Introduction

This memorandum summarizes the Office of Accountability's (OA) review of the subject District, Field Office, and mine. This review included MSHA field activities; level of enforcement; conditions and practices at the mine; Field Activity Reviews (FARs), Accompanied Activity (AA) reviews, and MSHA supervisory and managerial oversight activities. 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 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 are 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 Specialists Mark Odum and Jim Poynter (Review Team) conducted this review of
Coal District 4 and the Mt. Carbon, WV Field Office (FO) from [redacted]. This review was conducted by the OA in accordance with the FY 2016 annual accountability review plan schedule, and focused on inspection activities during the first three quarters of FY 2016. The review concentrated on documentation of the Regular Safety and Health Inspection (E01), Event No. [redacted], conducted by the FO from January through March 2016 of the [redacted] an underground coal mine. The [redacted] was selected for review because the mine is a

As a part of the review, the Review Team conducted a mine visit focusing on general mine conditions; whether conditions at the mine correspond with enforcement levels documented in the reviewed inspection reports; and to observe current work practices at the mine site.

Mine Visit

OA Specialist Mark Odum accompanied the Assistant District Manager – Enforcement, the Field Office Supervisor (FOS) and an Inspector to the [redacted] coal mine on [redacted], as part of an on-going Regular Safety and Health Inspection (E01).

The mine is located in [redacted]. The mine employs approximately [redacted] miners working two nine-hour production shifts and one maintenance shift per day, six days per week. The mine has one active longwall section and three active development sections. Two of the development sections use split ventilation with a mechanized mining unit (MMU) on each side of the section. The mine produces an average of [redacted] of raw coal daily, liberates more than four million cubic feet of methane per 24 hours, and is designated as a five-day, Section 103(i) spot mine. Coal is transported from the working section faces by shuttle car haulage and conveyor belts to the surface through a belt conveyor slope near [redacted] and is then transported by overland belt to a processing plant where it is prepared for distribution.

The inspection group entered the mine through the [redacted] and traveled to the [redacted] active development working section, MMUs 015-0 and 016-0. The mine visit included observations of the following on the working section:

- examinations of the working section and faces (Entry Nos. 1-8) for imminent dangers;
- methane tests;
- air readings;
- ventilation;
• rock dusting and cleanup practices;
• roof and rib conditions;
• communication and tracking system;
• section belt tailpiece; and
• the power center area

The group also observed the following:

• the alternate escapeway from the shaft to the section;
• escapeway signage;
• lifelines;
• dates, times, and initials of required examinations;
• section belt transfer and drive area, including associated fire protection;
• the check-in/check-out system; and
• the escapeway map

During the mine visit, the Inspector issued eight enforcement actions on or near the section. (Attachment D)

Review Results

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

• For the E01 inspection reviewed, most inspection notes were detailed, clear, and concise.
• For the E01 inspection reviewed, inspectors documented thorough and detailed health and safety discussions with miners.
• During the mine visit inspection, the inspector was professional and conducted safety discussions with management and miners.

This accountability review identified two issues that required a corrective action plan. (See Attachment B for Issues requiring a Corrective Action Plan and Attachment C for Office of Accountability Checklist Items)

Issue 1: The documentation reviewed for the Regular Safety and Health Inspection (E01), Event No. was not complete. (Office of Accountability Checklist Item #2).

• Copies of the related approval letters and pertinent pages of the approved plans were not included with inspectors’ notes for 11 of 15 enforcement actions issued for failure to comply with approved plans.
Issue 2: Possible Knowing/Willful (PKW) Forms were not processed according to agency policy and procedures. (Office of Accountability Checklist item #14).

- 

The District Manager and the Review Team analyzed the findings identified during this review to determine the root causes of the issues:

- Issue 1 was the result of insufficient supervisory oversight of inspectors for the requirement to include pertinent pages of the approved plans when issuing enforcement actions for violations of those plans.

- Issue 2 was the result of improper training on procedures for processing the necessary forms to ensure the District Manager received the forms in sufficient time to decide whether to initiate or decline investigations within the required 30 day timeframe.

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

The Review Team discussed with District personnel best practices as described in the Coal General Inspection Procedures Handbook. Topics discussed included the Tracking Map and inspection of air courses; rock dust samples; and 103(i) Spot Inspection calendars. Discussions also included the status and enforcement levels at the [redacted]. A general outline of discussion topics is included in an attachment to this memorandum. (Attachment E)

As a part of this review, the OA compared enforcement levels of the mine with the FO, District, and national averages. For the first half of FY 2016, the mine received enforcement issuances including 104(d) actions. The [redacted] had the following enforcement level statistics:

- a Significant and Substantial violation (S&S) issuance rate of 23% during the first half of FY 2016 compared to an S&S rate of 21% for FY 2015;
- an elevated enforcement rate of 9.5% for first half of FY 2016 compared to 4.3% for FY 2015; and
- a Violation Per Inspection Hour (VPIH) rate of 0.13 for first half of FY 2016 compared to 0.12 for FY 2015.

