



AUG 4, 2020

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for  
Mine Safety and Health Administration

THROUGH:

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

FROM:

[REDACTED]  
THOMAS W. CHARBONEAU  
Director, Office of Assessments

SUBJECT:

Mine Safety and Health Administration (MSHA)  
Accountability Division Review  
Morgantown District and [REDACTED]  
[REDACTED]

#### Introduction

This memorandum summarizes the Accountability Division's review of the Morgantown District and [REDACTED]. The review focused on enforcement activities at the [REDACTED] however, this district has inspection oversight for both metal and nonmetal and coal mines. The review also included evaluation of District and Field Office 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 Jerry Kissell conducted the review in [REDACTED] 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 the [REDACTED] (ID No. [REDACTED] Event No. [REDACTED] completed in [REDACTED]. The review also included other inspection activities and 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 visit portion of the review could not be performed.

## Mine Site Information

The mine is an [REDACTED] operation located in [REDACTED] employing approximately [REDACTED] employees, working one ten-hour production shift per day, five days a week. The operation [REDACTED]. After drilling and blasting, the material is hauled by truck to an underground crusher. It is then transported to the surface, processed through the on-site screening plant and made ready for commerce.

## Review Results

The [REDACTED] had historically inspected coal operations. Under the “One MSHA” initiative, the office acquired responsibilities to inspect metal and nonmetal operations. The inspectorate was cross-trained to inspect the metal and nonmetal properties. 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 mine was thoroughly documented. No enforcement actions were issued during the inspection.

Positive findings for this review included:

- For the E01 inspection report reviewed, areas and equipment were documented consistent with the GIPH.
- The inspector documented safety talks with miners and contractors.
- This review did not identify any issues that require a corrective action plan.

Based on the review of the E01 inspection report, Event No. [REDACTED], and discussions with the Field Office and District management, the enforcement levels appear to be appropriate for the mine.

Specialist Kissell discussed with district personnel some inspection procedural guidelines as described in the Hazard Conditions Complaint Procedures Handbook, PH15-I-08(2). A general outline of the discussion topic is included in an attachment to this memorandum (Attachment B).

## Attachments

- A. Accountability Division Checklist
- B. Discussion Topic

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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 1-16 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 required mine maps.	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

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Question Number	Question	Answer
Question 7	Evaluate the air quantity, quality, and gas checks during the review.	<p>Adequate – Yes</p> <p>Corrective Action Needed – No</p> <p>Comments – Even though there was no site visit, documentation reviewed showed inspectors bump tested gas detectors daily before traveling to the mine indicating the use of gas detectors to monitor air quality during underground inspections.</p>
Question 8	Evaluate the examination of electrical equipment, transformer stations, and/or electrical circuits.	<p>Adequate – Yes</p> <p>Corrective Action Needed – No</p> <p>Comments –None</p>
Question 9	Evaluate examination for permissibility during the review.	<p>Adequate – Not applicable</p> <p>Corrective Action Needed – No</p> <p>Comments – Permissibility compliance requirements do not apply to the mine reviewed.</p>
Question 10	Determine if E01 inspections include examinations of the conveyor belts, belt drives, belt entry,	<p>Adequate –Yes</p> <p>Corrective Action Needed – No</p> <p>Comments – None</p>
Questions 11	Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed area.	<p>Adequate – Not applicable</p> <p>Corrective Action Needed – No</p> <p>Comments – The mine reviewed is a metal and nonmetal mine. This item applies to underground coal mines only.</p>
Question 12	Determine if close-out discussions are being conducted.	<p>Adequate – Yes</p> <p>Corrective Action Needed – No</p> <p>Comments - None</p>

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Question Number	Question	Answer
Question 13	Determine for coal mines only, after an in-mine visit, if approved plans (Ventilation, Roof Control, Emergency Response Plan (ERP), etc.) are compatible with mining conditions and equipment.	Adequate – Not applicable  Corrective Action Needed – No  Comments – The mine reviewed is an underground metal and nonmetal mine
Question 14	Determine if a proper examination of the Atmospheric Monitoring System (AMS) and Automatic Fire Sensor and Warning Device is being conducted.	Adequate – Not applicable  Corrective Action Needed – No  Comments – The mine reviewed is an underground metal and nonmetal mine. This applies to underground coal mines only.
Question 15	Determine if proper procedures for conducting, documenting, and reviewing MSHA health inspections are being followed.	Adequate – Yes  Corrective Action Needed – No  Comments – None
Question 16	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

Questions 17-35 apply to Field Office and District specific items.

Question Number	Question	Answer
Question 17	Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.	Adequate – Yes  Corrective Action Needed – No  Comments – None
Question 18	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.	Adequate – Yes  Corrective Action Needed – No  Comments - None

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Question Number	Question	Answer
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: 15px; margin-bottom: 5px;"></div> <div style="background-color: black; width: 150px; height: 15px; margin-bottom: 5px;"></div> <div style="background-color: black; width: 100px; height: 15px;"></div>
Question 20	Evaluate 103(i) spot inspection (E02) reports for the office being reviewed for compliance with agency policies and procedures.	Adequate – Yes  Corrective Action Needed – No  Comments – None
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

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Question Number	Question	Answer
Question 25	Determine if the Electronic Mine Files are 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

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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.	██████████  ████████████████████ No  ██████████
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

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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"> <li>• Checking that required information is submitted</li> <li>• Checking for communication with other plan approval groups</li> <li>• Assuring that designated MSHA personnel contact the operator for additional information</li> <li>• Discussing results of on-site evaluations with the operator and identified miners’ representatives</li> </ul>	Adequate – Yes  Corrective Action Needed – No  Comments – None

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Attachment B - Discussion Topic

Specialist Kissell conducted the closeout of the review with district management staff on [REDACTED]  
[REDACTED] The discussion addressed the Hazard Condition Complaint Procedures Handbook, PH15-I-08(2) requirements for citation issuance on violations not linked to the allegations in the complaint being investigated. The discussion was regarding an isolated, non-systemic incident where hazard complaint inspections conducted by one inspector were found to have issued citations, not linked to the allegations, under the same hazardous condition complaint inspection event.

The Morgantown District reviewed the requirements of the Hazardous Conditions Complaint Procedures Handbook Specific to this discussion with all supervisors on [REDACTED]