



JUL 06 2020

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 Review
Northeastern District
[REDACTED]

Introduction

This memorandum summarizes the Accountability Division's review of the Northeastern District, [REDACTED]. The review focused on enforcement activities at the [REDACTED]. This review also 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 was to determine whether MSHA enforcement policies, procedures and guidance were being followed consistently and to assess whether mission critical enforcement activities were accomplished.

Overview

Accountability Division Specialist Mark Odum conducted the review in accordance with the 2019 annual accountability review plan schedule. The review focused on two Regular Safety and Health Inspections (E01) at the [REDACTED] (ID No [REDACTED]), Event Nos. [REDACTED] (completed [REDACTED]) and [REDACTED] (completed [REDACTED]). Specialist Odum conducted the on-site portion of the review from [REDACTED].

Site Visit

Specialist Odum accompanied the Field Office Supervisor and an inspector to the mine on [REDACTED] on a Spot Inspection (E16).

The mine is a surface and underground crushed [REDACTED] mining operation located in [REDACTED]. It employs approximately [REDACTED] working one ten-hour production shift and one ten-hour maintenance shift per day, five days a week. At the surface location, overburden material is removed and the underlying [REDACTED] rock is drilled, blasted, and loaded onto trucks and transported to the on-site plant where it is crushed, screened, and processed for shipment to the customer. At the underground portion of the mine, the [REDACTED] is drilled, blasted, loaded, and taken to the plant for processing. Specialist Odum evaluated general conditions at the site, assessed whether conditions at the site corresponded with enforcement levels documented in the inspection reports reviewed, and observed work practices using the Accountability Division checklist to facilitate his review. (Attachment A)

The mine visit included inspections and observations of the following:

- Discussions with mine management
- Underground mining faces
- Haul roads and escape routes
- Mining cycles
- Work practices
- Surface mining areas including haul roads, berms, pit, and highwalls
- Safety talks with miners as encountered

During the inspection, the accompanying inspector issued two enforcement actions (Attachment B).

Review Results

The review revealed positive findings in the following areas:

1. Inspectors consistently documented work practices observed, and safety talks with miners.
2. The review did not identify any issues that required a corrective action plan.

Based on the review of the inspection reports for Event Nos. [REDACTED] and [REDACTED] and from observations during the mine visit on [REDACTED] the enforcement levels were appropriate for existing conditions and work practices.

Attachments

- A. Accountability Division Checklist
- B. Enforcement Actions Issued During the Site Visit

<u>Citation No.</u>	<u>Standard Cited</u>
	§ 57.3200 § 57.3401

57.3200

Loose ground conditions were observed on the east corner of the . The corner had a crack that was estimated to be 2 feet to 3 feet wide on the south side with another 4 inch to 6 inch crack on the north side. The total height of the corner was estimated to be 75 feet to 80 feet in height. The second area on the highwall with loose material was estimated to be 20 feet to 30 feet in height with multiple cracks and fractures. There were no barricades nor signage in place to prevent haul trucks or front end loader from traveling within inches of the toe of the highwall. Fatal injuries would be expected due to loose material sloughing off and striking equipment and throwing operators around in the cab.

57.3401

A inadequate examination for loose ground was conducted on the highwall in the . Loose ground was observed and cited. Citation and was not corrected prior to miners being exposed to the hazards.

United States Department of Labor
Mine Safety and Health Administration
Accountability Division

District	Northeastern	Field Office		Mine ID		Date	
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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's examination of required records and postings for compliance with applicable standards.
Adequate 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 Corrective Action Needed Comments Below

6. Evaluate the inspector's on-site contaminant assessment and documentation.
Adequate Corrective Action Needed Comments Below

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7. Evaluate inspector's examination of electrical equipment, transformer stations, and/or electrical circuits.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

10. 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

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

Adequate Corrective Action Needed Comments Below

12. 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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13. Are required Field Accompanied Reviews (FARs), Office Reviews (ORs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?

Adequate Corrective Action Needed Comments Below

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

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.

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Accountability Division

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

Adequate 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 Corrective Action Needed Comments Below

21. 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 Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

23. Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.

Adequate Corrective Action Needed Comments Below

24. 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.

Adequate Corrective Action Needed Comments Below

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25. Determine if the management resource tracking tool is being used to track resources regarding Special Investigations.

Adequate Corrective Action Needed Comments Below

26. Determine if retraining of supervisors, inspectors, and specialists is being tracked.

Adequate Corrective Action Needed Comments Below

27. Determine if supervisors are rotating the mine assignments annually among inspectors assigned to their Field Office.

Adequate Corrective Action Needed Comments Below