



**JUN - 7 2016**

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

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

**FROM:** THOMAS W. CHARBONEAU  
Director, Office of Assessments, Accountability,  
Special Enforcement and Investigations

**SUBJECT:** Mine Safety and Health Administration (MSHA)  
Office of Accountability Review,  
Metal and Nonmetal Southeastern District, Sanford, North  
Carolina Field Office, and

Introduction

This memorandum summarizes the Office of Accountability's review of the subject district office, field office, and mine. The accountability review included MSHA field activities; level of enforcement; conditions and practices at the mine; Field Accompanied Reviews (FARs); Office Reviews (ORs) and MSHA supervisory and managerial oversight. This 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; whether mission critical enforcement activities are accomplished effectively; and to effectively evaluate and improve the overall performance of MSHA's enforcement program. The major outcome expected from the Office of Accountability review is to identify potential or actual areas for improvement and 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 Metal and Nonmetal's (MNM) Southeastern District and the Sanford, North Carolina, Field Office, from [REDACTED]. The Southeastern District and the Sanford Field Office were reviewed in accordance with the FY 2016 annual accountability review plan schedule. The [REDACTED] was selected for review because the mine is a large operation and had received [REDACTED] 104(a) citations and [REDACTED] 107(a) order in FY 2015 compared to [REDACTED] 104(a) citations and [REDACTED] 104(b) order during FY 2014. The review focused on inspection activities during FY 2015 (October 2014 through September 2015). The review concentrated specifically on [REDACTED] documentation associated with the regular E01 inspection, Event No. [REDACTED] conducted by the Field Office of the [REDACTED] a surface

As a part of this review, the team conducted a mine visit focusing on conditions at the mine; whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports and observed work practices at the mine site.

The review did not identify any issues determined to be material weaknesses<sup>1</sup> requiring a corrective action plan; however, the team discussed with management some non-material weaknesses<sup>2</sup> they identified along with inspection best practices as described in the General Inspection Procedures Handbook (GIPH)<sup>3</sup>. A general outline of discussion topics is included in an attachment to this memorandum.

## Mine Visit

Accountability Specialists Mark Odum and Jim Poynter accompanied the Assistant District Manager of Enforcement (ADM), the Field Office Supervisor (FOS), and an inspector to the [REDACTED] on [REDACTED] as part of a Spot inspection (E16).

The [REDACTED] is located in [REDACTED]. The [REDACTED]

The operation employs approximately [REDACTED] company [REDACTED] miners and approximately [REDACTED] independent contractor employees, all working three eight-hour production shifts per day, seven days per week, and performing maintenance as needed. [REDACTED]

[REDACTED] The first step involves the use of excavators, bull dozers, and articulating haul trucks to pre-strip (scalp) the

<sup>1</sup> The Accountability Program Handbook, AH13-III-1, defines material weaknesses as those that, if left unaddressed, would likely result in continuing deficient operations, and are important enough to warrant a corrective action.

<sup>2</sup> According to the Accountability Program Handbook, non-material weaknesses are weaknesses identified during the reviews but are not determined to be material weaknesses. These non-material weaknesses should be discussed with management during the accountability review closeout conferences but do not need to be included as issues in the accountability review reports.

<sup>3</sup> See Metal and Nonmetal General Inspection Procedures Handbook, PH13-IV-1, page i, for reference.

area to be mined. The material removed during the pre-strip operations forms a pit approximately 10 to 15 feet deep. The second step involves an electric driven dragline with a bucket with an 80 ton capacity to remove the remaining material, including the [REDACTED]. This increases the depth of the pit to approximately 130 to 140 feet, which is the final depth. During this process the dragline dumps the [REDACTED] into piles approximately 20 feet high in an un-mined area. The third step involves additional excavators that pick up the [REDACTED] and place it onto mobile screens for conveyance via belt to a mixing hopper. In the hopper the [REDACTED] is mixed with water to form a slurry mixture which is subsequently pumped through 22-inch pipes to the mill, where it begins the final preparation process.

