SEP - 5 2018

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

THROUGH: KEVIN G. STRICKLIN
Acting 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 Western District
Albany, Oregon Field Office

Introduction

This memorandum summarizes the Office of Accountability’s review of the Western District, Albany, Oregon Field Office. The review focused on enforcement activities at the [redacted] This review included MSHA field activities, level of enforcement, conditions and practices at the mine, Field Accompanied Reviews, Office Reviews and MSHA supervisory and managerial oversight.

Purpose

The purpose of this accountability review is to determine whether MSHA enforcement policies, procedures and guidance are being 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 the review in accordance with the annual accountability review plan schedule. The review concentrated on two Regular Safety and Health Inspections (E01) of the Event Nos. The mine was selected because it is a large surface operation. Mr. Smith and Mr. Davis conducted the on-site review. The review focused on enforcement activities during FY 2017, FY 2018 and included review of supervisory oversight activities.

Mine Visit

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

The mine is an operation located in and employs approximately miners working one ten-hour production shift per day, five days a week. The operation is mined with an excavator, loaded into haul trucks and transported to the primary crusher on the property. The crushed material is then transported via conveyor belt to the plant for processing and shipment to the customer. During the visit, the Review Team 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 visit included inspections and observations of the following:

Surface

- pre-inspection discussions with the mine operator
- mine office
- examination records
- work practices
- QC pump room
- truck wash and pressure washer
- company officials pick-up trucks
- open pit
- mining cycles (loading, haulage and dump)
- impact crusher
- dry side of plant (screening and sizing of material)
- conveyor belts and draw off tunnel
- haulroads and berms
- four 50 ton haul trucks
- one front end loader
- skid steer
- two pit pumps (floating barge type)
During the inspection, the inspector issued six enforcement actions.

Review Results

Positive Findings:

The review revealed positive findings in the following areas:

1. Inspectors followed procedures for documenting a complete inspection of the mine.
2. No issues were identified which require corrective action.

The Review Team discussed with District personnel inspection and procedural best practices as described in the Metal and Nonmetal Inspection Procedures Handbook. A general outline of discussion topics is included in an attachment to this memorandum. (Attachment A)

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 25 percent in FY 2017 compared to the Field Office S&S rate of 22 percent; a District S&S rate of 24 percent; and the national S&S rate of 23 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. Discussion Topics

B. Office of Accountability Checklist

C. Citations Issued during Mine Visit
   • No. 56.12004
   • No. 56.14207
   • No. 56.14100(b)
   • No. 56.11002
   • No. 56.11002
   • No. 56.9100
Attachment A – Discussion Topics

- See Attachment B Checklist #1 - Inspection of All Work Shifts: Event No. (E01), only dayshift was inspected. At the time of this inspection, the mine was working two 12-hour production shifts due to seasonality demand. No inspection occurred on the evening production shifts. Metal and Nonmetal General Inspection Procedures Handbook PH16-IV-1 page 33 – “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 on 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.”

- See Attachment B Checklist #13 – Office Reviews (OR)/Field Accompanied Reviews (FAR): The FARs for 1st half FY 2018 conducted in the Albany Field Office were not forwarded to the District for review within five days of completion. Multiple supervisors had been acting in the Albany Field Office during this time period. The Metal and Nonmetal Mine Safety and Health Supervisors Handbook AH09-III-1(1) June 2009 pages and 3-4 “Once the form is completed and the inspector advised of the findings, the form shall be forwarded within five business days to the Assistant District Manager for review and approval.”

- See Attachment B Checklist #17 - Field Office Staff Meetings: The last two documented staff meetings were conducted in August 2017 and June 2018. Typically Metal and Nonmetal offices conduct and document regular staff meetings concerning inspection procedures and policies. Employee safety discussions are also a part of these meetings. A memorandum is forwarded to the District concerning these meetings.

- See Attachment B Checklist #18 - 2nd Level Reviews: The Assistant District Managers did not initial FARs/ORs from the Field Office to indicate the review is being conducted to hold the supervisor accountable to the review requirements. The Metal and Nonmetal Mine Safety and Health Supervisors Handbook AH09-III-1(1) June 2009 page 6 “Assistant District Managers are required to verify that supervisors conduct the required accompanied inspections and field activity inspection report evaluations. This is accomplished by them completing the following activities each fiscal year:
Reviewing and initialing every FAR form submitted by their Field Office Supervisors. These reviews will assure that the forms are properly completed and that supervisors are conducting the required field activity inspection report evaluations and accompanied inspections. It does not include a review of the inspection files."
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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 [X]  Corrective Action Needed [ ]  Comments Below [X]

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

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.

