



DEC - 1 2017

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations
Mine Safety and Health Administration

THROUGH:

KEVIN G. STRICKLIN
Acting Administrator for
Metal and Nonmetal Mine Safety and Health

FROM:

THOMAS W. CHARBONEAU
Director, Office of Assessments

SUBJECT:

Mine Safety and Health Administration (MSHA)
Office of Accountability Review, Metal and Nonmetal Western
District, San Bernardino, California Field Office,

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; Field Accompanied Reviews (FARs); Office Reviews (ORs) and MSHA supervisory and managerial oversight. The accountability review also involved 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 Metal and Nonmetal's (MNM) Western District and the San Bernardino, California Field Office in accordance with the annual accountability review plan schedule. The Review Team conducted the on-site review from [REDACTED] [REDACTED]. The review focused on inspection activities during FY 2016 and the first half of FY 2017, and included review of supervisory oversight activities. The review concentrated on two Regular Safety and Health Inspections (E01), of the [REDACTED] [REDACTED] Event Nos. [REDACTED] and [REDACTED] [REDACTED] was selected for review because it is a large [REDACTED] operation.

Mine Visit [REDACTED]

The Review Team accompanied the Field Office Supervisor and a MNM Inspector to the [REDACTED] on [REDACTED] as part of a Safety and Health Spot Inspection (E16). During the visit, the Review Team evaluated general conditions at the mine, assessed whether they were commensurate with conditions documented in the inspection reports reviewed, and observed work practices at the mine site.

The mine is a surface [REDACTED] located in [REDACTED]. The mine employs approximately [REDACTED] miners working two production shifts and one maintenance shift per day, five days per week. The mine produces an average of [REDACTED] [REDACTED] annually. [REDACTED] is mined by drilling and blasting, loaded into haul trucks, and transported to the primary crusher. The crushed material is then transported via conveyor belts to sizing screens, where it is processed by grinding, run through kilns, and made ready for commerce.

The mine visit included inspections and observations of the following:

- pre-inspection conference;
- mine office;
- mine quarry;
- mining cycle to include, loading and haulage;
- primary crusher;
- hammer mill feed conveyor belts;
- hammer mill;
- haulage roadways;
- loading operations in the quarry;
- dumping operations at the primary crusher;
- highwalls;
- 100 ton haul truck;
- front-end loader.

As a result of the inspection, the Inspector issued six enforcement actions.

Review Results

This accountability review revealed positive findings in several areas, including the following:

- Inspection reports, notes and documentation reviewed were organized, clear and concise, and included pictures of violations.
- Communications with the mine operators were clear, open and positive.
- Observations of mining cycles, work practices were well documented.
- The District implemented a corrective action plan in 2016 regarding the review of Possible Knowing and Willful (PKW) forms. Since the plan was implemented, all PKW decisions were within the required timeframes.
- This accountability review did not identify any issues that required a corrective action plan.

The Review Team identified, and discussed with the Field Office personnel some inspection and procedural best practices as described in the Metal and Nonmetal General Inspection Procedures Handbook. A general outline of discussion topics is included in an attachment to this memorandum. (See Attachment C)

As a part of the review, the OA compared enforcement levels of the mine with the Field Office, District, and national averages. The S&S rate for the mine was lower than the average S&S rates of the Field Office, District and nation. The mine had a significant and substantial (S&S) rate of 10 percent during FY 2016, compared to the Field Office S&S rate of 33 percent; a District S&S rate of 23 percent; and the national S&S rate of 24 percent. In the first half of FY 2017, the S&S rate of the mine was 27 percent, compared to the Field Office S&S rate of 31 percent; a District S&S rate of 24 percent; and the national S&S rate of 23 percent. While the S&S rate for the mine increased in the first half of FY 2017, the enforcement levels were appropriate with existing mining conditions and work practices based on the review and observations made during the mine visit.

