



DEC 12 2014

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations
Mine Safety and Health

THROUGH:

NEAL H. MERRIFIELD
Administrator for
Metal Nonmetal Mine Safety and Health

JAY P. MATTOS
Director, Office of Assessments, Accountability,
Special Enforcement and Investigations

FROM:

ALFRED L. CLAYBORNE
Deputy Director, Office of Accountability,
Special Enforcement and Investigations

SUBJECT:

MSHA Office of Accountability Review, MNM North Central
District, Peru, Illinois Field Office, and

Introduction

This memorandum summarizes the Office of Accountability's review of the subject district office, field office, and mine. The review included MSHA field activities; level of enforcement; conditions and practices at the mine; Field Accompanied Reviews (FARs); Office Reviews (ORs); and MSHA supervisory and managerial oversight. The accountability review also included evaluations to determine if there were any deficiencies in areas commonly identified during Agency internal reviews of MSHA's actions following past mine disasters.

Positive findings as well as issues requiring attention are included in this accountability review report.

Overview

This review was conducted by Accountability Specialists Jerry Kissell and Troy Davis from [REDACTED]. The [REDACTED] accompanied the accountability specialists during this review.

[REDACTED]

The review team traveled with the inspection party to the [REDACTED] [REDACTED] on [REDACTED] for a regular safety and health inspection (E01). The team observed inspection activities conducted to include: mobile equipment inspected consisting of four A40D Volvo haul trucks, two Caterpillar front-end loaders, one Oldenberg powder truck, one Oldenberg single boom jumbo drill, one Oldenberg roof bolter, one John Deere skid-steer, main and auxiliary fans and permanent pump stations (sumps). Portions of the mining cycle were also observed including the loading (mucking) cycle, haulage both by rubber tired equipment and conveyor belt systems, explosives loading practices, barricades for loaded faces (headings), shot denotation, mechanical scaling and hand scaling practices. Four contractors on the property were inspected and work practices were observed while one contractor performed a large tire change on an A40D Volvo haul truck. The team traveled both the primary and secondary escapeways observing signage and conditions of the travelways. The ventilation system for the mine provided adequate ventilation in all areas traveled during this mine visit. Air quality readings and sound pressure level readings taken by the inspector were observed in active work areas and on mobile equipment to be in compliance. The team observed the primary crusher (jaw), control tower, adjoining conveyor belts, MCC room and underground electrical installation (transformer 4160V to 480V) associated with the crusher and three separate sump areas.

Communications between the mine operator and MSHA personnel were observed during the pre-conference, daily close-out, discussion of work practices with miners and discussion of seven citations issued while underground and one issued to a contractor on the surface. On the surface the mine map and portions of examination records were also reviewed.

Review Results

The accountability review revealed positive findings in several areas, including the following:

1. Enforcement personnel conducted themselves in a professional and courteous manner at all times during the review and during the inspection
2. Inspection procedures observed during the review appeared in compliance with MSHA policy and procedures
3. Field Accompanied Reviews (FARs) and Office Reviews (ORs) for the Peru Field Office were adequately documented
4. Enforcement personnel used appropriate enforcement tools during the mine site visit
5. Air Quality readings and locations taken in the mine were documented
6. Staff and safety meetings were well documented and showed updates and reviews of MSHA initiatives and policy memoranda

This accountability review revealed one issue that requires a corrective action:
(Supporting data can be found in the OA checklist and attachments)

Issue No. 1

The documentation for Regular Safety and Health Inspections (E01) was not complete and thorough - Audit Checklist Item #2

- Notification of Miner's Representative: There is no miners representative at this mine; no health and safety discussions with miners were documented in the E01 inspections.
 - Requirement: (GIPH pg. 30 item C) "If there is no designated representative of miners, or if the miners' representative cannot be determined, inspectors shall discuss safety and health matters at the mine with a reasonable number of miners at various places in the mine during the course of the inspection.
 - Requirement: (GIPH pg. 62 item C) "Inspectors shall document, at a minimum, the following information in their general field notes: Relevant conversations with miners, miners' representatives, and mine operator's representatives regarding issues raised during the inspection and/or safety and health issues at the mine or mill; and other relevant safety and health information. Emphasis added.
- Observation of the Mining Cycle: No documentation in the E01 inspection reports that the mining cycle was observed during the inspection or documentation to explain why the mining cycle was not observed.

