



DEC 17 2019

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for
Mine Safety and Health Administration

THROUGH:

TIMOTHY R. WATKINS [REDACTED]
Administrator for
Mine Safety and Health Enforcement

FROM:

THOMAS W. CHARBONEAU [REDACTED]
Director, Office of Assessments

SUBJECT:

Mine Safety and Health Administration (MSHA)
Accountability Division
District 7, [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Accountability Division's review of District 7, [REDACTED]. 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 Activity Reviews, Accompanied Activity Reviews, and MSHA supervisory and managerial oversight activities.

Purpose

The purpose of this accountability review was to determine whether MSHA enforcement policies, procedures and guidance were being followed consistently and to assess whether mission critical enforcement activities were accomplished effectively.

Overview

The Accountability Division Supervisor Ted Smith and Specialist Jerry Kissell conducted the review in accordance with the annual accountability review plan schedule. The review focused on a Regular Safety and Health Inspection (E01) at the [REDACTED] ID No. [REDACTED] Event No. [REDACTED] (completed [REDACTED]). Specialist Kissell conducted the on-site portion of the review from [REDACTED]

Site Visit

Specialist Kissell accompanied the Assistant District Manager, the Field Office Supervisor, and an inspector to the mine on [REDACTED], on a Regular Inspection (E01).

The [REDACTED] is an underground coal mine located in [REDACTED] and employs approximately [REDACTED] miners working two ten-hour production shifts, five days a week. Coal is mined by room and pillar method with continuous mining machines and transported by shuttle cars to a conveyor system routed to the surface where it is loaded onto trucks and taken to an off-site preparation plant. During the mine visit, Specialist Kissell evaluated general conditions at the mine, assessed whether conditions at the mine corresponded with enforcement levels documented in the inspection reports reviewed, and observed work practices. The visit included inspections and observations of the following:

Surface Areas:

- Pre-inspection discussions with mine personnel
- Mine examination records and postings
- Escapeway map
- Check-in and check-out system
- Communication and tracking system

Underground – Continuous Mining Machine Working Section, Mechanized Mining Unit (MMU) 004-0:

- Examinations of the working section for imminent dangers, methane tests, air readings and evidence of examinations
- Mining cycle
- Powered haulage work practices
- Ventilation, rock dusting, cleanup, and roof and rib conditions
- General work practices
- Functional test of the post-accident communication and tracking system
- Section refuge alternative location, communications, and escapeway map

Underground Outby Areas:

- Primary escapeway from surface to the working section – lifelines and signage
- General conditions of outby areas (ventilation, rock dusting, cleanup, and roof and rib conditions)
- MMU 004-0 - #7 conveyor belt

- #5 belt return, 2nd Hall Sub-mains
- 2nd Hall Sub-main seals #1-5
- Self-Contained Self-Rescuer cache location and storage

During this mine visit, the accompanying inspector issued four enforcement actions (Attachment B).

Review Results

The review revealed positive findings in the following areas:

- Inspectors documented start/stop points and color coding on the tracking map.
- Inspectors documented safety talks and discussions with miners.
- This review did not identify any issues that required a corrective action plan.

Based on review of the inspection report for Event No. [REDACTED] and the site visit on [REDACTED] [REDACTED] the enforcement levels were appropriate for existing mining conditions and work practices.

Attachments

A. Accountability Division Checklist

B. Enforcement Actions Issued During Mine Visit

Citation No.	Standard Cited
	§ 75.1731(b) § 75.202(a) § 75.1714-4(c)(1) § 75.364(b)(8)(i)

75.1731(b) - The Number 7 conveyor belt is not being maintained properly aligned. The bottom belt is rubbing the structure stands between crosscut 10-11. Standard 75.1731(b) was cited