The inspection group traveled to the mill where they observed normal operations and maintenance work being performed. The mill uses coal-fired calciners to heat and remove the moisture from the [REDACTED]. The visit included observations of the following: inspections of the working places; all approaches to the mine pit; the mine pit and highwalls; a Marion 8200 walking dragline, five Caterpillar 349F excavators, communication; and the general mining cycle.

Other observations during the inspection included various travelways, walkways, vehicles, man-lift cranes and the inspector's post inspection discussions with the operator. As a result of the inspection, the inspector issued six enforcement actions:

### Review Results

#### Positive Findings:

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

1. For the E01 reviewed, notes and documentation were organized, clear and concise, and included pictures of violations.
2. For the E01 reviewed, inspectors documented observations of work practices, mining cycles observed, and safety talks with miners.
3. The Hazardous Condition Complaints reviewed were investigated in a timely manner. Documentation clearly covered the investigative activities and the results.
4. [REDACTED]
5. [REDACTED]
6. The review did not reveal any systemic issues requiring a corrective action plan.

The Review Team identified some non-material weaknesses and discussed these with the District. Topics discussed included documentation of enforcement actions, updated forms for documentation of pictures, and identification of notes when more than one inspector is on an inspection. The items discussed did not require a corrective action plan. (See attachment C)

Of the 136 active mines/facilities inspected by the field office in FY 2015, 35 received no enforcement issuances and 32 mines had one issuance. The accountability specialists, the FOS, and the assigned inspector visited three small sand mining sites that were representative of sites that had received zero or one issuance. The sites were located in [REDACTED]. These small sand mining operations produce sand used in the construction industry for asphalt, concrete, and mortar products. The production of sand at these sites depends on the demand for the product. A mining company may operate several mine sites and utilize the same employees for all their operations, moving the workers and equipment from site to site.

The field office ensures that the equipment and mining cycle is inspected at least twice during the year, unless the operation is designated intermittent<sup>4</sup>, in which case the site would receive one inspection for the year. The small size and irregular operation of the sand sites, coupled with the fact that the equipment is moved from site to site, helps explain why many operations experience inspections with few or no enforcement issuances. The viewpoint of the field office personnel is that the operators of the sand sites are safety conscious and diligently strive for safe, compliant operations. The FOS conveyed that sand mining companies use the same equipment, persons, and processes at each mine and has done so to keep safety first and strive to eliminate unsafe conditions. The companies have a low tolerance for non-compliance and hold their employees accountable. Therefore, the miners at these mines strive to make sure their site is in compliance.

As a part of this review, the enforcement levels for the field office and mine were compared with the district and nation. The field office enforcement levels showed no significant deviation from that of the district and nation. Based on the review and observations during the mine visit, enforcement levels were appropriate for the mining conditions and work practices at the mine.

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<sup>4</sup> The particular status of the mine, either active or intermittent, determines the number of regular complete inspections MSHA is required to conduct each year.

**Attachments**

A. Office of Accountability Checklist

B. Citations issued during this review

- [REDACTED] 56.14207
- [REDACTED] 56.14100b
- [REDACTED] 56.14100a
- [REDACTED] 48.29a
- [REDACTED] 56.16002b
- [REDACTED] 56.20011

C. Discussion Topics

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

District

Field Office

Mine ID

Date

Attachment A – Office of Accountability Checklist

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

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

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

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

District  Field Office  Mine ID  Date

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

Not reviewed as a part of this review. The review was not conducted in the Birmingham, AL District Office where the forms are located.

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

Adequate  Corrective Action Needed  Comments Below

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

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

Adequate  Corrective Action Needed  Comments Below

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

Adequate  Corrective Action Needed  Comments Below

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

District  Field Office  Mine ID  Date

13. Are required Office Reviews (ORs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?  
(One E-01/Inspector/every six months/FY -minimum)

14. Are Field Accompanied Reviews (FARs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?  
(one/inspector/year - minimum)

Adequate  Corrective Action Needed  Comments Below

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

Adequate  Corrective Action Needed  Comments Below

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

Adequate  Corrective Action Needed  Comments Below

17. Determine if supervisors are visiting active mines.

Adequate  Corrective Action Needed  Comments Below

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

Adequate  Corrective Action Needed  Comments Below

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

District  Field Office  Mine ID  Date

19. 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.

