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. CHARBONEAULT
Director, Office of Assessments

SUBJECT: Mine Safety and Health Administration (MSHA)
Office of Accountability Review
Metal and Nonmetal Rocky Mountain District
Salt Lake City, Utah Field Office

Introduction

This memorandum summarizes the Office of Accountability’s review of the Rocky Mountain District, Salt Lake City, Utah 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 two Regular Safety and Health Inspections (EO1) of the [Event Nos.]. The OA selected the operation because it had an elevated Significant and Substantial (S&S) violation rate in Fiscal Year (FY) 2018 of 36 percent compared to the Field Office S&S rate of 18 percent; a District S&S rate of 20 percent; and the national S&S rate of 22 percent. 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

The Review Team accompanied the Assistant District Manager, the Field Office Supervisor, and an inspector to the mine on [ ] as part of an EO1 - Regular Safety and Health Inspection.

The mine is a [ ] operation located in [ ] and employs approximately [ ] miners working two nine-hour production shifts per day, five days a week. [ ] is blasted and moved by front-end loader to the primary crusher. The [ ] is transported by conveyor belts to a sizing screen where it is sized, sorted, and transferred into stock piles. The processed material is then transported by trucks to the customer. During the mine visit, the Review Team evaluated general conditions at the mine, assessed whether conditions at the mine compared 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:

- pre-inspection discussions with the mine operator
- mine office
- examination records
- work practices
- two front-end loaders
- quarry - high walls, road ways and berms
- mining cycles (load, haul and dump)
- jaw crusher
- screen plant (screening and sizing of material)
- nine conveyor belts
- mine roads and berms
- skid steer
- safety talks with miners in the active pit and plant areas
- daily close-out conference

During the inspection, the accompanying inspector issued 11 enforcement actions.
Review Results

Positive Findings:

The review revealed positive findings in the following areas:

1. Inspection notes reviewed were neat and detailed.
2. Violation photos clearly showed the violation and the termination action.
3. The review did not identify any issues that required a corrective action plan.

The Review Team discussed with District personnel some 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. (Attachment A)

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. Mine visit enforcement actions
   • 56.9300(b)
   • 46.9(a)
   • 56.9300(a) - 104(d)(1) initial action
   • 56.12004
   • 56.14112(a)(1)
   • 56.11002 - 104(d)(1) order
   • 56.14112(a)(1)
   • 56.14107(a)
   • 56.14112(b)
   • 56.14112(a)(1)
   • 56.9300(a) - 104(d)(1) order
Attachment A – Discussion Topics

- enforcement and inspection best practices

- citation and order writing documentation and completing all justification fields on MSHA form 4000-49g

- inspection activity during normal operations at mine sites to include evaluating environmental conditions, such as dust and noise while the facility is operating

- reviewing hazard recognition with employees/managers at mines as the new workplace examination regulations become effective

- district plan to conduct additional inspections at the mine site
### 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 [ ]

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 [ ]
<table>
<thead>
<tr>
<th>7.</th>
<th>Evaluate inspector(s) examination of electrical equipment, transformer stations, and/or electrical circuits.</th>
<th>Adequate [X]</th>
<th>Corrective Action Needed [ ]</th>
<th>Comments Below [ ]</th>
</tr>
</thead>
</table>

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<tr>
<th>8.</th>
<th>Determine if adequate close-out conferences are being conducted at the end of each inspection.</th>
<th>Adequate [X]</th>
<th>Corrective Action Needed [ ]</th>
<th>Comments Below [ ]</th>
</tr>
</thead>
</table>

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<tr>
<th>9.</th>
<th>Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.</th>
<th>Adequate [X]</th>
<th>Corrective Action Needed [ ]</th>
<th>Comments Below [ ]</th>
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</thead>
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<tr>
<th>10.</th>
<th>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.</th>
<th>Adequate [ ]</th>
<th>Corrective Action Needed [ ]</th>
<th>Comments Below [X]</th>
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</thead>
</table>

The Field Office does not have any mines in a 103(i) status.

