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

THROUGH: TIMOTHY R. WATKINS  
Deputy Administrator for  
Coal Mine Safety and Health

FROM: THOMAS W. CHARBONEAU  
Director, Office of Assessments

SUBJECT: Mine Safety and Health Administration (MSHA)  
Office of Accountability Review, Coal District 4,  
Mt. Hope, West Virginia Field Office, ID No.

Introduction

This memorandum summarizes the Office of Accountability’s review of the Coal District 4, Mt.  
Hope, West Virginia Field Office. The review focused on enforcement activities at the  
This review included MSHA field activities, level of  
enforcement, conditions and practices at the mine, 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 evaluates the subsequent implementation of effective corrective  
actions to address any identified issues.

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Overview

Office of Accountability (OA) Specialists Jerry Kissell and Mark Odum (Review Team) conducted the review in accordance with the annual accountability review plan schedule. The review concentrated on one Regular Safety and Health Inspection (E01), of the [ID No.][Event No.] The OA selected the mine for review because it has multiple worked out areas and employs approximately [miners]. The Review Team conducted the on-site review from The review focused on enforcement activities during FY 2017 and the first half of FY 2018 and included a review of supervisory oversight activities.

Mine Visit [ID No.]

The Review Team accompanied the Field Office Supervisor, Staff Assistant, and two inspectors to the mine on [date] as part of a Regular Safety and Health Inspection (E01).

The mine is an underground coal mine located in [location] and works two ten-hour production shifts per day, five days a week. Coal is mined by continuous mining machines from an active working section with two Mechanized Mining Units (MMUs). The mine produces an average of [tonnage] of raw coal daily. Coal is transported from the mine by conveyor belts to the surface preparation plant. During the mine visit, the Review Team evaluated general conditions at the mine, assessed whether conditions at the mine correspond 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:

Underground –

- examinations of the No. 2 Section, MMUs 001-0 and 003-0, for imminent dangers, methane tests and air readings
- communication and tracking system
- section refuge alternative and escapeway maps
- primary escapeway from the portal to the section
- lifelines and signage
- dates, times, and initials of required examinations
- No. 15 section conveyor belt, including drive and head
- No. 11 and No. 12 conveyor belt drives
- Point Mains Seals, No. 1 – 7
- examination records and postings
- check-in/check-out system
- the inspector’s discussions with the operator
Surface – Portal
- bath house
- surface electrical examination records
- Caterpillar 930G fork loader
- pump house
- fuel station
- compressed gas cylinder storage
- conex storage units
- electrical and safety offices

Surface – Portal
- bath house
- communication and tracking system
- 3 wheeler barn
- Caterpillar 980 G front end loader
- Caterpillar IT 14G forklift
- Long Run Transport contractor and training records
- Manitou forklift
- pump building
- compressed gas cylinder storage area

During this mine visit, the inspectors issued seven enforcement actions, three underground and four on the surface. (Attachment E)

Review Results

The review revealed positive findings in the following areas:

- Inspectors took pictures to document enforcement actions when appropriate.
- Inspectors showed start and stop points with color coding on the tracking map.

This accountability review identified one issue that required a corrective action plan. District staff along with the Review Team analyzed the findings identified during this review to determine the root causes of the issue. The corrective action plan memorandum outlining the root causes of the issue and corrective actions implemented is included in an attachment to this memorandum. (Attachment A)

Issue: The documentation reviewed for the Regular Safety and Health Inspection (EO1), Event No. was not complete. (Office of Accountability Checklist Item #2)

A. The tracking map was not dated and initialed by
B. The tracking map for rock dust samples collected did not include locations of samples for the working section, dust violations, or float coal dust sources.
C. The Mine Activity Data Form, MSHA Form 2000-22, was not completed. The number of air samples, rock dust samples, and respirable dust samples collected during the EO 1 were omitted.

The Review Team discussed with District personnel some inspection and procedural best practices as described in the Coal Mine Safety and Health General Inspection Procedures Handbook. A general outline of discussion topics is included in an attachment to this memorandum. (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 12 percent in FY 2017 compared to the Field Office S&S rate of 14 percent; a District S&S rate of 19 percent; and the national S&S rate of 22 percent. While the S&S rate for the mine was lower than the average S&S rates of the Field Office, District and nation, the enforcement levels at the mine were appropriate.
Attachments

A. Corrective Action Plan

B. Issues Requiring Corrective Action

C. Discussion Topics

D. Office of Accountability Checklist

E. Enforcement Actions Issued During the Mine Visit

<table>
<thead>
<tr>
<th>Action Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>77.512</td>
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<tr>
<td>77.205(a)</td>
<td></td>
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<tr>
<td>48.27</td>
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<tr>
<td>77.512</td>
<td></td>
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<tr>
<td>75.364(b)(2)</td>
<td></td>
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<td>75.370(a)(1)</td>
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<td>75.204(c)(1)</td>
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</table>
Attachment A: Corrective Action Plan

This is a response to the review conducted by the Office of Accountability from [redacted], at the District 4, Mount Hope Field Office and [redacted] ID, [redacted]. The results of your review identified one (1) deficiency, which is required to be addressed by the district.

