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

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

FROM: THOMAS W. CHARBONEAU
Director, Office of Assessments

SUBJECT: Mine Safety and Health Administration (MSHA)
Office of Accountability Review
Coal District 3

Introduction

This memorandum summarizes the Office of Accountability’s (OA) review of Coal’s District 3
The review focused on enforcement activities at the
This review included MSHA field activities, level of enforcement,
conditions and practices at the mine, Field Activity Reviews, Accompanied Activity Reviews
and MSHA supervisory and managerial oversight activities.

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.
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 one Regular Safety and Health Inspection (E01), at the [ID No., Event No. The OA selected the mine for review because it is a surface mine operation with multiple producing pits. The Review Team conducted the on-site review from The review focused on enforcement activities conducted in FY 2018 and included a review of supervisory oversight activities.

Mine Visit

The Review Team accompanied the Assistant District Manager, Field Office Supervisor and an inspector to the mine on as part of an E01.

The mine is located in and employs approximately [number] miners working one ten-hour production shift and two maintenance shifts per day, six days a week. The surface contour mine produces an average of [weight] of raw coal annually. Overburden is drilled, blasted and excavated with shovels and bulldozers and then transported to dump sites by off-road trucks. The coal is loaded with track excavators and front-end loaders onto trucks and transported to the on-site processing plant. During the mine 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 areas:
- Pre-inspection discussions with mine operator
- Mine examination records and postings
- Mine map
- Roads, ramps and berms
- Highwalls
- Two active pits (Nos. 001-0 and 004-0)
- Observed all mining cycles except drilling and blasting
- Bulldozer
- Front-end loader
- Two 100 ton rear dump trucks
- Coal blending yard and rotary breakers
- #2 dump site

During this mine visit, the inspector issued three enforcement actions. (Attachment C)
Review Results

The review revealed positive findings in the following areas:

- Inspectors used printed sheets from the Inspection Tracking System (ITS) as notes to assist in documentation.
- No issues were identified that require a corrective action plan in accordance with the Office of Accountability Checklist (Attachment B).

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 A)

Based on the visit of [omitted] the enforcement levels were appropriate for existing mining conditions and work practices.
Attachments

A. Discussion Topics

B. Office of Accountability Checklist

C. Enforcement Actions Issued During Mine Visit

<table>
<thead>
<tr>
<th>Citation No.</th>
<th>Standard Cited</th>
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<tbody>
<tr>
<td></td>
<td>77.1605(k)</td>
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<td>77.1713(a)</td>
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<td>77.400(d)</td>
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77.1605(k)
Observed a section of berm on the travel way being used at this time was not adequate height for the size trucks traveling this road, the berms measures 24 inches for a distance of 35 feet, and the center of the axles measures 46 inches on Terex R 100 truck.

Standard the trucks 77.1605 (k) cited

77.1713(a)
Observed a section 75 feet long and back 19 feet on the #2 truck dump area had cracked and settled down and there was no berm, the examiner did not do a adequate exam of this area and this area was not blocked off to travel. This area has not been used in the last 5 days.

77.400(d)
Observed the guard on the tail pulley of a running conveyor was not secured in place while the conveyor was running, making it so a person can come in contact with the moving tail pulley.
Attachment A - Discussion Topics

Topics discussed with the District that do not require a corrective action plan were:

- Training records were listed as being inspected in the Inspection Tracking System (ITS) but were not in the inspection notes.
- Some dates and equipment numbers were not consistent in the ITS and inspection notes.
- Sound level readings were not documented in the inspection notes.
- The pit numbers were not listed on the MSHA Mine Activity Data Form 2000-22.
- Discussed ensuring all required information for completing possible knowing and willful reviews to reduce timeframes.
- Discussed district's participation in local coordination meetings as per Emergency Response Plans.
- Discussed mine plan approvals and reviews entered into Mine Plan Approval system.
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/specialist examination of required record books and postings for compliance with applicable standards.
   Adequate [X]  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 [ ]
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<tr>
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<th>District</th>
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### Evaluation Criteria

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<th>Evaluate, upon arrival to the working section, inspector/specialist's examination of all working areas and highwalls for imminent dangers.</th>
<th>Adequate</th>
<th>Corrective Action Needed</th>
<th>Comments Below</th>
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<td>6</td>
<td>Evaluate the inspector/specialist's observation of the work cycle and conditions in the active working section during the review.</td>
<td>Adequate</td>
<td>Corrective Action Needed</td>
<td>Comments Below</td>
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<td>7</td>
<td>Evaluate the inspector/specialist's air quantity, quality, and gas checks during the review.</td>
<td>Adequate</td>
<td>Corrective Action Needed</td>
<td>Comments Below</td>
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<td>8</td>
<td>Evaluate inspector/specialist's examination of equipment electrical cables during the review.</td>
<td>Adequate</td>
<td>Corrective Action Needed</td>
<td>Comments Below</td>
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<td>9</td>
<td>Evaluate inspector/specialist's examination for permissibility during the review.</td>
<td>Adequate</td>
<td>Corrective Action Needed</td>
<td>Comments Below</td>
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<td>10</td>
<td>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.</td>
<td>Adequate</td>
<td>Corrective Action Needed</td>
<td>Comments Below</td>
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12. Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed area.

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

Not part of this review

13. Determine if adequate close-out conferences are being conducted at the end of each inspection.

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

14. Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.

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

15. 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 [X]
- Corrective Action Needed [ ]
- Comments Below [ ]

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

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

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?

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

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 [ ]

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 [ ]

Determine if supervisors are thoroughly reviewing Uniform Mine Files at least annually?

Adequate [X]  Corrective Action Needed [ ]  Comments Below [ ]
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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 [ ]  Corrective Action Needed [ ]  Comments Below [X]
No retreat mining currently in District 3

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 [ ]

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 [X]
Additionally, five Mine ERPs were reviewed to determine that provisions for "Local Coordination" was included in the plan.

26. Determine if approved plans are being revised or updated to reflect changes in conditions and/or equipment.
Adequate [X]  Corrective Action Needed [ ]  Comments Below [ ]
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 [X]  Corrective Action Needed [ ]  Comments Below [ ]

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.

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

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

Determine if District Managers, Assistant District Managers, and supervisors are conducting required mine visits and properly completing the required spreadsheet.

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

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 [X]

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 [ ]
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| 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 □ |

| 38. 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 X | Corrective Action Needed □ | Comments Below □ |

| 39. 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 □ |

| 40. 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  
Corrective Action Needed  
Comments Below