



JUN 15, 2021

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for
Mine Safety and Health Administration

[REDACTED]

THROUGH:

SAMUEL K. PIERCE
Acting 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
Norton District and

[REDACTED]

Introduction

This memorandum summarizes the Accountability Division's review of the Norton 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 Jerry Kissell 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 included other 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 declared in Proclamation 9994 and continuing in effect beyond March 1, 2021, the site visit portion of the review could not be performed.

Mine Site Information

The preparation plant is a surface coal facility located in [REDACTED]. It employs approximately [REDACTED] employees working two eight-hour production shifts per day, five days a week. Coal is delivered by truck where the coal is cleaned, blended and made ready for transportation to customers.

Review Results

The E01 inspection report for the preparation plant was documented according to the Mine Safety and Health Enforcement General Inspection Procedures Handbook. The inspectors issued fourteen enforcement actions. The operator timely corrected the conditions and all citations were terminated.

Based on the review of the E01 inspection report for Event No. [REDACTED], and discussions with the district management staff, the enforcement levels appear to be appropriate for the mine. This review did not identify any issues that require a corrective action plan.

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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.

Due to travel restrictions resulting from the March 2020 National Emergency Declaration, the site visit portion of the review could not be performed.

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

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Question Number	Question	Answer
Question 7	Evaluate the air quantity, quality, and gas checks during the review.	Adequate – Not applicable Corrective Action Needed – No Comments – The mine reviewed is a surface coal facility. This item applies to underground coal mines only.
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 is a surface coal facility. This item applies to underground coal mines only.
Question 10	Determine if E01 inspections include examinations of the conveyor belts, belt entries, belt drives, and fire detection and suppression systems.	Adequate – Not applicable Corrective Action Needed – No Comments – The mine reviewed is a surface coal facility. This item applies to underground coal mines only.
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 Corrective Action Needed – No Comments – The mine reviewed is a surface coal facility. This item applies to underground coal mines only.
Question 12	Determine if close-out discussions are being conducted.	Adequate – Yes Corrective Action Needed – No Comments – None

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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.	Adequate – Not Applicable Corrective Action Needed – No Comments – This facility has no required approved plans other than part 48 training.

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

Question 14	Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.	Adequate – Yes Corrective Action Needed – No Comments – None
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.	Adequate – Yes Corrective Action Needed – No Comments - None
Question 16	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 a surface coal facility. This item applies to underground coal mines only.
Question 17	Determine if proper procedures for conducting, documenting, and reviewing MSHA health inspections are being followed.	Adequate – Yes Corrective Action Needed – No Comments – None

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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: 15px;"></div> <div style="background-color: black; width: 150px; height: 15px;"></div> <div style="background-color: black; width: 100px; height: 15px;"></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 timeframes.	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 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 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 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.	<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 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 34	Determine if information (mine status, methane liberation, number of employees, etc.) is entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner.	Adequate – Yes Corrective Action Needed – No Comments – None

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Question Number	Question	Answer
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 – Yes</p> <p>Corrective Action Needed – No</p> <p>Comments – None</p>