



APR 18 2019

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
Metal and Nonmetal Rocky Mountain District

Introduction

This memorandum summarizes the Office of Accountability's (OA) review of the Rocky Mountain District. The review focused on enforcement activities at the mine. This review 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 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 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 (E01), of the [REDACTED] [REDACTED] Event Nos. [REDACTED]. The mine was selected because it is a large surface operation. The on-site review was conducted from [REDACTED] [REDACTED]. The review focused on enforcement activities during FY 2018 and the first quarter of FY 2019 and included review of supervisory oversight activities.

Mine Visit

The Review Team accompanied the Field Office Supervisor, District Supervisory Special Investigator (representing the District) and two inspectors to the mine on [REDACTED] as part of an E01.

The mine is a large surface open pit [REDACTED] operation with a surface mill processing facility located in [REDACTED]. The mine employs approximately [REDACTED] miners working two, twelve-hour production shifts per day, seven days a week. [REDACTED] is mined by drilling, blasting and loading the material onto haul trucks to be transported to the primary crusher. The crushed material is then transported by conveyor to the mill for processing and shipment to the customer. During the 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:

The Mill:

- Pre-inspection discussions with the mine operator
- Mine office
- Pre-operational records
- #1 - #6 ball mills, 1st floor of the mill processing facility
- MCC electrical installation (Motor Control Center)
- Compressor room
- Tool room
- Service truck (mill)
- Two fork lifts
- Electrowinning [REDACTED] recovery process (ESXW facility)

Open Pit:

- Roadways, berms, traffic signage
- Company officials' pick-up trucks
- Mining cycles (loading, haulage)
- Work practices
- Two – 240 ton haul trucks

- Sandvik bench drill, Caterpillar MD6420 bench drill
- Hitachi EX 5600 shovel
- Safety talk with miners as encountered
- Daily close-out conference

During the inspection, the accompanying inspectors issued five enforcement actions.

Review Results

The review revealed positive findings in the following areas:

1. Inspectors followed procedures for documenting a complete inspection of the mine.
2. Inspectors utilized equipment list provided by the operator to track the progression of the inspection for completion.
3. Inspections were conducted on all work shifts.
4. Second level reviews were completed for every inspector in the District.
5. No issues were identified that require a corrective action plan.

The Review Team discussed with District personnel 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)

Based on the mine visit on [REDACTED] the enforcement levels were appropriate for existing mining conditions and work practices.

Attachments

- A. Discussion Topics
- B. Office of Accountability Checklist
- C. Mine Visit Enforcement Actions

Citation No.	Standard Cited
• No. [REDACTED]	56.4104(a)
• No. [REDACTED]	56.20003(a)
• No. [REDACTED]	56.17001
• No. [REDACTED]	56.12004
• No. [REDACTED]	56.14107(a)

56.4104(a) - Waste materials, including liquid had accumulated in quantities that could create a fire hazard. Oil had accumulated in the compressor room, on the south side of the mill, A compressor had been worked on and oil was on the floor and metal parts around the compressor in quantities that could create a fire hazards from that job. The other area's were free from any oil. Persons travel the area on a regular basis for maintenance and cleanup. This condition exposes persons to burn and/or smoke inhalation should a fire begin while the room is occupied. Waste materials, including liquids, shall not accumulate in quantities that could create a fire hazard. Standard 56.4104(a) was cited .

56.20003(a) - A storage connex was not being kept clean and orderly because of a clutter that had accumulated in the back 15 feet. The storage connex was for mill maintenance and was located outside the south end of the mill. The back end of the connex had electrical cords, wire rope, shop type vacs, and material that had been rolled up. This condition exposes persons to fall hazards when in the area. Workplaces, passageways, storerooms, and service rooms shall be kept clean and orderly; Standard 56.20003(a) was cited .

56.17001 - Emergency illumination did not function when tested behind the #4 ball mill on the bottom floor. Persons travel the area on a regular basis for maintenance and cleanup. This condition exposes persons to tripping by not being able to see if there should be a power loss. Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and work areas. Standard 56.17001 was cited .

56.12004 - 110 volt electrical conductors were exposed to mechanical damage on an extension cord at the Jetti project at the SX. The outer insulation of the extension cord had a tear exposing inner conductors. Persons travel the area constantly during the construction phase of the project. This condition exposes persons to electrical shock and/or burn should contact be made. Electrical conductors exposed to mechanical damage shall be protected. Standard 56.12004 was cited .

56.14107(a) - The alternator was not adequately guarded on the Caterpillar MD6420 drill, Co. The provided guard had an opening exposing the cooling fins. There is an opening of about two inches long by about one inch wide where the fins could be inadvertently contacted. This condition exposed employees to an entanglement hazard that could cause a serious injury if contacting the moving machine parts. Standard 56.14107(a) was cited .

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Mine Safety and Health Administration
Office of Accountability

District	Rocky Mountain	Field Office		Mine ID		Date	
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Attachment A – Discussion Topics

- Enforcement:
 - Discussed best practices for documenting mitigation for negligence in the inspector's citation/documentation notes.
 - Abatement times: Discussed ensuring termination times are appropriate for the conditions cited.
 - Discussed the documentation justifying extensions for citations.

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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 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

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

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?

(ORs – One E01/Inspector/every six months/FY; FARs – One/Inspector/FY)

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 and 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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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. 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.

Adequate Corrective Action Needed Comments Below

22. 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

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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25. 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

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

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below