- Requirement: (GIPH pg. 33 item G) "Inspectors shall make every effort to observe each phase of all mining cycles during every regular inspection of a mine or mill. The term "mining cycle" includes, but is not limited to: activities such as drilling, blasting, mucking, timbering, scaling, and the transfer and/or haulage of ore or waste." "Mining cycles not observed during an inspection shall be documented in the inspector's general field notes along with any specific observations and conversations regarding observed mining cycles.
- Inspection of Escapeways: No documentation that the primary escapeway was inspected in its entirety: *(The [REDACTED] did document the secondary escapeway and at the time the three E01 inspections were conducted the primary and secondary escapeways were located in the same entry).* Reflectors in the escapeway are different colors depending on the direction of travel.
 - Requirement: (GIPH pg. 39 item L) "Inspectors are responsible for traveling all designated escapeways during every regular inspection to verify that they are passable and can effectively function in a mine emergency." Emphasis added.
- Observation of Work Practices and Procedures: No documentation in the E01 inspection reports pertaining to work practices or procedures:
 - Requirement: (GIPH pg. 48 item W) "Documentation shall be substantially completed by inspectors on general field, health, citation or order notes while they are on mine or mill sites during all enforcement activities. In particular, general field note documentation shall include all areas, equipment, work practices, and other similar activities observed by inspectors during the regular inspection." Emphasis added.
- Inspection of Ventilation Fans: No documentation in the E01 inspection reports that the ventilation fans and associated electrical components were inspected.
 - Requirement: (GIPH pg. 32 item F) A regular safety and health inspection of a mine in its entirety includes the following areas, equipment, and documentation:
 - inspection of the active mine, mill, shops, pump houses, electrical transmission facilities and/or substations, flammable and combustible storage areas, all operating mobile and fixed equipment, etc.; Emphasis added.

Attachments

- A. Internal Review Summary
- B. Office of Accountability Checklist
- C. Statistics
- D. Citations/Orders issued during this review

1.	██████████	57.3200
2.	██████████	57.3401
3.	██████████	57.18013
4.	██████████	57.12028
5.	██████████	47.44b
6.	██████████	57.4102
7.	██████████	57.9300a
8.	██████████	57.13011

- E. Examples of Citations Issued During Previous E01 Inspections
(No issues were identified during this review)
- F. District Corrective Action Plan

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District Field Office Mine ID Date

Attachment A – Internal Review Summary

The table below lists the most common internal review findings following mine disasters. The Peru, Illinois Field Office had one of the most commonly identified issues.

	Common Internal Review Findings	Examples of Deficiencies found in this Accountability Review:
	Failure to identify deviations in approved plans.	Not identifying operator departures from requirements in any plan that requires approval, such as training plans, roof control plans, ventilation plans, emergency response plans, etc.
X	Incomplete or inadequate inspections.	Not following policy or procedures for conducting/documentation inspections. Failure to cite all violations. Not inspecting all areas and equipment.
	Failure to conduct 103(i) spot inspections according to policy.	Not conducting spot inspections in a timely manner and at irregular intervals.
	Supervisors did not provide adequate oversight.	No review/lax review of inspection reports. Inadequate review of PKW/SAR forms. Failure to conduct required Field Activity Reviews and Accompanied Activities.
	Improper evaluations of gravity, negligence and type of enforcement action.	Inadequate documentation to support citation and evaluation. Failure to consider and document aggravating or mitigating circumstances.
	Inadequate Peer Reviews	Inadequate district level Peer Reviews. Failure to adopt and follow corrective action plans. Failure to follow up or monitor effectiveness of corrective action plans.
	Weakness in the ACR Program	Not following ACR handbook. Inadequate management oversight. Failure to follow the Mine Act, MINER Act, 30 CFR and MSHA policy.
	MSHA data not used or reviewed.	Key Indicators, Mine Profile, Inspection completion reports not being used. Failure to keep MSIS data up to date and accurate.
	Lack of unwarrantable failure tracking system	No or inadequate unwarrantable failure sequence tracking system.
	Conflict of Interest	Inspecting prior employers, employment of relatives
	Failure to comply with Hazard Complaint Procedures.	Improper coding of inspections. Inadequate documentation of inspections/investigations.

