



NOV 29 2016

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations
Mine Safety and Health

THROUGH:

TIMOTHY R. WATKINS [REDACTED]
Acting Administrator for
Coal Mine Safety and Health [REDACTED]

FROM:

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

SUBJECT:

Mine Safety and Health Administration (MSHA) Office of
Accountability Review, Coal District 2, Ruff Creek, Pennsylvania
Field Office, and [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's 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 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 mine 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 Office of Accountability'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

Office of Accountability (OA) Specialists Mark Odum and Jim Poynter conducted this review of Coal District 2 and the Ruff Creek, Pennsylvania Field Office (FO) from [REDACTED]. The review of the Ruff Creek FO was conducted as part of the OA's FY 2016 annual accountability review plan schedule. This review focused on inspection activities during the first half of FY 2016 (October 2015 through April 2016) and included supervisory oversight activities during FY 2015 (October 2014 through September 2015). The review concentrated specifically on documentation pertaining to the regular E01 inspection, Event No. [REDACTED] conducted by the Ruff Creek FO during the first quarter of FY 2016 of the [REDACTED] an underground coal mine. The [REDACTED] was selected for review because the mine is a large longwall mine with a multi-panel bleeder system.

As a part of the review, the 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.

This accountability review revealed four issues that required a corrective action plan. The Review Team also identified and discussed with the district some weaknesses in the program that did not require a corrective action plan and inspection 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.

Mine Visit

The Review Team accompanied the Field Office Supervisor (FOS) and an inspector to the [REDACTED] on [REDACTED] as part of a Regular Safety and Health Inspection (E01).

The [REDACTED] is located in [REDACTED]. The mine employs approximately [REDACTED] miners working three eight-hour production shifts per day, six to seven days per week. The mine has one active longwall section and four active headgate development sections, with one mechanized mining unit (MMU) per section. The mine produces an average of [REDACTED] tons of raw coal daily using a longwall section and four full-face continuous mining machines equipped with integral roof bolters. Coal is transported from the faces by shuttle car haulage and conveyor belts to a surface processing plant and prepared for distribution.

The inspection group traveled to the 66 Headgate (HG) active development working section, MMU 036-0. The mine visit included observations of the following: inspection of the working section; examinations of the section and faces (Entry Nos. 1-3) for imminent dangers; methane tests; air readings; ventilation; rock dusting and cleanup practices; roof and rib conditions; the communication and tracking system; the section belt tailpiece; and the Strata refuge alternative for the working section.

Observations included the travelway/primary escapeway from the shaft bottom to the working section; signage; lifelines; dates, times, and initials; and the 66 HG section belt transfer head-drive area, including associated fire protection. Other observations during the inspection included inspection of a Polaris personnel vehicle; 63 HG Intake Evaluation Point (IEP); the check-in/check-out system (the mine uses a hand scanner and computer system); escapeway maps located on the surface and on the 66 HG section; and the inspector's interaction with the operator and miners' representatives. The inspector issued two enforcement actions during the mine visit.

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;
- For the E01 inspection reviewed, inspectors used pre-printed note sheets to assist in violation documentation;
- During the mine visit inspection, the inspector was professional and clear in his interaction with the mine operator and miners.

This accountability review identified four issues that required a corrective action plan. (See Attachment B for Office of Accountability Checklist Items and Attachment D)

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)

- A copy of the related approval letters and pertinent pages of the approved ventilation plan were not included with inspector's notes for five of seven enforcement actions issued for failure to comply with the approved ventilation plan.

Issue 2: 2000-86 forms for the E01 reviewed were not completed properly. (Office of Accountability Checklist Item #39)

- Five of six 2000-86 forms for the E01 inspection documentation reviewed were not properly completed.