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

Adequate  Corrective Action Needed  Comments Below

21. 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.

22. 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

23. 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

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

Adequate  Corrective Action Needed  Comments Below

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

District  Field Office  Mine ID  Date

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

Adequate  Corrective Action Needed  Comments Below

26. 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

27. Determine if the management resource tracking tool is being used to track resources regarding Special Investigations.

Adequate  Corrective Action Needed  Comments Below

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

Adequate  Corrective Action Needed  Comments Below

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

Adequate  Corrective Action Needed  Comments Below

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

District Southeastern Field Office Sanford, NC Mine ID  Date

Attachment B - Citations issued during the review

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

Section I-Notice Date			
1. Date <span style="border: 1px solid black; padding: 2px;">Mo Da Yr</span>	2. Time (24 Hr. Clock)	3. Citation/Order Number	
4. Served To		5. Operator	
6. Mine		7. Mine ID <span style="float: right;">(Contractor)</span>	

**8. Condition or Practice** 9c. Written Notice (103g)   
 The park brake provided for the Chevrolet Pickup truck company was not set when observed. The truck was parked unattended at the Mill maintenance shop. The truck is used as needed to transport miners and equipment to various areas of the mill and was last used February 2 2016. This exposes a miner to a serious injury due to the park brake not being set when the truck is left unattended.

Standard 56.14207 was cited

See Consolidated Form (MSHA Form 7000-36)

8. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR <b>56.14207</b>
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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 provided park brake is now set. This citation is terminated.**

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

**Section IV-Automated System Data**

19. Type of inspection (activity code) <b>E16</b>	20. Event Number	21. Primary or MR <b>P</b>	
22. AR Name		23. AR Number	

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, 408 3rd Street, SW, NC 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.

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

District Southeastern Field Office Sanford, NC Mine ID [REDACTED] Date [REDACTED]

**Mine Citation/Order**

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



**Section I - Violation Data**

1. Date <small>Mo Da Yr</small> [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]	
4. Served To [REDACTED]		5. Operator [REDACTED]	
6. Mine [REDACTED]		7. Mine ID [REDACTED] <small>(Contractor)</small>	

**8. Condition or Practice**  9a. Written Notice (105g)

Defects affecting safety were not being corrected in a timely manner. The right rear tail light of the Chevrolet Pickup truck company [REDACTED] was broken exposing sharp edges of the tail light. Preshift documents were reviewed and indicated the taillight as a defect on January 18 2016 and existed today. The truck is used as needed to transport miners and equipment to various areas of the mill. This exposes a miner to a lost workday injury do to the broken tail light.

Standard 56.14100b was cited

See Continuation Form (MSHA Form 7000-30)

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	56.14100b
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**Section II - Inspector's Evaluation**

10. Gravity:

A. Injury or illness (fat) (s): No Likelihood  Unlikely  Reasonably Likely  Highly Likely  Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays  Lost Workdays Or Restricted Duty  Permanently Disabling  Fatal

C. Significant and Substantial: Yes  No  D. Number of Persons Affected: 001

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

12. Type of Action [04a] 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 <small>Mo Da Yr</small>	B. Time (24 Hr. Clock)	
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**Section III - Termination Action**

17. Action to Terminate The right rear tail light has been replaced and the hazard has been eliminated. This citation is terminated.

18. Terminated	A. Date <small>Mo Da Yr</small>	B. Time (24 Hr. Clock)	
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**Section IV - Automated System Data**

19. Type of Inspection (activity code)	E16	20. Event Number	21. Primary or MIR	M
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 2nd Street, SW MC 2120, Washington, DC 20415. 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 Southeastern Field Office Sanford, NC Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I—Violation Date		
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 8a. Written Notice (103g)   
 A complete pre shift inspection was not conducted by the operator of the 1250AJP JLG Manlift #288469 prior to placing the manlift into operation. The operator did inspect the auxiliary control functions provided for the basket of the manlift to ensure proper functions of the auxiliary controls. The manlift was observed in use at the [REDACTED]. This exposes a miner to serious injury by not conducting a complete pre shift inspection prior to placing the manlift into operation.

