



MAR - 5 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 Southeastern District

Introduction

This memorandum summarizes the Office of Accountability's review of the Southeastern 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, and 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 the subsequent implementation of effective corrective actions to address any identified issues.

Overview

Office of Accountability (OA) Specialist Troy Davis conducted the review in accordance with the annual accountability review plan schedule. The review concentrated on Regular Safety and Health Inspections (E01) of the [REDACTED] (ID No. [REDACTED]), Event No. [REDACTED]. The mine was selected because it is a large underground operation. The on-site review was conducted from [REDACTED]. The review focused on enforcement activities during FY 2018 and included review of supervisory oversight activities.

Mine Visit

Mr. Davis accompanied the Assistant District Manager, Field Office Supervisor and an inspector to the mine on [REDACTED], as part of a Regular Safety and Health Inspection (E01).

The mine is an underground [REDACTED] mine with surface processing operations located in [REDACTED] and employs approximately [REDACTED] working two, twelve-hour production shifts per day, seven days a week. [REDACTED] is mined by drilling, blasting and loading the material onto 70-ton haul trucks and taken to the surface. The material is then transported to the onsite plant for processing and shipment to the customer. During the visit, Mr. Davis 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

- pre-inspection discussions with the mine operator
- mine office
- examination records
- check in/out system
- visual of the processing facility

Underground

- work practices
- truck wash and pressure washer
- company pick-up trucks
- mining cycles (loading, haulage, roof bolting and scaling)
- haulroads and berms
- three electrical installations
- 70-ton haul truck
- front end loader
- excavator
- scaler
- fuel truck

- explosives truck
- explosives magazines
- 20 person refuge chamber and emergency communications at this location
- escapeway maps located on the surface and underground at the refuge chamber
- safety talk with miners as encountered underground
- portions of both escapeways
- daily close-out conference

No enforcement actions were issued during the inspection.

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 and mine map provided by the operator to track the progression of the inspection for completion.
3. Inspectors documented air quantity and quality at critical locations in the mine determining the effectiveness of the ventilation system.
4. Inspections were conducted on all work shifts.
5. Field Office Supervisor documented thoroughly the Office and Field Activity Reviews.
6. No issues were identified which require corrective action.

Mr. Davis discussed with District personnel inspection and procedural best practices as described in the Metal and Nonmetal Inspection Procedures Handbook. A general outline of discussion topics is included in an attachment to this memorandum. (Attachment A)

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

Attachments

- A. Discussion Topics
- B. Office of Accountability Checklist

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Mine Safety and Health Administration
Office of Accountability

District	Southeast	Field Office		Mine ID		Date	
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Attachment A – Discussion Topics

- Discussed documentation for negligence on enforcement actions.
- Discussed documentation of General Contractors on mine property.

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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 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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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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Determine if inspectors have an understanding of when a violation of Section 103(a) for
25. 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