Issue 3:

[REDACTED]

Issue 4: [REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
- [REDACTED]

The district along with 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 understanding of the General Inspection Procedures Handbook (GIPH) relating to required documentation in the inspection notes when issuing enforcement actions for violations of an approved ventilation plan.
- Issue 2 was due to inadvertent omission of information in completing the 2000-86 forms.
- Issue 3 was due to inadvertent omission of information on the [REDACTED] forms; and
- Issue 4 was due to inadvertent attention to detail during review of the [REDACTED] [REDACTED]. Additional training and reinforcement of the requirements for these items will assist with resolving the issues.

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

The Review Team also identified and discussed with the district some other issues which did not require a corrective action plan and inspection 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 E)

As a part of this 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 appropriate for the mining conditions and work practices at the mine. Based on review of the materials and interviews conducted, Coal Mine Safety and Health (CMS&H) has implemented corrective actions regarding roof control plan SOPs to comply with the established Program Policy Manual requirements.

Attachments

- A. Corrective Action Plan
- B. Office of Accountability Checklist
- C. Citations issued during this review
 - Citation No. [REDACTED] 75.400
 - Citation No. [REDACTED] 75.400
- D. Issues requiring a Corrective Action Plan
- E. Discussion Topics

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

District	Coal District 2	Field Office	Ruff Creek, PA Field Office	Mine ID	[REDACTED]	Date	[REDACTED]
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Attachment A – Corrective Action Plan

U.S. Department of Labor

Mine Safety and Health Administration
Coal Mine Safety and Health, District 2
Paladin Professional Center
631 Excel Drive, Suite 100
Mt. Pleasant, Pennsylvania 15666



MEMORANDUM FOR: TED SMITH
Supervisor of Accountability
Coal Mine Safety and Health Administration

THROUGH: KEVIN STRICKLIN
Administrator for Coal Mine Safety and Health Administration

FROM: JAMES C. PREECE
Acting District Manager – Coal Mine Safety and Health District 2

SUBJECT: Proposed Corrective Action

This is a response to the audit conducted by your office from [REDACTED] at the Ruff Creek, PA Field Office and the [REDACTED]. The results of your audit identified four material weaknesses which are required to be addressed by this office.

Material Weakness No. 1:

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

- A copy of the related approval letters and pertinent pages of the approved ventilation plan were not included with inspector's notes for five of seven enforcement actions issued for failure to comply with the approved ventilation plan.

Root Cause:

Training/Inadvertent omission.

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

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Proposed Corrective Actions:

All Coal Mine Inspectors in the Ruff Creek Field Office will be instructed on the proper procedure for documenting enforcement actions that result from a failure to comply with an approved plan, permit, or petition as required by the Coal Mine Safety and Health General Inspection Procedures Handbook, No. PH13-V-1.

Office Responsible For Implementing:

The Field Office Supervisor will be responsible for providing the required instruction. The Assistant District Manager for Inspection Programs will assure that the instruction was provided.

Timeframe for Completion:

The material weakness will be corrected by July 15, 2016. A signature sheet with the date, curriculum, and name and title of the instructor will service as a record of the instruction.

Method for Determining Success:

The Field Office Supervisor will review the enforcement actions to ensure that a copy of the related approval letters and pertinent pages of the approved ventilation plan are included in the inspector's notes for enforcement actions issued for failure to comply with the approved ventilation plan. In addition the Ventilation Supervisor will review enforcement actions issued for failure to comply with the approved ventilation plan.

Material Weakness No. 2:

2000-86 forms for the E01 reviewed were not completed properly. (Office of Accountability Checklist Item #39).

Root Cause:

Training/Inadvertent omission.

United States Department of Labor
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Proposed Corrective Actions:

All Authorized Representatives in District 2 will be instructed by classroom PowerPoint on the proper completion of forms 2000-86.

Office Responsible for Implementing:

The District 2 Health Supervisor and/or Health Specialists will be responsible for providing the required instruction. The Assistant District Manager, Technical will assure that the instruction was provided.