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District North Central Field Office Peru, Illinois Mine ID [REDACTED] Date [REDACTED]

Common Internal Review Findings	Examples of Deficiencies found in this Accountability Review
Investigations of multi-phase plans	Failure to conduct on-site evaluations of plans.
Failure to observe retreat mining.	Inadequate periodic evaluations when retreat mining is conducted.
Section 103(a) is violated when an operator gives advance notice of MSHA's presence on mine property	Citation not issued when advance notice of impending MSHA inspection
Tracking tool was needed to monitor personnel resources and those devoted to special investigations	Not monitoring resources devoted to special investigations.
Needed to improve tracking of retraining of supervisors, inspectors, and specialists	Some supervisors, inspectors, and specialists were not being retrained.

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Attachment B – Review 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

The documentation for Regular Safety and Health Inspections (E01) was not complete and thorough. The following items were not documented in the E-01 reports reviewed ;

- Notification of Miner’s Representative: No miners representative at this mine; no health and safety discussions were documented in the E01 inspections with miners.
 - Requirement: (GIPH pg. 30 item C) “If there is no designated representative of miners, or if the miners’ representative cannot be determined, inspectors shall discuss safety and health matters at the mine with a reasonable number of miners at various places in the mine during the course of the inspection.
 - Requirement: (GIPH pg. 62 item C) “Inspectors shall document, at a minimum, the following information in their general field notes: Relevant conversations with miners, miners’ representatives, and mine operator’s representatives regarding issues raised during the inspection and/or safety and health issues at the mine or mill; and other relevant safety and health information. Emphasis added.
- Observation of the Mining Cycle: No documentation in the E01 inspection reports that the mining cycle was observed during the inspection or documentation to explain why the mining cycle was not observed.
 - Requirement: (GIPH pg. 33 item G) “Inspectors shall make every effort to observe each phase of all mining cycles during every regular inspection of a mine or mill. The term “mining cycle” includes, but is not limited to: activities such as drilling, blasting, mucking, timbering, scaling, and the transfer and/or haulage of ore or waste.” “Mining cycles not observed during an inspection shall be documented in the inspector’s general field notes along with any specific observations and conversations regarding observed mining cycles.
- Inspection of Escapeways: No documentation that the primary escapeway was inspected in its entirety: *(The did document the secondary escapeway and at*

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- *the time the three E01 inspections were conducted the primary and secondary escapeways were located in the same entry).* Reflectors in the escapeway are different colors depending on the direction of travel.
 - Requirement: (GIPH pg. 39 item L) "Inspectors are responsible for traveling all designated escapeways during every regular inspection to verify that they are passable and can effectively function in a mine emergency." Emphasis added.
- Observation of Work Practices and Procedures: No documentation in the E01 inspection reports pertaining to work practices or procedures:
 - Requirement: (GIPH pg. 48 item W) "Documentation shall be substantially completed by inspectors on general field, health, citation or order notes while they are on mine or mill sites during all enforcement activities. In particular, general field note documentation shall include all areas, equipment, work practices, and other similar activities observed by inspectors during the regular inspection." Emphasis added.
- Inspection of Ventilation Fans: No documentation in the E01 inspection reports that the ventilation fans and associated electrical components were inspected.
 - Requirement: (GIPH pg. 32 item F) A regular safety and health inspection of a mine in its entirety includes the following areas, equipment, and documentation:
 - inspection of the active mine, mill, shops, pump houses, electrical transmission facilities and/or substations, flammable and combustible storage areas, all operating mobile and fixed equipment, etc.; Emphasis added.

Determine if citations and orders issued during previous inspections were properly

3. 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

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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

No drilling took place during the mine visit.

6. Evaluate the inspector(s) on-site contaminant assessment and documentation.

Adequate Corrective Action Needed Comments Below

No health samples were taken during this inspection. A review of previous inspection reports verify the last health survey was conducted in 5/2014 with no violations.

