



MAR 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
Coal District 8, [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's (OA) review of Coal's District 8 [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 Specialists Jerry Kissell and Mark Odum (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), of the [REDACTED] (ID No. [REDACTED], Event No. [REDACTED]. The OA selected the mine for review because it is an underground mine operation with four producing Mechanized Mining Units (MMUs). 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 – Enforcement, the Field Office Supervisor and an inspector to the mine on [REDACTED] as part of a Regular Safety and Health Inspection (E01).

The mine is located in [REDACTED] and employs approximately [REDACTED] miners working two production shifts and one maintenance shift per day, five days a week. The mine produces an average of [REDACTED] of raw coal daily. Coal is mined by room and pillar method with continuous mining machines and transported by coal haulers to a conveyor system routed to the surface. The coal is then transported to a preparation plant for processing and shipment to the customer. During the site visit, the Review Team evaluated general conditions, 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 visit included inspections and observations of the following:

Surface Areas:

- Pre-inspection discussions with mine personnel
- Mine examination records and postings
- Escapeway map
- Check-in and check-out system
- Communication and tracking system

Underground - No. 3 Unit Working Section, MMUs 003-0 and 033-0:

- Examinations of the working section for imminent dangers, methane tests, air readings and evidence of examinations
- Mining cycle
- Powered haulage work practices and haulage routes during the loading cycle
- Ventilation, rock dusting, cleanup and roof and rib conditions
- General work practices
- A functional test of the post-accident communication and tracking system
- Function of the proximity detection system on the continuous mining machine
- Escapeway map for the working section
- Section refuge alternative location, communications and escapeway map

Underground Outby Areas:

- Alternate escapeway (supply road) traveled from surface to the working section – lifelines and signage
- General conditions of outby areas (ventilation, rock dusting, cleanup and roof and rib conditions)
- 7 West belt head and drive area and a spot location along the belt
- 3rd South East belt

During this mine visit the inspector issued one enforcement action (Attachment C).

Review Results

The review revealed positive findings in the following areas:

- Inspectors documented start/stop points and color coding on the Tracking Map.
- Inspectors clearly documented locations of all rockdust samples on a map.
- Inspectors used pre-printed note sheets to assist in documentation of the inspection.
- This review did not identify any issues requiring a corrective action plan.

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 mine visit on [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 the Mine Visit

Citation No.	Standard Cited
██████████	75.1731(a)

75.1731(a)
30 CFR, 75.1731(a) States: "Damaged rollers, or other damaged belt conveyor components, which post a fire hazard must be immediately repaired or replaced. All other damaged rollers, or other damaged belt conveyor components, must be repaired or replaced."

A Center Roller with a damaged bearing was found on the in service 7th West Belt at Crosscut Number 41.

Standard 75.1731(a) was cited

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

District	Coal District 8	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

Attachment A - Discussion Topics

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

- Discussed the standard cited for two enforcement actions, citation Nos. [REDACTED] and [REDACTED] (See Citation and Order Writing Handbook For Coal Mines and Metal and Nonmetal Mines, P13-I-1(1) (June 2013) and Coal Mine Safety and Health General Inspection Procedures Handbook, PH16-V-1 (June 2016) for reference).
- Discussed possible need for clarification of a sketch in a mine ventilation plan.
- Discussed plans pending review completion. (See Program Policy Manual, Volume V, Mine Plan Approval Procedures for reference).

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

District	Coal District 8	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

Determine if citations and orders issued during previous inspections were

3. 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

Evaluate inspector/specialist examinations of entrance(s) and travelways

6. into the mine and, upon arrival to the working area/working section, examination of all working places for imminent dangers.

Adequate Corrective Action Needed Comments Below

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

District	Coal District 8	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

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

Review of E01 documentation.

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

District	Coal District 8	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

District	Coal District 8	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

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

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 being conducted at the time of the review.

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

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

District	Coal District 8	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

Determine, after an in-mine visit, if approved plans (Ventilation, Roof Control, Training, Emergency Response Plan (ERP), etc.) are compatible with mining conditions and equipment.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

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

Adequate Corrective Action Needed Comments Below

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

District	Coal District 8	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

Not part of this review

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

District	Coal District 8	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

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

35.

[Redacted]

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.

36.

Adequate Corrective Action Needed Comments Below

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.

37.

Adequate Corrective Action Needed Comments Below

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.

38.

Adequate Corrective Action Needed Comments Below

Not a part of this review.

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.

39.

Adequate Corrective Action Needed Comments Below

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

District	Coal District 8	Field Office		Mine ID		Date	
----------	-----------------	--------------	--	---------	--	------	--

Determine if District Managers and Assistant District Managers are providing acting field office supervisors with the level of oversight necessary to manage their work groups on a temporary basis including an
40. online distance learning training course with a knowledge check for temporarily promoted supervisors. The guidance will be included in each District's Standard Operating Procedure (SOP) for training newly promoted field office supervisors.

Adequate Corrective Action Needed Comments Below

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