



AUG 16 2016

MEMORANDUM FOR PATRICIA W. SILVEY
Deputy Assistant Secretary for Operations
Mine Safety and Health Administration
[REDACTED]

THROUGH: **NEAL H. MERRIFIELD** [REDACTED]
Administrator for
Metal and Nonmetal Mine Safety and Health [REDACTED]

FROM: **THOMAS W. CHARBONEAU** [REDACTED]
Director, Office of Assessments [REDACTED]

SUBJECT: Mine Safety and Health Administration (MSHA)
Office of Accountability Review, Metal and Nonmetal North
Central District, Fort Dodge, Iowa Field Office, and [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's review of the subject district office, field office, and mine. This 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 review also involved evaluations to determine if there were any issues in areas commonly identified during Agency internal reviews of MSHA's actions following past mine disasters.

Positive findings are included in this accountability review report; no issues were identified during the review which required a corrective action plan.

Purpose

The purpose of accountability reviews is to determine whether MSHA enforcement policies, procedures, and guidance are being followed consistently, assess whether mission critical enforcement activities are accomplished effectively and to evaluate and improve the overall performance of MSHA's enforcement program. The major outcome expected from the Office of Accountability review program is the identification of potential or actual areas for improvement and the subsequent implementation of effective corrective actions to address any identified issues.

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Office of Accountability (OA) Specialists Troy Davis and Jerry Kissell (Review Team) conducted this review of Metal and Nonmetal's (MNM) North Central District and the Fort Dodge, Iowa Field Office (FO), from [REDACTED] This review focused on inspection activities during FY 2015 (October 2014 through March 2015) and the first half of FY 2016 (October 2015 through March 2016), and included supervisory oversight activities such as Accompanied Activities and ORs for the last half of FY 2015 and the first half of FY 2016. The review concentrated specifically on documentation of two regular E01 inspections, Event No. [REDACTED] and [REDACTED] conducted by the Fort Dodge, Iowa Field Office of the [REDACTED]

Overview

This review of the North Central District and the Fort Dodge, IA Field Office (FO) was conducted in accordance with annual accountability review plan schedule. The [REDACTED] was selected for review due to an elevated S&S issuance rate of 40% in FY 2015. The mine had received [REDACTED] - 104(a) citations and [REDACTED] - 104(d) citation in FY 2015 and in the first half of FY 2016 the mine has received [REDACTED] - 104(a) citations and no orders.

As a part of this review, the Review Team conducted a mine visit to evaluate general conditions at the mine; determine whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports reviewed; and to observe work practices at the mine site.

The review revealed no major issues that required corrective actions. The Team did identify some insignificant issues which could be resolved by implementation of certain inspection best practices as described in the General Inspection Procedures Handbook (GIPH). These issues were discussed with the district. A general outline of the discussion topics is included in an attachment to this memorandum.

Mine Visit

The Review Team accompanied the Assistant District Manager, the Field Office Supervisor, and an inspector to the [REDACTED] on [REDACTED] as part of a Spot Inspection (E16).

The [REDACTED] is a surface [REDACTED] located in [REDACTED]. The mine employs approximately [REDACTED] miners working three eight-hour production shifts per day, seven days per week. [REDACTED] is mined by drilling and blasting in a surface single bench quarry and is loaded onto Caterpillar 777- D haul trucks. The raw material is transported to a primary crusher where the material is resized and conveyers transfer the material to the mill for processing. The [REDACTED] produces an average of [REDACTED] tons of [REDACTED] per year.

The inspection group visited the quarry face number 8, the primary crusher building, primary screen tower building, secondary crusher, [REDACTED] the kiln floor, and the primary control room.

Equipment inspected and observed included: A Caterpillar 992- G front end loader, a Caterpillar 777- D haul truck, the primary crusher feed hopper, the primary crusher sizing screen, a primary crusher dust collector and screw conveyor, a 20 ton overhead crane, a 3 ton overhead crane, the Quarry Cross Belt Analyzer building and electrical room, the Screening Tower 1st floor Master Control Center (MCC), the old control room, the [REDACTED] discharge screw conveyor, the number one through seven stone conveyor belts, the kiln floor discharge, the clinker cooler, the clinker discharge area sump pump (alligator pit), the clinker conveyor belt tunnels, and the clinker storage silo area.