<table>
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<tr>
<th>11.</th>
<th>Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.</th>
<th>Adequate [X]</th>
<th>Corrective Action Needed [ ]</th>
<th>Comments Below [ ]</th>
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<tr>
<th>12.</th>
<th>Determine if supervisors are monitoring inspector time and activity to ensure proper use of time, including off-shift and weekend work, by all inspectors.</th>
<th>Adequate [X]</th>
<th>Corrective Action Needed [ ]</th>
<th>Comments Below [ ]</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.</td>
<td>Are required Field Accompanied Reviews (FARs), Office Reviews (ORs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?</td>
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<tr>
<td>Adequate</td>
<td>Corrective Action Needed</td>
<td>Comments Below</td>
<td></td>
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</tbody>
</table>

| 14. | 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 |

| 15. | Determine if the Mine Files are legible, up to date, and reviewed by supervisors. |
|---------------------------------|
| Adequate | Corrective Action Needed | Comments Below |

| 16. | Determine if supervisors are visiting active mines. |
|---------------------------------|
| Adequate | Corrective Action Needed | Comments Below |

| 17. | 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 |

<p>| 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. |
|---------------------------------|
| Adequate | Corrective Action Needed | Comments Below |</p>
<table>
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<tbody>
<tr>
<td>19.</td>
<td>Determine if district management personnel are reviewing work products and reports for accuracy and completeness.</td>
<td>Adequate ✗</td>
<td>Corrective Action Needed ✗</td>
<td>Comments Below ✗</td>
<td></td>
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</tr>
<tr>
<td>20.</td>
<td>Determine if managers and supervisors are using required standardized reports to review critical data relevant to inspections and investigations.</td>
<td>Adequate ✗</td>
<td>Corrective Action Needed ✗</td>
<td>Comments Below ✗</td>
<td></td>
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<tr>
<td>21.</td>
<td>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.</td>
<td>Adequate ✗</td>
<td>Corrective Action Needed ✗</td>
<td>Comments Below ✗</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.</td>
<td>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?</td>
<td>Adequate ✗</td>
<td>Corrective Action Needed ✗</td>
<td>Comments Below ✗</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.</td>
<td>Adequate ✗</td>
<td>Corrective Action Needed ✗</td>
<td>Comments Below ✗</td>
<td></td>
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<tr>
<td>24.</td>
<td>Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.</td>
<td>Adequate ✗</td>
<td>Corrective Action Needed ✗</td>
<td>Comments Below ✗</td>
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<td>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.</td>
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<tr>
<td>Adequate</td>
<td>Corrective Action Needed</td>
<td>Comments Below</td>
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<td>X</td>
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<tr>
<th>Determine if the management resource tracking tool is being used to track resources regarding Special Investigations.</th>
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<tbody>
<tr>
<td>Adequate</td>
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<tr>
<td>X</td>
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<tr>
<th>Determine if retraining of supervisors, inspectors, and specialists is being tracked.</th>
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<tbody>
<tr>
<td>Adequate</td>
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<tr>
<td>X</td>
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<tr>
<th>Determine if supervisors are rotating the mine assignments annually among inspectors assigned to their Field Office.</th>
</tr>
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<tbody>
<tr>
<td>Adequate</td>
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<tr>
<td>X</td>
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United States Department of Labor
Mine Safety and Health Administration
Office of Accountability
Rocky Mountain Field Office Salt Lake City, UT

Attachment C – Mine visit enforcement actions

Mine Citation/Order

United States Department of Labor
Mine Safety and Health Administration

1. Date

4

2. Time (24 Hr. Clock)

5. Operator

6. Mine

7. Mine ID

8. Condition or Practice

The northern entrance of the pit area is missing 2 sections of berm. One section is 30 feet the other is 70 feet. The distance to the bench floor below was approximately 25 feet. This road is used periodically for maintenance operations or when access routes in the blast area need to be inspected for persons or equipment. This condition exposes miners to serious rollover/crash related injuries should a vehicle run off the road in this area.

