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

THROUGH: KEVIN G. STRICKLIN
Administrator for
Coal Mine Safety and Health

FROM: THOMAS W. CHARBONEAU
Director, Office of Assessments

SUBJECT: MSHA Office of Accountability Review, Coal District 4, Summersville, West Virginia Field Office and

Introduction

This memorandum summarizes the Office of Accountability’s review of the subject district office, field office, and mine. The purpose of the accountability reviews is to determine whether Agency enforcement policies, procedures, and guidance are being followed consistently and whether mission critical enforcement activities are accomplished effectively. This review included MSHA field activities; level of enforcement; conditions and practices at the mine; and MSHA supervisory and managerial oversight. The review also included evaluations to determine if there were any issues in areas commonly identified during Agency internal reviews of MSHA’s actions following past mine disasters.

Overview

Office of Accountability (OA) Specialists Jerry Kissell, Mark Odum and Troy Davis conducted this review of Coal District 4 and the Summersville, West Virginia Field Office from This review focused on inspection activities during FY 2015 (October 2014 through September 2015). The review concentrated specifically on documentation of the regular E01 inspection, Event No. , conducted by the Summersville, West Virginia Field Office of the

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The District 4 and the Summersville, WV Field Office were reviewed in accordance with the CY 2015 annual accountability review plan schedule. The mine was selected for review because the mine received - 104(a) citations; - 104(b) orders; and - 104(d) orders in FY 2015. The mine received - 104(a) citations and no orders during FY 2014.

Mine Visit

As part of this review Troy Davis accompanied the Field Office Supervisor, District Staff Assistant and an inspector to the mine as part of a Regular Safety and Health Inspection (E01).

The mine employs approximately miners working two nine-hour production shifts per day, five days per week. The mine has that produces an average of tons of raw coal daily. The mining process involves the use of continuous mining machines and shuttle car haulage. The coal is extracted using the room and pillar method and retreat pillar recovery. Coal is transported from the mine by conveyor belts to the surface, then to a processing plant via over-the-road trucks where it is processed to be shipped to the customer.

The inspection group traveled to the No.1 Working Section. The section was involved in retreat mining (second mining) during the mine visit. The mine visit included observations of the following: MSHA inspection of the working section, examinations of the working places and all approaches to the pillared area for imminent dangers; methane tests; air readings; ventilation; rock dusting and cleanup; roof and rib conditions; communication and tracking system; the mining cycle while mining on retreat; self-contained self-rescuers (SCSRs) stored on the section and the Strata refuge alternative for the section. The group also observed operation of the continuous mining machine equipped with a proximity detection system. Outby inspections included a portion of the primary escapeway, the No. 16 section belt conveyor and visual observation of associated fire protection along the belt.

Other observations during the inspection included the travelway (track)/alternate escapeway, signage, lifelines and dates, times, and initials. The on-site review also included observations of the check-in/check-out system; escapeway maps located on the surface and at the underground refuge alternative examined, and the inspector’s post inspection discussions with the operator. One enforcement action was issued to the mine operator during the mine visit.

Review Results

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

- Notes and documentation of the E01 event reviewed were organized, clear and concise
Inspectors documented respirable dust surveys and conversations with management and miners concerning health risks associated with respirable dust and discussed the importance of designed dust parameters.

Inspectors traveled with on-shift examiners on multiple shifts.

As a part of the review, enforcement levels of the mine and field office were compared with the district and national averages. The field office had the following statistics:

- A significant and substantial (S&S) issuance rate of 20 percent during the first three quarters of FY 2015 where the mine received - 104(a) citations; - 104(b) orders; and - 104(d) orders; compared to FY 2014 when the mine had an S&S rate of 5 percent, received - 104(a) citations, and no orders.

- An elevated enforcement rate of 13.6 percent for FY 2015 compared to 11.1 percent for FY 2014.

- A Violations per Inspection Hour (VPIH) rate of 0.12 for FY 2015 compared to 0.20 for FY 2014.

The field office had the following issuance rates related to the Coal sector for FY 2014:

- An S&S rate of 26 percent compared to the district’s rate of 26 percent and the national average rate of 28 percent.

- An elevated enforcement rate of 5.6 percent compared to the district’s rate of 8.7 percent and the national average rate of 6.3 percent.

- A VPIH rate of 0.08 compared to the district’s rate of 0.15 and the national rate of 0.12.

For the first three quarters of FY 2015, the enforcement levels for the field office were:

- An S&S rate of 18 percent compared to the district’s rate of 24 percent and the national average rate of 25 percent.

- An elevated enforcement rate of 4.9 percent compared to the district’s rate of 5.7 percent and the national average rate of 5.6 percent.

- A VPIH rate of 0.07 compared to the district’s rate of 0.14 and the national rate of 0.12.