The enforcement levels of the FO were compared with the district and national averages for the first half of FY 2016:

- an S&S issuance rate of 20% compared to the District’s rate of 18% and the national average rate of 22%;
an elevated enforcement rate of 5.5% compared to the District’s rate of 3.9% and the national average rate of 4.7%; and

• a VPIH rate of 0.11 compared to the District’s rate of 0.11 and the national rate of 0.09.

The operator for the [redacted] changed during the first quarter of FY 2016. [redacted] began operations of the mine on [redacted]. The S&S issuance rate and elevated enforcement rate were higher for the first half of FY 2016 than FY 2015. Based on discussions with FO personnel, the mine’s increased enforcement level statistics appear to be the result of the change in mine operator and changes in mine management. During the mine visit on [redacted], the Inspector issued eight 104(a) enforcement actions. Based on observations made during the mine visit, the inspector’s enforcement levels were appropriate. The OA recommends the District and FO continue to monitor mining conditions and enforcement levels at the mine.
## Attachments

A. Corrective Action Plan

B. Issues requiring a Corrective Action Plan

C. Office of Accountability Checklist

D. Citations issued during this review

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E. Discussion Topics
United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

Mt. Carbon, WV Field Office

Attachment A – Corrective Action Plan

U.S. Department of Labor

TO:

FROM:

SUBJECT:

Memorandum for:

Date:

Deputy Director for

Office of Assessments, Accountability, Special Enforcement and Investigations

Supervisor, Office of Accountability

Acting Administrator for Coal Mine Safety and Health

Acting Deputy Administrator for Coal Mine Safety and Health

Chief, Accident Investigations, Special Investigations, and ACR

District Manager

Proposed Corrective Actions

This is a record of the action conducted by the Office of Accountability from _______ at the District 4 Mount Carbon Field Office and _______. The results of actions are identified in the documents which are required to be addressed before closure.

Issue: The documentation reviewed for the Regular Safety and Health Inspection (RSRI) Event No. _______ was not complete. (Office of Accountability Checklist Item #2)

• Copies of the related approved letters and pertinent pages of the Appalachia area were not included with inspectors' notes for 11 or 13 enforcement actions and other items to comply with approved plans.

Page 7
• **ROOT CAUSE**
  Issue 1 was the result of the mine inspector not following procedures in place for properly documenting citations being issued. The deficiency was contributed to by insufficient supervisory oversight/feedback to inspectors concerning the requirements to include the pertinent page(s) of the approved plan and the approved cover page when issuing enforcement actions for violations of an approved plan.

• **PROPOSED CORRECTIVE ACTIONS**
  Training will be conducted at the next staff meeting. An email from Scott Mandeville (DM) has been sent to all supervisors detailing the additional training and communications needed. The General Inspection Handbook page 2-22 states “if an enforcement action results from failure to comply with an approved plan, permit or petition, a copy of the related approval letter and pertinent page(s) shall be included in with the inspectors’ notes.” This is currently not being done in all cases. Supervisors need to assure whenever a plan, permit or petition is violated that the pertinent pages are included in the notes. Discuss this with your inspectors and also go over this at your next staff meeting and document. If you have any questions please call Lincoln Selfe (Enforcement ADM).

**Issue 2: Possible Knowing/Willful (PKW) Forms were not processed according to agency policy and procedures. (Office of Accountability Checklist item #14)**

• **ROOT CAUSE**
  The policies and procedures were not up-to-date on the correct or current number of days that the PKW forms had to be processed within; therefore they did not reach the DM for a signature within the timeframe.