3. 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 [ ]
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<td>7</td>
<td>Evaluate inspector(s) examination of electrical equipment, transformer stations, and/or electrical circuits.</td>
<td>Adequate X</td>
<td>Corrective Action Needed</td>
<td></td>
<td>Comments Below</td>
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<td>8</td>
<td>Determine if adequate close-out conferences are being conducted at the end of each inspection.</td>
<td>Adequate X</td>
<td>Corrective Action Needed</td>
<td></td>
<td>Comments Below</td>
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<td>9</td>
<td>Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.</td>
<td>Adequate X</td>
<td>Corrective Action Needed</td>
<td></td>
<td>Comments Below</td>
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<td>10</td>
<td>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.</td>
<td>Adequate</td>
<td>Corrective Action Needed</td>
<td></td>
<td>Comments Below X</td>
<td>Not Applicable - The Field Office does not have any mines in a 103(i) status.</td>
</tr>
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<td>11</td>
<td>Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.</td>
<td>Adequate X</td>
<td>Corrective Action Needed</td>
<td></td>
<td>Comments Below</td>
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<tr>
<td>12</td>
<td>Determine if supervisors are monitoring inspector time and activity to ensure proper use of time, including off-shift and weekend work, by all inspectors.</td>
<td>Adequate X</td>
<td>Corrective Action Needed</td>
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<td>Comments Below</td>
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Are required Field Accompanied Reviews (FARs), Office Reviews (ORs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures? (ORs – One E01/Inspector/every six months/FY; FARs – One/Inspector/FY)

<table>
<thead>
<tr>
<th>District</th>
<th>Western</th>
<th>Field Office</th>
<th>Albany, OR</th>
<th>Mine ID</th>
<th>Date</th>
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13. Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.
Adequate [X]  Corrective Action Needed [ ]  Comments Below [ ]

14. Determine if the Mine Files are legible, up to date, and reviewed by supervisors.
Adequate [X]  Corrective Action Needed [ ]  Comments Below [ ]

15. Determine if supervisors are visiting active mines.
Adequate [X]  Corrective Action Needed [ ]  Comments Below [ ]

16. Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to current issues and the Agency’s mission.
Adequate [X]  Corrective Action Needed [ ]  Comments Below [X]

Attachment A

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.

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

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

22. Is information (mine status, methane liberation, number of employees, etc.) being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?

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

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

Adequate [X]  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 [X]  Corrective Action Needed [ ]  Comments Below [ ]
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<td><strong>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.</strong></td>
<td></td>
<td>Adequate [X]</td>
<td>Corrective Action Needed</td>
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<td>Comments Below</td>
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<td><strong>Determine if the management resource tracking tool is being used to track resources regarding Special Investigations.</strong></td>
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<td>Adequate [X]</td>
<td>Corrective Action Needed</td>
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<td>Comments Below</td>
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<td><strong>Determine if retraining of supervisors, inspectors, and specialists is being tracked.</strong></td>
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<td>Adequate [X]</td>
<td>Corrective Action Needed</td>
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<td>Comments Below</td>
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<td><strong>Determine if supervisors are rotating the mine assignments annually among inspectors assigned to their Field Office.</strong></td>
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<td>Adequate [X]</td>
<td>Corrective Action Needed</td>
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<td>Comments Below</td>
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Attachment C – Citations Issued during Mine Visit

Mine Citation/Order

1. Date
4. Served To
6. Mine
8. Condition or Practice

The 110 volt power cable that supplies power to Steve's Conex was not protected from mechanical damage. The outer jacket had an approximate 1″ cut in it that exposed the insulated conductors within. The damaged section was hanging on a support post for the QC Lean-to and measured 7'2″ above ground level. This area is accessed approximately once every 2-3 weeks for various tasks. Should a miner come into contact with energized 110 volt conductors, serious shock and burn type injuries could result.

See Continuation Form (MSHA Form 7000-3a)
A Ford Ranger pickup was parked on a grade outside of the QC lab and the wheels were not chocked or turned into a bank. When the pickup was neutral tested, it rolled backward toward a truck wash area where foot traffic exists. The park brake on the pickup was set. Should the pickup unexpectedly roll and strike a miner, serious injuries could result.
The acetylene cylinder on the service pickup had a high pressure gauge that was not functioning properly. The with all pressure released the gauge still read 150 psi. This torch is used as needed for maintenance and repair work around the site and was last used approximately 1 week prior. Improper setting of acetylene pressures can cause a fire and/or explosion which could result in fatal injuries.

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 ☐

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

17. Action to Terminate
The regulator was removed from the cylinder and removed from service for rebuild by a local welding supply company, terminating the citation.