Standard 56.14100a was cited

See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>			
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  56.14100a

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 type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" 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 104a		13. Type of issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/ Order Number	
15. Area or Equipment:				

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	
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Section III—Termination Action  
 17. Action to Terminate A complete preshift inspection has been conducted and documented by the equipment operator. This citation is terminated.

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	
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Section IV—Automated System Data		
19. Type of Inspection (activity code) E16	20. Event Number	21. Primary or Mill M
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 (1-888-734-3347), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 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.

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

District Southeastern Field Office Sanford, NC Mine ID  Date

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

Section I—Subsequent Action/Continuation Data				
<input checked="" type="checkbox"/> 1. Subsequent Action 1a. Continuation	<input type="checkbox"/> 1b. Continuation	2. Dated (Original Issue)	Mo. <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span> Da. <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span> Yr. <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	3. Citation/Order Number <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px;"></span>
4. Served To <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px;"></span>		5. Operator <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px;"></span>		
6. Mine <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px;"></span>		7. Mine ID <span style="border: 1px solid black; display: inline-block; width: 100px; height: 15px;"></span> (Contractor)		

Section II—Justification for Action

Change	From	To
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8. Condition Or Practice

Reason To modify the second sentence in section 8 condition or practice. To add the word not between did and inspect.

To modify the second sentence in section 8 condition or practice. To add the word not between the words did and inspect. To read as: The operator did not inspect the auxiliary control functions provided for the basket of the manlift to ensure proper functions of the auxiliary controls.

See Continuation Form

Section III—Subsequent Action Taken					
9. Extended To	A. Date Mo. <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span> Da. <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span> Yr. <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input checked="" type="checkbox"/> E. Modified
Section IV—Inspection Data					
9. Type of Inspection <span style="border: 1px solid black; padding: 0 5px;">E16</span>		10. Event Number <span style="border: 1px solid black; display: inline-block; width: 100px; height: 15px;"></span>			
11. AR Name <span style="border: 1px solid black; display: inline-block; width: 100px; height: 15px;"></span>	AR Number <span style="border: 1px solid black; display: inline-block; width: 60px; height: 15px;"></span>	12. Date Mo. <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span> Da. <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span> Yr. <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	13. Time (24 Hr. Clock) <span style="border: 1px solid black; display: inline-block; width: 100px; height: 15px;"></span>		

MSHA Form 7000-0a, Mar 85 (revised)

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

District Southeastern Field Office Sanford, NC Mine ID  Date

Mine Citation/Order

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



<b>Section I—Violation Data</b>		
1. Date	Mo Da Yr	2. Time (24 Hr. Clock)
4. Served To		5. Citation/Order Number
6. Mine		7. Mine ID

8. Condition or Practice 8a. Written Notice (105g)

Task training records for miner [redacted] were not being maintained by the [redacted]. Task training records could not be reviewed for the miner to indicate task training had been conducted for a 1250AJP JLG Manlift. The operator was observed operating the manlift at the [redacted] in the mill area. This exposes a miner to a serious injury by not being able to indicate the operator is task trained for the equipment being operated.

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
			48.29a

**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	B. Time (24 Hr. Clock)
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**Section III—Termination Action**

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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**Section IV—Automated System Data**

19. Type of Inspection (activity code)	E16	20. Event Number	21. Primary or Mill
			M
22. AR Name		23. AR Number	

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-RSD-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.

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

District Southeastern Field Office Sanford, NC Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order  
 Continuation

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



Section I—Subsequent Action/Continuation Date

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

Section II—Justification for Action

Change	From	To
8. Condition Or Practice		
Reason	The third sentence should read: The manlift operator was observed operating the manlift at the mill area. in	
10. B. Injury Expected Fatal No Lost Workdays		
Reason	To reflect the expected injury or illness.	
10. D. Persons Affected 1 0		
Reason	To reflect 0 persons affected.	