Other observations included: Haul truck loading practices, highwall conditions, roadways, berm practices, housekeeping, walkways, personal protective equipment (PPE) throughout all mine areas being worn by employees, communications, break rooms, the inspector's pre- and post-inspection discussions with the operator and safety talks with miners. The inspector issued four enforcement actions during the inspection.

Review Results

Positive Findings:

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

1. For the E01 inspection reports reviewed, notes and documentation were organized, clear and concise, and included pictures of violations.
2. For the E01 inspection reports reviewed, inspectors documented observations of work practices, mining cycles observed, and safety talks conducted with miners in detail.
3. The Hazardous Condition Complaints reviewed were investigated in a timely manner. Documentation clearly covered the investigative activities and the results.
4. All Office Reviews were completed and one additional OR per inspector was also completed, thus exceeding the minimum requirements.
5. No significant issues were identified that required a Corrective Action Plan.

The Team identified some lessor issues and discussed them with the field office and district. These discussion topics included enforcement action documentation and documentation of MSHA forms, and did not require a corrective action plan. (See Attachment C)

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

- The mine had a significant and substantial (S&S) rate of 40 percent during FY 2015 compared to the FO S&S rate of 22 percent; a district S&S rate of 22 percent; and the national S&S rate of 26 percent.

Based on the review of the two E01 Event Nos. [REDACTED] and [REDACTED], (coupled with discussions with field office personnel concerning the mine's operations), and observations made during the mine visit, the Review Team determined that the enforcement levels for the [REDACTED] were commensurate with existing mining conditions and work practices. The Mine Operator has implemented a housekeeping program to reduce violations of 30 CFR 56.20003 that contributed to the elevated S&S rate.

Attachments

A. Office of Accountability Checklist

B. Citations issued during this review

- [REDACTED] 56.9300a
- [REDACTED] 56.20003a
- [REDACTED] 56.20011
- [REDACTED] 56.20011

C. Discussion Topics

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Attachment A – Office of Accountability Checklist

1. Determine if complete and thorough E01 inspections are being conducted and /or if policy and procedures were properly followed.
Adequate Corrective Action Needed Comments Below

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

3. Determine if citations and orders issued during previous inspections were properly evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.
Adequate Corrective Action Needed Comments Below

4. Evaluate inspector(s) examination of required records and postings for compliance with applicable standards.
Adequate Corrective Action Needed Comments Below

5. Evaluate the inspector(s) physical examination of the active working areas of the mine and inspection of all mining cycles.
Adequate Corrective Action Needed Comments Below

6. Evaluate the inspector(s) on-site contaminant assessment and documentation.
Adequate Corrective Action Needed Comments Below

7. Evaluate inspector(s) examination of electrical equipment, transformer stations, and/or electrical circuits.
Adequate Corrective Action Needed Comments Below

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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

Reviewed Timelines for decision only per SI Handbook

10. Evaluate 103(i) spot inspection (E02) reports for the office/district being reviewed for compliance with agency policies and procedures, including compliance with time frames and separating E02 inspections from other events.

Adequate Corrective Action Needed Comments Below

Not reviewed as a part of this review. The Field Office does not have any mines in a 103(i) status.

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

Adequate Corrective Action Needed Comments Below

12. Determine if supervisors are monitoring inspector time and activity to ensure proper use of time, including off-shift and weekend work, by all inspectors.

Adequate Corrective Action Needed Comments Below

13. Are required Field Accompanied Reviews (FARs), Office Reviews (ORs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?
(OR's - One E-01/Inspector/every six months/EY - minimum; FAR's - one/inspector/year - minimum)

[REDACTED]

[REDACTED]

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14. Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

16. Determine if supervisors are visiting active mines.

Adequate Corrective Action Needed Comments Below

17. Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to current issues and the Agency's mission.