9. Violation

A. Health Safety Other

B. Section of Act

C. Part/Section of Title 30 CFR

56.13660b

10. Type of Action

11. Negligence (check one)

A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Issuance (check one)

13. Initial Action

14. Type of Issuance (check one)

15. Area or Equipment

16. Termination Date

A. Date B. Time (24 Hr. Clock)

17. Action Terminated

The berms have built up to at least mid-axle height, eliminating the hazard. This citation is now terminated.

18. Termination Date

A. Date B. Time (24 Hr. Clock)

19. Type of Inspection (activity code)

20. Event Number

21. Primary or Minor

22. All Name

MSHA Form 7000-3 (Apr. 15 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 Enforcement Ombudsman and 10 Regional Ombudsman Centers to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman actively encourages enforcement activity and helps each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-800-PLOG (7564) or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW, MC 9310, Washington, DC 20410. Please note, however, that you have a right to file a complaint with the Ombudsman in addition to any other rights you may have, including the right to correct citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.
A new experienced miner was observed working at the mine. The mine operator failed to record and certify on MSHA form 5000-23, or on a form that contained the information listed in paragraph (b) of this section, that each miner has received training required under this part. Through an interview with the miner it was concluded that the training was performed.
The jaw area ramp was not provided with berms where a drop off exists. The drop off on the north side of the jaw measures between 2½' to 3'; for a distance of 20 feet. The drop off on the south side of the jaw measures between 2' to 3½'; for a distance of 30 feet. Skid steer tracks were observed on the north side of the ramp near the drop off. The skid steer does not have rear view mirrors and had backed up to this location. The skid steer utilizes the ramp during shift while the crushing plant is in operation, making the chance of an accident reasonably likely. This exposes miners to fatal rollover crash related injuries should the skid steer drive off the ramp.

The mine site daily engaged in aggravated conduct constituting more than ordinary negligence so that no reasonable efforts were made by the mine operator to correct the violative conditions. This violation is an unwarrantable failure to comply with a mandatory standard.
This 480 VAC power cable for the Rock Stacker is pulled approximately 1 inch out of the fitting which enters the metal enclosure on the overhead drive motor. This exposes the unprotected inner conductors to mechanical damage. The inner conductor's insulation does not appear to be damaged. The exposed inner conductors are approximately 12 feet above ground level, making it unlikely a miner would be affected by an arc flash or electrical shock, however in the event of an electrical failure, miners in the area would be exposed to electrocution/burn injuries.
The Rock Stacker tail pulley is not being maintained. The east side of the guard and had been hit and shoved above the tail pulley. This unguarded moving machine part is approximately 4 1/2' above ground level. The area is below the jaw. Miners would not normally travel near or under the belt at this location. Cleanup work in the area is done primarily with a skid steer loader. This limited access makes an accident unlikely; however, this condition exposes miners to fatal entanglement/disembowel injuries.

Standard 56.14112al was cited
United States Department of Labor  
Mine Safety and Health Administration  
Office of Accountability

<table>
<thead>
<tr>
<th>District</th>
<th>Field Office</th>
<th>Salt Lake City, UT</th>
<th>Mine ID</th>
<th>Date</th>
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**Mine Citation/Order**

| Section I: Information | U.S. Department of Labor  
Mine Safety and Health Administration |
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<tbody>
<tr>
<td>1. Date</td>
<td>2. Time (24 Hr. Clock)</td>
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<tr>
<td>4. Served To</td>
<td>5. Operator</td>
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<tr>
<td>6. Mine ID</td>
<td>7. Mine ID (Cont)</td>
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**Condition or Practice**

The #1 Screen deck elevated walkway was not being maintained in good condition, as required. The hinges supporting the interior of the walkway were broken (3 out of 6). The openings cut into the floor and damaged to the toe board on the south end have caused the walkway to droop and compromised its ability to sustain weight. 2 of the 6 gussets from the outer walkway to the screen are detached, one is being used to hold power cables. The walkway is approximately 20 feet in length with a fall distance of 7 feet to the ground below. This area is accessed for daily spillage clean up, inspection, and screen maintenance as needed. This is an obvious condition and was identified as a hazard by the Superintendent. However, no attempts were made to restrict access to the damaged area or completely repair it prior to operation. This condition exposes miners to serious fall related injuries should the walkway fail during use.

