



NOV 21 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
District 4, [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's (OA) review of District 4 [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 were accomplished effectively.

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 focused on Regular Safety and Health Inspections (E01) at the [REDACTED] (ID No. [REDACTED]), Event No. [REDACTED]. The Review Team conducted the on-site review from [REDACTED]. The review concentrated on enforcement activities conducted in FY 2019 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 a Regular Safety and Health Inspection (E01).

The mine is an underground coal mine located in [REDACTED] and employs approximately [REDACTED] working two ten-hour production shifts and one ten-hour maintenance shift per day, five days a week. The mine produces an average of [REDACTED] of raw coal annually. The mining method is room and pillar mining. Coal is mined with continuous mining machines and transported via shuttle cars to a conveyor system routed to the surface. 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
- Escapeway map
- Check-in and check-out system
- Communication and tracking system
- Atmospheric Monitoring System for early fire detection along conveyor belts
- Roads, ramps and berms
- Highwalls
- Work practices
- Mantrip shed and staging area to enter the mine

Underground – Working Section:

- Examinations of the working section for imminent dangers, methane tests, air readings and evidence of examinations
- Mining cycle
- Ventilation, rock dusting, cleanup and roof and rib conditions
- General work practices
- Proximity detection system on the continuous mining machine

- Functional test of the post-accident communication and tracking system
- Section refuge alternative location, communications, escapeway map

Underground Outby Areas:

- Alternate escapeway (track) from surface to the working section – lifelines and signage
- General conditions of outby areas (ventilation, rock dusting, cleanup and roof and rib conditions)
- 9B conveyor belt entry, head pulley and drive area
- Self-Contained Self-Rescuer cache location and storage
- Refuge alternative location, communications, escapeway map
- Functional test of the tracking system

During the site visit, the inspector issued five enforcement actions (Attachment D).

Review Results

The review revealed positive findings in the following areas:

- Inspector’s documented start/stop points and color coding on the tracking map.
- Inspector’s documented safety talks and discussions with miners.

During this review, the OA identified one issue that required a corrective action plan. A corrective action plan from the District Manager addressing the identified issue is attached to this report (Attachment A).

Issue: The Mine Information Form (MIF, MSHA Form 2000-209) is not being entered into the MSHA Standardized Information System (MSIS) in a timely manner. (Office of Accountability Checklist Item #33 - Attachment C).

- The last MIF entry in MSIS for the [REDACTED] is August 2018. This form is updated quarterly by the inspector.

Requirements:

Coal Uniform Mine File Handbook PH14-V-1, pages 2-1, 2-2 and 3-1 – “The following documents are required to be maintained in this sub-divided area:

- a. an up-to-date copy of the Mine Information Form generated from the MSHA Standardized Information System (MSIS)”

Coal Mine Safety and Health General Inspection Procedures Handbook PH16-V-1, page 4-31, “At a minimum, both the operational status and the auxiliary status of each mine must be reviewed and, if necessary, changed by updating MSHA Form 2000-209 at the start of every inspection event (for mines with multipliable air samples to be conducted to calculate total methane liberation the form should be completed as soon as the analyses are received to determine such liberation). **Total mine employees on line 15 and methane liberation on line**

22a often change each quarter and an updated MIF needs to reflect any changes. A copy of the completed Form 2000-209 should be immediately submitted to the immediate supervisor for review so the information can be entered in the MSIS system by the appropriate Mine Safety and Health Assistant. A copy shall be maintained with the inspection report. The information from Form 2000-209 should be entered in the MSIS system within 3 working days after it has been received by the Mine Safety and Health Assistant.”

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

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

Attachments

- A. Corrective Action Plan
- B. Discussion Topics
- C. Office of Accountability Checklist
- D. Enforcement Actions Issued During the Site Visit

<u>Citation No.</u>	<u>Standard Cited</u>
	§ 75.503
	§ 75.512
	§ 75.1714-2(b)
	Section 316(b) Mine Act
	§ 75.1101-10

75.503-THE #6 FAIRCHILD SCOOP (S/N T339-219), IN SERVICE ON THE 001-0/002-0 MMU, WAS NOT BEING MAINTAINED IN PERMISSIBLE CONDITION. 1) THE SET SCREW WAS MISSING FROM THE PACKING GLAND NUT ON THE BATTERY BELL PLUG AND THE GLAND NUT WAS LOOSE, 2) THE CONDUIT DID NOT EXTEND OVER THE PACKING GLAND AND THE CONDUIT WAS NOT SECURED TO THE PACKING GLAND. THE OPERATOR REMOVED THE SCOOP FROM SERVICE UNTIL REPAIRS ARE MADE. Standard 75.503 was cited .

75.512-THE #6 FAIRCHILD SCOOP (S/N T339-219), IN SERVICE ON THE 001-0/002-0 MMU, WAS NOT BEING PROPERLY MAINTAINED BY A QUALIFIED PERSON TO ASSURE SAFE OPERATING CONDITIONS. THE WELD WAS BROKE ON THE LOWER EAR ON THE FRONT OF THE OPERATOR SIDE STEERING JACK, AND THERE WAS EXCESSIVE PLAY IN THE PINS ON THE FRONT OF BOTH STEERING JACKS. THE OPERATOR REMOVED THE SCOOP FROM SERVICE UNTIL REPAIRS ARE MADE. Standard 75.512 was cited .

