



SEP 11 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  
Western District

Introduction

This memorandum summarizes the Office of Accountability's (OA) review of the Western District, [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 Accompanied Reviews, Office Reviews and MSHA supervisory and managerial oversight.

Purpose

The purpose of this accountability review was to determine whether MSHA enforcement policies, procedures and guidance were being followed consistently and to assess whether mission critical enforcement activities were accomplished effectively.

## Overview

Office of Accountability (OA) Specialists Jerry Kissell and Mark Odum (Review Team) conducted the review in accordance with the 2019 annual accountability review plan schedule. The review focused on a Regular Safety and Health Inspection (E01) at the [REDACTED], [REDACTED] (ID No. [REDACTED]), Event No. [REDACTED] (completed [REDACTED]). The Review Team conducted the on-site portion of the review from [REDACTED].

## Site Visit

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

The facility is a [REDACTED] ([REDACTED]) processing plant located in [REDACTED]. The plant employs approximately [REDACTED] employees working two twelve-hour production shifts per day, seven days a week. Material is crushed, screened, processed and packaged for shipment to the customer. The Review Team evaluated general conditions at the plant, assessed whether conditions corresponded with enforcement levels documented in the inspection report reviewed and work practices observed during the visit.

The site visit included inspections and observations of the following:

- Pre-inspection discussions with mine management
- #2 Mill
- #2 Kiln building
- Course ore bin towers
- Soda ash bin
- Pan feeders
- Reject product storage area
- Control room
- Quality control lab
- Control, palletizing and packing areas
- Warehouses
- Contractor and construction area
- Work practices
- Safety talks with miners as encountered; and
- Daily close-out conference

During the inspection, the accompanying inspector issued five enforcement actions (Attachment B).

## Review Results

The review revealed positive findings in the following areas:

1. Inspectors followed procedures for documenting a complete inspection of the facility.
2. Inspection documentation for negligence in enforcement actions was consistent in showing mitigating factors.
3. The review did not identify any issues that required a corrective action plan in accordance with the Office of Accountability Checklist (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. Office of Accountability Checklist

B. Enforcement Actions Issued During the Facility Visit

- [REDACTED] § 56.11001
- [REDACTED] § 56.20003(a)
- [REDACTED] § 56.20011
- [REDACTED] § 56.16001
- [REDACTED] § 56.12028

56.11001

A safe means of access is not being provided to persons who have to walk from the parking lot/office area to the mill and back. The path way at the mill side had been washed out by rain water that left a ditch approximately 3 to 5 inches deep. The path way was approximately 7 feet wide with a 3 foot wide steel grate across the washed out area leaving an open ditch on either side of the steel grate. The path way is accessed on a regular basis with foot traffic from the parking lot/office area to the mill and back. The path way is used during day and night hours. This exposes a person to possible injuries should they slip, trip or fall while walking along the path way over the washed out area.

Standard 56.11001 was cited [REDACTED].

56.20003(a)

There was a 28 inch by 22 inch screw conveyor cover plate that was laying next to the handrail near the 2-27F screw conveyor that was not secured down. A corner of the cover plate was sticking out over the toe board. The coved plate had a build up of loose material on it. Persons access the area for maintenance or repairs as needed. The area is subject to high winds at any time. This creates a tripping hazard or if picked up by wind could send it over the edge onto persons below.

Standard 56.20003(a) was cited [REDACTED].

56.20011

The area around the # 2 kiln emergency heat stack was not provided with a barricade or warning sign to warn persons of a hazard from the hot pipe. Warning signs shall be readily visible, legible, and display the nature of the hazard. The heat on the pipe was measured to be approximately 360 degrees fahrenheit. This is not a regular traveled area and accessed as needed for maintenance or repairs. This exposes persons to possible injuries if unaware of the heat hazard in the area.

Standard 56.20011 was cited [REDACTED].

56.16001

There were four stacks of bulk bags with two bags in each stack that were not properly stacked to prevent the falling of the top bulk bag. The top bag was leaning to the side on each stack. Three of the stacks were next to the porta toilets that persons use on a regular basis during the shifts. This exposes persons to possible injuries if the top bag were to fall as persons were in the area.

Standard 56.16001 was cited [REDACTED].

56.12028

The continuity and resistance testing of the 120 volt power cord for the swamp cooler located in the 402 packer area was not completed as required by the regulation. There were no visible problems with the cord. The cooler is used on a regular basis during the summer months on both shifts. The rest of the grounding system had been tested as required. This exposes persons to possible fatal injuries if the grounding system were not to function properly.

Standard 56.12028 was cited [REDACTED].

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Mine Safety and Health Administration  
Office of Accountability

District	Western	Field Office		Mine ID		Date	
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Attachment A - 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'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

Not Applicable – 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?

(ORs – One E01/Inspector/every six months/FY; FARs – One/Inspector/FY)

Adequate  Corrective Action Needed  Comments Below

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

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.

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District	Western	Field Office	██████	Mine ID	██████	Date	██████
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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 information (mine status, methane liberation, number of employees, etc.) being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?

Adequate  Corrective Action Needed  Comments Below

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

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Determine if inspectors have an understanding of when a violation of Section 103(a) for  
25. 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