Attachments

A. Office of Accountability Checklist

B. Citations issued during the site visit:

- [REDACTED] 56.9315
- [REDACTED] 56.3200
- [REDACTED] 56.9300(b)
- [REDACTED] 56.20003(a)
- [REDACTED] 56.14110
- [REDACTED] 56.11001

C. Discussion Topics

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Mine Safety and Health Administration
Office of Accountability

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Attachment A – Office of Accountability Checklist

1. Determine if complete and thorough E01 inspections are being conducted and /or if policies 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(s) examination of required records and postings for compliance with applicable standards.
Adequate Corrective Action Needed Comments Below

5. Evaluate the inspector(s) physical examination of the active working areas of the mine and inspection of all mining cycles.
Adequate Corrective Action Needed Comments Below

6. Evaluate the inspector(s) on-site contaminant assessment and documentation.
Adequate Corrective Action Needed Comments Below

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7. Evaluate inspector(s) examination of electrical equipment, transformer stations, and/or electrical circuits.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

10. 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

NA - The Field Office does not have any mines in a 103(i) status.

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

Adequate Corrective Action Needed Comments Below

12. 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

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13. Are required Field Accompanied Reviews (FARs), Office Reviews (ORs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?

14. 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

15. Determine if the Mine Files are legible, up to date, and reviewed by supervisors.

Adequate Corrective Action Needed Comments Below

16. Determine if supervisors are visiting active mines.

Adequate Corrective Action Needed Comments Below

17. Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to current issues and the Agency's mission.

Adequate Corrective Action Needed Comments Below

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

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

21. Determine if Districts, when required, are conducting in-depth 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

22. Is methane liberation information being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?

Adequate Corrective Action Needed Comments Below

NA - No 103i mines/ other mine information is updated as needed.

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23. Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.

Adequate Corrective Action Needed Comments Below

24. Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.

Adequate Corrective Action Needed Comments Below

25. 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 Corrective Action Needed Comments Below

26. Determine if the management resource tracking tool is being used to track resources regarding Special Investigations.

Adequate Corrective Action Needed Comments Below

27. Determine if retraining of supervisors, inspectors, and specialists is being tracked.

Adequate Corrective Action Needed Comments Below

28. Determine if supervisors are rotating the mine assignments annually among inspectors assigned to their field office.

Adequate Corrective Action Needed Comments Below

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Attachment B - Citations issued during the site visit

Mine Citation/Order <input type="text" value=""/>		U.S. Department of Labor Mine Safety and Health Administration		
Section I--Violation Data				
1. Date <input type="text" value="Mo Da Yr"/>	2. Time (24 Hr. Clock) <input type="text" value=""/>	3. Citation/Order Number <input type="text" value=""/>		
4. Served To <input type="text" value=""/>		5. Operator <input type="text" value=""/>		
6. Mine <input type="text" value=""/>		7. Mine ID <input type="text" value=""/> (Contractor)		
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>		
<p>A 992 loader was observed loading haul trucks which created a heavy dust cloud impairing the visibility of the loader operator. This was evidenced by the loader having to wait for the dust to clear to finish dumping each bucket into the haul trucks and the loader operator loading material on the canopy of the haul truck. The 2 basketball size rocks were observed falling off the canopy of the haul truck at the time of the inspection. This condition created a falling rock hazard should a rock come off the head ache rack and strike another piece of equipment. Light vehicles (pick ups, mechanics trucks) operate in the quarry daily to inspect, manage, and perform maintenance duties. Miners exposed to the hazards would receive serious injuries. The companies water truck had broken down and they had rented another water truck which broke down. They were then forced to rent a</p>				
See Continuation Form (MSHA Form 7000-3a) <input checked="" type="checkbox"/>				
9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 56.9315	
Section II--Inspector's Evaluation				
10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" 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 type="checkbox"/> Permanently Debilitating <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input 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 104a		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				F. Dated Mo Da Yr
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)				
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) E16		20. Event Number <input type="text" value=""/>	21. Primary or Mill P	
22. AR Name <input type="text" value=""/>			23. AR Number <input type="text" value=""/>	

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 businesses. 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 20418. 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.

