

**U.S. Department of Labor**

Mine Safety and Health Administration  
201 12th Street South  
Arlington, Virginia 22202-5452



**NOV 18 2016**

**MEMORANDUM FOR PATRICIA W. SILVEY**

Deputy Assistant Secretary for Operations  
Mine Safety and Health [REDACTED]

**THROUGH:**

**KEVIN G. STRICKLIN**  
Acting Administrator for  
Metal and Nonmetal Mine Safety and Health [REDACTED]

**FROM:**

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

**SUBJECT:**

Mine Safety and Health Administration (MSHA)  
Office of Accountability Review  
Metal and Nonmetal Northeastern District, Manchester, New  
Hampshire Field Office, and [REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's (OA) 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 and MSHA supervisory and managerial oversight. The accountability 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.

## Purpose

The purpose of this accountability review 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's 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.

Accountability Specialists Troy Davis and Jerry Kissell (Review Team), conducted a review of Metal and Nonmetal's (MNM) Northeastern District and the Manchester, New Hampshire Field Office (FO), from [REDACTED]. This review focused on inspection activities during FY 2016 (October 2015 through March 2016), and included supervisory oversight activities, Field Accompanied Reviews, (FARs) and Office Reviews (ORs) for FY 2015 and the first half of 2016. The review concentrated specifically on two regular E01 inspections, Event Nos. [REDACTED] and [REDACTED] conducted by the Manchester, New Hampshire FO of the [REDACTED].

## Overview

The review was conducted in accordance with the annual accountability review plan schedule. The [REDACTED] was randomly selected for review due to its size for a dimensional [REDACTED] operation. The mine had received [REDACTED] - 104(a) citations and no orders in FY 2015 compared to [REDACTED] - 104(a) citations and no orders in FY 2014.

As a part of this review, a mine visit was conducted to evaluate the 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 four issues that required corrective actions. (See attachment D)

### Mine Visit ([REDACTED], ID No. [REDACTED])

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

The [REDACTED] is a dimensional [REDACTED] located in [REDACTED]. The mine employs approximately [REDACTED] miners working one eight-hour production shift per day, five days per week. The [REDACTED], extracting an average of [REDACTED] per year.

The mine utilizes drilling and wire rope cutting techniques to remove the [REDACTED] blocks. The blocks are lifted by cranes from the quarry floor to the top of the quarry and then transported by rubber tired forklifts to the saw shed. The saw shed uses large circular diamond blade saws to cut and resize the [REDACTED] blocks. The blocks are then moved by forklifts to the curb shed where the [REDACTED] is cut into different sizes and shapes. Once processed the final products are ready for commerce.

The inspection group visited the new quarry road development area (which will connect with the main quarry in the future), the main [REDACTED], the North Wall area in the quarry, the West Wall area in the quarry, the saw shed, the curb shed and the maintenance shop.

Equipment inspected and observed included:

- a Pellegrini Stiff Leg derrick crane
- a man basket
- a Liebherr 912 excavator
- two Silent Hoist rubber tired forklifts
- the #3 and #4 Saw's Eagle II (used to cut and resize the large blocks of [REDACTED])
- a Dazzini vertical/horizontal drill
- a Benetti horizontal drill
- a Marini Wire Saw
- a Bridge Tilt Saw, and;
- a 6 foot Bridge Tilt Saw

Other observations by the Team included:

- drilling practices
- wire rope saw operations (cuts the [REDACTED] blocks)
- lifting of the [REDACTED] blocks from the quarry floor to the top of the quarry
- resizing and cutting of the [REDACTED] in the Saw Shed and the Curb Shed
- highwall conditions
- travelways and walkways
- use of fall protection and;
- other personal protective equipment (PPE) throughout all mine areas by employees, communications, break rooms, the general mining cycle and the inspector's pre- and post- inspection discussions with the operator and safety talks with miners.

Over the course of the inspection, two enforcement actions were issued.

## 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 and the violation terminations.
2. For the E01 inspection reports reviewed, inspectors documented detailed observations of work practices, mining cycles observed, and safety talks conducted with miners.
3. The Hazardous Condition Complaints reviewed were investigated in a timely manner. Documentation clearly covered the investigative activities and the results.
4. The supervisor conducted regular staff meetings with inspectors and documented topics covered. The meetings provided inspectors with pertinent enforcement information and updates and reviews of MSHA policy and procedures.

The Review Team identified four issues that required a Corrective Action Plan.

### **Issue 1: Determine if documentation for inspections is complete and thorough. (Office of Accountability Checklist Item #2)**

The 4000-49A forms for E01 events [REDACTED] and [REDACTED] were not completed accurately to reflect the activity conducted.