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

No PKW forms were reviewed during this accountability review.

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

No 103(i) mines are in the field office jurisdiction

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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

13. Are required Office Reviews (ORs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?
(One E-01/Inspector/every six months/FY -minimum)

Adequate Corrective Action Needed Comments Below

14. Are Field Accompanied Reviews (FARs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?
(one/inspector/year - minimum)

Adequate Corrective Action Needed Comments Below

15. 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

16. Determine if the Mine Files are legible, up to date, and reviewed by supervisors..

Adequate Corrective Action Needed Comments Below

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17. Determine if supervisors are visiting active mines.

Adequate Corrective Action Needed Comments Below

18. 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

19. 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.

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

Adequate Corrective Action Needed Comments Below

21. 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

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

Adequate Corrective Action Needed Comments Below

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23. 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

24. Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.

Adequate Corrective Action Needed Comments Below

Additional Gas detectors for the Peru Field Office and Litchfield satellite office should be considered as the Peru office has 10 underground mines (2 in the Litchfield office and 8 in the Peru office. One detector for the Litchfield office with two inspectors appears inadequate, in the event a second underground mine needs an inspection for hazard complaints or a failure of a detector, the office would not be able to determine environmental conditions for air quality. Similarly, in the Peru office, two undergrounds are the most that can be visited simultaneously. If a need to deal with a third underground mine for hazards or accidents, the office does not currently have a detector available without having one over-nighted from another source to provide them the appropriate equipment to be underground for inspection/investigation. One additional detector is recommended to be available in each office as a spare, in the event of an unplanned inspection/investigation/accident activities.

25. Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.

Adequate Corrective Action Needed Comments Below

26. Determine if inspectors have an understanding of when a violation of Section 103(a) for Advance Notice occurs and whether appropriate citations are issued for Advance Notice.

Adequate Corrective Action Needed Comments Below

27. Determine if the management resource tracking tool is being used to track resources regarding Special Investigations.

Adequate Corrective Action Needed Comments Below

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28. Determine if retraining of supervisors, inspectors, and specialists is being tracked.

Adequate Corrective Action Needed Comments Below

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District North Central Field Office Peru, Illinois Mine ID [REDACTED] Date [REDACTED]

Attachment C – Statistics

S&S Rate Comparison

During FY 2012 and FY 2013, the S&S rates for the Peru, Illinois Field Office are lower than the average for the North Central District and national average. Citations issued during the review were appropriately issued and consistent with policy and procedures. (See Attachment D) ←

Fiscal Year	Peru Field Office	North Central District	National Average
2012	19%	22%	27%
2013	13%	18%	26%

Time and Activity Comparison

A comparison of FY 2012 and FY 2013 time distribution for the Peru Field Office at all mining operations shows that time in the other category has decreased and on-site time has also decreased.

Time Distribution (%) – E01 Inspections							
FY	Area/Office	Travel	*Other	**On-Site Enf. time	Total Enf. Time	Non Enf. Time	Total Percent
2012	FO	19%	20%	37%	76%	24%	100%
	Nat'l Avg	20%	15%	42%	78%	22%	100%
2013	FO	19%	16%	34%	69%	31%	100%
	Nat'l Avg	21%	15%	42%	78%	22%	100%

* Other time includes off site citation/order writing, health equipment calibration, and mailing of samples

** Total On-Site time includes citations written on-site

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District North Central Field Office Peru, Illinois Mine ID [REDACTED] Date [REDACTED]

