



MAR 23, 2021

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
Madisonville District and [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Accountability Division's review of the Madisonville District and [REDACTED]. The Field Office 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. The review focused on enforcement activities at the [REDACTED]. 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 Mark Odum conducted the review in [REDACTED] in accordance with the annual accountability review plan schedule and to measure the effectiveness of cross-trained inspectors as part of the “One MSHA” initiative. The review focused on a Regular Safety and Health Inspection (E01) at [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] operation located in [REDACTED], [REDACTED], employing [REDACTED] employees. The mine works one ten-hour production shift per day, five days a week, utilizing [REDACTED] mining methods. After drilling and blasting, the [REDACTED] is sent through a crusher then prepared for transportation to customers.

Review Results

For the E01 inspection report reviewed, the inspector documented the complete inspection of the [REDACTED] site according to the Mine Safety and Health Enforcement General Inspection Procedures Handbook.

Positive findings for this review included:

- For the E01 inspection report reviewed, the inspector documented safety talks on pertinent subjects with miners.
- The inspector used checklists to assist in documentation of the E01 inspection.

Based on the review of the E01 inspection report, Event No. [REDACTED], and discussions with the Field Office and District management, enforcement appeared to be appropriate for the mine. This review did not identify any issues requiring a corrective action plan.

Specialist Odum discussed with District personnel the training and retraining of enforcement personnel (Attachment B).

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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 – Not Applicable Corrective Action Needed – No Comments –This item does not apply to the mine reviewed. |

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| Question Number | Question | Answer |
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| 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 7 | Evaluate the air quantity, quality, and gas checks during the review. | Adequate – Not Applicable Corrective Action Needed – No Comments –This item does not apply to the mine reviewed. |
| 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 –This item does not apply to the mine reviewed. |
| Question 10 | Determine if E01 inspections include examinations of the conveyor belts, belt drives, belt entries. | Adequate –Yes Corrective Action Needed – No Comments – None |

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| Question Number | Question | Answer |
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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 Corrective Action Needed – No Comments – This item does not apply to the mine reviewed. |
| Question 12 | Determine if close-out discussions are being conducted. | Adequate – Yes Corrective Action Needed – No 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 Corrective Action Needed – No Comments – This item does not apply to the mine reviewed. |
| 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 – 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 – Not Applicable Corrective Action Needed – No Comments – No health samples collected during the inspection reviewed. |
| 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 |

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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 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 |
| 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: 200px; 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 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 |

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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 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 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 – Discussion item (Attachment B). |
| 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 |

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| Question 29 | Determine if supervisors are visiting each active underground mine at least annually. | Adequate – Yes Corrective Action Needed – No Comments – None |
| 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: 15px;"></div> <div style="background-color: black; width: 150px; height: 15px;"></div> <div style="background-color: black; width: 100px; height: 15px;"></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 being 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 |
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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">• 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> |

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Attachment B – Discussion Topics.

This discussion item did not require a corrective action plan.

- Discussed ensuring training/retraining for all authorized representatives. Two authorized representatives, [REDACTED] did not receive their 48 hours retraining during the two year cycle, Fiscal Year 2019-2020. One had received 46 hours or 95.8% of the required retraining and the other had received 36 hours or 75% of the required retraining. This was determined to be an oversight. [REDACTED] training was not held due to the March 2020 National Emergency Declaration.