



FEB 14 2017

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

THROUGH: TIMOTHY R. WATKINS [REDACTED]
Deputy Administrator for
Coal Mine Safety and Health

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

SUBJECT: Mine Safety and Health Administration (MSHA) Office of
Accountability Review, Coal District 10, Madisonville, KY Field
Office and the [REDACTED], [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's (OA) review of the subject district, field office, and mine. The review included MSHA field activities; level of enforcement; conditions and practices at the mine; Field Accompanied Reviews (FARs), Accompanied Activity (AA) reviews; and MSHA supervisory and managerial oversight. This accountability 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 mining disasters.

Purpose

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

Overview

OA Specialist Mark Odum conducted this review of Coal District 10 and the Madisonville, Kentucky Field Office (FO) from [REDACTED]. The OA conducted this review as part of the annual accountability review plan schedule, and focused on inspection activities during FY 2016 (October 2015 through September 2016). The review concentrated specifically on documentation of the Regular Safety and Health Inspection (E01), Event No. [REDACTED] conducted April through June, 2016 of the [REDACTED]. The OA selected the [REDACTED], an underground coal mine, because it is a large operation, a Section 103(i) five-day spot mine, and had received hazardous condition complaints during the fiscal year.

As a part of the review process, the OA Specialist conducted a mine visit to evaluate the general conditions of the mine, assess whether conditions at the mine correspond with enforcement levels documented in the inspection reports reviewed, and observe work practices at the mine site.

Mine Visit

The OA Specialist accompanied the Field Office Supervisor (FOS), an inspector, and the Staff Assistant to the [REDACTED] on [REDACTED] on a Section 103(i) spot inspection (E02).

The mine is located in [REDACTED] near [REDACTED] and employs approximately [REDACTED] miners working two production shifts and one maintenance shift per day, five days per week. The mine utilizes the [REDACTED] as the main entrance for personnel into the mine, and has four active room and pillar sections using split air ventilation with a mechanized mining unit (MMU) on each side of the section. The mine produces an average of [REDACTED] of raw coal daily and liberates more than 1.1 million cubic feet of methane per 24 hours. Coal is transported from the faces by battery ram car haulage and then by conveyor belts to the surface via a slope. The coal is then processed at the preparation plant on site and prepared for distribution.

The inspection group entered the mine through the [REDACTED] and traveled to the Unit 4 active working section, MMUs 029-0 and 037-0. The mine visit included inspections and observations of the following on the working section:

- examinations of the working section and faces (Entry Nos. 1-10) for imminent dangers;
- methane tests;
- air readings;
- ventilation;
- rock dusting and cleanup practices;
- roof and rib conditions;
- communication and tracking system;
- section belt tailpiece;

- power center area; and
- a proximity protection system.

The inspection also included observations of:

- the alternate escapeway from the shaft to the section;
- escapeway signage;
- lifelines;
- the Unit 4 section refuge alternative and self-contained self-rescuers (SCSRs) cache;
- dates, times, and initials of required examinations;
- the Unit 4 section belt, including the belt transfer and drive area and associated fire protection;
- the check-in/check-out system; and
- the escapeway map.

During the mine visit, the inspector issued two enforcement actions. (Attachment B)

Review Results

This accountability review did not identify any issues that required a corrective action plan. The OA discussed with the district some inspection and procedural best practices as described in the Coal Mine Safety and Health General Inspection Procedures Handbook (GIPH). A general outline of discussion topics is included in an attachment to this memorandum. (See Attachment A for Office of Accountability Checklist Items and Attachment C for Discussion Items)

For the E01 inspection reviewed, positive findings included:

- Most inspection notes were detailed, clear, and concise.
- Inspectors documented thorough and detailed health and safety discussions with miners.
- Inspectors used pre-printed note sheets to assist in best documentation practices.

During the mine visit on [REDACTED]

- The inspector was professional and knowledgeable of local mining conditions.
- The inspector conducted thorough safety discussions with miners.

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

- The mine had an S&S rate of 24 percent during the first three quarters of FY 2016 compared to the FO S&S rate of 25 percent; a district S&S rate of 24 percent; and the national S&S rate of 21 percent.

This comparison of FY 2016 showed the S&S rate for the mine was slightly lower than the average S&S rate of the field office and higher than the nation.

Based on the review of Event No. [REDACTED] discussions with field office personnel concerning the mine's operations; and observations during the mine visit, the Review Team determined that the enforcement levels for the [REDACTED] are commensurate with existing mining conditions and work practices.

Attachments

A. Office of Accountability Checklist

B. Citations Issued During This Review

- [REDACTED] 75.370(a)(1)
- [REDACTED] 75.400

C. Discussion Topics

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

District Field Office Mine ID Date

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

Determine if citations and orders issued during previous inspections were

3. 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/specialist examination of required record books and postings for compliance with applicable standards.

Adequate Corrective Action Needed Comments Below

5. Evaluate inspector/specialist examination of the operator's maps (on-site) for accuracy, escapeway locations, etc.

Adequate Corrective Action Needed Comments Below

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6. Evaluate, upon arrival on the working section, inspector/specialist examination of all working places for imminent dangers.

Adequate Corrective Action Needed Comments Below

7. Evaluate the inspector/specialist observation of the work cycle and conditions on the working section during the review.

Adequate Corrective Action Needed Comments Below

8. Evaluate the inspector/specialist air quantity, quality, and gas checks during the review.

Adequate Corrective Action Needed Comments Below

9. Evaluate inspector/specialist examination of equipment electrical cables during the review.

Adequate Corrective Action Needed Comments Below

10. Evaluate inspector/specialist examination for permissibility during the review.

Adequate Corrective Action Needed Comments Below

11. Determine if previous E01 inspections include examinations of the condition and maintenance of conveyor belts, belt entries, belt drives, fire detection and suppression systems, and separation of belt entries from other air courses.