Attachment D- Citations issued during the Review

Mine Citation/Order		U.S. Department of Labor Mine Safety and Health Administration	
Section I—Violation Data			
1. Date <small>Mo Da Yr</small>	2. Time (24 Hr. Clock)	3. Citation/Order Number	
4. Served To		5. Operator	
6. Mine		7. Mine ID	
8. Condition or Practice			(Contractor)
<p>There was loose and unconsolidated material at the working face of 116W & 121N. When tested the loose material was easily taken down.</p> <p>A person is exposed to the hazard of being struck by falling material.</p> <p>Two Blasters were loading holes at this face.</p> <p>The operator had not been in the area during this shift.</p> <p>Standard 57.3200 was [REDACTED] 0 to a contractor).</p>			8a. Written Notice (103g) <input type="checkbox"/>
9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR <p style="text-align: right;">57.3200</p>
<small>See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/></small>			
Section II—Inspector's Evaluation			
10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input checked="" type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action		E. Citation/Order Number	F. Dated Mo Da Yr
A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			
15. Area or Equipment			
16. Termination Due			
A. Date Mo Da Yr		B. Time (24 Hr. Clock)	
[REDACTED]		[REDACTED]	
Section III—Termination Action			
17. Action to Terminate The loose and unconsolidated material located at 116W & 121N has been taken down.			
18. Terminate			
A. Date Mo Da Yr		B. Time (24 Hr. Clock)	
[REDACTED]		[REDACTED]	
Section IV—Automated System Data			
19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	[REDACTED]	P	
22. AR Name		23. AR Number	
[REDACTED]		[REDACTED]	

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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District North Central Field Office Peru, Illinois Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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Section I—Violation Data

1. Date	Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number
4. Served To	5. Operator		
6. Mine	7. Mine ID		(Contractor)

8. Condition or Practice

8a. Written Notice (103g)

An experienced person in examining and testing for loose ground did not examine and, where applicable, test ground conditions in areas where work was to be performed, prior to work commencing, at the face of 116W & 121N. Citation [REDACTED] was issued for loose and nonsolid material at this location. Standard 57.3200 was [REDACTED].

A person is exposed to the hazard of being struck by falling material.

Two blasters were loading holes at this face.

The operator has not followed up to assure that the examinations of ground conditions are being performed.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			57.3401

Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No

D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date	Mo Da Yr	B. Time (24 Hr. Clock)	
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Section III—Termination Action

17. Action to Terminate The mine operator held a safety meeting on examination of ground conditions and designated experienced persons in examining and testing for loose ground.

18. Terminate	A. Date	Mo Da Yr	B. Time (24 Hr. Clock)	
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Section IV—Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	[REDACTED]	21. Primary or Mill	P
22. AR Name	[REDACTED]			23. AR Number	[REDACTED]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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District North Central Field Office Peru, Illinois Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order
Continuation

U.S. Department of Labor
Mine Safety and Health Administration



Section I-Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr [REDACTED]	3. Citation/Order Number [REDACTED]
4. Served To [REDACTED]	5. Operator [REDACTED]	
6. Mine [REDACTED]	7. Mine ID [REDACTED] (Contractor)	

Section II-Justification for Action

Continuation of 8. Condition or Practice

Standard 57.3401 was [REDACTED]
 [REDACTED] 0 to a contractor).

Section III-Subsequent Action Taken				See Continuation Form <input type="checkbox"/>	
8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input type="checkbox"/> E. Modified		
Section IV-Inspection Data					
9. Type of Inspection E01		10. Event Number [REDACTED]			
11. AR Name [REDACTED]		AR Number [REDACTED]	12. Date Mo Da Yr [REDACTED]	13. Time (24 Hr. Clock) [REDACTED]	

MSHA Form 7000-3a, Mar 85 (revised)

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District North Central Field Office Peru, Illinois Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I--Violation Data			
1. Date Mo Da Yr	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/Order Number [REDACTED]	
4. Served To [REDACTED]		5. Operator [REDACTED]	
6. Mine [REDACTED]		7. Mine ID [REDACTED]	
8. Condition or Practice			(Contractor)
			8a. Written Notice (103g) <input type="checkbox"/>

The phone located in the primary crusher booth being provided in the event of an emergency was not being maintained in a functional condition.

A person is exposed to the hazard of the phone not working in the case of an emergency.

A person uses a rock braker outside this primary crusher booth when necessary.

The operator had not been in this area during this shift.

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			57.18013

See Continuation Form (MSHA Form 7000-3a)

Section II--Inspector's Evaluation			
10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action			
A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/Order Number	
F. Dated		Mo Da Yr	
15. Area or Equipment			

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock) [REDACTED]
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Section III--Termination Action

17. Action to Terminate A different power connection has been provided for the phone located at the primary crusher booth, and is now functional.

