



JUL 23 2019

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for
Mine Safety and Health Administration

THROUGH:

TIMOTHY R. WATKINS
Administrator for
Mine Safety and Health Enforcement

FROM:

THOMAS W. CHARBONEAU
Director, Office of Assessments

SUBJECT:

Mine Safety and Health Administration (MSHA)
Office of Accountability Review
Coal District 9,

Introduction

This memorandum summarizes the Office of Accountability's (OA) review of Coal's District 9, [REDACTED] The review focused on enforcement activities at the [REDACTED] The 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.

Overview

Office of Accountability (OA) Specialists Jerry Kissell and Troy Davis (Review Team) conducted the review in accordance with the annual accountability review plan schedule. A part of the review concentrated on the Regular Safety and Health Inspection (E01), at the [REDACTED] (ID No. [REDACTED]), Event No. [REDACTED]. The Review Team conducted the on-site review from [REDACTED]. The review covered enforcement activities conducted in FY 2019 and included supervisory oversight activities.

Mine Visit

The Review Team accompanied the Assistant District Manager and an inspector to the mine on [REDACTED] as part of a Safety and Health Spot Inspection (E16).

The surface mine is located in [REDACTED] and employs approximately [REDACTED] miners working one ten-hour production shift, five days a week. The 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 truck. The coal is then loaded by track excavators and front-end loaders onto trucks and transported to the on-site coal yard. During the mine visit, the Review Team evaluated general conditions at the mine, assessed whether conditions at the mine were 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
- Highwall
- One active pit
- Dump site
- Coal Yard (stockpile area)
- Equipment parking area
- On-site explosives storage facilities
- Observed all mining cycles except drilling and blasting
- Bulldozer
- Front-end loader
- 100-ton dump truck
- Shovel (13.5 cubic yard)

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

Review Results

No issues were identified that require a corrective action plan in accordance with the Office of Accountability Checklist (Attachment B).

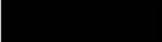
The Review Team discussed with District personnel some inspection and procedural best practices as described in the General Inspection Procedures Handbook. A general outline of discussion topics is included in an attachment to this memorandum (Attachment A).

Based on the review of the inspection report for Event No. [REDACTED] and from observations during the mine visit on [REDACTED] the enforcement levels were appropriate for existing conditions and work practices.

Attachments

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

Citation No.



Standard Cited

§ 77.410(c)

77.410(c) - The mine operator failed to maintain the travel alarm on the Hitachi 1800 track hoe C/N 123 in a safe condition located at the active pit area. When the track hoe was traveling it did not give an audible sound of the operators intentions to travel. No foot traffic was observed in the area of the track hoe.

Standard 77.410(c) was cited

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

District	Coal District 9	Field Office	[REDACTED]	Mine ID	[REDACTED]	Date	[REDACTED]
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Attachment A - Discussion Topics

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

- The training records documented in the inspection notes and Inspection Tracking System (ITS) as inspected did not identify the type (new miner, annual refresher, task, newly hired experienced miner, etc...) and number of records inspected.
- The documentation for eleven pieces of equipment (approximately 10% of inventory) and nine areas inspected was not consistent between the ITS and inspection notes.
- The shift type designation (production, idle, or maintenance) was not documented on the daily cover page for two different days.
- The 103i spot calendar documentation was incomplete. The shift inspected, inspector's name, and area inspected were not included. The Coal Mine Safety and Health Supervisor's Handbook requires the supervisor to maintain a calendar for documentation of 103i spot inspections. The Field Office made corrections to the calendar during the site visit.

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

District	Coal District 9	Field Office		Mine ID		Date	
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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's examination of required record books and postings for compliance with applicable standards.

Adequate Corrective Action Needed Comments Below

5. Evaluate inspector/specialist's 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 9	Field Office		Mine ID		Date	
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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

Not part of this review.

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

Not part of this review.

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

District	Coal District 9	Field Office		Mine ID		Date	
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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 9	Field Office		Mine ID		Date	
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Determine if supervisors are monitoring inspector time and activity to ensure proper use of time, including off-shift and weekend work, by all inspectors.

17. Adequate Corrective Action Needed Comments Below

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?

18. Adequate Corrective Action Needed Comments Below

Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.

19. Adequate Corrective Action Needed Comments Below

Determine if the Uniform Mine File books are being maintained and reviewed according to current agency policy and procedures.

20. Adequate Corrective Action Needed Comments Below

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

21. Adequate Corrective Action Needed Comments Below

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

District	Coal District 9	Field Office		Mine ID		Date	
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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

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

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 9	Field Office	[REDACTED]	Mine ID	[REDACTED]	Date	[REDACTED]
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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

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

District	Coal District 9	Field Office		Mine ID		Date	
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Not part of this review

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

Adequate

Corrective Action Needed

Comments Below

33. Determine if Districts are conducting 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
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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 9	Field Office		Mine ID		Date	
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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