**PROPOSED CORRECTIVE ACTION**
  - District Management have identified the area that needs improvement.
  - District Management will provide training to all personnel involved in the PKW process and update policies and procedures to properly reflect current timeframe.
  - The SI secretary will monitor the PKW database and send out reminders to persons in the PKW approval chain (including the DM) that are behind in the approval process, based on the chart below:
United States Department of Labor  
Mine Safety and Health Administration  
Office of Accountability  

District Coal District 4  
Field Office Mt. Carbon, WV Field Office  
Mine ID  
Date  

<table>
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<tr>
<th>Approved By Day Number</th>
<th>Inspector</th>
<th>Supervisor</th>
<th>ADM</th>
<th>SSI</th>
<th>DM</th>
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<td>10</td>
<td>15</td>
<td>20</td>
<td>25</td>
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</table>

- OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTIONS
  Assistant District Manager for Enforcement

- TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION
  Training for all supervisors and inspectors was conducted at each field office during the first three weeks of October 2016. Follow-up training will be conducted, if necessary, for those not in attendance.

- METHOD FOR DETERMINING SUCCESS
  Review of corrective actions will be conducted during the quarterly supervisor’s review of E01s that are completed. At the end of the first quarter of FY-2017, a FAR will be conducted on a complete E01 inspection from a mine located in the Mount Carbon Field Office.
Attachment B – Issues requiring a Corrective Action Plan

**Issue 1:** The documentation reviewed for the Regular Health and Safety Inspection (E01), Event No. [Redacted] was not complete. (Office of Accountability Checklist Item #2)

- Copies of the related approval letters and pertinent pages of the approved plans were not included with inspectors' notes for 11 of 15 enforcement actions issued for failure to comply with approved plans.

Requirement: GIPH, page 2-21: If an enforcement action results from failure to comply with an approved plan, permit, or petition, a copy of the related approval letter and pertinent page(s) shall be included with the inspector's notes.

**Issue 2:** Possible Knowing/Willful (PKW) Forms were not processed according to agency policy and procedures. (Office of Accountability Checklist Item #14)

- [Redacted]

Requirements: Special Investigations Procedures Handbook, PH05-I-4, August 2005, page 4-3: Within 30 calendar days of the date of issuance, of the citation/order a determination must be made by the DM (with the assistance of the SSI), whether to initiate an investigation or take no further action.
### Attachment C - Office of Accountability Checklist

1. Determine if complete and thorough E01 inspections are being conducted and/or if policy and procedures were properly followed.

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

2. Determine if documentation for inspections is complete and thorough.

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

   Copies of the related approval letters and pertinent pages of the approved plans (ventilation and roof control) were not included with inspection notes for 11 of 15 issuances.

   See Attachment B

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

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

4. Evaluate inspector/specialist examination of required record books and postings for compliance with applicable standards.

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

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

   - Adequate [X]  
   - Corrective Action Needed [ ]  
   - Comments Below [ ]
6. Evaluate, upon arrival on the working section, inspector/specialist examination of all working faces for imminent dangers.

Adequate X 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 X Corrective Action Needed □ Comments Below □

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

Adequate X Corrective Action Needed □ Comments Below □

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

Adequate X Corrective Action Needed □ Comments Below □

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

Adequate X 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 X Corrective Action Needed □ Comments Below □
12. Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed area.

Adequate X Corrective Action Needed □ Comments Below □

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

Adequate X 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 X Comments Below X

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 X Corrective Action Needed □ Comments Below □

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

Adequate X Corrective Action Needed □ Comments Below □
| District | Coal District 4 | Field Office | Mt. Carbon, WV Field Office | Mine ID | Date |

17. **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 [X]  Corrective Action Needed [ ]  Comments Below [ ]

18. **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?**

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 (UMF) 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 [ ]
<p>| | | | | | |</p>
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<td>District:</td>
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<td>Field Office:</td>
<td>Mt. Carbon, WV Field Office</td>
<td>Mine ID:</td>
<td>Date:</td>
</tr>
<tr>
<td>22.</td>
<td>Determine if supervisors are visiting each active underground mine at least annually.</td>
<td>Adequate X</td>
<td>Corrective Action Needed</td>
<td></td>
<td>Comments Below</td>
</tr>
<tr>
<td>23.</td>
<td>Determine if all sections where retreat mining is occurring (not to include longwall mining) are being inspected at least monthly?</td>
<td>Adequate X</td>
<td>Corrective Action Needed</td>
<td></td>
<td>Comments Below</td>
</tr>
<tr>
<td>24.</td>
<td>Determine if documentation of staff meetings/safety meetings are effective and relevant to current issues and the Agency's mission.</td>
<td>Adequate X</td>
<td>Corrective Action Needed</td>
<td></td>
<td>Comments Below</td>
</tr>
<tr>
<td>25.</td>
<td>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.</td>
<td>Adequate X</td>
<td>Corrective Action Needed</td>
<td></td>
<td>Comments Below</td>
</tr>
<tr>
<td>26.</td>
<td>Determine if approved plans are being revised or updated to reflect changes in conditions and/or equipment.</td>
<td>Adequate X</td>
<td>Corrective Action Needed</td>
<td></td>
<td>Comments Below</td>
</tr>
<tr>
<td>District</td>
<td>Coal District 4</td>
<td>Field Office</td>
<td>Mt. Carbon WV Field Office</td>
<td>Mine ID</td>
<td>Date</td>
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</table>

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

**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.**

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

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

**Determine if District Managers, Assistant District Managers, and 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 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 [X]  

NA – Not part of this review.
32. Determine if managers and supervisors are using standardized reports to review critical data relevant to inspections and investigations.

