



MAY 29 2019

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for  
Mine Safety and Health Administration

THROUGH:

TIMOTHY R. WATKINS [REDACTED]  
Administrator for  
Mine Safety and Health Enforcement

FROM:

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

SUBJECT:

Mine Safety and Health Administration (MSHA)  
Office of Accountability Review  
Coal District 3, [REDACTED]  
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's (OA) review of Coal's District 3 [REDACTED]. The review focused on enforcement activities at the [REDACTED]. This review included MSHA field activities, level of enforcement, conditions and practices at the mine, Field Activity Reviews, Accompanied Activity Reviews and MSHA supervisory and managerial oversight activities.

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 evaluates the subsequent implementation of effective corrective actions to address any identified issues.

## Overview

Office of Accountability (OA) Supervisor Ted Smith and Specialist Troy Davis (Review Team) conducted the review in accordance with the annual accountability review plan schedule. The review concentrated on one Regular Safety and Health Inspection (E01), at the [REDACTED] (ID No. [REDACTED]), Event No [REDACTED]. The OA selected the mine for review because it is a surface mine operation with multiple producing pits. The Review Team conducted the on-site review from [REDACTED]. The review focused on enforcement activities conducted in FY 2018 and included a review of supervisory oversight activities.

## Mine Visit

The Review Team accompanied the Assistant District Manager, Field Office Supervisor and an inspector to the mine on [REDACTED] as part of an E01.

The mine is located in [REDACTED] and employs approximately [REDACTED] miners working one ten-hour production shift and two maintenance shifts per day, six days a week. The surface contour mine produces an average of [REDACTED] of raw coal annually. Overburden is drilled, blasted and excavated with shovels and bulldozers and then transported to dump sites by off-road trucks. The coal is loaded with track excavators and front-end loaders onto trucks and transported to the on-site processing plant. During the mine visit, the Review Team evaluated general conditions at the mine, assessed whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports reviewed and observed work practices at the mine site.

The mine visit included inspections and observations of the following:

### Surface areas:

- Pre-inspection discussions with mine operator
- Mine examination records and postings
- Mine map
- Roads, ramps and berms
- Highwalls
- Two active pits (Nos. 001-0 and 004-0)
- Observed all mining cycles except drilling and blasting
- Bulldozer
- Front-end loader
- Two 100 ton rear dump trucks
- Coal blending yard and rotary breakers
- #2 dump site

During this mine visit, the inspector issued three enforcement actions. (Attachment C)

## Review Results

The review revealed positive findings in the following areas:

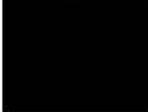
- Inspectors used printed sheets from the Inspection Tracking System (ITS) as notes to assist in documentation.
- No issues were identified that require a corrective action plan in accordance with the Office of Accountability Checklist (Attachment B).

The Review Team discussed with District personnel some inspection and procedural best practices as described in the Coal Mine Safety and Health General Inspection Procedures Handbook. A general outline of discussion topics is included in an attachment to this memorandum. (Attachment A)

Based on the visit of [REDACTED] the enforcement levels were appropriate for existing mining conditions and work practices.

Attachments

- A. Discussion Topics
- B. Office of Accountability Checklist
- C. Enforcement Actions Issued During Mine Visit

Citation No.	Standard Cited
	77.1605(k)
	77.1713(a)
	77.400(d)

77.1605(k)

Observed a section of berm on the travel way being used at this time was not adequate height for the size trucks traveling this road, the berms measures 24 inches for a distance of 35 feet, and the center of the axles measures 46 inches on Terex R 100 truck.

Standard the trucks 77.1605 (k) cited

77.1713(a)

Observed a section 75 feet long and back 19 feet on the #2 truck dump area had cracked and settled down and there was no berm, the examiner did not do a adequate exam of this area and this area was not blocked off to travel. This area has not been used in the last 5 days.

77.400(d)

Observed the guard on the tail pulley of a running conveyor was not secured in place while the conveyor was running, making it so a person can come in contact with the moving tail pulley.

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

District	Coal District 3	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

Attachment A - Discussion Topics

Topics discussed with the District that do not require a corrective action plan were:

- Training records were listed as being inspected in the Inspection Tracking System (ITS) but were not in the inspection notes.
- Some dates and equipment numbers were not consistent in the ITS and inspection notes.
- Sound level readings were not documented in the inspection notes.
- The pit numbers were not listed on the MSHA Mine Activity Data Form 2000-22.
- Discussed ensuring all required information for completing possible knowing and willful reviews to reduce timeframes.
- Discussed district's participation in local coordination meetings as per Emergency Response Plans.
- Discussed mine plan approvals and reviews entered into Mine Plan Approval system.

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

District	Coal District 3	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

Attachment B - 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

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

District	Coal District 3	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

6. Evaluate, upon arrival to the working section, inspector/specialist's examination of all working areas and highwalls for imminent dangers.

Adequate  Corrective Action Needed  Comments Below

7. Evaluate the inspector/specialist's observation of the work cycle and conditions in the active working section during the review.

Adequate  Corrective Action Needed  Comments Below

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

Adequate  Corrective Action Needed  Comments Below

Not part of this review

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

Adequate  Corrective Action Needed  Comments Below

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

Adequate  Corrective Action Needed  Comments Below

Not part of this review

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

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

District	Coal District 3	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

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 part of this review

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

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

District	Coal District 3	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

Determine if supervisors are monitoring inspector time and activity to  
17. ensure proper use of time, including off-shift and weekend work, by all  
inspectors.

Adequate  Corrective Action Needed  Comments Below

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

Adequate  Corrective Action Needed  Comments Below

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

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

Adequate  Corrective Action Needed  Comments Below

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

District	Coal District 3	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

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

No retreat mining currently in District 3

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

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

Additionally, five Mine ERPs were reviewed to determine that provisions for "Local Coordination" was included in the plan.

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

Adequate       Corrective Action Needed       Comments Below

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

District	Coal District 3	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

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

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

Not part of this review

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

District	Coal District 3	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

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 reviews in compliance with agency policy and procedures including follow-up to determine the effectiveness of corrective actions.

Adequate  Corrective Action Needed  Comments Below

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

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

District	Coal District 3	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

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

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

40. 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.

Adequate  Corrective Action Needed  Comments Below

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

District	Coal District 3	Field Office	[REDACTED]	Mine ID	[REDACTED]	Date	[REDACTED]
----------	-----------------	--------------	------------	---------	------------	------	------------

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:

- 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