Adequate Corrective Action Needed Comments Below

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12. Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed area.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

15. 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

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

Adequate Corrective Action Needed Comments Below

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Determine if supervisors are monitoring inspector time and activity to

17. ensure proper use of time, including off-shift and weekend work, by all inspectors.

Adequate Corrective Action Needed Comments Below

Determine if required Accompanied Activities (AAs); Field Activity Reviews (FARs) and supervisory follow-ups are being conducted and documented according to agency policy and procedures?

[REDACTED]

19. 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

20. Determine if the Uniform Mine File (UMF) books are being maintained and reviewed according to current agency policy and procedures.

Adequate Corrective Action Needed Comments Below

District 10 is transitioning to E-UMF.

21. Determine if supervisors are thoroughly reviewing Uniform Mine Files at least annually?

Adequate Corrective Action Needed Comments Below

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22. Determine if supervisors are visiting each active underground mine at least annually.

Adequate 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 Corrective Action Needed Comments Below

No retreat mining being done at mines in District 10.

24. Determine if documentation of staff meetings/safety meetings are effective and relevant to current issues and the Agency's mission.

Adequate Corrective Action Needed Comments Below

25. 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

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

Adequate Corrective Action Needed Comments Below

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27. 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

28. Determine if Assistant District Managers (ADM) are conducting the required second level reviews and holding supervisors accountable for oversight of Field Activity Reviews and Accompanied Activities.

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

Adequate Corrective Action Needed Comments Below

30. Determine if District Managers, Assistant District Managers, and supervisors are conducting required mine visits and properly completing the required spreadsheet.

Adequate Corrective Action Needed Comments Below

31. Determine if District Manager is using discretion in granting conferences 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.

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

Adequate Corrective Action Needed Comments Below

33. Determine if Districts are conducting 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

34. 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

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

36. 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

No longwalls inspected by District 10 field offices.

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37. Determine if a proper examination of the Atmospheric Monitoring System (AMS) and/or AMS systems that operate Carbon Monoxide (CO) sensors 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

38. 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.

39. 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 Corrective Action Needed Comments Below

40. 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.

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The Roof Control Plan SOP should comply with the established Program Policy Manual requirements as identified by the OIG report to address deficiencies identified in the Internal Review report. The SOPs should account for:

- checking that required information is submitted
- checking for communication with other plan approval groups
- assuring that designated MSHA personnel contact the operator for additional information
- discussing results of on-site evaluations with the operator and identified miners' representatives.

41. Adequate Corrective Action Needed Comments Below

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District **Coal District 10** Field Office **Madisonville, KY Field Office** Mine ID **[REDACTED]** Date **[REDACTED]**

Attachment B – Citations Issued During This 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> [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 (103g)**

The Approved Ventilation Plan for this mine, dated [REDACTED], is not being complied with on the #4 working section, MMU-037. When checked at the inby end of the wing curtain for the D bolter, the air flow would not turn the vanes of the anemometer. [REDACTED] This machine was roof bolting in the 7 left working place when this check was made. If left uncorrected, exposure to this condition would contribute to lung disease for the bolter operators and possible methane buildup in the place being bolted.

Standard 75.370(a)(1) was cited [REDACTED]

See Continuation Form (MSHA Form 7000-3e)

3. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.370(a)(1)
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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: 002

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

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

4. 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 <small>Mo Da Yr</small>
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5. Area or Equipment

6. Termination Due

A. Date <small>Mo Da Yr</small> [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III—Termination Action

7. Action to Terminate The ventilation controls were adjusted on the wing curtains. The air quantity was rechecked at the inby end of the bolting machine wing curtain. A reading of [REDACTED] CFM was obtained.

8. Terminated

A. Date <small>Mo Da Yr</small> [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section IV—Automated System Data

9. Type of Inspection (activity code) E02	20. Event Number [REDACTED]	21. Primary or Mill
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, 439 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
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District **Coal District 10** Field Office **Madisonville, KY Field Office** 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 [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]
4. Served To [REDACTED]	3. Citation/Order Number [REDACTED]
6. Mine [REDACTED]	5. Operator [REDACTED]
7. Mine ID [REDACTED]	(Contractor) 8a. Written Notice (103g) <input type="checkbox"/>

8. Condition or Practice

Combustible material in the form of coal dust and float coal dust has been allowed to accumulate on the previously rock dusted surface of the mine floor, 4D belt drive chain guard and the outby top surface of the 4C tail piece at the c/n 4D belt transfer area. The accumulation is paper thin to approximately 1/8 thick on the top surface of belt drive chain guard and top surface of the outby end of the 4C tail piece. Approximately a 5' x 5' area of the mine floor on the back side of the 4D belt drive has a paper thin coating of float coal dust covering a previously rock dusted surface.

Standard 75.400 was cited [REDACTED]

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	75.400
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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 104(a) 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 combustible material was removed and the affected area was rock dusted.

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) E02	20. Event Number [REDACTED]	21. Primary or Mill
22. AR Name [REDACTED]		23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 05 (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, 469 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
Office of Accountability

District

Coal District 10

 Field Office

Madisonville, KY Field Office

 Mine ID

██████████

 Date

██████████

Attachment C – Discussion Topics

- Tracking Map – Discussed documentation of air courses on the Tracking Map. Discussed supervisor date and initials on the Tracking Map. See Coal Mine Safety and Health General Inspection Procedures Handbook (GIPH), page 3-39 and Coal Mine Safety and Health Supervisors' Handbook, AH14-III-4, page 1-3 for reference.