



**JAN 26 2017**

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

**THROUGH:** TIMOTHY R. WATKINS [REDACTED]  
Deputy Administrator for  
Coal Mine Safety and Health [REDACTED]

**FROM:** THOMAS W. CHARBONEAU [REDACTED]  
Director, Office of Assessments

**SUBJECT:** Mine Safety and Health Administration (MSHA) Office of  
Accountability Review, Coal District 7, Barbourville, Kentucky  
Field Office and [REDACTED]  
Mine, ID No. [REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's review of the subject district office, field office, and mine. This review included MSHA field activities; level of enforcement; conditions and practices at the mine; and MSHA supervisory and managerial oversight. The accountability review also included evaluations to determine if there were any issues in areas commonly identified during Agency internal reviews of MSHA's actions following past mining disasters.

Purpose

The purpose of this accountability review is to determine whether MSHA enforcement policies, procedures, and guidance are being followed consistently; assess whether mission critical enforcement activities are accomplished effectively; and to evaluate and improve the overall performance of MSHA's enforcement program. The major outcome expected from the Office of Accountability review program is to identify potential or actual areas for improvement, and to document the subsequent implementation of effective corrective actions to address any identified issues.

Office of Accountability (OA) Specialists Jerry Kissell and Troy Davis (Review Team) conducted this review of Coal District 7 and the Barbourville, Kentucky Field Office, (FO) from [REDACTED]. This review focused on inspection activities and supervisory oversight activities during FY 2016 and concentrated on documentation pertaining to the regular E01 inspection, Event No. [REDACTED] conducted during the third quarter of FY 2016 by the Barbourville FO of the [REDACTED] (ID No. [REDACTED]), an underground coal mine.

### Overview

The review was conducted in accordance with the annual accountability review plan schedule. The [REDACTED] underground mine was selected for review due to its size and complexity of mining, including its retreat mining activities.

As a part of the review process, the Review Team conducted a mine visit to evaluate:

- the general condition of the mine;
- assess whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports reviewed; and
- observe work practices at the mine site.

### Mine Visit

The Review Team accompanied the Assistant District Manager (ADM), Field Office Supervisor, Staff Assistant and an inspector to the [REDACTED] coal mine on [REDACTED] as part of a Regular Safety and Health Inspection (E01).

The mine is located in [REDACTED] and employs approximately [REDACTED] miners working one eight-hour production shift and one maintenance shift per day, five days per week. The mine consists of one active working section that produces an average of [REDACTED] of raw coal daily. The mining process involves the use of continuous mining machines, shuttle car haulage and mobile roof support equipment. The coal is extracted using the room and pillar method and retreat mining. Coal is transported from the mine by conveyor belts to the surface, and then transported via over-the-road trucks to an off-site preparation plant.

The inspection group traveled to the Mechanized Mining Unit (MMU) 001-0 located in the 2<sup>nd</sup> West Submains. The section was actively retreat mining (pillaring) at the time of the inspection. No enforcement actions were issued to the mine operator during the mine visit. The mine visit included inspections and observations of the following:

#### Working Section:

- examinations of the working section and pillar line for imminent dangers, methane tests and air readings;
- ventilation, rock dusting, cleanup, and roof and rib conditions;
- the mining cycle;
- permissibility of one shuttle car and section power center;
- a functional test of the communication and tracking system;
- self-contained self-rescuers (SCSRs) cache, an AL Lee 30 person refuge alternative and escapeway maps; and
- the inspector's safety talk with the section crew

#### Outby areas:

- travelway and alternate escapeway from the portal to the MMU 001-0, signage and lifelines;
- dates, times, and initials of required examinations;
- a portion of the primary escapeway from the working section to No. 3 belt drive, signage and lifelines;
- No. 3 belt drive, firefighting equipment and functional test of the fire suppression system;
- No. 2 belt conveyor and belt drive, firefighting equipment and functional test of the fire suppression system; and
- 1 North Main seal set (six J-Seal 120 psi seals JennChem, LLC).

#### Surface areas:

- mine examination records and postings;
- check-in/check-out system;
- communication and tracking system, and the atmospheric monitoring system (AMS) for early fire detection;
- posted escapeway maps; and
- the inspector's pre- and post-inspection discussions with the operator.

#### Review Results

The review revealed positive findings in the following areas:

- For E01 Event [REDACTED] the Inspection Tracking Map was complete, organized and documented clearly to depict the entire mine as being inspected.
- For E01 Event [REDACTED], the Inspection Tracking System was complete and documented in accordance with the Coal Mine Safety and Health General Inspection Procedures Handbook (GIPH).
- During the mine visit inspection, the inspector was professional and clear in his interaction with the mine operator and miners.