Adequate Corrective Action Needed Comments Below

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

[REDACTED]

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

Adequate Corrective Action Needed Comments Below

20. Determine if managers and supervisors are using required standardized reports to review critical data relevant to inspections and investigations.

Adequate Corrective Action Needed Comments Below

Key indicators and district internal reports are used

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21. Determine if Districts, when required, are conducting in-depth accountability reviews in compliance with agency policy and procedures including follow-up to determine the effectiveness of corrective actions.

Adequate Corrective Action Needed Comments Below

22. Is information (mine status, methane liberation, number of employees, etc.) being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

25. 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

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

Adequate Corrective Action Needed Comments Below

28. Determine if supervisors are rotating the mine assignments annually among inspectors assigned to their field office.

Adequate Corrective Action Needed Comments Below

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District North Central Field Office Fort Dodge, IA Mine ID [REDACTED] Date [REDACTED]

Attachment B - Citations issued during the review

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

Section I - Violation Data

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

The western entrance to the primary crushing building is not provided a berm or guardrail across the area where the elevated roadway goes over the creek. This area was measured at 15 foot across and 6 to 8 foot deep with a nearly straight up and down drop off. Multiple vehicle tracks could be seen entering and exiting from the area using this elevated roadway as they did so. This condition exposes a person to the hazard of over turning a vehicle or endangering the operator should they over travel the unprotected elevated edge of the road.

See Continuation Form (MSHA Form 7000-2a)

9. Violation	A. Health Safety Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 56.9300a
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Section II - Inspector's Evaluation

10. Gravity:
 A. Injury or illness (lost) (s): 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 Careless

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

Section III - Termination Data

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

17. Action to Terminate A berm was installed across the entire affected area helping to insure a person not over travel the elevated edge terminating this citation.

18. Terminated
 A. Date Mo Da Yr [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section V - Automated System Data

19. Type of Inspection (activity code) E16	20. Event Number [REDACTED]	21. Primary or MII P	22. AR Number [REDACTED]
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MSHA Form 7000-2, Apr 06 (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 publishes 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 1-800-REG-FAIR (1-800-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW, MC 2138, 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.

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District North Central Field Office Fort Dodge, IA Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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 Mine Safety and Health Administration



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] (Contractor)	
8. Condition or Practice		8a. Written Notice (183) <input type="checkbox"/>	

Persons working in the Secondary Crushing Building on the south side of the [REDACTED] on the base level have repeatedly walked and slid through mud and debris covering the walking surface. Multiple tracks left behind in the mud confined persons traveled through rather than cleaned as they entered the area. In addition to the mud and rocks a large suction hose also layed across the walkway being used. Without cleaning as the area is entered a person is exposed to slip trip and fall hazards created by the slippery surface and materials they must now negotiate over or across.

Standard 56.20003a was cited [REDACTED] [REDACTED] [REDACTED]

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 56.20003a
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Section II - Injury or Illness Information

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 checked="" type="checkbox"/> Permanently disabling <input 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 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 [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]	
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Section III - Termination Action

17. Action to Terminate: The mud and debris along with the suction hose has been removed from the area helping to protect a person from slip trip and fall hazards created by a lack of housekeeping, terminating this citation.

18. Terminated	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) E16	20. Event Number [REDACTED]	21. Primary or MII P	
22. AR Name [REDACTED]		23. AR Number [REDACTED]	

MSHA Form 7000-3, Apr 88 (rev.04) 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 (1-888-734-3347), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 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 Fort Dodge, IA Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I - Violation Date

1. Date <small>Mo Da Yr</small> [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 <small>(Contractor)</small> [REDACTED]

8. Condition or Practice

8a. Written Notice (100g)

Both the east and west side entrances into the [REDACTED] are no longer provided signs posted against entry and displaying the nature of the potential hazard in this area. Should a "Push" occur in the kiln this area can be quickly flooded with materials hot enough to severely burn and this signage is required to alert persons of that potential. Without adequate signage a miner may easily enter this area and unknowingly be exposed to those hazards should a push occur.