75.202(a) - The operator is failing to support or control the roof to protect persons from falling roof where miners work and travel in the 5 Belt Return, 2nd Hall Submains. The mine roof has deteriorated, fell and is exposing from 6 inches to 24 inches of the hanging roof bolt and plate. 1) 30 feet inby S/S 4071, in 3 entry, the left corner has 4 bolts hanging down exposing an area approximately 8-10 feet long on each side of the corner, 2) Three crosscuts outby S/S 4071, the left corner has 4 roof bolts hanging down exposing an area approximately 8-10 feet long on each side of the corner, 3) One bolt hanging down in crosscut 11, 4) Number 2 entry at crosscut 11 has 5 bolts hanging down exposing an area approximately 8 feet wide by 12 feet long, 5) At crosscut 9, 3 bolts hanging down exposing an area approximately 8 feet by 8 feet, 6) At crosscut 8, 3 bolts hanging down exposing an area approximately 8 feet by 8 feet, and 7) Between crosscut 4-5, 2 bolts hanging down exposing an area approximately 8 by 9 feet. The cited areas are traveled at least weekly by the examiner and miners are observed working inby the area at this time and evidence shows that they have dragged water line by all the cited areas. Evidence shows that the cited areas have existed for an extended period of time, several areas of the fallen rock have been rock dusted over. Anyone hit by falling roof or ribs would receive crushing injuries. Standard 75.202(a) was cited

75.1714-4(c)(1) - The operator is failing to provide the required Ocenco 6.5 SCSR'S at the P.E. SCSR cache, located at crosscut 31 on 3 Belt. Only 39 SCSR'S are presently being stored at this location.

75.364(b)(8)(i) - The examiners have failed to conduct a complete and thorough examination of the 5 Belt Return, 2nd Hall Submains. Citation was issued on this date for numerous hazardous roof conditions, and there is no mention of these hazardous conditions in the record book and no corrective action has been taken to correct the hazardous condition. It is obvious that the cited conditions have existed for an extended period of time, as a lot of the areas have been rock dusted over. Complete and thorough examinations are the first defense in finding and correcting hazardous conditions, and in this case protecting miners from falling roof and ribs.

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Attachment A - Accountability Division 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

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's examination of required record books and postings for compliance with applicable standards.

Adequate Corrective Action Needed Comments Below

5. Evaluate inspector/specialist's examination of the operator's maps (on-site) for accuracy, escapeway locations, etc.

Adequate Corrective Action Needed Comments Below

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6. Evaluate, upon arrival to the working section, inspector/specialist's examination of all working areas and highwalls for imminent dangers.

Adequate Corrective Action Needed Comments Below

7. Evaluate the inspector/specialist's observation of the work cycle and conditions in the active working section during the review.

Adequate Corrective Action Needed Comments Below

8. Evaluate the inspector/specialist's air quantity, quality, and gas checks during the review.

Adequate Corrective Action Needed Comments Below

9. Evaluate inspector/specialist's examination of equipment electrical cables during the review.

Adequate Corrective Action Needed Comments Below

10. Evaluate inspector/specialist's examination for permissibility during the review.

Adequate 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 Corrective Action Needed Comments Below

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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

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

Adequate Corrective Action Needed Comments Below

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

Adequate 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 Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

17. Determine if supervisors are monitoring inspector time and activity to ensure proper use of time, including off-shift and weekend work, by all inspectors.

Adequate Corrective Action Needed Comments Below

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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 Corrective Action Needed Comments Below

19. 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

20. Determine if the Uniform Mine File books are being maintained and reviewed according to current agency policy and procedures.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

22. Determine if supervisors are visiting each active underground mine at least annually.

Adequate 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

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24. Determine if documentation of staff meetings/safety meetings are effective and relevant to current issues and the Agency's mission.

Adequate 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 Corrective Action Needed Comments Below

Four additional mine ERPs were reviewed to determine that provisions for "Local Coordination" were included in the plan.

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.

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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 (CLRs).

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 Corrective Action Needed Comments Below

33. 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 Corrective Action Needed Comments Below

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

[Redacted]

35. 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 Corrective Action Needed Comments Below

No longwalls in D-7

36. 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 Corrective Action Needed Comments Below

37. Determine if Supervisory Special Investigation 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

Not a part of this review.

38. 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 Corrective Action Needed Comments Below

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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

39. 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 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:

- 40.
- 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