18. Terminate	A. Date Mo Da Yr	B. Time (24 Hr. Clock) [REDACTED]
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Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill P	
22. AR Name [REDACTED]			23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Field Office Mine ID Date

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Violation Data

1. Date Mo Da Yr <input type="text"/>	2. Time (24 Hr. Clock) <input type="text"/>	3. Citation/ Order Number <input type="text"/>
4. Served To <input type="text"/>	5. Operator <input type="text"/>	
6. Mine <input type="text"/>	7. Mine ID <input type="text"/>	
8. Condition or Practice <input type="text"/>		(Contractor) <input type="checkbox"/>

8a. Written Notice (103g)

The 110 volt power strip located inside of the primary crusher booth had not had it's annual continuity and resistance test.

A person is exposed to the hazard of receiving an electrical shock.

Persons are not required to be in the primary crusher booth as part of their regular mining cycle.

The company has been conducting annual continuity and resistance test.

9. Violation	A. Health Safety Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) <input checked="" type="checkbox"/>
			57.12028	

Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No

D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a

13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section III—Termination Action

17. Action to Terminate A continuity and resistance test has been completed on the power strip that was located in the primary crusher booth.

18. Terminate A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code) E01

20. Event Number

21. Primary or Mill P

22. AR Name

23. AR Number

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20410. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District **North Central** Field Office **Peru, Illinois** Mine ID **[REDACTED]** Date **[REDACTED]**

Mine Citation/Order
 Continuation

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr [REDACTED]	3. Citation/Order Number [REDACTED]
4. Served To [REDACTED]	5. Operator [REDACTED]	
6. Mine [REDACTED]	7. Mine ID [REDACTED] (Contractor)	

Section II—Justification for Action

Continuation of 8. Condition or Practice

Standard 57.12028 was

[REDACTED], 0 to a contractor.

Section III—Subsequent Action Taken

See Continuation Form

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of Inspection	E01	10. Event Number	[REDACTED]
11. AR Name	[REDACTED]	AR Number	[REDACTED]
12. Date	Mo Da Yr	[REDACTED]	13. Time (24 Hr. Clock)
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

MSHA Form 7000-3a, Mar 85 (revised)

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

District North Central Field Office Peru, Illinois Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

U.S. Department of Labor
 Mine Safety and Health Administration



Section I—Violation Data

1. Date	Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number
4. Served To	5. Operator		
6. Mine	7. Mine ID		

8. Condition or Practice 8a. Written Notice (103g)

There are three portable 1000 gallon containers located next to the parts storage container. 1 container has approximately 100 gallon of liquid and 2 has approximately 200 gallon of liquid. These containers are not labeled with at least the most common name of it's contents, and were not emptied at the end of the shift.

A person is exposed to the hazard of not being able to identify there contents in the case of an emergency.

Miners have not been required to use these containers as part of their work requirements.

The operator said that he wasn't sure what was the contents of the containers and didn't realize that the were not labeled.

Standard 47.44b was [REDACTED]

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			47.44b

See Continuation Form (MSHA Form 7000-3a)

Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section III—Termination Action

17. Action to Terminate

18. Terminate A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code) E01 20. Event Number 21. Primary or Mill P

22. AR Name 23. AR Number

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
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District Field Office Mine ID Date

Mine Citation/Order
Continuation

U.S. Department of Labor
Mine Safety and Health Administration



Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr [Redacted]	3. Citation/Order Number [Redacted]
4. Served To [Redacted]	5. Operator [Redacted]	
6. Mine [Redacted]	7. Mine ID [Redacted] (Contractor)	

Section II—Justification for Action

Continuation of 8. Condition or Practice

[Redacted]

Section III—Subsequent Action Taken

See Continuation Form

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of Inspection E01	10. Event Number [Redacted]		
11. AR Name [Redacted]	AR Number [Redacted]	12. Date Mo Da Yr [Redacted]	13. Time (24 Hr. Clock) [Redacted]

MSHA Form 7000-3a, Mar 85 (revised)

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

District North Central Field Office Peru, Illinois Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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Section I—Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]		7. Mine ID [REDACTED]

8. Condition or Practice (Contractor) 8a. Written Notice (103g)

The Oldenburg single boom drill #4680601 located in the area across from the parts storage container has hydraulic leakage. There is a puddle of hydraulic fluid underneath the front right side, and outside and just behind the operators compartment on the frame of the drill. A person is exposed to the hazard of a fire and it's affects. A person is required to use this drill as part of the mining cycle. The ignition source would be at the rear of the drill, and not in the area of the leaks. This condition was not reported on the pre-operational check of the drill. Standard 57.4102 was [REDACTED] 0 to a contractor).