To modify section 8 condition or practice. The add the word manlift between the first and second word in the third sentence.  
 To modify section 10. B from fatal to No lost workdays.  
 To modify section 10. D from 1 persons affected to 0 persons affected.

See Continuation Form

Section III—Subsequent Action Taken

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

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

MSHA Form 7000-26, Mar 85 (prev. ed.)

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

District Southeastern Field Office Sanford, NC Mine ID [REDACTED] Date [REDACTED]

**Mine Citation/Order  
 Continuation**

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



**Section I—Subsequent Action/Continuation Date**

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

**Section II—Justification for Action**

Task training has been documented to indicate that Miner [REDACTED] has been task trained for a 1250AJD JLG Manlift. This citation is terminated.

See Continuation Form

**Section III—Subsequent Action Taken**

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

**Section IV—Inspection Data**

<b>9. Type of Inspection</b> E15	<b>10. Event Number</b>	<b>11. AR Name</b>	<b>AR Number</b>	<b>12. Date</b>	<b>Mo</b>	<b>Da</b>	<b>Yr</b>	<b>13. Time (24 Hr. Clock)</b>

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

District  Field Office  Mine ID  Date

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 8a. Written Notice (103g)

Taglines hitches and slings to hoist materials were not suitable for the material being handled at the [redacted] Two miners were observed lowering metal sheeting from the transfer tower. A rope was wrapped around the metal sheeting with one turn and placed in the manlift basket and lowered. Windy conditions were observed in the area during this activity and increasing. The metal sheeting was approximately 2.5 feet wide and approximately 16 feet long and not secured to prevent the wind from blowing the metal sheeting from the manlift basket. Ground personnel were observed in the area during this activity. This exposes a miner to a serious injury due to the tagline not being suitable for the material being handled.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other	B. Section of Act	C. Part/Section of Title 30 CFR	56.16002b
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**Section II—Inspector's Evaluation**

10. Gravity:

A. Injury or illness (rate) (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

16. Area or Equipment

18. 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) B16 20. Event Number 21. Primary or MII M 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 2126, 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 Southeastern Field Office Sanford, NC Mine ID [REDACTED] Date [REDACTED]

**Mine Citation/Order  
 Continuation**

**U.S. Department of Labor  
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**Section I - Subsequent Action/Continuation Data**

1. Subsequent Action Is: Continuation <input checked="" type="checkbox"/> <span style="margin-left: 100px;"><input type="checkbox"/></span>	2. Dated (Original Issue) <span style="margin-left: 20px;">Mo</span> <span style="margin-left: 20px;">Da</span> <span style="margin-left: 20px;">Yr</span> <span style="margin-left: 20px;">[REDACTED]</span>	3. Citation/Order Number <span style="margin-left: 20px;">[REDACTED]</span>
4. Served To <span style="margin-left: 20px;">[REDACTED]</span>	5. Operator <span style="margin-left: 20px;">[REDACTED]</span>	
6. Mine <span style="margin-left: 20px;">[REDACTED]</span>	7. Mine ID <span style="margin-left: 20px;">[REDACTED]</span> (Contractor)	

**Section II - Justification for Action**

The [REDACTED] [REDACTED] has ceased work in this area. He has requested additional time to develop another rigging method for the metal sheeting. This citation is extended.

See Continuation Form

**Section III - Subsequent Action Taken**

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

9. Type of Inspection <span style="margin-left: 20px;">E16</span>	10. Event Number <span style="margin-left: 20px;">[REDACTED]</span>
11. AR Name <span style="margin-left: 20px;">[REDACTED]</span>	AR Number <span style="margin-left: 20px;">[REDACTED]</span>
12. Date Mo Da Yr <span style="margin-left: 20px;">[REDACTED]</span>	13. Time (24 Hr. Clock) <span style="margin-left: 20px;">[REDACTED]</span>

MSHA Form 7000-3a, Mar 85 (revised)

United States Department of Labor  
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District Southeastern Field Office Sanford, NC Mine ID  Date