| Violation | A. Health & Safety  
Order |
|-----------|----------------------------------------------------------|
| 10. Gravity | 11. Negligence (check one)  
A. None  
B. Low  
C. Moderate  
D. High  
E. Reckless (willful) |
| 12. Type of Action | 13. Type of Issuance (check one)  
A. Citation  
B. Order  
C. Safeguard  
D. Written Notice |
| 14. Initial Action | 15. Area or Equipment  
16. Screen deck elevated walkway |
| 17. Action to Terminate |

**Section II: Inspectors' Evaluation**

**See Continuation Form (MSHA Form 7000-3a)**

**Section III: Termination Action**

**Section IV: Automated System Data**

**MSHA Form 7000-3, Apr 1993 (rev)**
Continuation of a Condition or Practice

to correct the violative conditions. This demonstrates a serious lack of reasonable care. This violation is an unwarrantable failure to comply with a mandatory standard.
United States Department of Labor  
Mine Safety and Health Administration  
Office of Accountability

District: Rocky Mountain  
Field Office: Salt Lake City, UT  
Mine ID:  
Date:  

Mine Citation/Order

<table>
<thead>
<tr>
<th>Section</th>
<th>Violation</th>
<th>A. Health</th>
<th>B. Section of Act</th>
<th>C. Part/Section of Title 30 CFR</th>
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<tbody>
<tr>
<td>1</td>
<td>6.14112a</td>
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The roadway stacker west side of the tail pulley is not being maintained. The guard had an approximate 6" x 10" opening. This unguarded moving machine part is approximately 3 ½' above ground level. Miners recently removed this guard to adjust the tail pulley, then put it back in this condition. Miners would not normally travel near or under the belt at this location. Cleanup work in the area is done primarily with a skid steer loader. This limited access makes an accident unlikely; however, this condition exposes miners to fatal entanglement/dismemberment injuries.

Standard 6.14112a was cited.

<table>
<thead>
<tr>
<th>Violation</th>
<th>A. Health</th>
<th>B. Section of Act</th>
<th>C. Part/Section of Title 30 CFR</th>
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<tbody>
<tr>
<td>10. Negligence</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>11. Type of Action</td>
<td>104-a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Initial Action</td>
<td>Citation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Type of Issuance</td>
<td>Citation</td>
<td></td>
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<tr>
<td>14. Initial Action</td>
<td>Citation</td>
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<tr>
<td>15. Area or Equipment</td>
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The Ombudsmen, an annual report to the President of the United States, provides a forum for small business concerns to address their concerns to a neutral, independent, non-partisan entity. The Ombudsmen are appointed by the President and approved by the Senate. The Ombudsmen have the authority to investigate complaints and issue recommendations to the President, the Secretary of Labor, and other federal agencies.

MSHA Form 7020-3, Apr 2001 (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 Regulatory Enforcement Ombudsman and 10 Regional Ombudsmans to receive comments from small businesses about federal agency enforcement actions. The Ombudsmen annually evaluate enforcement activities and collect small employer information on enforcement actions. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FATA (1-888-734-3247), write to the Ombudsmans at Small Business Administration, Office of the National Ombudsmans, 400 3rd Street, SW, MC 2300, Washington, DC 20410. Please note, however, that your right to file a complaint with the Ombudsmans is in addition to any other rights you may have, including the right to contest citations and proposed penalties and other actions before the Federal Mine Safety and Health Review Commission.
The east side under screen belt was not provided with a guard. The unguarded moving machine parts is approximately 5' above ground level. Spillage had built up under it eliminating the seven foot distance from exposed moving parts to the walking or working surfaces. Miners couldn't normally walk under the belt at this location. Clean up work is done with a skid steer loader. This limited access makes an accident unlikely; however this condition exposes Miners to fatal entanglement/dismemberment injuries.