Timeframe for Completion:

The material weakness has been corrected by instruction to approximately sixty percent of the Authorized Representatives in District 2. Instruction will be completed by July 15, 2016. A signature sheet with the date, curriculum, and name and title of the instructor will serve as a record of the instruction.

Method for Determining Success:

The Field Office Supervisor will review the 2000-86 forms that are completed during the E01 inspections. Additionally, the 2000-86 forms will be reviewed by the District 2 Health Group to ensure proper completion.

Material Weakness No. 3:



Root Cause:

Training/Inadvertent omission.

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Mine Safety and Health Administration
Office of Accountability

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Proposed Corrective Actions:



Office Responsible For Implementing:

The District 2 Assistant District Manager for Enforcement will be responsible for providing the required instruction. The District Manager will assure that the instruction was provided.

Timeframe for Completion:

The material weakness will be corrected by July 15, 2016. A signature sheet with the date, curriculum, and name and title of the instructor will service as a record of the instruction.

Method for Determining Success:

Second Level Reviews of the AAs and FARs will determine success.

Material Weakness No. 4:



Root Cause:

Supervisor inadvertent omission

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Office of Accountability

District	Coal District 2	Field Office	Ruff Creek, PA Field Office	Mine ID	[REDACTED]	Date	[REDACTED]
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Proposed Corrective Actions:



Office Responsible for Implementing:

The District Manager will assure that the review was conducted.

Timeframe for Completion:

The material weakness will be corrected by July 15, 2016.

Method for Determining Success:

The District Manager will review all of the Second Level Supervisory AAs and FARs along with the checklists.

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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

The documentation reviewed for the Regular Health and Safety Inspection (E01), Event No. ██████, was not complete.

- A copy of the related approval letters and pertinent pages of the approved ventilation plan were not included with inspection notes for five of seven issuances.

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/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 faces 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

United States Department of Labor
Mine Safety and Health Administration
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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

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 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

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

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

United States Department of Labor
Mine Safety and Health Administration
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Determine if Assistant District Managers (ADM) are conducting the required
28. 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

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

Adequate 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
31. 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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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

2000-86 forms for the E01 reviewed were not completed properly.

- Five of six 2000-86 Forms from the E01 inspection documentation reviewed were not completed properly.

See Attachment D

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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District	Coal District 2	Field Office	Ruff Creek, PA Field Office	Mine ID	[REDACTED]	Date	[REDACTED]
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Attachment C – Citations/Orders 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	2. Time (24 Hr. Clock)	3. Citation/ Order Number
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
4. Served To	5. Operator		
[REDACTED]	[REDACTED]		
6. Mine	7. Mine ID		(Contractor)
[REDACTED]	[REDACTED]		
8. Condition or Practice			8a. Written Notice (103g) <input type="checkbox"/>

Loose coal and coal fines are being allowed to accumulate on the 66 HG MMU 036-0 at 64xc 2-1 entry leading into the #1 entry. There is also loose coal in the #3 entry @ 63 xc. The coal piles measure 3"-12" in depth by 2-3 feet in width by 60 feet in length in the 2-1 entry at 64 xc. The coal piles measure 3"-6" in depth by 2 feet wide by 10 feet in length. The coal is damp in areas as well as dry in other areas throughout the crosscut. The coal is black and gray in color throughout both areas. The operator took immediate action and began to remove the accumulations.

Standard 75.400 was cited [REDACTED]
 [REDACTED] See Continuation Form (MSHA Form 7000-3e)

9. Violation	A. Health <input type="checkbox"/> 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: 005

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	B. Time (24 Hr. Clock)
	[REDACTED]	[REDACTED]

Section III—Termination Action

17. Action to Terminate

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

Section IV—Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	[REDACTED]	21. Primary or Mill	
22. AR Name	[REDACTED]	23. AR Number	[REDACTED]		

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 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.