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.4102	See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 001

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104a

13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III—Termination Action

17. Action to Terminate The hydraulic leaks have been repaired in the Oldenburg single boom drill # 4680601.

18. Terminate	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section IV—Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill P
22. AR Name [REDACTED]		23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
 Mine Safety and Health Administration
 Office of Accountability
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Section I--Violation Data

1. Date Mo Da Yr <input type="text"/>	2. Time (24 Hr. Clock) <input type="text"/>	3. Citation/ Order Number <input type="text"/>
4. Served To <input type="text"/>	5. Operator <input type="text"/>	
6. Mine <input type="text"/>	7. Mine ID <input type="text"/> (Contractor)	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

There was no berm being provided at the end of the ramped road for the Main sump pump located at 98 & 99. The water is over 2 feet deep at the end of the ramp.

A person is exposed to the hazard of driving into the water.

Persons are not required to travel this area as part of the mining cycle.

The operator didn't recognize the hazard and said that he didn't know that a berm was required.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.9300a
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Section II--Inspector's Evaluation

10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input checked="" type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due:	A. Date Mo Da Yr <input type="text"/>	B. Time (24 Hr. Clock) <input type="text"/>
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Section III--Termination Action

17. Action to Terminate A berm has been provided at the end of the ramped road at the Main sump, located at 98 & 99.

18. Terminate	A. Date Mo Da Yr <input type="text"/>	B. Time (24 Hr. Clock) <input type="text"/>
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Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number <input type="text"/>	21. Primary or Mill P
22. AR Name <input type="text"/>		23. AR Number <input type="text"/>

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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District North Central Field Office Peru, Illinois Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order U.S. Department of Labor
 Mine Safety and Health Administration

Section I--Violation Data	
1. Date Mo Da Yr	2. Time (24 Hr. Clock) [REDACTED]
3. Citation/Order Number [REDACTED]	
4. Served To [REDACTED]	5. Operator [REDACTED]
6. Mine [REDACTED]	7. Mine ID [REDACTED] (Contractor)
8. Condition or Practice 8a. Written Notice (103g) <input type="checkbox"/>	

The pressure gauge being provided for the TSL Cloetalt CH-5 tire blaster located in the tire trucks front right side compartment was not being maintained in a functional condition.

A person is exposed to the hazard of not being able to accurately measure the pressure within the air receiver tank.

The miner said he seldom uses the tank, and when he does he puts very little air in the air receiver tank.

The contractor had not been in any of the trucks side compartments that day.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR <p align="center">57.13011</p>
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Section II--Inspector's Evaluation	
10. Gravity:	
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>	
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>	
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>	
12. Type of Action 104a	13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>
14. Initial Action	
A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>	E. Citation/Order Number
F. Dated Mo Da Yr	
15. Area or Equipment	

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock) [REDACTED]
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Section III--Termination Action

17. Action to Terminate	
18. Terminate	
A. Date Mo Da Yr	B. Time (24 Hr. Clock)

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill P
22. AR Name [REDACTED]		23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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Attachment E – Examples of Citations Issued During Previous E01 Inspections
No Issues were identified during this review

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District North Central Field Office Peru, Illinois Mine ID [REDACTED] Date [REDACTED]

Attachment F –North Central District Corrective Action Plan

US. Department of Labor

Mine Safety and Health Administration
Duluth Federal Bldg., U.S. Courthouse
515 W. First Street, Rm. 333
Duluth, Minnesota 55802-1302



MEMORANDUM FOR: TED SMITH
Supervisor, Office of Accountability
Mine Safety and Health Administration

FROM: CHRISTOPHER HENSLEY [REDACTED]
Acting District Manager,
Metal/Nonmetal North Central District

SUBJECT: Corrective Action Plan

This memo is a response to the review conducted by your office from [REDACTED] at the Peru, IL Field Office and the [REDACTED]. This memo addresses the corrective action for one deficiency outlined in your Office of Accountability review.