Adequate [X]  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 [X]  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 [X]  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 [X]  Corrective Action Needed [ ]  Comments Below [ ]
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 (GIIPH) AMS checklist.

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.

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.

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 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:

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

Adequate X  Corrective Action Needed □  Comments Below □
## Mine Citation/Order

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

### Section I: Violation Data

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<th>U.S. Department of Labor</th>
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<td>Citator/Order Number</td>
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### Section II: Inspector's Evaluation

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<tr>
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<th>B. Section of Act</th>
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### Section III: Ignorance of Act

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<th>B. Injury or Illness (likely)</th>
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<tr>
<td></td>
<td>No Likelihood</td>
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<td></td>
<td>Reasonably Likely</td>
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### Section IV: Number of Persons Affected

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<th>Negligence (check one)</th>
<th>A. None</th>
<th>B. Low</th>
<th>C. Moderate</th>
<th>D. High</th>
<th>E. Reckless Disregard</th>
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### Section V: Type of Issuance (check one)

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<th>B. Order</th>
<th>C. Safeguard</th>
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### Section VI: Termination Action

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### Section VII: Automatic System Data

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<tr>
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MSHA Form 7000-3, 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 Outreach Program and 10 Regional Outreach Offices to receive comments from small businesses about federal agency enforcement actions. The Outreach Program seeks to educate small business owners and to provide them with the opportunity to comment on proposed regulations and enforcement actions. The Outreach Program provides an opportunity to address issues and concerns with agency officials and to obtain information on proposed regulations and enforcement actions. If you wish to comment on the enforcement actions of MSHA, you may file a complaint with the Inspector General of MSHA, Office of the Inspector General, 400 5th Street, SW, Mail Code 2120, Washington, DC 20240. Please note, however, that your right to file a complaint with the Inspector General 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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The track entry/power entry from cross-cut 16 to 19 on the conveyor was not rock dusted in multiple locations.
The secondary escapeway along the inby cross-cut 18, was not being maintained in a safe condition to always assure passage of anyone, including disabled persons. Water was allowed to accumulate from two to 10 inches deep rib to rib for a distance of approximately 30 feet. This condition creates a slip, trip, or fall hazard.
United States Department of Labor  
Mine Safety and Health Administration  
Office of Accountability  
Mt. Carbon, WV Field Office  
Mine ID [Redacted]  
Date [Redacted]

### Mine Citation/Order

**Section I: Violation Details**

1. **Date**: [Redacted]
2. **Time**: [Redacted]
3. **Citation/Order Number**: [Redacted]
4. **Served To**: [Redacted]
5. **Mine ID**: [Redacted]
6. **Condition or Practice**: [Redacted]

The company's approved Ventilation Plan was not being complied with on the MMU 015-0 active section. The Joy Continuous Miner was observed cutting in an extended cut of 35 feet in the #3 face. The amount of air reaching the inby end of the line curtain was 2,576 cfm by my readings and the operator had a reading of 4,060 cfm. This condition exposes miners to lung diseases from respirable dust exposure.

The operator is also reminded that according to [Redacted],

**Section II: Inspector's Evaluation**

10. **Gravity**
   - **Injury or Illness (has)**: [Redacted]
   - **Injury or Illness could reasonably be expected to be**: [Redacted]
   - **Significant and Substantial**: [Redacted]
   - **Lost Workdays**: [Redacted]
   - **Permanently Disabling**: [Redacted]
   - **Number of Persons Affected**: [Redacted]

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

12. **Type of Action**
   - **104(a)**

14. **Type of Issuance (check one)**
   - **A. Citation**
   - **B. Order**
   - **C. Safeguard**
   - **D. Written Notice**

18. **Termination Due**
   - **A. Date**: [Redacted]
   - **B. Time**: [Redacted]

**Section III: Termination Action**

17. **Action to Terminate**

**Section IV: Authorized System Data**

19. **Type of Violation**: [Redacted]
20. **Event Number**: [Redacted]
21. **Type of Violation**: [Redacted]