The comparison of the first three quarters of FY 2015 showed the S&S rate for the mine was higher than the average S&S rate of the field office but lower than the district and national average rates. This was attributed to which
resulted in a demonstrable increase in production from [REDACTED] tons in 2014 to [REDACTED] tons in the first three quarters of 2015. Aspects of the operation fell short of the required standard during the increased production and MSHA took the appropriate enforcement action to address the company’s trend of non-compliance. The elevated enforcement rate for the mine was higher than the average for the field office, district, and nation. The VPIH for the mine was higher than the average rate for the field office, lower than the district average, and the same as the national average.

The inspection event reviewed, Event No. [REDacted] had [REDACTED] issuances with 22.5% S&S, and [REDACTED] issued with elevated negligence. There were [REDACTED] 104(d) actions issued during the event.

Based on the review results, the slight differences in enforcement levels during the first three quarters of FY 2015 were not significant. Based on observations during the mine visit, enforcement levels were appropriate for the mining conditions and work practices at the mine.

This accountability review did not reveal any significant issues that required corrective actions however; the team did identify some during the review and discussed them with the District. Items discussed included documentation of discussions with miners regarding roof control plan and ventilation plan information; the information tracking system (ITS); tracking map documentation; Accompanied Activities (AAs) and Field Activity Reviews (FARs); the Uniform Mine File (UMF); and some enforcement actions. These did not require a corrective action plan. (See Attachment C)
Attachments

A. Office of Accountability Checklist

B. Citations/Orders issued during this review
   Citation No. 75.380(d)(7)(vii)

C. Discussion Items
Attachment A - Office of Accountability Checklist

<table>
<thead>
<tr>
<th>1. Determine if complete and thorough E01 inspections are being conducted and/or if policy and procedures were properly followed.</th>
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<td>Adequate: X</td>
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<th>2. Determine if documentation for inspections is complete and thorough.</th>
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<th>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.</th>
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<th>4. Evaluate inspector/specialist examination of required record books and postings for compliance with applicable standards.</th>
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<th>5. Evaluate inspector/specialist examination of the operator’s maps (on-site) for accuracy, escapeway locations, etc.</th>
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<th>6. Evaluate, upon arrival on the working section, inspector/specialist examination of all working faces for imminent dangers.</th>
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19. 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 □

20. Determine if the Uniform Mine File books are being maintained and reviewed according to current agency policy and procedures.
Adequate ❑ X Corrective Action Needed □ Comments Below □

21. Determine if supervisors are thoroughly reviewing Uniform Mine Files at least annually?
Adequate ❑ X Corrective Action Needed □ Comments Below □

22. Determine if supervisors are visiting each active underground mine at least annually.
Adequate ❑ X Corrective Action Needed □ Comments Below □

23. Determine if all sections where retreat mining is occurring (not to include longwall mining) are being inspected at least monthly?
Adequate ❑ X Corrective Action Needed □ Comments Below □

24. Determine if documentation of staff meetings/safety meetings are effective and relevant to current issues and the Agency’s mission.
Adequate ❑ X Corrective Action Needed □ Comments Below □
Determine, after an in-mine visit, if approved plans (ventilation, roof control, training, Emergency Response Plan (ERP), etc.) are compatible with mining conditions and equipment.

**Adequate ✔ Corrective Action Needed ☐ Comments Below ☐**

Determine if approved plans are being revised or updated to reflect changes in conditions and/or equipment.

**Adequate ✔ Corrective Action Needed ☐ Comments Below ☐**

Determine if plan reviews are in compliance with current agency policy and procedures (performed within required timeframes, tracked from the date of submission, properly documented, and contain input from all affected departments and field offices).

**Adequate ✔ Corrective Action Needed ☐ Comments Below ☐**

Determine if Assistant District Manager is conducting the required second level reviews and holding supervisors accountable for oversight of Field Activity Reviews and Accompanied Activities.

**Corrective Action Needed ☐ Comments Below ☐**

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

**Adequate ✔ Corrective Action Needed ☐ Comments Below ☐**
Determine if District Managers, Assistant District Managers, and
30. supervisors are conducting required mine visits and properly completing
the required spreadsheet.

Adequate ❑ X Corrective Action Needed ☐ Comments Below ☐

Determine if District Manager is using discretion in granting conferences
31. and monitoring the Alternative Case Resolution (ACR) program to ensure
that all decisions (including upholding, modifying or vacating citations) are
properly documented and justified by the Conference and Litigation
Representatives (CLRs).

Adequate ☐ Corrective Action Needed ☐ Comments Below ☑

NA – Not part of this review.

Determine if District Manager is holding the Supervisory Special
32. Investigator (SSI) accountable for properly evaluating and initiating or
denying potential cases.

Adequate ☐ Corrective Action Needed ☐ Comments Below ☑

NA – Not part of this review.