United States Department of Labor
 Mine Safety and Health Administration
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District	Coal District 2	Field Office	Ruff Creek, PA Field Office	Mine ID	██████████	Date	██████████
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Mine Citation/Order

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



Section I--Violation Data

1. Date	Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/ Order Number
4. Served To	5. Operator		
6. Mine	7. Mine ID (Contractor)		
8. Condition or Practice			

Loose coal and coal fines, black in color and damp to wet, is being allowed to accumulate at the 66HG transfer to the 89 South Mains belt. The accumulations are 6-12" in depth by 3-4 feet wide by 50 feet long. The operator took immediate action and began to remove the accumulation.

Standard 75.400 was cited ██████████ ██████████ ██████████ ██████████

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input type="checkbox"/> Other <input checked="" type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			75.400

Section II--Inspector's Evaluation

10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Debilitating <input type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104(a)		13. Type of issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/ Order Number
F. Dated Mo Da Yr			

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
	██████████	██████████

Section III--Termination Action

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
	██████████	██████████

Section IV--Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	██████████	21. Primary or Mill	
22. AR Name				23. AR Number	
██████████				██████████	

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, 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.

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

District	Coal District 2	Field Office	Ruff Creek, PA Field Office	Mine ID	████████	Date	████████
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Attachment D – Issues requiring a Corrective Action Plan

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

- A copy of the related approval letters of the approved ventilation plan were not included with inspector's notes for five of seven enforcement actions issued for failure to comply with the approved ventilation plan were issued.

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: 2000-86 forms for the E01 reviewed were not completed properly. (Office of Accountability Checklist Item #39)

- Five of six 2000-86 Forms from the E01 inspection documentation reviewed were not completed properly. The forms contained a total of 14 errors as follows:
 - two did not have the date the inspector actually conducted the evaluations (Item 2)
 - one did not indicate the entity being sampled/monitored (Item7)
 - two did not have Item 8 completed, which indicated the number of excessive dust citations issued on the MMU/DA being evaluated, and the total number of excessive dust citations issued to the mine operator during the previous 12 month period
 - one was not signed by the Supervisor (Item 10)
 - two did not have mining height stated (Item 12)
 - one did not have the appropriate block for remote operation checked (Item 13)
 - one did not enter information for dust control parameters (Item 19)
 - one did not answer whether respirators were being used (Item21)
 - one did not have bi-monthly sampling information completed (Item 26)
 - two did not have sampling equipment information completed (Item 27)

Requirement: The Coal Mine Health Inspection Procedures Handbook, PH89-V-I(22), Chapter 6, page 6.13: It is essential that the information/data recorded on MSHA Form 2000-86 accurately reflect the dust control measures and practices being used and the actual quantities measured, and is consistent with Chapter 1 – Respirable Dust as the completed form will serve as supporting documentation when plan changes are required and/or enforcement actions are taken.

United States Department of Labor
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Office of Accountability

District	Coal District 2	Field Office	Ruff Creek, PA Field Office	Mine ID	████████	Date	████████
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Attachment E – Discussion Topics

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

- Documentation of Enforcement Actions – In some cases, gravity and negligence determinations were not clearly justified for enforcement actions issued during the E01 reviewed. Inspectors were documenting actions taken by the mine operator after issuances as mitigations for negligence. See Citation and Order Writing Handbook For Coal Mines and Metal and Nonmetal Mines, PH13-I-1(1), page 11; Coal Mine Safety and Health General Inspection Procedures Handbook, PH13-V-1 (GIPH), pages 2-19 – 2-21.
- Inspection Tracking System (ITS) – inspections of out-of-service equip; equipment documented as inspected in the notes but not in the ITS. See GIPH, page 3-49.
- Inspection Tracking Map – Intake Evaluation Points (IEPs) for the bleeder system were not shown as inspected on the Tracking Map. See GIPH, page 3-48.
- 103(i) Spot Calendars – Spot calendars for February and March 2016 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.
- Uniform Mine File – obsolete material needs to be routinely removed from the UMF. See Coal Uniform Mine File Procedures Handbook, PH14-V-1, Chapter 1, page 1-2.