- Form 4000-49A item 7 for both events, regarding petitions at the mine and petitions reviewed were marked as "No." [REDACTED]
- The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) form was not completed and included in the E01 inspection report for Event No. [REDACTED]

### **Issue 2: Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures. (Office of Accountability Checklist Item #9)**

During CY 2015, the district reviewed 43 PKW Citations/Orders.

- The inspectors did not complete and submit the PKWs' packet within five business days of issuance for 39 citations/orders during CY2015.

- [REDACTED]

**Issue 3:** [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

**Issue 4: 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. (Office of Accountability Checklist Item #18)**

- [REDACTED]

The district, along with the Review Team analyzed the findings identified during this review to determine the root cause(s) of the issues:

- Issue 1 was collectively a result of insufficient training and insufficient supervisory oversight and feedback to inspectors regarding the requirements to: correctly document; check all boxes on the MSHA 4000-49a, b and c forms; and ensure all required forms are submitted in the final inspection report.
- Issue 2 was collectively the result of insufficient training and insufficient supervisory oversight and feedback to inspectors regarding timely submittal of required PKW packets within the five business day requirement. By the time the PKW packet ultimately reached the [REDACTED], the 30-day time frame to reach a decision had elapsed in approximately 2/3 of the cases.
- [REDACTED] and feedback to complete the required Office Reviews and FARs with every AR (inspector) annually. These two items were identified by the district at the beginning of FY 2016 and addressed. The district implemented a district wide tracking log kept on the Districts "T" Drive. The ADM reviews the tracking log weekly to ensure all [REDACTED] are meeting their mandated FAR and OR requirements.

A corrective action plan from the District Manager addressing the identified issues is included and attached to this report. (See Attachment A)

The Review Team also identified and discussed with the district another issue that did not require a corrective action plan that pertained to use of the most current MSHA Form 4000-125 (June 2009) and inspection best practices as described in the Metal and Nonmetal Mines Safety and Health General Inspection Procedures Handbook (GIPH). A general outline of the discussion topic is included in an attachment to this memorandum. (See Attachment E)

As a part of the review, the OA compared enforcement levels of the mine with the field office, district, and national averages. Based on the review and observations made during the mine visit, enforcement levels were determined to be appropriate for the mining conditions and work practices.

**Attachments**

- A. District Corrective Action Plan
- B. Office of Accountability Checklist
- C. Citations Issued During this Review
  - [REDACTED] 56.9300a
  - [REDACTED] 47.41a
- D. Issues Requiring a Corrective Action Plan
- E. Discussion Topics

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Mine Safety and Health Administration  
Office of Accountability

District **Northeastern** Field Office **Manchester, NH** Mine ID **[REDACTED]** Date **[REDACTED]**

Attachment A – District Corrective Action Plan

U.S. Department of Labor Mine Safety and Health Administration  
178 Thorn Hill Road, Suite 100  
Warrendale, PA 15086



August 8, 2016

**MEMORANDUM FOR:** TED SMITH  
Supervisor, Office of Accountability

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

**FROM:** PETER J. MONTALI [REDACTED]  
District Manager  
Northeastern District

**SUBJECT:** Proposed/Completed Corrective Actions

This is a response to the review conducted by the Office of Accountability from [REDACTED] at the Manchester, New Hampshire Field Office and the [REDACTED]. The results of your review identified four deficiencies which are required to be addressed by the district. As described below, two of these deficiencies had already been identified by the district and corrected prior to the review.

**Checklist Item #2 - Determine if documentation for inspections is complete and thorough.**

1. The 4000-49A forms for the E01 events [REDACTED] accurately to reflect the activity conducted.  
Form 4000-49A item 7 for both events, regarding petitions at the mine and petitions reviewed was marked as "No". [REDACTED]  
This petition is currently in use.
2. The ATE form was not completed and included in the E01 inspection report for Event No. [REDACTED]

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- **ROOT CAUSE:**

Item 2 deficiency was collectively a result of insufficient training and insufficient supervisory oversight and feedback to inspectors regarding the requirements to: correctly document; check all boxes on the MSHA 4000-49a, b, and c forms; and ensure all required forms are submitted in the final inspection reports.

- **PROPOSED CORRECTIVE ACTIONS:**

The Assistant District Manager (technical compliance) will conduct a training session with all Field Office Supervisors via conference call on August 15, 2016 reviewing the Accountability Review findings and the Metal and Nonmetal General Inspection Procedures Handbook PH16-IV-1 pages 29 and 30 which covers Mine File review including Petitions for Modification pages and pages 35 through 37 (ATF) inspections. The Field Office Supervisors will then cover the topics during a staff meeting on August 22 or August 29, 2016. A separate attendance roster will be signed by all participants and a record of the training will be kept with the corrective actions. In addition, a listing for all mines with a current petition for modification will be provided to the field office supervisors in order to inform each inspector of the petitions in their respective travel area.

