



SEP 23 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)  
Office of Accountability Review  
Rocky Mountain District  
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's review of the Rocky Mountain District [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 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 effectively.

## Overview

Office of Accountability (OA) Specialists Jerry Kissell and Mark Odum (Review Team) conducted the review to measure the effectiveness of cross-trained inspectors under the "One MSHA" initiative. The review focused on Regular Safety and Health Inspections (E01) at the [REDACTED] (ID No. [REDACTED], Event Nos. [REDACTED] (completed [REDACTED]) and [REDACTED] (completed [REDACTED]). The Review Team conducted the on-site portion of the review from [REDACTED] to [REDACTED]. The [REDACTED] has inspection jurisdiction of the mine. The mine was previously inspected by the [REDACTED] Coal District 9.

## Site Visit

The Review Team accompanied the Acting District Manager and the Field Office Supervisor to the mine on [REDACTED] as part of a Spot Inspection (E16).

The mine site is a surface coal mine located in [REDACTED]. The site employs approximately [REDACTED] employees working two 10-hour production shifts per day, five days a week. Coal is mined by drilling, blasting and then loading the material onto haul trucks. It is then transported to the processing facility for shipment to the customer. During the site visit, the Review Team evaluated general conditions at the mine, assessed whether conditions at the site corresponded with enforcement levels documented in the inspection reports reviewed and observed work practices at the site.

The site visit included inspections and observations of the following:

- Pre-inspection discussions with mine management and miners' representative
- Pre-operational records
- Quarry pit and haul roads
- Highwalls
- Mining cycles (loading, haulage, blasting)
- Haul trucks
- Truck shop
- Tool room
- Work practices
- Use of personal protective equipment
- Safety talks with miners as encountered
- Daily close-out conference

During the inspection, the accompanying supervisor issued two enforcement actions (Attachment A).

## Review Results

The review revealed positive findings in the following areas:

1. Inspectors followed procedures for documenting a complete inspection of the site.
2. Inspectors used equipment lists to help in completion of the inspection.
3. Inspectors documented work practices observed.
4. The review did not identify any issues that required a corrective action plan.

Based on review of the inspection reports and the site visit on [REDACTED] the enforcement levels were appropriate for existing conditions and work practices.

## Attachments

- A. Enforcement Actions Issued During the Site Visit
- [REDACTED] § 77.1606(c)
  - [REDACTED] § 77.1104
- B. Office of Accountability Checklist

77.1606(c) - Brake cooling line on right rear of the Caterpillar 793C haul truck (c/n 61) was cracked causing hydraulic fluid to leak onto the swing arm and cooling line housing. The truck was operating on the 9A pit overburden run and was not corrected before the equipment was used. The leak was noted on the preoperational report.

77.1104 - Hydraulic fluid was allowed to accumulate on the electrical connectors on top of the torque converter on the Caterpillar 793C haul truck (c/n 63). The fluid had saturated the electrical connection as well as coated the torque converter case. The truck was being operated on the 9A pit overburden run. The fluid was wet to the touch.

Standard 77.1104 was cited

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District	Rocky Mountain	Field Office		Mine ID		Date	
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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 are documented according to inspection procedures.

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 the 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 inspection and documentation of HazCom.

Adequate  Corrective Action Needed  Comments Below

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7. Determine if health inspections are being conducted according to policy and procedures.

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

Adequate  Corrective Action Needed  Comments Below

10. Determine if the mine map (surface) was in compliance with applicable standards and inspected and documented according to policy and procedures.

Adequate  Corrective Action Needed  Comments Below

11. 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

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

Adequate  Corrective Action Needed  Comments Below

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13. 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

14. Determine if the Uniform Mine Files are up to date and reviewed by supervisors.

Adequate  Corrective Action Needed  Comments Below

15. Review of Training Plans and Training Records.

Adequate  Corrective Action Needed  Comments Below

16. Surface mine Records and Postings.

Adequate  Corrective Action Needed  Comments Below

17. Drilling and Blasting Operations for compliance with applicable standards and approved Plans.

Adequate  Corrective Action Needed  Comments Below

18. Evaluate the Dumping Facilities for Compliance with applicable standards, inspected and documented according to the policy and procedure.

Adequate  Corrective Action Needed  Comments Below

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19. Evaluate the Electrical Installations for compliance with applicable standards and inspected and documented according to policy and procedures.

Adequate  Corrective Action Needed  Comments Below

20. Evaluate Mobile Equipment for compliance with applicable standards and inspected according to policy and procedure.

Adequate  Corrective Action Needed  Comments Below

21. Evaluate the Equipment (Pit) for compliance with applicable standards and inspected and documented according to policy and procedure.

Adequate  Corrective Action Needed  Comments Below

22. Evaluate Haulage Facilities for compliance with applicable standards and inspected according to policy and procedure.

Adequate  Corrective Action Needed  Comments Below

23. Evaluate Highwall, Spoil Banks and Ground Control Plans, Pit Areas for compliance with applicable standards and inspected according to policy and procedure.

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 Supervisors are rotating the mine assignments annually among inspectors assigned to their Field Office.

Adequate

Corrective Action Needed

Comments Below

26. Evaluate illumination at surface areas where worked is performed at night for compliance with the applicable standard and inspected and documented according to policy.

Adequate

Corrective Action Needed

Comments Below