DEFICIENCY

Issue No. 1

The documentation reviewed for the Regular Safety and Health Inspection (EOI), Event No. [redacted] was not complete.

- The tracking map was not dated and initialed by the [redacted]
- The tracking map for rock dust samples collected did not include locations of samples for the working section, dust violations, or float coal dust sources.
- The Mine Activity Data Form, MSIA Form 2000-22, was not completed. The number of air samples, rock dust samples, and respirable dust samples collected during the EOI were omitted.
• **ROOT CAUSE:**

The result of an oversight by the mine inspector and the for not following procedures in place for properly documenting tracking maps and the activity forms.

• **PROPOSED CORRECTIVE ACTIONS:**

Training will be conducted at the next staff meeting in October, 2018. An email was sent to all supervisors detailing the additional training and communications needed. Topics of discussion will include, but not limited to, the following:

Coal Mine Safety and Health Supervisor’s Handbook, AH14-III-4, January 2014, page 1-3 – Upon completion of the E01, the supervisor shall date and initial the tracking map and include it with the final E01 inspection report.

Coal Mine Safety and Health General Inspection Procedures Handbook, PH16-V-1, June 2016 (GIPH), page 5-19 – A map of each mine will be maintained at the field office showing ventilation air courses, float coal dust sources, sample locations, sample collection dates, dust violations, and other pertinent information. This map will be used in the E01 regular inspection rock dust review and may be used in discussions with the mine operator. The previous E01 rock dust map(s) should be maintained with the affected E01 inspection report.

Coal Mine Safety and Health General Inspection Procedures Handbook, PH16-V-1, June 2016 (GIPH), page 2-14 – The lead inspector shall complete and submit an MSHA Form 2000-22 as a cover page for all types of inspection or investigative activity reports. All items (boxes) must be filled out by entering either the appropriate information or by entering zeros (0).

• **OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):**

Assistant District Manager for Enforcement.

• **TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:**

Training for all supervisors and inspectors will be conducted at each field office during the first three weeks of October, 2018. Documentation of training will be
by agenda and a roster compiled to document attendance. Follow-up training will be conducted, if necessary, for those not in attendance.

- **METHOD FOR DETERMINING SUCCESS:**

  Review of implementation will occur during the quarterly supervisor's review of completed BOLs. At the end of the first quarter of FY 2019, a PAR will be conducted on a complete BOL for a mine inspection of the Mount Hope Field Office.

- **A DESCRIPTION OF THE DOCUMENTATION THAT WILL DEMONSTRATE CLOSURE OF THE CORRECTIVE ACTION:**

  The District Manager will send a memorandum to Thomas Charbonneau, Director, Office of Assessments through Ted Smith, Supervisor, Office of Accountability; through Timothy R. Watkins, Deputy Administrator for Coal Mine Safety and Health; through Marcus Smith, Supervisor, Accident Investigation/Special Investigations/ACR Group upon completion and evaluation of the corrective actions.
Attachment B: Issues Requiring a Corrective Action Plan

Issue: The documentation reviewed for the Regular Safety and Health Inspection (EO1), Event No. was not complete. (Office of Accountability Checklist Item #2)

A. The tracking map was not dated and initialed by the
Requirements: Coal Mine Safety and Health Supervisor’s Handbook, AH14-III-4, January 2014, page 1-3 – Upon completion of the EO1, the supervisor shall date and initial the tracking map and include it with the final EO1 inspection report.

B. The tracking map for rock dust samples collected did not include locations of samples for the working section, dust violations, or float coal dust sources.

Requirements: Coal Mine Safety and Health General Inspection Procedures Handbook, PH16-V-1, June 2016 (GIPH), page 5-19 – A map of each mine will be maintained at the Field Office showing ventilation air courses, float coal dust sources, sample locations, sample collection dates, dust violations, and other pertinent information. This map will be used in the EO1 regular inspection rock dust review and may be used in discussions with the mine operator. The previous EO1 rock dust map(s) should be maintained with the affected EO1 inspection report.

