



JAN 29 2018

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

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 9, Farmington, NM Field
Office and the [REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's review of the subject District, Field Office, and mine. The review included MSHA field activities; level of enforcement; conditions and practices at the mine; Field Activity Reviews (FARs), Accompanied Activity (AA) reviews; and MSHA supervisory and managerial oversight. This 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 and to assess whether mission critical enforcement activities are accomplished effectively. The accountability review also identifies areas for improvement and the subsequent implementation of effective corrective actions to address any identified issues.

Overview

Office of Accountability (OA) Specialists Jerry Kissell and Mark Odum (Review Team) conducted a review of the Coal District 9 and the Farmington, New Mexico Field Office (FO) in accordance with the annual accountability review plan schedule. The Review Team conducted the on-site portion of this review from [REDACTED], to include a mine visit on [REDACTED]. The review focused on inspection and supervisory oversight activities conducted during Fiscal Year (FY) 2016 and the first half of FY 2017. The review concentrated on documentation of the Regular Safety and Health Inspection (E01), Event No. [REDACTED] conducted [REDACTED] of the [REDACTED] ID No. [REDACTED]. The [REDACTED] was selected because it is a large surface coal mine with multiple active working pits. The mine is located in [REDACTED].

Mine Visit

The Review Team accompanied the Assistant District Manager – Enforcement, the Field Office Supervisor, and an inspector to the mine as part of the on-going E01 inspection. During the mine visit the Review Team evaluated general conditions of the mine, assessed whether conditions at the mine correspond with enforcement levels documented in the inspection reports reviewed, and observed work practices at the mine site.

The mine employs approximately [REDACTED] miners working two production shifts and one maintenance shift per day, five days per week. The mine utilizes draglines, stripping excavators, and haul trucks to remove overburden and mine coal from seven different coal seams out of three active working pits. The coal is transported to a preparation plant by haul trucks and overland conveyor belts where it is processed and prepared for commerce.

The mine visit included inspections and observations of the following:

- the primary haulageways;
- highwalls and spoil piles associated with the J19 and N9 active working pits;
- berms along the roadways;
- the #276 dewatering truck;
- the #268 maintenance truck;
- the [REDACTED] area and on-shift records; and
- the explosives magazine storage facility.

Observations also included the inspector's conference with mine management and miner's representative and his health and safety discussions with miners, as encountered.

As a result of the inspection the inspector issued three enforcement actions. (See Attachment D)

Review Results

The accountability review revealed positive findings from the E01 reviewed which included:

- Inspectors documented observations of mining cycles and work practices.
- Inspectors used printed pages from the Inspection Tracking System (ITS) as notes.
- Inspectors used questions from the Coal Mine Safety and Health General Inspection Procedures Handbook, PH16-V-1 (GIPH) to conduct health and safety talks with miners on ground control and highwall safety.
- Inspectors discussed safety alerts with miners as encountered.

The review identified one issue that required a corrective action plan. (See Attachment B for Issues Requiring a Corrective Action Plan and Attachment C for Office of Accountability Checklist Items)

Issue 1:

[REDACTED]

[REDACTED]

[REDACTED]

The Review Team discussed with the District some inspection and procedural best practices as described in the General Inspection Procedures Handbook. A general outline of discussion topics is included in an attachment to this memorandum. (See Attachment E for Discussion Topics)

Based on the review of the E01, Event No. [REDACTED] and on observations made during the mine visit, enforcement personnel were using the proper level of enforcement at the [REDACTED]

Attachments

- A. District Corrective Action Plan
- B. Issues Requiring a Corrective Action Plan
- C. Office of Accountability Checklist
- D. Citations Issued during this review

Citation No.	██████████	47.41(a)(1)
Citation No.	██████████	77.205(a)
Citation No.	██████████	77.1606(a)

- E. Discussion Topics

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

District **Coal District 9** Field Office **Farmington, NM Field Office** Mine ID **[REDACTED]** Date **[REDACTED]**

Attachment A – District Corrective Action Plan

U.S. Department of Labor

Mine Safety and Health Administration
PO Box 25367
Denver, Colorado 80225



October 4, 2017

MEMORANDUM FOR TED SMITH
Supervisor, Office of Accountability

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

MARCUS A. SMITH [REDACTED]
Supervisor, Accident In-
Special Investigations/ACR Group

FROM: RICHARD A. GATES
District Manager
District 9

SUBJECT: Proposed Corrective Actions

This is a response to the review conducted by the Office of Accountability from [REDACTED] at the Farmington, New Mexico Field Office, District 9, and the [REDACTED] ID No. [REDACTED]. The results of your review identified one deficiency, which is required to be addressed by this district.

