AUG 22 2017

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

THROUGH: EMILY K. HARGROVE
Acting Deputy Administrator for
Metal and Nonmetal Mine Safety and Health

FROM: THOMAS W. CHARBONEAU
Director, Office of Assessments

SUBJECT: Mine Safety and Health Administration (MSHA)
Office of Accountability Review, Metal and Nonmetal North Central District, Indianapolis, Indiana Field Office,

Introduction

This memorandum summarizes the Office of Accountability's review of the subject District Office, Field Office, and mine. This review included MSHA field activities; level of enforcement; conditions and practices at the mine; Field Accompanied Reviews (FARs); Office Reviews (ORs) and MSHA supervisory and managerial oversight. The accountability review also involved evaluations to determine if there were any issues in areas commonly identified during Agency internal reviews of MSHA's actions following past mine disasters.

Purpose

The purpose of this accountability review is to determine whether MSHA enforcement policies, procedures and guidance are followed consistently; and to assess whether mission critical enforcement activities are accomplished effectively. The accountability review also identifies areas for improvement and the subsequent implementation of effective corrective actions to address any identified issues.
Overview

Office of Accountability (OA) Supervisor, Ted Smith and Specialist Troy Davis (Review Team) conducted a review of Metal and Nonmetal's (MNM) North Central District and the Indianapolis, Indiana Field Office in accordance with the annual accountability review plan schedule. The onsite portion of the review was conducted from [redacted]. The review focused on inspection activities conducted in FY 2016, first quarter of FY 2017, and included supervisory oversight activities, FARs and ORs for FY 2016. The review concentrated on two Regular Safety and Health Inspections (E01), Event Nos. [redacted] and [redacted] conducted by the Indianapolis, IN Field Office of the [redacted] ID No. [redacted]

The [redacted] was selected for review because it is a large underground operation.

Mine Visit [redacted] [redacted] ID No. [redacted]

The OA Specialist, Troy Davis, accompanied the Field Office Supervisor, Staff Assistant and an Inspector to the mine on [redacted] as part of a Regular Safety and Health Inspection (E01). During the visit, Mr. Davis evaluated general conditions at the mine; assessed whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports reviewed; and observed work practices at the mine site.

The mine is an underground [redacted] mine located in [redacted]. The mine employs approximately [redacted] miners working two, ten-hour production shifts and one, ten-hour maintenance shift per day, five days per week. The mine produces an average of [redacted] annually. [redacted] is mined by drilling and blasting and is loaded into haul trucks and transported to the primary crusher underground. The crushed material is then transported via conveyor belt to the surface to sizing screens and further processed for commerce.

The mine visit included inspections and observations of the following:

Underground
- Shop Area;
- Diesel fuel storage and containment;
- Oil Storage area and containment;
- Primary and secondary escapeway routes and signage;
- Escapeway map located in MCC room;
- MCC room located in the Southwest heading SW28-QQ;
- Main mine fan underground in Southwest heading;
- Working places and work practices in the Southwest and Northeast headings;
- Two front end loaders;
- Double boom drill;
- Double boom roof bolting machine;
Multiple auxiliary fans;
• Mining cycle – drilling, powder crew loading shot, loading, haulage, roof bolting and crusher operations underground; and
• Air quality measurements.

Surface
• Pre-Inspection conference;
• Mine office;
• Main fan;
• Escapeway located at shaft exiting the surface;
• Screening towers and conveyor belts;
• Haulroads; and
• Loading operations at the stockpiles.

As a result of the inspection, the Inspector issued five enforcement actions.

Review Results

Positive Findings:

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

1. Inspection reports, notes and documentation were organized, clear and concise, and included pictures of violations.

2. Inspection reports, notes and documentation for ATF inspection of the explosive magazines were detailed and described a thorough inspection.

3. The [redacted] developed a mapping system of all mines assigned to the Field Office that can be accessed via smart phone or computer enabling inspectors in the field to more efficiently locate mines in their travel area. This system also should improve MSHA's response time to accidents at the mine.

