guidance to follow the Roof Control Plan Review Handbook to include:</p> <ul style="list-style-type: none"> • 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 	<p>Adequate – Not applicable</p> <p>Corrective Action Needed – No</p> <p>Comments – The district does not currently have approved roof control plans. This question applies to districts with approved roof control plans for underground coal mines.</p>