C. The Mine Activity Data Form, MSHA Form 2000-22, was not completed. The number of air samples, rock dust samples, and respirable dust samples collected during the EO1 were omitted.

Requirements: Coal Mine Safety and Health General Inspection Procedures Handbook, PH16-V-1, June 2016 (GIPH), page 2-14 – The lead inspector shall complete and submit an MSHA Form 2000-22 as a cover page for all types of inspection or investigative activity reports. All items (boxes) must be filled out by entering either the appropriate information or by entering zeros (0).
Attachment C: Topics discussed with the District that do not require a corrective action plan are as follows:

- **Enforcement Actions** – discussed documentation for gravity and negligence determinations for 7 of 142 issuances including consideration of time that a violated condition existed prior to the citation and the time that it would have existed if normal mining operations had continued. (See Citation and Order Writing Handbook For Coal Mines and Metal and Nonmetal Mines, PH13-I-1(1), pages 10-18; Coal Mine Safety and Health General Inspection Procedures Handbook (GIPH), PH16-V-1, June 2016, pages 2-19 through 2-22 for reference)

- Discussed modifications of enforcement actions from S&S to non-S&S need to include specific reasons for the modification on MSHA Form 7000-3a. (See Citation and Order Writing Handbook For Coal Mines and Metal and Nonmetal Mines, PH13-I-1(1), page 24 for reference)

- Discussed documentation for inspections of underground working sections for imminent dangers needs to include “no imminent dangers observed” or “NIDO” in the notes. (See GIPH, page 2-10 for reference)

- Discussed that a copy of the approval letter and pertinent pages of the plan need to be included with the notes for enforcement actions issued for failure to comply with the approved plan. (See GIPH, page 2-22 for reference)

Attachment D: 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 Safety and Health Inspection (E01), Event No. was not complete.

   A. The tracking map was not dated and initialed by the.
   B. The tracking map for rock dust samples collected did not include locations of samples for the working section, dust violations, or float coal dust sources.
   C. The Mine Activity Data Form, MSHA Form 2000-22, was not completed.
      The number of air samples, rock dust samples, and respirable dust samples collected during the E01 were omitted.
      See Attachment B.

3. Determine if citations and orders issued during previous inspections were properly evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.
   Adequate ☒ 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 [X] Corrective Action Needed [ ] Comments Below [ ]

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

7. Evaluate the inspector/specialist observation of the work cycle and conditions on the working section during the review.
   Adequate [X] Corrective Action Needed [ ] Comments Below [ ]

8. Evaluate the inspector/specialist air quantity, quality, and gas checks during the review.
   Adequate [X] Corrective Action Needed [ ] Comments Below [ ]

9. Evaluate inspector/specialist examination of equipment electrical cables during the review.
   Adequate [X] Corrective Action Needed [ ] Comments Below [ ]

10. Evaluate inspector/specialist examination for permissibility during the review.
    Adequate [X] Corrective Action Needed [ ] Comments Below [ ]

11. Determine if previous E01 inspections include examinations of the condition and maintenance of conveyor belts, belt entries, belt drives, fire detection and suppression systems, and separation of belt entries from other air courses.
    Adequate [X] Corrective Action Needed [ ] Comments Below [ ]
<table>
<thead>
<tr>
<th>No.</th>
<th>Task Description</th>
<th>Adequate</th>
<th>Corrective Action Needed</th>
<th>Comments Below</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed area.</td>
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<tr>
<td>13</td>
<td>Determine if adequate close-out conferences are being conducted at the end of each inspection.</td>
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<tr>
<td>14</td>
<td>Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.</td>
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<tr>
<td>15</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>
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<tr>
<td>16</td>
<td>Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.</td>
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<tr>
<td>17</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>
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<tr>
<td>18</td>
<td>Determine if required Accompanied Activities (AAs); Field Activity Reviews (FARs) and supervisory follow-ups are being conducted and documented according to agency policy and procedures?</td>
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</table>
19. Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.
Adequate X Corrective Action Needed □ Comments Below □

20. Determine if the Uniform Mine File books are being maintained and reviewed according to current agency policy and procedures.
Adequate X Corrective Action Needed □ Comments Below □

21. Determine if supervisors are thoroughly reviewing Uniform Mine Files at least annually?
Adequate X Corrective Action Needed □ Comments Below □