75.1714-2(b)-SELF RESCUE DEVICES SHALL BE WORN OR CARRIED AT ALL TIMES BY EACH PERSON WHILE UNDERGROUND, A BELTMAN WAS OBSERVED NOT WEARING OR CARRING HIS CSE SRLD, HE WAS CLEANING ON THE #9C CONVEYOR BELT DRIVE AND LEFT HIS SCSR ON A 4-WHEELER APPROXIMATELY 140 FEET AWAY ON #9B BELT.

Section 316(b) Mine Act-THE EMERGENCY RESPONSE PLAN WAS NOT BEING COMPLIED WITH, A BELTMAN WAS OBSERVED APPROXIMATELY 3000 FEET OUTBY THE #1 SECTION WORKING ALONE ON THE #9C CONVEYOR BELT DRIVE, AND DID NOT HAVE HIS RADIO (UNTETHERED DEVICE) OR HIS TRACKING DEVICE WITH HIM, BOTH WERE LEFT ON A 4-WHEELER APPROXIMATELY 140 FEET AWAY. PAGE A-1 OF THE PLAN STATES THAT THE UNTETHERED DEVICE WILL BE READILY ACCESSIBLE TO ANY INDIVIDUAL MINER WORKING OR TRAVELING ALONE, AND PAGE B-1 OF THE PLAN STATES THAT THE TRACKING SYSTEM WILL BE ABLE TO DETERMINE THE CURRENT OR IMMEDIATE PRE-ACCIDENT LOCATION OF ALL UNDERGROUND MINERS.

75.1101-10-THE SPRINKLER TYPE FIRE SUPPRESSION SYSTEM PROVIDED FOR THE #9B CONVEYOR BELT DRIVE, WHEN TESTED THE FLOW OF WATER WOULD NOT STOP THE BELT DRIVE.

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Mine Safety and Health Administration
Office of Accountability

District	Coal District 4	Field Office	[REDACTED]	Mine ID	[REDACTED]	Date	[REDACTED]
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Attachment A – Corrective Action Plan

U.S. Department of Labor

Mine Safety and Health Administration
100 Bluestone Road
Mount Hope, WV 25880-1000



NOV - 6 2019

MEMORANDUM FOR

THOMAS W. CHARBONEAU
Director, Office of Assessments

THROUGH:

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

FROM:

DAVID S. MANDEVILLE [REDACTED]
District Manager
District 4

SUBJECT:

Proposed Corrective Actions

This is a response to the review conducted by the Office of Accountability from [REDACTED] at the [REDACTED] District 4, and the [REDACTED] ID [REDACTED]. The results of the review identified one issue, which is required to be addressed by this district.

Issue 1:

The Mine Information Form (MIF, MSHA Form 2000-209) is not being entered into the MSHA Standardized Information System (MSIS) in a timely manner.

- The last MIF entry in MSIS for the [REDACTED] is August, 2018. This form is updated quarterly by the inspector.

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ROOT CAUSE:

Issue 1 was the result of an oversight by the Field Office Mine Safety and Health Assistant. The Assistant did not enter the information from the 2000-209 Form into the MSIS within 3 working days after receipt. Additionally, the Field Office Supervisor did not review the Uniform Mine File (UMF) to verify the 2000-209 Form was updated.

PROPOSED CORRECTIVE ACTIONS:

District staff will provide the Assistant with re-training on the specific requirements of the Coal Uniform Mine File Handbook PH14-V-1, pages 2-1 and 3-1 which requires an up-to-date copy of the MIF generated from the MSIS to be maintained in the UMF. The Field Office Supervisor will also conduct a quarterly review of each UMF to verify that the Form 2000-209 is up to date.

- The Field Office Supervisor will be responsible for ensuring the training occurs and is documented.
- The training and Supervisor review of each UMF will take place by 12/31/2019.
- District Management will conduct spot reviews of the [REDACTED] UMFs to verify compliance with established procedures.

The District Manager will send a memorandum to Thomas W. Charboneau, Director, Office of Assessments through Timothy R. Watkins, Administrator for Mine Safety and Health Enforcement upon completion of the training, UMF review by the Field Office Supervisor and an evaluation of the effectiveness of the corrective actions.

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Attachment B – Discussion Topics

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

E01 Event

- Self-Contained Self-Rescuer documentation – The manufacturer and model number was not always documented in the field notes.
- Rock dust samples – Samples should have been taken in all significant return aircourses. Two samples were not taken in each aircourse 1000 feet outby each working section. Belts No. 9 and 10 were not sampled. Samples were not taken in bleeder entries which are a part of the right side returns for both Mechanized Mining Units 001-0 and 008-0.

Uniform Mine File (UMF):

- The Review Team discussed materials in the UMF that are outdated and no longer required to be maintained and materials that are not up-to-date as required such as: Air sample results, MSHA report MSN-078 last updated January 2018, Roof Control Plan addenda outdated, Respirable Dust Control Plan for surface areas, Shaft construction plan, missing MSHA form 2000-176 Summary of Field Modifications and MSHA form 2000-177 Summary for 101(c) petitions. At the time of the review, the Field Office Supervisor had identified this issue and is in the process of systematically updating the uniform mine files for each mine in the Field Office. District 4 does not currently have the electronic uniform mine file system.

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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 are documented according to inspection procedures.

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 to the working section, inspector/specialist examination of all working areas and highwalls for imminent dangers.

Adequate Corrective Action Needed Comments Below

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7. Evaluate the inspector/specialist 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 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

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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?

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

See Attachment B

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

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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

Four other Mine ERPs were reviewed to determine that provisions for "Local Coordination" were included.

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

Adequate Corrective Action Needed Comments Below

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).

27. Adequate Corrective Action Needed Comments Below

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.

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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

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 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

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

35. 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

36. 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

37. 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

38. 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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39. 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

40. 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