



AUG 31, 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  
Mt. Pleasant District and [REDACTED]

[REDACTED]

#### Introduction

This memorandum summarizes the Accountability Division's review of the Mt. Pleasant District and the [REDACTED]. The review focused on enforcement activities at [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 [REDACTED] (ID [REDACTED] Event No. [REDACTED] completed in [REDACTED]. The review also included areas of 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 a [REDACTED] located in [REDACTED] employing approximately [REDACTED] employees, working one eight-hour production shift per day, five days a week. The operation utilizes an [REDACTED] mining method. After drilling and blasting is done to create [REDACTED] the [REDACTED] are hauled by truck to an onsite [REDACTED] saw shop area and [REDACTED]. The [REDACTED] are then resized and made ready for commerce.

## Review Results

The [REDACTED] had historically inspected coal operations, however, 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).

For the E01 inspection report reviewed, inspectors thoroughly documented the inspection according to the GIPH. The Field Office Supervisor did travel to this mine with inspectors during the quarter. No enforcement actions were issued during the inspection reviewed.

Positive findings for this review included:

- For the E01 inspection report reviewed, areas and all equipment were documented in detail and consistent with the GIPH.
- The inspector documented safety talks on pertinent subjects with miners.
- This review did not identify any issues that required 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.



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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<br><br>Corrective Action Needed – No<br><br>Comments – None   |
| Question 2      | Determine if documentation for inspections are documented according to inspection procedures.   | Adequate – Yes<br><br>Corrective Action Needed – No<br><br>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<br><br>Corrective Action Needed – No<br><br>Comments – Citations reviewed for this were from hazard complaint reports as [REDACTED]<br>[REDACTED] |
| Question 4      | Evaluate examination of required record books and postings for compliance with applicable standards.  | Adequate – Yes<br><br>Corrective Action Needed – No<br><br>Comments –None  |
| Question 5      | Evaluate examination of the required mine maps.   | Adequate – Not Applicable<br><br>Corrective Action Needed – No<br><br>Comments –This item does not apply to the mine reviewed.                                   |

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| Question 6      | Evaluate the observation of the mining cycle and conditions in the active working area 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 the ■ was idle, so the mining cycle could not be observed by the inspector. Other working areas and work practices observed were well documented.</p> |
| 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 –This item does not apply to the mine reviewed.</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 –This item does not apply to the mine reviewed.</p>   |
| Question 10     | Determine if E01 inspections include examinations of the conveyor belts, belt drives, belt entries.       | <p>Adequate –Not Applicable</p> <p>Corrective Action Needed – No</p> <p>Comments – There are no conveyor belts at this mine.</p>  |

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| Question 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<br><br>Corrective Action Needed – No<br><br>Comments – This item does not apply to the mine reviewed. |
| Question 12     | Determine if close-out discussions are being conducted.  | Adequate – Yes<br><br>Corrective Action Needed – No<br><br>Comments - None  |
| 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<br><br>Corrective Action Needed – No<br><br>Comments – The mine reviewed is a [REDACTED]              |
| 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<br><br>Corrective Action Needed – No<br><br>Comments – This item does not apply to the mine reviewed. |
| Question 15     | Determine if proper procedures for conducting, documenting, and reviewing MSHA health inspections are being followed.  | Adequate – Yes<br><br>Corrective Action Needed – No<br><br>Comments – None  |
| Question 16     | Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.  | Adequate – Yes<br><br>Corrective Action Needed – No<br><br>Comments - None  |

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

| Question Number | Question   | Answer   |
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| Question 17     | Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.  | Adequate – Yes<br><br>Corrective Action Needed – No<br><br>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<br><br>Corrective Action Needed – No<br><br>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.            | <br><br><br>   |
| Question 20     | Evaluate 103(i) spot inspection (E02) reports for the office being reviewed for compliance with agency policies and procedures.  | Adequate – Not Applicable<br><br>Corrective Action Needed – No<br><br>Comments – The<br>has no 103(i) mines. |
| Question 21     | Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.   | Adequate – Yes<br><br>Corrective Action Needed – No<br><br>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<br><br>Corrective Action Needed – No<br><br>Comments – None                                   |

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| Question Number | Question   | Answer   |
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| Question 23     | Determine if required supervisory accompanied activities and office reviews are being conducted and documented according to agency policy and procedures.          | Adequate – Yes<br><br>Corrective Action Needed – No<br><br>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<br><br>Corrective Action Needed – No<br><br>Comments – None |
| Question 25     | Determine if the Electronic Mine Files are maintained and reviewed according to current agency policy and procedures.  | Adequate – Yes<br><br>Corrective Action Needed – No<br><br>Comments – None |
| Question 26     | Determine if supervisors are rotating the mine assignments at least annually among inspectors assigned to their Field Office.                                      | Adequate – Yes<br><br>Corrective Action Needed – No<br><br>Comments – None |
| Question 27     | Determine if retraining for supervisors, inspectors, and specialists is up to date and being tracked.  | Adequate – Yes<br><br>Corrective Action Needed – No<br><br>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<br><br>Corrective Action Needed – No<br><br>Comments – None |
| Question 29     | Determine if supervisors are visiting each active underground mine at least annually.  | Adequate – Yes<br><br>Corrective Action Needed – No<br><br>Comments – None |

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



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| 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> | <p>Adequate – Yes</p> <p>Corrective Action Needed – No</p> <p>Comments – None</p> |