22. Determine if supervisors are visiting each active underground mine at least annually.
Adequate X 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 X 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 X 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 X Corrective Action Needed □ Comments Below □
<table>
<thead>
<tr>
<th>District</th>
<th>Coal District 4</th>
<th>Field Office</th>
<th>Mt. Hope, WV</th>
<th>Mine ID</th>
<th>Date</th>
</tr>
</thead>
</table>

| 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 □ |

| 28. | Determine if Assistant District Manager is conducting the required second level reviews and holding supervisors accountable for oversight of Field Activity Reviews and Accompanied Activities. | Adequate ✗ | Corrective Action Needed □ | Comments Below □ |

| 29. | Determine if district management personnel are reviewing work products and reports for accuracy and completeness. | Adequate ✗ | Corrective Action Needed □ | Comments Below □ |

| 30. | Determine if District Managers, Assistant District Managers, and supervisors are conducting required mine visits and properly completing the required spreadsheet. | Adequate ✗ | Corrective Action Needed □ | Comments Below □ |

| 31. | Determine if District Manager is using discretion in granting conferences and monitoring the Alternative Case Resolution (ACR) program to ensure that all decisions (including upholding, modifying or vacating citations) are properly documented and justified by the Conference and Litigation Representatives (CLR). | Adequate □ | Corrective Action Needed □ | Comments Below ✗ |

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

Adequate X  Corrective Action Needed □  Comments Below □

33. Determine if Districts are conducting reviews in compliance with agency policy and procedures including follow-up to determine the effectiveness of corrective actions.

Adequate X  Corrective Action Needed □  Comments Below □

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

Adequate X  Corrective Action Needed □  Comments Below □

35. Determine if District Managers are using the Report Center to identify overdue responses from operators and take appropriate actions.

36. Determine if a complete permissibility inspection of each longwall system is being conducted by electrical specialists or inspectors who hold a current MSHA electrical qualification card on at least an annual basis.

Adequate X  Corrective Action Needed □  Comments Below □

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 X  Corrective Action Needed □  Comments Below □
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.

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

Not part of this review

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

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.

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

The Roof Control Plan SOP should comply with the established Program Policy Manual requirements as identified by the OIG report to address deficiencies identified in the Internal Review report. The SOPs should account for:

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

Adequate [X] Corrective Action Needed [ ] Comments Below [ ]
The mine operator has failed to ensure that all inspection/cover plates are in place at all times, 1) in that the junction box for the deep well pump has a 1/4 inch hole in the bottom of the box. 2) The conduit running from the red pump house to the junction box is separated and put back together black tape.

standard 77.512 was cited
The green conveyor located at the portal is not being maintained with a safe means of access in that: 1) the belt bins are pulling away from the wall, this is creating a hazard of these bins falling on miners while in the conveyor. 2) the flooring is coming up 2 to 3 inches creating a tripping hazard.
The mine operator has failed to give adequate task training to two contract employees on the Caterpillar 9800 loader in that when asked to perform a brake accumulator test and could not perform this test. The mine act declares untrained miners are hazardous to themselves and others both miners are withdrawn until adequate task training can be completed.
The receptacle box by the sink in the bathhouse has a flip cover that when open it expose 110 volts of power.

Standard 77.512 was cited

The operator removed the cover and put a solid cover on the box.
The operator failed to maintain the No. 1 Point Main seal in a condition to assure the safety of the miners in that an accumulation of dark murky water was located in the travel way to examine the seal. The water measured 11 inches in depth and was stretched from rib to rib. This condition exposes the miners to hazards related to slips, trips, and falls.

Standard 75.364(b)(2) was cited
The operator failed to maintain the Point Main Seals in a condition to assure the safety of the miners in that the No. 3 seal was not ventilated to within 10 feet of its face with a permanent ventilation control. The Kennedy stopping panels used to ventilate the stopping had fallen down for a distance of 17 feet of the 25 feet 8 inches that were installed. The No. 3 seal did not air movement at its face when examined. The panels of No. 4, 5, 6, and 7 also were not sealed with sealant to direct the air flow rendering them ineffective to serve the purpose for which they are intended.

Standard 75.370(a)(1) was cited.

See Continuation Form (MSHA Form 7200-1a)
The operator failed to maintain the No. 4 Point Main's seal in a condition to assure the safety of the miners in that a roof bolt, installed in their approved bolt pattern, did not have its bearing plate anchored firmly against the main roof. The roof bolt was located in the travel way of the weekly examiner, and exposes him to hazard related to the falls of roof and ribs.

Standard 75.204(c)(1) was cited.

The operator should take reasonable steps to ensure the safety of miners by maintaining the seal in a condition that prevents the falls of roof and ribs from exposing miners to hazard.

The miner should be provided with the necessary information to understand the hazard and take appropriate action to rectify the condition.