4. The North Central District staff and Field Offices actively promoted the formation of mine rescue teams and a mine rescue association in the District. Recently, the District worked with [redacted] on the formation of a new mine rescue team. All of the [redacted] mines in the District operate under special mining conditions that allows the operator to provide an alternative mine rescue capability as required under 30 CFR 49.4, with local EMS and fire departments providing emergency coverage and coal mine rescue teams providing backup coverage. The new mine rescue team will provide enhanced rescue capabilities in the event of a mine emergency.

5. The review did not identify any issues that require a Corrective Action Plan.
The Review Team identified and discussed with the District personnel inspection and procedural best practices as described in the Metal and Nonmetal General Inspection Procedures Handbook. A general outline of discussion topics is included in an attachment to this memorandum. (See Attachment C)

As a part of the review, the OA compared enforcement levels of the mine with the Field Office, District, and national averages. The mine had a significant and substantial (S&S) rate of 24 percent during FY 2016 compared to the Field Office S&S rate of 30 percent; a district S&S rate of 21 percent; and the national S&S rate of 24 percent. While the S&S rate for the mine was higher than the average S&S rates of the Field Office, District and nation, the enforcement levels were appropriate with existing mining conditions and work practices based on the review and observations made during the mine visit.
Attachments

A. Office of Accountability Checklist

B. Citations issued during this review
   • 57.11001
   • 57.11051a
   • 57.8518a
   • 57.14107a
   • 57.3200

C. Discussion Topics
Attachment A: Office of Accountability Checklist

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

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

4. Evaluate inspector(s) examination of required records and postings for compliance with applicable standards.
   - Adequate [X]  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 [X]  Corrective Action Needed [ ]  Comments Below [ ]

6. Evaluate the inspector(s) on-site contaminant assessment and documentation.
   - Adequate [X]  Corrective Action Needed [ ]  Comments Below [ ]
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 ☒ See Attachment C

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 ☐
13. Are required Field Accompanied Reviews (FARs), Office Reviews (ORs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?

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<th>District</th>
<th>North Central</th>
<th>Field Office</th>
<th>Indianapolis, IN</th>
<th>Mine ID</th>
<th>Date</th>
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14. Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.

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

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Currently all inspection reports are scanned and saved electronic. The original reports are in the Field Office with the exception of underground mines. The originals for underground inspections are filed in the District Office and a copy kept at the Field Office.

16. Determine if supervisors are visiting active mines.

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

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18. Determine if Assistant District Manager is conducting the required second level reviews and holding supervisors accountable for oversight of Office Reviews and Field Accompanied Activity Reviews.
19. Determine if district management personnel are reviewing work products and reports for accuracy and completeness.

Adequate ✔ Corrective Action Needed □ Comments Below □

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

Adequate ✔ Corrective Action Needed □ Comments Below □

21. Determine if Districts, when required, are conducting in-depth accountability reviews in compliance with agency policy and procedures including follow-up to determine the effectiveness of corrective actions.

Adequate ✔ Corrective Action Needed □ Comments Below □

22. Is methane liberation information being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?

Adequate ✔ Corrective Action Needed □ Comments Below ✔

No 103i mines/other mine information is updated as needed.

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

Adequate ✔ Corrective Action Needed □ Comments Below □

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

Adequate ✔ Corrective Action Needed □ Comments Below □
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<th>Indianapolis, IN</th>
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**25.** Determine if inspectors have an understanding of when a violation of Section 103(a) for Advance Notice occurs and whether appropriate citations are issued for Advance Notice.

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

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

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**28.** Determine if supervisors are rotating the mine assignments annually among inspectors assigned to their Field Office.

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Safe access was not being provided at the Disconnect Box for a sump pump that is located at SW27 & P. This disconnect box was within 6 feet of the ledge and this pump is accessed as needed to pump out water from the floor below. This hazard exposes miners to possible fatal type injuries should a miner inadvertently trip or fall while accessing the disconnect box or fire extinguisher. This condition was not noted on the daily workplace exams and it could not be determined how long it has existed.