Deficiency No. 1:

Review Checklist item # 2 – The documentation for Regular Safety and Health Inspections (E01) was not complete and thorough.

- Notification of Miner's Representative: No miners representative at this mine; no health and safety discussions were documented in the E01 inspections with miners.
 - Requirement: (GIPH pg. 30 item C) "If there is no designated representative of miners, or if the miners' representative cannot be determined, inspectors shall discuss safety and health matters at the mine with a reasonable number of miners at various places in the mine during the course of the inspection.
 - Requirement: (GIPH pg. 62 item C) "Inspectors shall document, at a minimum, the following information in their general field notes: Relevant conversations with miners, miners' representatives, and mine operator's representatives regarding issues raised during the inspection and/or safety and health issues at the mine or mill; and other relevant safety and health information.
- Observation of the Mining Cycle: No documentation in the E01 inspection reports that the mining cycle was observed during the inspection or documentation to explain why the mining cycle was not observed.
 - Requirement: (GIPH pg. 33 item G) "Inspectors shall make every effort to observe each phase of all mining cycles during every regular inspection of a mine or mill. The term "mining cycle" includes, but is not limited to: activities such as drilling, blasting, mucking, timbering, scaling, and the transfer and/or haulage of ore or waste." "Mining cycles not observed during an inspection shall be documented in the inspector's general field notes along with any specific observations and conversations regarding observed mining cycles.

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Office of Accountability

District Field Office Mine ID Date

- Inspection of Escapeways: No documentation that the primary escapeway was inspected in its entirety: (The did document the secondary escapeway and at the time the three E01 inspections were conducted the primary and secondary were located in the same entry). Reflectors in the escapeway are different colors depending on the direction of travel.
 - Requirement: (GIPH pg. 39 item L) "Inspectors are responsible for traveling all designated escapeways during every regular inspection to verify that they are passable and can effectively function in a mine emergency."
- Observation of Work Practices and Procedures: No documentation in the E01 inspection reports pertaining to work practices or procedures:
 - Requirement: (GIPH pg. 48 item W) "Documentation shall be substantially completed by inspectors on general field, health, citation or order notes while they are on mine or mill sites during all enforcement activities. In particular, general field note documentation shall include all areas, equipment, work practices, and other similar activities observed by inspectors during the regular inspection."
- Inspection of Ventilation fans: No documentation in the E01 inspection reports that the ventilation fans and associated electrical components were inspected.
 - Requirement: (GIPH pg. 32 item F) A regular safety and health inspection of a mine in its entirety includes the following areas, equipment, and documentation:
 - inspection of the active mine, mill, shops, pump houses, electrical transmission facilities and/or substations, flammable and combustible storage areas, all operating mobile and fixed equipment, etc.;

Proposed Corrective Action :

Training will be conducted with a PowerPoint emailed to the supervisors, which will be presented during a supervisor conference call. This will be training provided to the supervisors by the assistant district managers.

The training will then be provided to the inspectors, by their respective supervisors.

When the training is completed by all enforcement personnel, the respective supervisor will complete a memo stating that all their required employees have received the training. The field office supervisors will forward this memo to the assistant district managers for a record of this training.

ROOT CAUSE:

Training/Supervisor Oversight: The inspectors and supervisors were not ensuring the appropriate documentation was being completed and submitted with the inspection reports. The supervisors' review of general inspection field notes was ineffective, and proper corrective measures were not taken.

OFFICE RESPONSIBLE FOR IMPLEMENTING:

The assistant district managers will assure that the all supervisors have received the training. The field office supervisors will be responsible for providing the required training to their respective inspectors:

TIMEFRAME FOR COMPLETION:

The deficiencies will be corrected October 30th 2014.

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

District Field Office Mine ID Date

METHOD FOR DETERMINING SUCCESS:

Each field office supervisor will submit a Memo to their respective assistant district manager confirming the training has been completed. Each field office supervisor will monitor future general inspection field notes to ensure individual inspectors are properly documenting per General Inspection Procedures Handbook for Metal and Nonmetal.