- **OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):**

The Field Office Supervisors will ensure that all ARs receive the training and submit their respective training roster. The Assistant District Manager (enforcement) will ensure that all Field Office Supervisors provide the training. A record of training will be maintained by the District Office.

- **TIMEFRAME FOR COMPLETION OF CORRECTIVE ACTION:**

The training will be completed by August 29, 2016.

- **METHOD FOR DETERMINING SUCCESS**

The Assistant District Manager (enforcement) will conduct a focused review of two E01 inspections from each field office within the District for the 4th Quarter of FY2016 to specifically determine if this previously observed deficiency has been corrected.

Checklist Item #8 - Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.

During CY2015 the district reviewed 43 Possible Knowing and Willing Citations/Orders.

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1. The inspectors did not complete and submit the PKWs packet within five business days of issuance for 39 citations/orders during CY2015. The inspector's compliance rate with the requirement was 0%.



- **ROOT CAUSE:**

Item 9 deficiency was collectively a result of insufficient training and insufficient supervisory oversight and feedback to inspectors regarding the timely submittal of required PKW packets within the five business day requirement. [REDACTED]

- **PROPOSED CORRECTIVE ACTIONS:**

The Assistant District Manager (technical compliance) will conduct a training session with all Field Office Supervisors via conference call on August 15, 2016 reviewing the Accountability Review findings and timely submission of PKWs. MSHA Handbook Number PH13-1(1) Citation and Order Writing Handbook for Coal Mines and Metal and Nonmetal Mines page 30. The Field Office Supervisors will then cover the topics during a staff meeting on August 22 or August 29, 2016. A separate attendance roster will be signed by all participants and a record of the training will be kept with the corrective actions.

- **OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):**

The Field Office Supervisors will ensure that all ARs receive the training and submit their respective training roster. The Assistant District Manager (enforcement) will ensure that all Field Office Supervisors provide the training. A record of training will be maintained by the District Office.

- **TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:**

The training will be completed by August 29, 2016.

- **METHOD FOR DETERMINING SUCCESS:**

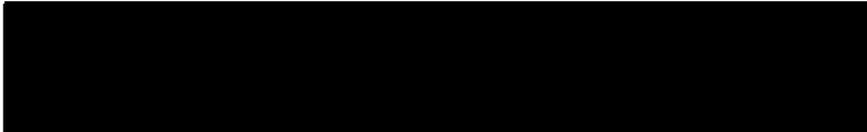
The Assistant District Managers (enforcement and technical compliance) will review the SEI system to assure all PKW packets are completed with supporting documentation and uploaded into the SEI system with 10 days of the citation/order issuance date. In turn, the District Manager will ensure that a decision is made within the 30 days of issuance.



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• ROOT CAUSE:



• COMPLETED CORRECTIVE ACTIONS:

This deficiency was identified by the district at the beginning of FY 2016 and addressed. Currently all second level reviews are being conducted within requirements. The Assistant District Manager (enforcement) provides the District Manager with a quarterly progress report and end of FY2016 report for Accompanied and Office Inspection reviews.

A DESCRIPTION OF THE DOCUMENTATION THAT WILL DEMONSTRATE CLOSURE OF THE CORRECTIVE ACTION:

The District Manager will send a memorandum to Alfred L. Clayborne, Deputy Director, Office of Assessments, Accountability, Special Enforcement and Investigations through Ted Smith, Supervisor, Office of Accountability upon completion and evaluation of the corrective actions. This memorandum will document the closure of the corrective actions for both of the outstanding deficiencies by including the training and the results of the Review of the ED1 after the 4<sup>th</sup> Quarter of FY2016.

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Attachment B – 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   
See Attachment D

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

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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

CY 2015 PKW review showed the forms were not submitted per timelines of the handbook. (See Attachment D)

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



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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]

[REDACTED]

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

Adequate  Corrective Action Needed  Comments Below

Random reports along with second level reviews are selected to be checked.

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.

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

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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

NA Not reviewed as part of this review

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  Field Office  Mine ID  Date

Attachment C - Citations Issued During this 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. Reported To [redacted]	5. Operator [redacted]	
6. Mine [redacted]	7. Mine ID [redacted]	

8. Condition or Practice

8a. Written Notice (103g)

There was no berm or guardrail provided for approximately 60' along the right-side edge of the inclined access ramp to the second bench of the new quarry development area. The unbermed section ranged from approximately 7' down to 16 inches high from the ground. The width of the access road was approximately 18' at the time of the inspection. This condition exposed mobile equipment operators to an overtravel/overturn hazard. Photos taken.