33. 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 ☐

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

Adequate ❑ X Corrective Action Needed ☐ Comments Below ☐
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<tr>
<th>District</th>
<th>Coal District 4</th>
<th>Field Office</th>
<th>Summersville, WV Field Office</th>
<th>Mine ID</th>
<th>Date</th>
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| 35. Determine if information (mine status, methane liberation, number of employees, etc.) is being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner? | Adequate ✔️ | Corrective Action Needed ☐ | Comments Below ☐ |

| 36. Determine if District Managers are using the Report Center to identify overdue responses from operators and take appropriate actions. | |

| 37. Determine if a complete permissibility inspection of each longwall system is being conducted by electrical specialists or inspectors who hold a current MSHA electrical qualification card on at least an annual basis. | Adequate ✔️ | Corrective Action Needed ☐ | Comments Below ☐ |

| 38. Determine if a proper examination of the Atmospheric Monitoring System (AMS) and/or AMS systems that operate Carbon Monoxide (CO) sensors for the purposes of 75.1101 is being conducted. A complete inspection includes those items in the Coal General Inspection Procedures Handbook (GIPH) AMS checklist. | Adequate ✔️ | Corrective Action Needed ☐ | Comments Below ☐ |

| 39. Determine if SSIs are maintaining a memorandum detailing the reasons for not conducting a special investigation when the district manager decides to take no further action, in accordance with the Special Investigations Procedures Handbook. | Adequate ☐ | Corrective Action Needed ☐ | Comments Below ✔️ |

NA – Not part of this review.
Determine if proper procedures for conducting, documenting, and reviewing MSHA respirable dust surveys are being followed. Proper documentation to include blue cards, 2000-86s, etc.

Adequate X  Corrective Action Needed □  Comments Below □

Determine if District Managers and Assistant District Managers are providing acting field office supervisors with the level of oversight necessary to manage their work groups on a temporary basis including an online distance learning training course with a knowledge check for temporarily promoted supervisors. The guidance will be included in each District’s Standard Operating Procedure (SOP) for training newly promoted field office supervisors.
The lifeline leading off of the #1 Unit (NMX 003) is not equipped with two securely attached cones, installed consecutively with the tapered section pointing in by, to signify an attached branch line is immediately ahead. This condition exists at the sections Refuge Chamber located one crosscut out by survey spad No.3979 in the No. 6 entry.

**Condition or Practice**

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<tr>
<th>Condition or Practice</th>
<th>Number of Persons Affected</th>
<th>Date Mo Da Yr</th>
<th>Time (24 Hr. Clock)</th>
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**Section E—Inspector’s Evaluation**

- **Gravity:**
  - A. Injury or Illness (injury) (is)
    - No Likelihood
    - Unlikely
    - Reasonably Likely
    - High 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

**Section II—Inspector’s Action**

- **Type of Action:**
  - 104(a)
  - 13 Type of Issuance
  - Citation
  - Order
  - Safeguard
  - Written Notice
  - E. Citation/Order Number
  - F. Dated Mo Da Yr

**Section III—Termination Action**

- **Termination Due:**
  - A. Date Mo Da Yr
  - B. Time (24 Hr. Clock)

**Section IV—Automated System Data**

- **Type of Inspection (activity code):**
  - E01
  - 20. Event Number
  - 21. Primary or Minority
  - 22. AR Name
  - 23. AR Number
Attachment C – Discussion Items

Items discussed with the district not requiring corrective action plans:

- Documentation of inspection – Discussions with miners on each mechanized mining unit (MMU) inspected regarding their knowledge of roof control and ventilation plans should be documented. Inspectors documented discussions with miners about their knowledge of roof control and ventilation plans for one of the two sections (MMUs). See Coal Mine Safety and Health General Inspection Procedures Handbook, PH13-V-1 (GIPH), p. 3-64.

- Information Tracking System (ITS) – The inspection of all in-use and available-for-use haulage, mobile, and portable equipment should be documented and maintained in the ITS. Some equipment documented as inspected in the notes was not listed in the ITS. See GIPH, p. 3-2, 3-50.

- Tracking map documentation – Section air readings for each working section should be documented on the tracking map. The inspector did not document on the tracking map the section air readings for one of the two sections. See GIPH, p. 3-67.

- Field Activity Reviews (FARs) – The must document at least one FAR conducted on a completed inspection assignment for each of his/her inspectors and specialists during the first half and during the second half of each fiscal year. The had missed two FARs for one inspector. See Coal Mine Safety and Health Supervisor’s Handbook, AH14-III-4, p. 1-13.

- Uniform Mine File (UMF) – The latest approved plans and documents are required to be maintained in the appropriate sub-divided areas of the UMF and outdated or expired documents are to be routinely removed. Some outdated plans under the roof control tab had not been removed from the plans folder of the UMF. See Coal Uniform Mine File Procedures Handbook, PH14-V-1, p.2-3.