Standard 57.11001 was cited
Loose material ranging in size was observed in the escape routes that lead to the primary escape way on the North side of the mine. The loose material was observed between KK and TT in the escape routes with the working headings being on N33 and the Primary Escape Way located on N31. These active headings and a driller were in the area working. These areas are typically traveled by equipment and exposes miners to possible lost workday or restricted duty type injuries. This condition was not noted on the daily workplace exams and was found under spotlight while walking the area.
The booster fan located at SW29 and M was not in operation at the time of the inspection. This fan is part of the mines ventilation system and it was not shutdown for maintenance or inspection purposes. This hazard exposes miners to possible lost workday or restricted duty type injuries from the mines ventilation being disrupted and mine gases, dpm, or oxygen levels being affected. Mine management was unaware that the fan was not in operation and it could not be determined how long it was off.

Therefore, this citation is terminated.
The energized self cleaning tail pulley on Conveyor #6 in the underground was exposed on the bottom side to possible contact by a miner. This pulley could be easily contacted during greasing and there was also a water hose located under the pulley spraying material out from under the pulley while it was in operation. This area is accessed by miners on foot when this Primary (Impactor) is in operation exposing miners to possible permanently disabling injuries. This condition was not noted on the workplace exams and it could not be determined how long it has existed.

Standard 57.14107a was cited...
Loose material was observed above the travel way that is next to the tail of Conveyor #6 at the Primary located at S#28 4 M. This area is regularly traveled by foot and vehicle when this Primary is in operation. The material ranged in size and was approximately 20 feet off the floor that is sloped. This hazard exposes miners to possible lost workday or restricted duty type injuries should falling material strike a miner. This condition was not noted on the daily workplace exams and it could not be determined how long it has existed.

Standard 57.3200 was cited.

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<th>Violation</th>
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**Condition or Practice:**

4. Served To:

5. Operator:

6. Mine:

7. Mine ID:

8. Condition or Practice:

9. Written Notice (103g):

10. See Continuation Form (MSHA Form 7000-3b)

11. See Continuation Form (MSHA Form 7000-3b)

12. See Continuation Form (MSHA Form 7000-3b)

13. See Continuation Form (MSHA Form 7000-3b)

14. See Continuation Form (MSHA Form 7000-3b)

15. See Continuation Form (MSHA Form 7000-3b)

16. See Continuation Form (MSHA Form 7000-3b)

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18. See Continuation Form (MSHA Form 7000-3b)

19. See Continuation Form (MSHA Form 7000-3b)

20. See Continuation Form (MSHA Form 7000-3b)

21. See Continuation Form (MSHA Form 7000-3b)

22. See Continuation Form (MSHA Form 7000-3b)

23. See Continuation Form (MSHA Form 7000-3b)
Attachment C: Discussion Topics

**Inspection on all shifts** – For the E01 events reviewed inspections occurred only on the day shift. The [text redacted] operates on two ten hour production shifts and one ten hour maintenance shift per day. The length of the inspections ranged from five to six days. GIPH page 33 Item H: Inspectors should inspect on all work shifts of a mine (which includes mills) during every regular inspection. Inspectors are not required to inspect a second or third (e.g., night, graveyard) work shift where the only employees at the site are security staff. If an inspection is not conducted of a non-work shift, inspectors should assure that mining, maintenance, or similar activities are not occurring and that personnel at the site during these times are not exposed to potential risk.

**Possible Knowing and Willful (PKW)** – FY 2016 PKWs reviewed for the Indianapolis Field Office revealed 14 of 18 PKWs submitted to the District were greater than five days. The District Manager was in compliance with the 30 day requirement to reach decision. GIPH page 67: “The packet shall be submitted to the District Office within five business days following the date the citation(s) or order(s) was issued. Any exceptions to this policy shall be approved in advance by the field office supervisor with concurrence from the District Office.”