

## **HISTORY OF PREVIOUS VIOLATIONS**

### **Part 100 (effective 4/23/2007)**

For production operators, assessment history is based on the number of Violations per Inspection Day (VPID) during the 15 months preceding the date the violation occurred. If the operator's start (ownership) date at a mine falls within the designated 15 month period the history period is adjusted to include only that portion of the 15 months that the operator is at the mine. For independent contractors, the Contractor Violations in History Period (CVHP) is derived using the same 15-month period as for operators but including violations cited at all mines where the contractor has worked during the 15-month period. Both VPID and CVHP are converted to penalty points using the respective tables in 30 CFR 100.3.

VIOLATIONS PER INSPECTION DAY – The 15-month period used to calculate history is 15 months prior to the date the violation occurred. The only exception is if the day of the month 15 months prior does not exist (i.e. the day is the 29<sup>th</sup>, 30<sup>th</sup>, or 31<sup>st</sup>) then the last day of that month is used. For production operators, VPID is calculated by adding the violation count, calculating the inspection day count, and then dividing the violation total by the inspection day total. Only violations that became a Final Order of the Mine Safety and Health Review Commission in the 15-month period are included in the operator's history of previous violations. Inspection days are derived by totaling the MSHA on-site inspection hours entered by Authorized Representatives of the Secretary (AR) for certain inspection activities and task codes and dividing by five (see table below for exclusions). A remainder amount greater than zero increases the count by one.

CONTRACTOR VIOLATION HISTORY – For independent contractors, the 15-month history period is defined the same as production operators. CVHP is calculated by adding the violation count at all mines at which the contractor worked for the 15-month history period.

REPEAT VIOLATIONS PER INSPECTION DAY – For mine operators, the same 15-month period as VPID is used. For production operators, Repeat Violations per Inspection Day (RPID) is calculated by dividing the number of repeat violations by the number of inspection days. The number of repeat violations is determined using violations that meet the criteria for VPID and have the same 30 CFR Health and Safety Standard cited for the violation being assessed the penalty. If a Section of the Mine Act is cited in lieu of the 30 CFR Health and Safety Standard, then VPID violations citing that Section of the Mine Act are counted. If the number of violation used in the VPID calculation is less than 10 the RPID is not calculated and is set to zero.

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The following table shows those inspection activity codes for inspection events the production operator's inspection day counts.

<b>Inspection Activity Codes</b>	<b>Brief Description of Activity Codes</b>
E01	Regular Safety and Health Inspection
E02	103(j) Spot Inspection
E03	103(g) Written Notification Hazard Complaint Inspection
E04	Verbal Hazard Complaint Inspection
E06	Fatal Accident Investigation
E07	Non-Fatal Accident Investigation
E08	Non-Injury Accident Investigation
E15	Compliance Follow-up Inspection
E16	Spot Inspection
E17	Special Emphasis Programs
E18	Shaft, Slope or Major Construction Spot Inspection
E19	Electrical Technical Investigation
E20	Roof Control Technical Investigation
E21	Ventilation Technical Investigation
E22	Health Technical Investigation
E23	Impoundment Spot Inspection
E24	Other Technical Compliance Investigations
E25	Part 50 Audit
E27	Attempted Inspection (Denial of Entry)
E28	Mine Idle Activity
E33	Non-Chargeable Accident Investigation

If the task codes entered with the inspector's hours designate either Supervisory Duties or Inspector Trainee the on-site inspection hours are not counted.

Task Code	Brief Description	Inspection Days
I	General Inspection Activity	Y
S	Supervisory Duties	N
T	Inspector Trainee	N
R	Roof Control (on-site and plans) (Specialists only)	Y
V	Ventilation (on-site and plans) (Specialists only)	Y
H	Health (on-site and plans) (Specialists only)	Y
W	Impoundments/Waste Piles (on-site and plans) (Specialists only)	Y
E	Electrical (on-site)	Y
L	Haulage Technical (special activities; not routine checks)	Y
C	Self-Contained Self-Rescuers Evaluation (Field)	Y
U	Education and Training (including walk and talk activities)	Y
A	Compliance Assistance	Y
D	Respirable Dust Sampling	Y
N	Noise Sampling	Y
Y	Industrial Hygiene	Y
M	Diesel Emissions Work (not routine gas checks and ventilation checks)	Y
Z	Hazard Communication	Y