MEMORANDUM FOR RICHARD E. STICKLER
Acting Assistant Secretary for
Mine Safety and Health Administration

THROUGH: CHARLES J. THOMAS
Director of Accountability for
Mine Safety and Health Administration

FROM: JERRY KISSELL
Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, Hazard, Kentucky, Field Office, and

Introduction

This memorandum summarizes the Office of Accountability audit of the subject mine and field office. Audit subjects included the Uniform Mine File, MSHA field activities, level of enforcement, Field Activity Reviews (FARs), MSHA supervisory and managerial oversight, mine plans, and the conditions and practices at the facility. The audit was conducted during the week of [redacted] by Jerry Kissell. Positive findings and issues requiring attention are included in this audit report.

Overview

The auditor traveled to the Hazard, KY field office and the [redacted] area to observe and evaluate enforcement activities, supervisor oversight, management oversight, and facility conditions. Accompanying the auditor was [redacted]. Facility areas examined include all levels (floors) of the process facility, the refuse belt conveyor, both draw tunnels and conveyors, both finish product conveyors, both dump points, access travel ways. Roadways, berming and signage all appeared adequate. Hand held multi-gas detectors were used to sample in the draw tunnels and SCSR’s were also inspected.

The audit revealed many positive findings related to MSHA field activities and mine conditions, including well organized pre-inspection conferences, and enforcement actions on all levels from 104(a), 104(b), 104(d), and 107(a). Other positives included

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good communication and professional relations with the operator. FARS and AA's were detailed and in depth second level reviews. Conditions at the mine site were reflective of the inspection reports. The housekeeping was outstanding; PPE was made available throughout the facility at “PPE stations”. Please see (Attachment B).

No violations were observed or issued during this audit. The level of enforcement appears accurate and fair for the conditions observed at the facility. (The facility has been issued 6 citations in the past 2 years). Contract trucking services have received the remainder of the violations at this plant. The district has held a meeting with the company and the contractor trucking services to identify the enforcement concerns on these contractors.

Issues that require corrective actions:

Inspection event sheet activity calendar is not accurately documented. (Item 1)

SCMI must conduct a thorough review of inspection reports, time reporting and violations. (Item 1)

**Corrected:** The event sheet activity calendar has been corrected and the inspectors have been instructed to thoroughly review all inspection reports, people time, and violation count.

**Audit Results**

The attached checklist addresses the findings of this audit. Positive results as well as issues that need to be addressed are covered in the checklist.

**Attachments**

A. OOA Checklist with comments
B. Photo’s of PPE Station Supplies
1. Coal  

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Evaluate supervisory review of inspection reports and documentation for completeness.

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SCMI failed to verify the accuracy of the event Calendar.

Event 

- One inspector charged time to the event but failed to sign the event sheet. Additionally, 7 different occurrences of time being charged to the event existed where the calendar boxes failed to be checked properly.

Event 

- Time was charged to the event on 4/2/08 but the event Calendar was not checked. *Authority-Coal Inspection Procedures Handbook*

Action required- SCMI need to improve work product reviews to ensure accuracy of inspection reports, citations, event calendars, and field notes.

(The event calendars have been updated to reflect the correct information for the events, and the inspectors were instructed by management to thoroughly review all inspection reports, time reporting and violations.)

2. Coal  

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Determine if supervisors address report deficiencies immediately

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Reference Item 1, these errors were not identified or corrected until the audit revealed this information.
3. Coal [X] Metal/Nonmetal [ ]
   Determine if supervisors are visiting each assigned mine at least annually
   Adequate [X] Inadequate [ ] Not Applicable [ ] Comments Below

4. Coal [X] Metal/Nonmetal [ ]
   Evaluate the quality of Field Activity Review reports (FARs)
   Adequate [X] Inadequate [ ] Not Applicable [ ] Comments Below
   Well documented and corrective issues discussed and detailed.