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 Office of Accountability

District Field Office Mine ID Date

Mine Citation/Order
 Continuation

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



Section I—Subsequent Action/Continuation Data

1. Subsequent Action <input type="checkbox"/> Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue)	Mo	Da	Yr	3. Citation/ Order Number
4. Rec'd To				5. Operator	
6. Mine				7. Mine ID (Contractor)	

Section II—Justification for Action

Continuation of 9. Condition or Practice

smaller version water truck that was unable to reach the muck piles to keep the dust down. The company was aware that they had a dust issue and was attempting to get the main water trucks repaired as fast as possible.

See Continuation Form

Section III—Subsequent Action Taken

8. Extended To	A. Date	Mo	Da	Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of inspection	10. Event Number					
E16						
11. AR Name	AR Number	12. Date	Mo	Da	Yr	13. Time (24 Hr. Clock)

MSHA Form 7000-24, Mar 85 (revised)

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 Mine Safety and Health Administration
 Office of Accountability

District Field Office Mine ID Date

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

Section I--Violation Data

1. Date Mo Da Yr <input type="text"/>	2. Time (24 Hr. Clock) <input type="text"/>	3. Citation/ Order Number <input type="text"/>
4. Served To <input type="text"/>	5. Operator <input type="text"/>	
6. Mine <input type="text"/>	7. Mine ID <input type="text"/> (Contractor)	

8. Condition or Practice 8a. Written Notice (103g)

The operator failed to maintain the hghwalls along the main haul road. Several areas were observed where loose, broken, and fractured material created a fall of material hazard. The haul road was used multiple times a day to haul material to the gyro crusher. The high walls were approximately 20 -25 feet high. Persons exposed to the hazards would receive serious injuries. The company did not think that they could berm the walls off because the road was a county road.

Standard 56.3200 was cited

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 56.3200
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Section II--Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr <input type="text"/>	B. Time (24 Hr. Clock) <input type="text"/>
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Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr <input type="text"/>	B. Time (24 Hr. Clock) <input type="text"/>
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Section IV--Automated System Data

19. Type of Inspection (activity code) E16	20. Event Number <input type="text"/>	21. Primary or Mill P
22. AR Name <input type="text"/>	23. AR Number <input type="text"/>	

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.

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 Office of Accountability

District Field Office Mine ID Date

Mine Citation/Order U.S. Department of Labor
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Section I—Violation Data		
1. Date Mo Da Yr <input type="text" value=""/>	2. Time (24 Hr. Clock) <input type="text" value=""/>	3. Citation/ Order Number <input type="text" value=""/>
4. Served To <input type="text" value=""/>		5. Operator <input type="text" value=""/>
6. Mine <input type="text" value=""/>		7. Mine ID <input type="text" value=""/> (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The operator failed to maintain the berm on the Old Dust Dump Rd. The berm was approximately 18 inches high. There was approximately 120 yards of low berm. There was a drop off of approximately 10 feet. The 777 Cat haul trucks travel this section of road twice a day. The mid axle height of the 777 Cat haul truck was approximately 48 inches. This condition created a roll over hazard to miners. Miners exposed to the roll over hazard would receive serious injuries.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	56.9300b
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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 type="checkbox"/> Permanently Disabling <input checked="" 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 104a		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 <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section III—Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section IV—Automated System Data		
19. Type of Inspection (activity code) E16	20. Event Number <input type="text" value=""/>	21. Primary or Mill P
22. AR Name <input type="text" value=""/>		23. AR Number <input type="text" value=""/>

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 20418. 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.