**Mine Citation/Order  
 Continuation**

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



<b>Section I—Subsequent Action/Continuation Data</b>				
<b>1. Subsequent Action</b> 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	<b>2. Dated</b> (Original Issue)	<b>Mo</b> <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px; background-color: black;"></span> <b>Da</b> <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px; background-color: black;"></span> <b>Yr</b> <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px; background-color: black;"></span>	<b>3. Citation/ Order Number</b>	<span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px; background-color: black;"></span>
<b>4. Served To</b>	<span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px; background-color: black;"></span>		<b>5. Operator</b>	<span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px; background-color: black;"></span>
<b>6. Mine</b>	<span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px; background-color: black;"></span>		<b>7. Mine ID</b>	<span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px; background-color: black;"></span> (Contractor)

**Section II—Justification for Action**

The  has developed another rigging method to secure the metal sheeting when being lowered. Miners have been trained in this rigging method. This citation is terminated.

See Continuation Form

<b>Section III—Subsequent Action Taken</b>					
<b>8. Extended To</b>	<b>A. Date</b> <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px; background-color: black;"></span> <b>Mo</b> <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px; background-color: black;"></span> <b>Da</b> <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px; background-color: black;"></span> <b>Yr</b> <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px; background-color: black;"></span>	<b>B. Time (24 Hr. Clock)</b>	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
<b>Section IV—Inspection Data</b>					
<b>9. Type of Inspection</b>	<b>10. Event Number</b>				
EIS	<span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px; background-color: black;"></span>				
<b>11. AR Name</b>	<b>AR Number</b>	<b>12. Date</b>	<b>13. Time (24 Hr. Clock)</b>		
<span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px; background-color: black;"></span>	<span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px; background-color: black;"></span>	<span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px; background-color: black;"></span>	<span style="border: 1px solid black; display: inline-block; width: 100%; height: 15px; background-color: black;"></span>		

MSHA Form 7000-3a, Mar 88 (revised)

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**Section I—Subsequent Action/Continuation Date**

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

**Section II—Justification for Action**

Change	From	To
<b>9. C. Part/Section</b>	56.16002b	56.16007b

**Reason** To correctly identify the cited standard.

To modify section 9.C part or section of Title 30 CFR from 56.16002b to reflect 56.16007b To correctly identify the standard cited.

See Continuation Form

**Section III—Subsequent Action Taken**

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

<b>9. Type of Inspection</b> EI6	<b>10. Event Number</b>					
<b>11. AR Name</b>	<b>AR Number</b>	<b>12. Date</b>	<b>Mo</b>	<b>Da</b>	<b>Yr</b>	<b>13. Time (24 Hr. Clock)</b>

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<b>Section I--Violation Data</b>		
1. Date Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/ Order Number
4. Served To		5. Operator
6. Mine		7. Mine ID

8. Condition or Practice (Contractor)  
 8a. Written Notice (103g)

Areas where safety and health hazards existed that were not immediately obvious to miners were not posted at the walkway entrance of the [redacted]. The gate at the end of the walkway had been removed for repair and access was readily available onto the walkway. The walkway is used as needed for maintenance and clean up and was approximately 5 feet above ground level. This exposes a miner to a serious injury due to the lack of barricades and warning signs.

Standard 56.20011 was cited

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			56.20011

**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)
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**Section III--Termination Action**

17. Action to Terminate The access ladder is now provided with danger tape and a do not enter sign to alert miners of the hazard. This citation is terminated.

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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**Section IV--Automated System Data**

19. Type of Inspection (activity code)	E16	20. Event Number	21. Primary or MB
			P
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  
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Office of Accountability

District  Field Office  Mine ID  Date

Attachment C – Discussion Topics

- Documentation of negligence determinations - See GIPH, page 64, and Citation and Order Writing Handbook For Coal Mines and Metal and Nonmetal Mines, PH13-I-1, page 16 for reference
- Inspection notes to be identifiable as coming from a particular inspector - See GIPH, page 60, for reference
- Documentation of information for photographs - See GIPH, page 13 and 65, for reference
- Use of most recent Form 4000-125 - See GIPH, page 13 and 65, for reference