Issue 1: [REDACTED]

• ROOT CAUSE:

[REDACTED]

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

District Coal District 9 Field Office Farmington, NM Field Office Mine ID Date



- PROPOSED CORRECTIVE ACTIONS:

The SSI will monitor SEI for PKW's that require action and will notify the applicable person to process the PKW's. The appropriate ADM and the DM will be included in the notifications to ensure timely responses. Since the implementation of the corrective action no PKW's have gone beyond the 30 day requirement. A request has been made to have the SEI program send out an email reminder so that individuals will be aware when an action is required on their part.

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

District Manager

- TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

The corrective action has been completed. (September 7, 2017)

- METHOD FOR DETERMINING SUCCESS:

Evaluations to determine the effectiveness will be on-going. If there are no PKW's that have exceeded the 30-day window on or before December 31, the corrective action will deemed successful.

A DESCRIPTION OF THE DOCUMENTATION THAT WILL DEMONSTRATE CLOSURE OF THE CORRECTIVE ACTION:

The District Manager will send a memorandum to Thomas W. Charboneau, Director, Office of Assessments through Ted Smith, Supervisor, Office of Accountability, through Timothy R. Watkins, Deputy Administrator for Coal Mine Safety and Health, and through Marcus A. Smith, Supervisor, Accident Investigation/Special Investigations/ACR Group upon completion and evaluation of the corrective actions.

(This will be a separate memorandum sent to document closure of the corrective action(s))

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

District Field Office Mine ID Date

Attachment C - 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 places for imminent dangers.

Adequate Corrective Action Needed Comments Below

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Mine Safety and Health Administration
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District Field Office Mine ID Date

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

Not applicable - surface mine

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

Not Applicable – surface mine

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Office of Accountability

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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.

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

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

District **Coal District 9** Field Office **Farmington, NM Field Office** Mine ID **[REDACTED]** Date **[REDACTED]**

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?



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 (UMF) books are being maintained and reviewed according to current agency policy and procedures.

Adequate Corrective Action Needed Comments Below

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

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

District **Coal District 9** Field Office **Farmington, NM Field Office** Mine ID **[REDACTED]** Date **[REDACTED]**

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

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.

25. 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

Discussed timeframes of plan reviews and status of pending plans. See Discussion Items in Attachment E.

28. Determine if Assistant District Managers (ADM) are conducting the required second level reviews and holding supervisors accountable for oversight of Field Activity Reviews and Accompanied Activities.

[REDACTED]

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

District Field Office Mine ID Date

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

31. Determine if District Manager is using discretion in granting conferences and monitoring the Alternative Case Resolution (ACR) program to ensure 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

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

Adequate Corrective Action Needed Comments Below

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Office of Accountability

District Field Office Mine ID Date

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 Corrective Action Needed Comments Below

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

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

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

District **Coal District 9** Field Office **Farmington, NM Field Office** Mine ID  Date 

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

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 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 OIG report to address deficiencies identified in the Internal Review report. The SOPs should account for:

- 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

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

District Coal District 9 Field Office Farmington, NM Field Office Mine ID [REDACTED] Date [REDACTED]

Attachment D – Citations Issued During This Review

Mine Citation/Order U.S. Department of Labor
 Mine Safety and Health Administration

Section I—Violation Data			
1. Date	Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/ Order Number
4. Served To		5. Operator	
6. Mine		7. Mine ID (Contractor)	
8. Condition or Practice			8a. Written Notice (103g)

The mine operator failed to maintain safe working conditions. The Peterbilt mechanics truck, Company Number 268, had a one gallon plastic container without a label. This container was half full with an unknown liquid. This could cause serious injurious to miners that tried using the liquid without any hazard information about it. Serious injuries have occurred to miners using unlabeled liquids including poisoning and /or chemical burns.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other	B. Section of Act	C. Part/Section of Title 30 CFR
			47.41(a)(1)

Section II—Inspector's Evaluation				
10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				D. Number of Persons Affected: 001
11. Negligence (check one): A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104(a)		13. Type of Issuance (check one): Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action: A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				E. Citation/ Order Number
				F. Dated Mo Da Yr
15. Area or Equipment				

15. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	
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Section III—Termination Action	
17. Action to Terminate The container of unknown liquid was removed from the truck and properly disposed of. This eliminated the hazard to miners. The citation is terminated.	