18. Terminated A. Date Mo Da Yr ☐ B. Time (24 Hr. Clock) ☐
The East water pump in the pit area had an approximate 4" opening in its handrails on the inboard side of the walking surface. The opening leads to the water and suction pipe below. This pump platform is accessed approximately 4 times per year by a miner wearing a life vest. Should a miner fall through the opening and strike the pipe or fall to the water below, serious injuries could result.
The West water pump platform was not provided with handrails. The platform was approximately 12' x 12' and 3' above water level. The center of the platform had a large opening in it for the water pipe. This platform is accessed approximately 4 times per year by a miner wearing a life vest. Should a miner fall and strike the pipe or fall to the water, serious injuries could result.

The termination due time is being set to allow for handrails to be fabricated and installed.

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<tr>
<th>Section</th>
<th>Violation</th>
<th>Inspector's Evaluation</th>
<th>Type of Action</th>
<th>Area or Equipment</th>
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<tr>
<td>9.</td>
<td>A. Health</td>
<td>B. Section of Act</td>
<td>C. Part/Section of Title 30 CFR</td>
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<td>11.</td>
<td>A. None</td>
<td>B. Low</td>
<td>C. Moderate</td>
<td>D. High</td>
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<td>12.</td>
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<td>16.</td>
<td>A. Date</td>
<td>B. Time (24 Hr. Clock)</td>
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<td>19.</td>
<td>Type of Inspection (activity code)</td>
<td>Event Number</td>
<td>Primary or Minor</td>
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<td>23.</td>
<td>AR Number</td>
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Rules governing speed, right-of-way, direction of movement, and the use of headlights to assure appropriate visibility were not established and followed at the mine. In addition, signs or signals that warn of hazardous conditions were not placed at appropriate locations. The operator had no established speed limit on the main haul road from the pit to the wash plant, and haul trucks were being operated at their top speeds, ranging from 36 to 45 miles per hour. The roadway is approximately 1.1 miles long, ranges between 40-60 ft in width, and 0-12% grade. There are currently four off road haul trucks hauling material on this road including three Terex 45 ton trucks and a Caterpillar 730 articulating truck. Near the pit, trucks were making a sharp hairpin turn to drop down to the lower level and were changing from right handed traffic to left handed traffic and no signs were posted warning of the hazard. The trucks run continuously throughout the shift on this roadway. Should two haul trucks collide at the high rate of speed, fatal injuries could result.

Miners were instructed on revised speed limits and the traffic direction change was

**Section II - Inspector's Evaluation**

10. Gravity:
   A. Injury or illness (has) (has) (has) No Likelihood [ ] Unlikely [ ] Reasonably Likely [ ] Highly Likely [ ] Occurred [ ]
   B. Injury or illness could reasonably be expected to:
      No Lost Workdays [ ] Lost Workdays Or Restricted Duty [ ] Permanently Disabling [ ] Fatal [ ]
   C. Significant and Substantial:
      Yes [ ] No [ ]
   D. Number of Persons Affected:
      002

11. Negligence (check one):
   A. None [ ]
   B. Low [ ]
   C. Moderate [ ]
   D. High [ ]
   E. Reckless Derogatory [ ]

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 [ ]

15. Area or Equipment

16. Termination Due
   A. Date [ ]
   B. Time (24 Hr. Clock) [ ]

**Section III - Termination Action**

17. Action to Terminate

18. Terminated
   A. Date [ ]
   B. Time (24 Hr. Clock)

**Section IV - Automated System Data**

19. Type of Inspection
   (activity code) [ ]

20. Event Number [ ]

21. Primary or Other [ ]

22. AR Name [ ]

23. AR Number [ ]
United States Department of Labor  
Mine Safety and Health Administration  
Office of Accountability

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<th>Field Office</th>
<th>Albany, OR</th>
<th>Mine ID</th>
<th>Date</th>
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**Mine Citation/Order**

**Continuation**

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<th>1. Subsequent Action</th>
<th>2. Dated</th>
<th>3. Citation Order Number</th>
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<td>Ta. Continuation</td>
<td>(Original Issue)</td>
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<th>4. Served To</th>
<th>5. Operator</th>
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**Section II: Justification for Action**

Continuation of 6. Condition or Practice

Eliminated. The termination due time is being set to allow for signs to be made and installed at the site.

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<th>8. Time (24 Hr. Clock)</th>
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**Section III: Subsequent Action Taken**

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<th>9. Extended To</th>
<th>10. Event Number</th>
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<td>A. Date Mo Da Yr</td>
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**Section IV: Inspection Data**

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<th>11. AR Name</th>
<th>12. Date Mo Da Yr</th>
<th>13. Time (24 Hr. Clock)</th>
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