This accountability review detected no issues that required a corrective action plan, however, the Review Team identified and discussed with the district some lesser issues not requiring a corrective action plan, and inspection best practices as described in the

GIPH. A general outline of discussion topics is included in an attachment to this memorandum. (See Attachment B)

As a part of the review, enforcement levels of the mine and field office were compared with the district and national averages. The [REDACTED] had the following statistics:

- The enforcement actions at the mine during October 2015 thru June 2016 were evaluated at a 16% significant and substantive (S&S) rate, compared to the national S&S rate of 21% for the same time period.
- The mine had an S&S rate of 16% during the first three quarters of FY 2016 compared to the FO S&S rate of 23%; a district S&S rate of 23%; and the national S&S rate of 21%.

This comparison of FY 2016 rates showed the S&S rate for the mine was slightly lower than the average S&S rate of the field office, district and nation.

Based on the review of Event No. [REDACTED] discussions with field office personnel concerning the mine's operations; and observations during the mine visit, the Review Team determined that the enforcement levels for the [REDACTED] are commensurate with existing mining conditions and work practices.

Attachments

- A. Office of Accountability Checklist
- B. Discussion Topics

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

District  Field Office  Mine ID  Date

Attachment A: Office of Accountability Checklist

1. Determine if complete and thorough E01 inspections are being conducted and/or if policy and procedures were properly followed.

Adequate  Corrective Action Needed  Comments Below

2. Determine if documentation for inspections is complete and thorough.

Adequate  Corrective Action Needed  Comments Below

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  Corrective Action Needed  Comments Below

4. Evaluate inspector/specialist examination of required record books and postings for compliance with applicable standards.

Adequate  Corrective Action Needed  Comments Below

5. Evaluate inspector/specialist examination of the operator's maps (on-site) for accuracy, escapeway locations, etc.

Adequate  Corrective Action Needed  Comments Below

6. Evaluate, upon arrival on the working section, inspector/specialist examination of all working faces for imminent dangers.

Adequate  Corrective Action Needed  Comments Below

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Mine ID

[REDACTED]

Date

[REDACTED]

7. Evaluate the inspector/specialist observation of the work cycle and conditions on the working section during the review.

Adequate

Corrective Action Needed

Comments Below

8. Evaluate the inspector/specialist air quantity, quality, and gas checks during the review.

Adequate

Corrective Action Needed

Comments Below

9. Evaluate inspector/specialist examination of equipment electrical cables during the review.

Adequate

Corrective Action Needed

Comments Below

10. Evaluate inspector/specialist examination for permissibility during the review.

Adequate

Corrective Action Needed

Comments Below

11. Determine if previous E01 inspections include examinations of the condition and maintenance of conveyor belts, belt entries, belt drives, fire detection and suppression systems, and separation of belt entries from other air courses.

Adequate

Corrective Action Needed

Comments Below

12. Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed area.

Adequate

Corrective Action Needed

Comments Below

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13. Determine if adequate close-out conferences are being conducted at the end of each inspection.

Adequate  Corrective Action Needed  Comments Below

14. Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.

Adequate  Corrective Action Needed  Comments Below

15. Evaluate 103(i) spot inspection (E02) reports for the office/district being reviewed for compliance with agency policies and procedures, including compliance with time frames and separating E02 inspections from other events.

Adequate  Corrective Action Needed  Comments Below

16. Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.

Adequate  Corrective Action Needed  Comments Below

17. 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  Corrective Action Needed  Comments Below

18. Determine if required Accompanied Activities (AAs); Field Activity Reviews (FARs) and supervisory follow-ups are being conducted and documented according to agency policy and procedures?

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19. Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.

Adequate  Corrective Action Needed  Comments Below

20. Determine if the Uniform Mine File books are being maintained and reviewed according to current agency policy and procedures.

Adequate  Corrective Action Needed  Comments Below

District is using electronic mine file.

21. Determine if supervisors are thoroughly reviewing Uniform Mine Files at least annually?

Adequate  Corrective Action Needed  Comments Below

22. Determine if supervisors are visiting each active underground mine at least annually.

Adequate  Corrective Action Needed  Comments Below

23. Determine if all sections where retreat mining is occurring (not to include longwall mining) are being inspected at least monthly?

