MAY 7 2015

MEMORANDUM FOR PATRICIA W. SILVEY
Deputy Assistant Secretary for Operations
Mine Safety and Health

THROUGH: NEAL H. MERRIFIELD
Administrator for
Metal and 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
Metal and Nonmetal Southeastern District,
Lexington, Kentucky 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.
Overview

The review of the Southeastern District and Lexington, Kentucky Field Office was conducted by Accountability Supervisor Ted Smith and Accountability Specialist Troy Davis from [redacted]. The review focused on inspection activities during FY 2014 (October 2013 through September 2014) and specifically involved the review of two regular health and safety inspections (E01 event numbers [redacted]) conducted by the Lexington Field Office of the [redacted]. The Lexington Field Office was selected in part because the Violations per Inspection Hour (VPIH) was 0.19 compared to the National average VPIH of 0.23 for MNM during FY 2014 and the Office of Accountability had not previously reviewed the Field Office. The [redacted] was selected based on the mine's S&S rate of 33 percent compared to the National average of 26 percent for MNM during FY 2014. The review team conducted a mine visit focusing on general mine conditions; whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports reviewed; and to observe company work practices at the mine site.

Mine Visit

This underground limestone mine is located in [redacted] and employs approximately [redacted] persons producing [redacted] annually. [redacted] is mined and transported to the surface via conveyor belt systems. The [redacted] is then processed and made ready for commerce.

The Review Team accompanied the Inspector, Field Office Supervisor, Assistant District Manager, and District Health and Safety Specialist, to the mine on [redacted] for a regular safety and health inspection (E01). The underground portion of the mine was not actively producing because a roof fall had damaged the belt conveyor system. Contractors and miners were rehabilitating the roof fall area in order to resume production. The Review Team observed the inspection of the mine map, portions of the examination records, mobile equipment consisting of two front-end loaders, a Caterpillar 988 and a Volvo L150E; and one Komatsu PC300 equipped with a rotary drum cutter used for scaling. Four employees of [redacted] working on the property were inspected for training and associated equipment. The team observed the primary crusher and adjoining conveyor belts although they were not in operation due to the rehabilitation work being performed. The team traveled the primary escapeway in its entirety and portions of the secondary escapeway observing signage and conditions in the travelways.

The ventilation system for the mine provided adequate ventilation in all areas traveled during this mine visit. The inspector performed air quality readings in all active work areas and headings inspected. The readings indicated air quality was compliant. The
inspector also performed air volume measurements to verify information provided in the operator's ventilation plan. The inspector examined all three main fans on the surface.

The Review Team observed communications between the mine operator and MSHA personnel during the pre-inspection conference and observed discussions with miners and company officials regarding work practices and enforcement actions.

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. Field Accompanied Reviews (FARs) and Office Reviews (ORs) for the Lexington Field Office were adequately documented.
3. Enforcement personnel used appropriate enforcement tools during the mine site visit.
4. Air Quality readings and locations taken in the mine were documented.
5. Staff and safety meetings were well documented and showed updates and reviews of MSHA initiatives and policy memoranda.

This accountability review of the Southeastern District and Lexington, Kentucky Field Office revealed no material weaknesses or systemic issues requiring corrective actions.
Attachments

A. Office of Accountability Checklist

B. Citations/Orders issued during this review
   1. 57.14112(b)

C. Examples of Citations Issued During Previous E01 Inspections
   (No issues were identified during this review)

D. District Corrective Action Plan
   (No issues were identified during this review)
### 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 [X]  
   - Corrective Action Needed [ ]  
   - Comments Below [ ]

2. Determine if documentation for inspections is complete and thorough.
   - Adequate [X]  
   - 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 [X]  
   - Corrective Action Needed [ ]  
   - Comments Below [ ]

4. Evaluate inspector(s) examination of required records and postings for compliance with applicable standards.
   - Adequate [X]  
   - 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 [X]  
   - Corrective Action Needed [ ]  
   - Comments Below [X]
   - Mine was not producing at time of inspection

6. Evaluate the inspector(s) on-site contaminant assessment and documentation.
   - Adequate [ ]  
   - Corrective Action Needed [ ]  
   - Comments Below [X]
   - No health samples were taken during this inspection.
7. Evaluate inspector(s) examination of electrical equipment, transformer stations, and/or electrical circuits.

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

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

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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.

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

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

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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.

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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 [X]  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 [X]  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 [X]  Corrective Action Needed [ ]  Comments Below [ ]

16. Determine if the Mine Files are legible, up to date, and reviewed by supervisors.
   Adequate [X]  Corrective Action Needed [ ]  Comments Below [X]
   Inspections scanned, disk filed for FOS and original inspection reports filed in the District office.

17. Determine if supervisors are visiting active mines.
   Adequate [X]  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 [X]  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 [X]  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 [X]  Corrective Action Needed [ ]  Comments Below [X]
   Monthly CLR reports and weekly violations outstanding reports, etc....

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 [X]  Corrective Action Needed [ ]  Comments Below [ ]

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 [X]  Corrective Action Needed [ ]  Comments Below [ ]

24. Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.
   Adequate [X]  Corrective Action Needed [ ]  Comments Below [ ]
25. Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.

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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.

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

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SI not reviewed as part of this review

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

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Attachment B: Citations/Orders issued during this review

The shaft guard, on the #1 fan on the surface, was not securely in place. The guard had shifted forward, and was exposing the shaft to contact. Employees working in and around the area were exposed to the possibility of injury if they were accidentally to contact the moving machine parts. Employees seldom enter this area when the fan is running, and no foot traffic was seen making the chance of an accident unlikely. The area was barricaded off until the repairs were completed. Standard 57.14112b was cited.

Section II—Inspector's Evaluation

10. Gravity:
A. Injury or Illness (has) (has) 
   - 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
   - Fatally
C. Significant and Substantial
   - Yes
   - No
D. Number of Persons Affected: 0

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

12. Type of Action
A. Citation
B. Order
C. Safeguard
D. Written Notice
E. Citation/Order Number

15. Area of Equipment

17. Action to Terminate
The guard was put back in place to cover the exposed shaft.
Attachment C: Examples of Citations Issued During Previous E01 Inspections
(No issues were identified during this review)
Attachment D: District Corrective Action Plan
(No issues were identified during this review)