Standard 56.14107a was cited

Section VI: Written Notice (100g) □

9. Condition or Practice

10. Written Notice (100g) □

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

12. Type of Action A. Citation □ B. Order □ C. Safeguard □ D. Written Notice □

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

17. Action to Terminate

18. Terminated

19. Action to Terminate

20. Type of Inspection (activity code) □ EOL

21. AR Number □

22. AR Name

23. AR Number □

This case was prepared 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 Enforcement Ombudsman and Regional Fairness Boards to receive complaints 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 obtain copies of the enforcement actions, you may call 1-888-PRE1FAIR (1-888-773-4324) or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, NW, MC 2845, Washington, DC 20410. Please note, however, that your rights are not limited to the Ombudsman; 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.
The guard for lower return roller on the West side under #1 screen belt was not installed correctly as required. It was incorrectly installed in the 2 retaining brackets. This unplugged moving machine part is approximately 4½' above ground level. Miners couldn't normally walk under the belt at this location. This limited access makes an accident unlikely. This condition exposes miners to entanglement/dismemberment injuries.

The guard for lower return roller on the West side under #1 screen belt was not installed correctly as required. It was incorrectly installed in the 2 retaining brackets. This unplugged moving machine part is approximately 4½' above ground level. Miners couldn't normally walk under the belt at this location. This limited access makes an accident unlikely. This condition exposes miners to entanglement/dismemberment injuries.
The guard on the #1 Screen rock tail pulley is damaged. This unguarded moving machine part is 31" above ground level. Clearing work is done with a skid steer loader as needed. Miners couldn't normally walk under the belt at this location. This limited access makes an accident unlikely; however this condition exposes miners to fatal entanglement/disemberment injuries.

Standard 56.14112a was cited.

See Correction Form NSHA Form 7000-3a.

1. Violation:
   A. Health Safety Other
   B. Section of Act
   C. Part/Subsection of Title 20 CFR

2. Condition or Practice:
   Ex. Written Notice (100g) ☐

3. Condition of Practice:
   Ex. Written Notice (100g) ☐

4. Date

5. Operator

6. Mine

7. Mine ID (Contractor)

8. Condition of Practice:
   Ex. Written Notice (100g) ☐

9. Violation:
   A. Health Safety Other
   B. Section of Act
   C. Part/Subsection of Title 20 CFR

10. Section 1 Citation/Order
    U.S. Department of Labor
    Mine Safety and Health Administration

11. General:
    A. Injury or Illness (has)
       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

12. Type of Action:
    A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐
    E. Citation ☐
    F. Order ☐
    G. Safeguard ☐
    H. Written Notice ☐

13. Initial Action:
    A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐
    E. Citation ☐
    F. Order Number:
    G. Dated ☐
    H. No Date:

14. Area or Equipment:

15. Termination
    A. Date
    B. Time (24 Hr. Clock)

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

17. Action to Terminate:

18. Termination
    A. Date
    B. Time (24 Hr. Clock)

19. Type of Inspection
    A. Date
    B. Time (24 Hr. Clock)

20. Event Number

21. Primary or All

22. AR Name

23. AR Number

NSHA Form 7000-3 (Apr 00, Print: 04) This form is required by the National Safety and Health Administration of the Mine Safety and Health Administration of the U.S. Department of Labor. It is intended for use by employers to report violations of Federal mine safety and health standards. The information contained in this form is confidential and will not be released to the public unless required by law. This form must be completed in English. Only English text is allowed on this form. Any text that is not English will be considered a violation of Federal regulations. For more information, please contact your local Mine Safety and Health Administration office.
The ramp beginning at the road, between the overland belt and the diesel tank to the crusher area was not provided with berms where a drop off exists. The drop off measures between 2' to 3', for a distance of 20 feet. Skid steer tracks were observed the entire length of the ramp. The skid steer utilizes the ramp during shift while the crushing plant is in operation, making the chance of an accident reasonably likely. This exposes Miners to fatal rollover crash related injuries should the skid steer drive off the ramp.

The mine site daily engaged in aggravated conduct constituting more than ordinary negligence in that no reasonable efforts were made by the mine operator to correct the violative conditions. This demonstrates a serious lack of reasonable care. This violation is an unwarrantable failure to comply with a mandatory standard.

Berms have now been provided where the drop off/roll over hazards existed. This order is now terminated.