Standard 56.9300a was cited [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 56.9300a
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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 Debilitating  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]

Section III—Termination Action

17. Action to Terminate A [redacted] block berm was provided along the right-side edge of the inclined access ramp to the second bench of the new quarry development area. Photos taken.

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 Mill P

22. AR Number [redacted]

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 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 Northeastern Field Office Manchester, NH 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]	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)

There was a five gallon safety can located in the west wall area of the quarry floor. Without knowledge of a container's contents, personnel may be exposed to a safety and health hazard should accidental contact or improper use occur. The container was half-filled with gasoline, and was covered at the time of the inspection. The gasoline in the container is consumed in more than one day. Photo taken.

Standard 47.41a was cited [REDACTED]

See Continuation Form (MSHA Form 7000-3e)

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 47.41a
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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 B. Time (24 Hr. Clock)

Section III—Termination Action

17. Action to Terminate The five gallon container was properly labeled as to its contents. Photo taken.

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

Section IV—Automated System Data

19. Type of Inspection (activity code) E16	20. Event Number [REDACTED]	21. Primary or Mill P	22. AR Name [REDACTED]	23. AR Number [REDACTED]
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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, 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  Field Office  Mine ID  Date

Attachment D – Issues requiring a Corrective Action Plan

**1. Checklist item #2 - Determine if documentation for inspections is complete and thorough.**

The 4000-49A forms for the E01 events ██████████ and ██████████ were not completed accurately to reflect the activity conducted.

- Form 4000-49A item 7 for both events, regarding petitions at the mine and petitions reviewed were marked as “No.” The ██████████ has

Requirement: Metal and Nonmetal Safety and Health General Inspection Procedures Handbook, PH13-IV, page 60 states in part “They are also responsible for assuring that the information they collect which is not entered into MSHA’s database (e.g., safety or health field notes) is accurate and represents conditions or activities present at the time the notes were taken. Finally, they are responsible for accurately completing applicable Agency forms relative to the activity conducted.”

- The ATF form was not completed and included in the E01 inspection report for Event No. ██████████

Requirement: Metal and Nonmetal Safety and Health General Inspection Procedures Handbook, PH13-IV, page 36 states in part “Finally, inspectors are required to complete ATF forms (ATF 5400-5 and ATF 5030-5) regarding their findings for every explosive magazine and/or storage facility inspected. Inspectors shall note all violations, whether of MSHA or ATF standards, on the ATF or other approved form. The form(s) is to be transmitted to the appropriate ATF office as determined by the District Manager.”

Page 48 item W Documentation of Inspections: states “All citations, citation and general field notes, photographs, mine operator or miner supplied documents, MSHA or ATF inspection forms (e.g., impoundments, explosives) shall be included in inspection or investigation reports.

**2. Checklist item #9 - Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.**

During CY2015 the district reviewed 43 Possible Knowing and Willing Citations/Orders.



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District

Northeastern

Field Office

Manchester, NH

Mine ID

[REDACTED]

Date

[REDACTED]

**4. Checklist item #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.**

Requirement: Metal and Nonmetal Supervisory Handbook, AH 09-III-1(1), Chapter 2, Section E, pages 5-6 states in part "Assistant District Managers shall oversee field office supervisors' activities regarding inspection report evaluations and accompanied inspections;

- determine whether field office supervisors are properly conducting and documenting inspection report evaluations and accompanied inspections;
- determine whether supervisory findings are consistent with inspection report documentation, statutory requirements, and Agency policies and procedures;
- determine if field office supervisors are identifying extraordinary efforts and accomplishments of inspectors;
- determine whether field office supervisors were taking appropriate corrective actions for deficiencies identified in their evaluations;
- identify trends of deficiencies that should be addressed on a district-wide scale; and
- correct weaknesses or deficiencies identified in the performance of field office supervisors while conducting, evaluating, or documenting accompanied inspections or inspection report evaluations.

To accomplish the above, Assistant District managers are required to verify that supervisors conduct the required accompanied inspections and field activity inspection report evaluations. This accomplished by them completing the following activities each fiscal year:

- Reviewing and initialing every FAR form submitted by their field office supervisors. These reviews will assure that the forms are properly completed and that supervisors are conducting the required field activity inspection report evaluations and accompanied inspection. It does not include a review of the inspection report.

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District

Northeastern

Field Office

Manchester, NH

Mine ID

[REDACTED]

Date

[REDACTED]

• [REDACTED]

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

District  Field Office  Mine ID  Date

**Attachment E – Discussion Topics**

- The most current MSHA Form 4000-125 June 2009 (Photo mounting sheet) was not being used in one E01 report reviewed by the OA review team. This was not found to be a major issue - See GIPH, page 13 and 65, for reference.