Adequate  Corrective Action Needed  Comments Below

24. Determine if documentation of staff meetings/safety meetings are effective and relevant to current issues and the Agency's mission.

Adequate  Corrective Action Needed  Comments Below

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25. 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  Corrective Action Needed  Comments Below

26. Determine if approved plans are being revised or updated to reflect changes in conditions and/or equipment.

Adequate  Corrective Action Needed  Comments Below

27. Determine if plan reviews are in compliance with current agency policy and procedures (performed within required timeframes, tracked from the date of submission, properly documented, and contain input from all affected departments and field offices).

Adequate  Corrective Action Needed  Comments Below

28. Determine if Assistant District Manager is conducting the required second level reviews and holding supervisors accountable for oversight of Field Activity Reviews and Accompanied Activities.

29. Determine if district management personnel are reviewing work products and reports for accuracy and completeness.

Adequate  Corrective Action Needed  Comments Below

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Coal District 7

Field Office

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KY Field Office

Mine ID

[REDACTED]

Date

[REDACTED]

Determine if District Managers, Assistant District Managers, and  
30. supervisors are conducting required mine visits and properly completing  
the required spreadsheet.

Adequate

Corrective Action Needed

Comments Below

Determine if District Manager is using discretion in granting conferences  
and monitoring the Alternative Case Resolution (ACR) program to ensure  
31. that all decisions (including upholding, modifying or vacating citations) are  
properly documented and justified by the Conference and Litigation  
Representatives (CLRs).

Adequate

Corrective Action Needed

Comments Below

NA – not part of this review

32. Determine if managers and supervisors are using standardized reports to  
review critical data relevant to inspections and investigations.

Adequate

Corrective Action Needed

Comments Below

Determine if Districts are conducting reviews in compliance with agency  
33. policy and procedures including follow-up to determine the effectiveness of  
corrective actions.

Adequate

Corrective Action Needed

Comments Below

Determine if information (mine status, methane liberation, number of  
34. employees, etc.) is being entered into the MSHA Standardized Information  
System (MSIS) accurately and in a timely manner?

Adequate

Corrective Action Needed

Comments Below

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35. Determine if District Managers are using the Report Center to identify overdue responses from operators and take appropriate actions.

36. Determine if a complete permissibility inspection of each longwall system is being conducted by electrical specialists or inspectors who hold a current MSHA electrical qualification card on at least an annual basis.

Adequate  Corrective Action Needed  Comments Below

NA – No longwalls currently in District 7

37. Determine if a proper examination of the Atmospheric Monitoring System (AMS) and/or AMS systems that operate Carbon Monoxide (CO) sensors is being conducted. A complete inspection includes those items in the Coal General Inspection Procedures Handbook (GIPH) AMS checklist.

Adequate  Corrective Action Needed  Comments Below

38. Determine if SSIs are maintaining a memorandum detailing the reasons for not conducting a special investigation when the district manager decides to take no further action, in accordance with the Special Investigations Procedures Handbook.

Adequate  Corrective Action Needed  Comments Below

NA – not part of this review

39. Determine if proper procedures for conducting, documenting, and reviewing MSHA respirable dust surveys are being followed. Proper documentation to include blue cards, 2000-86s, etc.

Adequate  Corrective Action Needed  Comments Below

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Determine if District Managers and Assistant District Managers are providing acting field office supervisors with the level of oversight necessary to manage their work groups on a temporary basis including an

40. online distance learning training course with a knowledge check for temporarily promoted supervisors. The guidance will be included in each District's Standard Operating Procedure (SOP) for training newly promoted field office supervisors.

The Roof Control Plan SOP should comply with the established Program Policy Manual requirements as identified by the 2013 OIG report to address issues identified in the Internal Review report. The SOPs should account for:

41. 

- 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.

Adequate  Corrective Action Needed  Comments Below

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Attachment B – Discussion Topics

Topics discussed with the district that do not require a corrective action plan are as follows:

- Documentation of Enforcement Actions – two citations the gravity determinations were not clearly justified; one citation the standard cited was incorrect for enforcement actions issued during the E01 reviewed. – See Citation and Order Writing Handbook For Coal Mines and Metal and Nonmetal Mines, PH13-I-1(1), pages 11-13; Coal Mine Safety and Health General Inspection. Procedures Handbook, PH16-V-1 (GIPH), pages 2-19 through 22
- Rockdust Sampling – a sample was not taken in the significant return aircourse (area main split to the surface) GIPH 5-14
- Training Records – The number and type of training records reviewed was not documented in the field notes. GIPH 3-16