5. Coal [X] Metal/Nonmetal [ ]
   Determine if supervisors/managers are identifying and addressing performance or behavior based issues during and after accompanied inspections are conducted
   Adequate [X] Inadequate [ ] Not Applicable [ ] Comments Below

6. Coal [X] Metal/Nonmetal [ ]
   Evaluate the quality of Accompanied Inspections
   Adequate [X] Inadequate [ ] Not Applicable [ ] Comments Below
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29. Coal  X  Metal/Nonmetal  ☐
   Determine if complete and thorough inspections are being conducted and adequately documented
   Adequate  X  Inadequate  ☐  Not Applicable  ☐  Comments Below

30. Coal  X  Metal/Nonmetal  ☐
   Determine if inspection notes, air samples, rock dust samples, and tracking map/diagram support the inspector’s assertion that the mine was inspected in its entirety
   Adequate  X  Inadequate  ☐  Not Applicable  ☐  Comments Below

31. Coal  X  Metal/Nonmetal  ☐
   Determine that the inspector spent sufficient time on off-shifts and on weekends
   Adequate  X  Inadequate  ☐  Not Applicable  ☐  Comments Below

Recommendation – more off shift time could be applied.

34. Coal  X  Metal/Nonmetal  ☐
   Determine if all mine record books, postings, and other required materials are examined during the inspection
   Adequate  X  Inadequate  ☐  Not Applicable  ☐  Comments Below

Preshift/onshift log was current and well maintained.
37. Coal [X] Metal/Nonmetal [ ]
Evaluate each citation/order/safeguard for inspector’s determination of gravity, negligence, number of persons affected, and the level of enforcement

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38. Coal [X] Metal/Nonmetal [ ]
Accompany and evaluate inspector’s imminent danger run

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39. Coal [X] Metal/Nonmetal [ ]
Check adequacy of preshift/onshift examinations

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Detailed, timely exams are being conducted.

41. Coal [X] Metal/Nonmetal [ ]
Evaluate operator’s workplace examinations

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57. Coal | Metal/Nonmetal | 
Observe and evaluate fire detection methods
Adequate | X | Inadequate | | Not Applicable | | Comments Below

59. Coal | Metal/Nonmetal | 
Evaluate condition of conveyor belt drives, and fire suppression systems
Adequate | X | Inadequate | | Not Applicable | | Comments Below

60. Coal | Metal/Nonmetal | 
Determine if all required record books are adequately completed and in compliance with applicable standards
Adequate | X | Inadequate | | Not Applicable | | Comments Below

62. Coal | Metal/Nonmetal | 
Examine mine bulletin board and evaluate adequacy of all required postings
Adequate | X | Inadequate | | Not Applicable | | Comments Below
63. Coal  
Metal/Nonmetal  
Interview responsible person(s) and evaluate knowledge of emergency response, evacuation procedures, and fire fighting processes  
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66. Coal  
Metal/Nonmetal  
Determine if districts are conducting sufficient, in-depth Peer Reviews  
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67. Coal  
Metal/Nonmetal  
Determine if MSHA headquarters is conducting sufficient, in-depth Peer Reviews  
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There were no headquarters Peer Review activities conducted in District 7 during 2007, and none have been conducted in 2008 as of the date of this audit due to accident investigations and internal review investigations. A review is scheduled for November 2008.

Reference - Accountability Program Handbook (AH04-III-10), Headquarters Review Process - Review Schedules

68. Coal **X** Metal/Nonmetal **☐**
Determine if Peer Reviews identify root causes of deficiencies, corrective actions, set time lines for corrections, and identify a method for accurately measuring the success or failure of corrective actions.

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77. Coal **X** Metal/Nonmetal **☐**
Evaluate the two most current completed E01 (regular) inspection reports (two quarters)

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Reference item 1 for event calendar deficiencies.

79. Coal **X** Metal/Nonmetal **☐**
Citations, orders, and safeguards issued during previous two quarters

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114. Coal **X** Metal/Nonmetal **☐**
Determine if spreadsheets and/or databases provided for tracking of mine visits by supervisors and managers is kept up to date

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115. Metal/Nonmetal

Evaluate the effectiveness of management's support of, and communication with, inspectors and specialists

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Attachment B - PPE Stations