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	
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Section IV—Automated System Data			
19. Type of Inspection (activity code)	E01	20. Event Number	21. Primary or Mill
22. AR Name			23. AR Number

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Coal District 9 Field Office Farmington, NM Field Office Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Violation Data

1. Date	Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number
4. Served To	5. Operator		
6. Mine	7. Mine ID		(Contractor)
8. Condition or Practice			8a. Written Notice (103g)

The mine operator failed to maintain safe working conditions. The Peterbilt mechanics truck, Company number 268, was observed with a broken handle on the back of the mechanics bed used to help get onto the bumper of the truck. It also appeared steps were broken off of the bottom of the bumper. The bumper was covered with loose dirt that when wet would become very slick. The bed of the truck also had pieces of metal, wire and nylon lifting straps. Safe means of access shall be provided and maintained to all working places. The truck was removed from service until repairs are made. Standard 77.205(a) was cited [REDACTED]

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other	B. Section of Act	C. Part/Section of Title 30 CFR
			77.205(a)

Section II—Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (s): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				D. Number of Persons Affected: 001
11. Negligence (check one): A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action: 104(a)		13. Type of Issuance (check one): Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action: A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/Order Number	F. Dated Mo Da Yr
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section III—Termination Action

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	21. Primary or Mill
22. AR Name			23. AR Number

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Coal District 9 Field Office Farmington, NM Field Office Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I--Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
5. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)
8. Condition or Practice		8a. Written Notice (103g)

The miners operating the Peterbilt mechanics truck, Company number 268, failed to perform an adequate pre-shift inspection. The truck had several slip/trip/fall hazards involving housekeeping and no hazards were noted on the pre-operational checklist from [REDACTED]. This is in reference to Citation number [REDACTED]. The miners will be re-instructed in the proper procedure of pre-inspection of equipment they operate.

Standard 77.1606(a) was cited [REDACTED]

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other <input checked="" type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 77.1606(a)
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Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one): A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action: 104(a)		13. Type of Issuance (check one): Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action: A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/Order Number	
15. Area or Equipment				
16. Termination Due: A. Date Mo Da Yr [REDACTED] B. Time (24 Hr. Clock) [REDACTED]				

Section III--Termination Action

17. Action to Terminate				
18. Terminated: A. Date Mo Da Yr [REDACTED] B. Time (24 Hr. Clock) [REDACTED]				

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill	
22. AR Name [REDACTED]			23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Coal District 9 Field Office Farmington, NM Field Office Mine ID [REDACTED] Date [REDACTED]

Attachment E – Discussion Topics

- Documentation in inspection notes – Discussed the requirement to conduct an inspection for imminent dangers of the working pit each time an inspection is made in the pit. For the E01 event reviewed, Event No. [REDACTED] on one occasion, an inspector did not document that an inspection for imminent dangers was conducted in an active pit. See Coal Mine Safety and Health General Inspection Procedures Handbook (GIPH), PH16-V-1, June 2016, page 2-10, for reference.
- 103i Spot Inspection Tracking – Discussed the need to track each spot inspection. For 2017, one spot inspection tracking information was omitted from the tracking calendar. The information was added to the calendar during the on-site review. See GIPH, page 4-4 and Coal Mine Safety and Health Supervisor's Handbook, page 1-8, for reference.
- Discussion on enforcement actions – Discussed documentation of gravity and negligence for 4 issuances out of 44 reviewed. See GIPH, page 2-19 through 2-22 and Citation and Order Writing Handbook for Coal Mines and Metal and Nonmetal Mines, PH13-I-1(1), pages 11 through 13 and page 35 for reference.
- Discussed timeframes of plan reviews and status of pending plans. See Mine Ventilation Plan Approval Procedures handbook, PH13-V-2, April 2013, page 3, for reference.