



FEB 25, 2022

MEMORANDUM FOR PATRICIA W. SILVEY
Deputy Assistant Secretary for
Mine Safety and Health

[REDACTED]

THROUGH: NANCY M. ROONEY
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
Warrendale District and

[REDACTED]

Introduction

This memorandum summarizes the Accountability Division's review of the Warrendale District and the [REDACTED]. The review focused on enforcement activities at [REDACTED]. This review also 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 followed consistently and to assess whether mission-critical enforcement activities were accomplished.

Overview

Accountability Division Specialist Jerry Kissell conducted the review in [REDACTED]. 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 areas of District and Field Office oversight as identified in the attached Accountability Division checklist (Attachment B). Due to travel restrictions resulting from the February 2021 National Emergency and continuing in effect beyond March 1, 2021, the site visit portion of the review could not be performed.

Mine Site Information

The mine is a [REDACTED] mining operation located in [REDACTED]. It employs [REDACTED] employees working three eight-hour shifts per day, seven days a week. [REDACTED] is drilled, blasted, crushed, and then processed in the facility to make [REDACTED] that is made ready for delivery to customers.

Review Results

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 identified one issue that required a Corrective Action Plan (CAP). District Management developed and implemented a CAP (Attachment A).

Issue 1 - The District did not provide bump test equipment as necessary for all inspectors to safely and effectively complete underground E01 inspections (Attachment C).

Multi-gas detector bump test kits were not made available for inspectors when conducting multiple-day underground inspections at non-local underground mines. The District has 16 underground mines that are several hours (from 1.5 up to 4 hours) from the Field Offices. The inspectors stay in their assigned travel areas to conduct the inspections during the week and cannot feasibly return to the Field Office each day to bump-test multi-gas detectors before use.

Specialist Kissell discussed some inspection and procedural best practices with the District personnel. A general outline of discussion topics is included in an attachment to this memorandum (Attachment D).

Attachment A – Corrective Action Plan

November 02, 2021

MEMORANDUM FOR THOMAS W. CHARBONEAU
Director, Office of Assessments

THROUGH: [REDACTED]

THROUGH: NANCY M. ROONEY
Administrator for
Mine Safety and Health Enforcement

THROUGH: MOHAMED ABOELMAGD
Chief, Division of Accountability [REDACTED]

FROM: PETER J. MONTALI
District Manager
East Region, Warrendale District

SUBJECT: Proposed Corrective Action Plan
Warrendale District Fiscal Year 2021 Audit

This is a response to the review conducted by the Accountability Division in [REDACTED] for the Warrendale District and the [REDACTED]. The results of the review identified one issue to be addressed by this District.

Issue 1 - The District did not provide bump test equipment for all inspectors to safely and effectively complete underground E01 inspections (Attachment C).

Multi-gas detector bump test kits were not made available for inspectors when conducting multiple-day underground inspections at non-local underground mines. The District has 16 underground mines that are several hours drive (1.5 up to 4 hours) from the Field Offices. The

inspectors stay in their assigned travel areas to conduct the inspections during the week and cannot feasibly return to the Field Office each day to bump-test multi-gas detectors before use.

- Inspection personnel will be provided sufficient equipment and supplies sufficient to safely and effectively complete the assigned inspection and will be properly trained in the use of such equipment. The inspector should use equipment and supplies that are owned and properly maintained by MSHA (refer to the Inspector's Equipment List and Field Office Equipment and Supplies List in Chapter 5) or other specialized equipment as required.

ROOT CAUSE:

This issue resulted from the District not receiving the requested purchase of multi-gas detector bump test kits and the necessary accessories. Enforcement personnel were informed on January 7, 2020, during the General Inspection Procedures Handbook update training, that these kits would be provided to all Districts. The initial cost for these items exceeded the District's purchase limit and had to be purchased by Headquarters.

PROPOSED CORRECTIVE ACTIONS:

The District, through Headquarters, will procure the required bump test kits and distribute them to the appropriate inspection personnel at each Field Office.

OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):

The District Manager is responsible for implementing corrective actions.

TIMEFRAME FOR COMPLETION OF THE CORRECTIVE ACTION:

The District submitted a purchase request to the Deputy Administrator for Enforcement. The District will distribute the kits to the appropriate inspection personnel at each Field Office within 30 days of receipt.

METHOD FOR DETERMINING SUCCESS:

The Assistant District Managers will follow up with each of their assigned Field Offices within 30 days of receipt to confirm distribution and appropriate use of the multi-gas bump test kits. The Assistant District Managers will confirm timely distribution of the kits to the District Manager.

The District Manager will send a memorandum to Thomas W. Charboneau, Director, Office of Assessments upon completion of the corrective actions.

United States Department of Labor
Mine Safety and Health Administration
Accountability Division

District	Warrendale	Field Office		Mine ID		Date	
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Attachment B - 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 the documentation for inspections are 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 – None

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District	Warrendale	Field Office		Mine ID		Date	
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Question Number	Question	Answer
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 – 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 – None
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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District	Warrendale	Field Office		Mine ID		Date	
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Question Number	Question	Answer
Question 11	Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed areas.	Adequate – Not Applicable Corrective Action Needed - No Comments – None
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 – None
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 – None
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

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District	Warrendale	Field Office		Mine ID		Date	
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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 - No Corrective Action Needed - Yes Comments - Inspection personnel will be provided sufficient equipment and supplies to safely and effectively complete the assigned inspection and will be properly trained in the use of such equipment. (Attachment C)
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 Regional Administrator decided to initiate or decline investigations for Possible Knowing/Willful (PKW) Reviews within 30 Calendar days.	<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 – Not Applicable Corrective Action Needed - No Comments – The Field Office reviewed has no 103(i) mines.

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District	Warrendale	Field Office		Mine ID		Date	
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Question Number	Question	Answer
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 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 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

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Question Number	Question	Answer
Question 28	Determine if District Managers, Assistant District Managers, and supervisors are conducting mine visits according to directives.	Adequate – Yes Corrective Action Needed - No Comments - None
Question 29	Determine if six-month plan reviews comply with current agency policy and procedures.	Adequate – Yes Corrective Action Needed - No Comments - None
Question 30	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: 200px; height: 15px;"></div> <div style="background-color: black; width: 100px; height: 15px;"></div>
Question 31	Determine if the District management personnel are reviewing work products and reports for accuracy and completeness.	Adequate – Yes Corrective Action Needed - No Comments - None
Question 32	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 33	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
Question 34	<p>Determine if the District's Roof Control Plan Review Standard Operating Procedures 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 – None</p>

Attachment C - Issues Requiring a Corrective Action Plan

Issue 1 - The District did not provide bump test equipment for all inspectors to safely and effectively complete underground E01 inspections.

Multi-gas detector bump test kits were not made available to inspectors conducting multiple-day underground inspections at non-local underground mines. The District has 16 underground mines that are several hours (from 1.5 to 4 hours) from the Field Offices. The inspectors stay in their assigned travel areas to conduct the inspections during the week and cannot feasibly return to the Field Office each day to bump-test multi-gas detectors before use.

Requirement – General Inspection Procedures Handbook PH19-IV/V-1, Chapter 2, Section K. “*Bump Testing* Multi-gas detectors used by enforcement personnel will be performance- (“bump”) tested before use. Instruments that fail the “bump” test must be recalibrated prior to use in the field. “Bump” tests will be documented in the notes.”

Attachment D - Discussion Items

Accountability Division Specialist Jerry Kissell conducted the closeout of the review with District Management staff on [REDACTED] Items discussed included:

Citation and Order writing evaluation and justification documentation.

- Enforcement action and justification.

Possible Knowing and Willful Reviews (PKW) -

- Special Investigations Procedures Handbook (PH20-I-5) revisions in the PKW decision process.