Standard 56.20011 was cited [REDACTED]

See Continuation Form (MSHA Form 7000-2a)

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 56.20011
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Section II - Inspector's Evaluation

10. Brevity:

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: **(0)**

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: [REDACTED] F. Dated: Mo Da Yr [REDACTED]

15. Area or Equipment

16. Termination Date: A. Date Mo Da Yr [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section III - Termination Action

17. Action to Terminate

18. Terminated: A. Date Mo Da Yr [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section IV - Automated System Data

19. Type of Inspection (activity code) **E16** 20. Event Number [REDACTED] 21. Primary or MRB **P**

22. AR Name [REDACTED] 23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 98 (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 rules 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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 Mine Safety and Health Administration
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District North Central Field Office Fort Dodge, IA Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order
Continuation

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



Section I—Subsequent Action/Continuation Date

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

Section II—Justification for Action

All access [points have been posted against entry and signs provided displaying the nature of the hazard within terminating this citation.

See Continuation Form

Section III—Subsequent Action Taken

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

9. Type of Inspection E16	10. Event Number		
11. AR Name	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)

MSHA Form 7080-2a, Mar 85 (rev.82)

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District North Central Field Office Fort Dodge, IA Mine ID [REDACTED] Date [REDACTED]

**Mine Citation/Order
 Continuation**

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Section I—Subsequent Action/Continuation Date

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

Section II—Justification for Action

All areas under the conveyors have been posted against entry with signage warning of the falling material hazards present helping to alert miners to those hazards terminating this citation.

See Continuation Form.

Section III—Subsequent Action Taken

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

9. Type of Inspection E16	10. Event Number <input type="text"/>		
11. AR Name <input type="text"/>	AR Number <input type="text"/>	12. Date Mo <input type="text"/> Da <input type="text"/> Yr <input type="text"/>	13. Time (24 Hr. Clock) <input type="text"/>

MSHA Form 7000-06, Mar 88 (rev 88)

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District North Central Field Office Fort Dodge, IA 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 (Contractor)
8. Condition or Practice		9. Written Notice (10%) <input type="checkbox"/>

Signage is not provided to alert persons of the falling material hazard created at the inclined elevated 102, 105 and 107 [REDACTED]. The area under these conveyors is easily accessed and persons frequently cross under them as they travel through these areas. The falling material ranges in size from small marble size to some pieces 4 inches around and falls from approx. 8 foot to 120 foot above the walking surface under these conveyors. Without this signage the falling material hazard is not immediately obvious to persons traveling through this area and exposes a person to the hazard of being struck by that material as it falls from above.
 Standard 56.20011 was cited [REDACTED]

See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>			
8. 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 56.20011

Section II - Reporter's Information					
10. Gravely:					
A. Injury or illness (has): 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. Magnitude (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	
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

18. Terminated	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)	20. Event Number	21. Primary or MI	
E16	[REDACTED]	P	
22. AR Name		23. AR Number	

MSHA Form 7000-3, Apr 88 (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 actively solicits grievance petitions and encourages agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-800-REG-FAIR (1-800-734-3347), or write the Ombudsman of Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW MSC 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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Office of Accountability

District Field Office Mine ID Date

Attachment C – Discussion Topics

- Documentation of Enforcement Actions – Justification of gravity determinations often were not properly documented. The likelihood determination of citations involving a particular standard did not correctly identify the hazard in the inspectors' notes – See Citation and Order Writing Handbook for Coal Mines and Metal and Nonmetal Mines, PH13-I-1(1), page 11-13; Metal and Nonmetal General Inspection Procedures Handbook, PH13-IV-1, pages 64-65.
- Documentation of MSHA form 4000-49A – Information on the form was either omitted or not accurate regarding 104D Status and 101C Petitions, e.g. Pre-conference date and status of 104D series. See Metal and Nonmetal General Inspection Procedures Handbook, PH13-IV-1, page 60.