**AR Name**: [Redacted]

MSHA Form 7000-3, Rev. 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 Enforcement Ombudsman and to regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman actually evaluates enforcement activities and relay their agency's response to small business. For you 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, Washington, DC 20418. Please note, however, that your rights to file a comment with the Ombudsman in addition to any other rights you may have, including the right to file a citation and proper enforcement, and obtain a hearing before the Federal Mine Safety and Health Review Commission.
The operator made adjustments to the ventilation and now has 9,156 cfm behind the line curtain in the #3 entry.
The approved roof control plan was not being complied with on the MMU 015-0 section. The continuous miner was cutting in a 35 feet extended cut in the #3 entry that had fallen 50 feet out by the last row of permanent roof support in previously mined cuts. This condition exposes miners to injuries from fall of roof.
The operator failed to protect miners from fall of roof, face, and ribs. In the cross-cut between #6 and #7 entries loose rock 1 to 6 inches thick 2 feet wide by 4 feet long was between the outside row of bolts and the rib. This condition exposes miners to fall of roof.
Accumulations of loose coal were observed on the mine floor on the section from the section loading point to the face in the number 1, 3, and 8 entries in various locations.
United States Department of Labor
Mine Safety and Health Administration
Office of Accountability
Mt. Carbon, District Coal District 4 Field Office
WV Field Office

Mine Citation/Order

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

1. Date: Mo Da Yr
2. Time: (24 Hour Clock)
3. Citation/Order Number:

4. Served To:
5. Operator:
6. Mine:
7. Mine ID:

Condition or Practice:

Multiple locations from the loading point inby on the section did not have rock dust applied to the roof.

See Continuation Form (MSHA Form 7000-3a) for additional information.

Section I - Violation Date

<table>
<thead>
<tr>
<th>A. Violation</th>
<th>B. Station of Act</th>
<th>C. Part/Section of Title 30 CFR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>75.402</td>
</tr>
</tbody>
</table>

Section II - Inspectors Evaluation

10. Gravity:
   A. Injury of Illness (Has) (□):
      - No Likelihood □
      - Unlikely □
      - Reasonably Likely □
      - Highly Likely □
      - Occurred □
   B. Injury of Illness could reasonably be expected to be:
      - No Lost Workdays □
      - Less Workdays or Restricted Duty □
      - Permanently Disabled □
      - Fatal □
   C. Significant and Substantial
      - Yes □
      - No □

11. Negligence (check one):
   A. Name □
   B. Low □
   C. Moderate □
   D. High □
   E. Reckless Disregard □

12. Type of Action 104(a)

13. Type of Issuance (Check one):
   A. Citation □
   B. Order □
   C. Safeguard □
   D. Written Notice □

14. Initial Action:
   A. Citation □
   B. Order □
   C. Safeguard □
   D. Written Notice □

15. Area of Equipment:

16. Termination Date
   A. Date: Mo Da Yr
   B. Time: (24 Hour Clock)

Section III - Termination Action

17. Action to Terminate:

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

Section IV - Authorized System Data

19. Type of Inspection (activity code):
20. Event Number
21. Primary of Mill

22. A. Name

MSHA Form 2003-3, As of 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 Enforcement Division and 12 Regional Enforcement Offices to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman provides additional enforcement activities and relies with agency responsibilities to small businesses. Firms with a concern on the enforcement actions of MSHA, you may call 1-888-REGFAIR (1-888-734-3247), or write to the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 5th Street, NW, MC 3525, Washington, DC 20410. Please note, however, that your appeal to the Ombudsman is available to any other right 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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Two roof bolts in the last open intersection in the number 8 entry had been cut out and not replaced. This condition was in 1 row of bolts making the distance between bolts 9.3 feet (112 inches), and the maximum spacing is 4 feet.
Attachment E – Discussion Topics

Topics discussed with the District not requiring a corrective action plan:

- Tracking Map – An intake air course, five crosscuts in length, was not documented as inspected on the Tracking Map. See GIPH, page 3-38 through 3-39 for reference.

- Rock Dust Tracking – Rock dust samples were not taken in the bleeder entries or on 16 HG section belts A or B. See GIPH, page 5-12 through 5-23 for reference.

- 103(i) Spot Calendars – Spot calendars did not provide all information for the spot inspections conducted such as event number, location, and shift. See Coal Mine Safety and Health Supervisor's Handbook, AH14-III-4, page 1-8 for reference.

- Status and enforcement levels of the [redacted], ID No. [redacted].