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Mine Citation/Order

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



Section I--Violation Data

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

The operator failed to store the materials in the Maintenance Welder Storage Area / Crusher Overhaul Storage Area in a manner that did not create a trip and fall hazard. The operator had 2x4 wooden boards and 8x8 wood sections strewn across the storage area. There were footprints inside the barricade and on the 8x8 pieces of wood. This condition created a trip, slip, and fall hazard to miners. Miners exposed to the hazard would receive serious injuries.

Standard 56.20003a was cited

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 56.20003a
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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 checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104a		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 <input type="text"/>	B. Time (24 Hr. Clock) <input type="text"/>
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Section III--Termination Action

17. Action to Terminate		
18. Terminated		
A. Date Mo Da Yr <input type="text"/>	B. Time (24 Hr. Clock) <input type="text"/>	

Section IV--Automated System Data

19. Type of Inspection (activity code) E16	20. Event Number <input type="text"/>	21. Primary or Mill P
22. AR Name <input type="text"/>		23. AR Number <input type="text"/>

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.

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 Mine Safety and Health Administration
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District Field Office Mine ID Date

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) <input type="checkbox"/>

The operator failed to maintain the ledges at the bottom of the Surge Bin. The ledges had material built up on them from the to 2 conveyor belts feeding the surge bin. The west ledge had a build up of material that was approximately 3 1/2 ft. deep. The material appeared to be solid. Miners were in the area weekly to clean and as needed to perform maintenance. Miners exposed to the falling material hazard would receive serious injuries.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			56.14110

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 type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" 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 104a		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				F. Dated
A. Citation <input type="checkbox"/>	B. Order <input type="checkbox"/>	C. Safeguard <input type="checkbox"/>	D. Written Notice <input type="checkbox"/>	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)	E16	20. Event Number	21. Primary or Mill
			P
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 20418. 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 Field Office Mine ID Date

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

Section I-Violation Data

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

The operator failed to provide safe access to the South Hammer Mill #121-CR-102 when performing maintenance duties. Miners accessed the side of the hammer mill using the I-beams and bolts installed on the side of the mill. Miners would stand on the platform which was approximately 4 feet high. There were no hand rails installed on the platform. Miners would then climb the side of the hammer mill to stand on the bearing and guard to install the fall protection. The miners were then exposed to an approximate 10 feet fall. This condition created a fall hazard to miners. Should miners fall they would hit the metal structure of the hammer mill on the way down. This job was performed an average of 4 times a year. This condition exposed miners to a fall hazard. Miners exposed to the fall hazard would receive serious injuries.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 56.11001
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Section II-Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" 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 type="checkbox"/> Permanently Disabling <input checked="" type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input 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 104a		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 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section III-Termination Action

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>

Section IV-Automated System Data

19. Type of Inspection (activity code) E16	20. Event Number <input type="text" value=""/>	21. Primary or Mill P
22. AR Name <input type="text" value=""/>		23. AR Number <input type="text" value=""/>

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, 408 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.

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Mine Citation/Order
Continuation

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



Section I - Subsequent Action/Continuation Data

1. Subsequent Action To: Continuation <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr [Redacted]	3. Citation/Order Number [Redacted]
4. Served To [Redacted]	5. Operator [Redacted]	
6. Mine [Redacted]	7. Mine ID [Redacted]	(Contractor)

Section II - Justification for Action

Continuation of 8. Condition or Practice

Standard 56.11001 was cited [Redacted]

See Continuation Form

Section III - Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV - Inspection Data

9. Type of Inspection E16	10. Event Number [Redacted]		
11. AR Name [Redacted]	AR Number [Redacted]	12. Date Mo Da Yr [Redacted]	13. Time (24 Hr. Clock) [Redacted]

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

District Field Office Mine ID Date

Attachment C – Discussion Topics

1. Enforcement Action Review – Discussed documentation and justification of gravity and negligence of several citations reviewed.
2. Discussed hazard recognition for ground conditions, berming, visible dust conditions, and housekeeping.