



MAY 20, 2022

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for
Mine Safety and Health

THROUGH:

[REDACTED]
NANCY M. ROONEY
Administrator for
Mine Safety and Health Enforcement

FROM:

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

SUBJECT:

Mine Safety and Health Administration (MSHA)
Accountability Division Review
Mt. Pleasant District and [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Accountability Division's review of the Mt. Pleasant District and the [REDACTED]. The review focused on enforcement activities at the [REDACTED]. This review also included evaluation of District and Field Office activities, level of enforcement, 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 followed consistently and to assess whether mission-critical enforcement activities were accomplished.

Overview

Accountability Division Specialist Mark Odum conducted the review in [REDACTED]. The review focused on a Regular Safety and Health Inspection (E01) at the [REDACTED], Event No. [REDACTED], completed in [REDACTED]. The [REDACTED] Mine is an underground coal mining operation in [REDACTED]. The review also included other areas of District and Field Office responsibility as identified in the attached Accountability Division checklist (Attachment B). Due to travel restrictions resulting from the February 2021 National Emergency and continuing in effect beyond March 1, 2021, the site visit portion of the review could not be performed.

Review Results

Based on the review of the E01 inspection report, Event No. [REDACTED], and discussions with the Field Office and District management, the level of enforcement was appropriate for the mine.

This review identified one issue that required a Corrective Action Plan.

Issue 1: Documentation for the E01 inspection did not conform to established inspection procedures (Attachment C).

For the E01 reviewed, the inspection notes for 13 of 21 underground inspection days did not include documentation of bump tests for multi-gas detectors.

The District developed and implemented a Corrective Action Plan to address the issue (Attachment A).

Attachment A: Corrective Action Plan

March 4, 2022

MEMORANDUM FOR THOMAS W. CHARBONEAU
Director, Office of Assessments

THROUGH: NANCY M. ROONEY
Administrator for
Mine Safety and Health Enforcement

MOHAMED ABOELMAGD
Chief, Accountability Division

FROM: MICHAEL P. KELLEY
District Manager, Mount Pleasant District

SUBJECT: Corrective Action Plan

This is a response to the review conducted by your office in [REDACTED], of the [REDACTED]. The review identified one issue that required a Corrective Action Plan.

ISSUE:

The documentation reviewed for the Regular Safety and Health Inspection (E01), Event No. [REDACTED], was not complete. Documentation for the E01 inspection did not conform to established inspection procedures. (Office of Accountability Checklist Question #2).

- For the E01 reviewed, the inspection notes for 13 of 21 underground inspection days did not include documentation of bump tests for multi-gas detectors.

ROOT CAUSE:

The inspection event inspectors failed to follow established notetaking and documentation requirements and procedures as specified in the General Inspection Procedures Handbook.

PROPOSED CORRECTIVE ACTION(S):

All inspectors in the Mount Pleasant District will receive training on the proper procedure for documenting bump tests for multi-gas detectors as required by the General Inspection Procedures Handbook, No. PH19-IV/V-1.

OFFICE OR POSITION(S) RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):

The District Manager will be responsible for ensuring the corrective actions are implemented and completed. All Field Office Supervisors in the District will be responsible for providing the required instruction. The Assistant District Managers will ensure that the instruction is provided.

TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

The issue will be corrected by April 15, 2022. A signature sheet with the date, curriculum, and name and title of the instructor will serve as a record of the instruction.

METHOD FOR DETERMINING SUCCESS:

The Field Office Supervisor will review ten random sets of the inspectors' notes for documentation of bump tests for multi-gas detectors. In addition, the Assistant District Managers will review three sets of the inspectors' notes for documentation of bump tests during second-level reviews.

A DESCRIPTION OF THE DOCUMENTATION THAT WILL DEMONSTRATE CLOSURE OF THE CORRECTIVE ACTION(S):

The District Manager will send a memorandum to Thomas W. Charboneau, Director, Office of Assessments upon completion and evaluation of the corrective action.

Attachment B: Accountability Division Checklist

Mt. Pleasant District and [REDACTED]

Some questions may not be applicable to the particular mine site or office and would not be a part of this review.

Questions 1-16 apply to the regular mine inspection report reviewed and the mine site visit.

Question Number	Question	Answer
Question 1	Determine if complete and thorough E01 inspections are being conducted and/or if policy and procedures were properly followed.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 2	Determine if documentation for inspections conforms to inspection procedures.	Adequate: No Corrective Action Needed: Yes Comments: Attachment C
Question 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: Yes Corrective Action Needed: No Comments: None
Question 4	Evaluate examination of required record books and postings for compliance with applicable standards.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 5	Evaluate examination of the required mine maps.	Adequate: Yes Corrective Action Needed: No Comments: None

Question Number	Question	Answer
Question 6	Evaluate the observation of the mining cycle and conditions in the active working area during the review.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 7	Evaluate the air quantity, quality, and gas checks during the review.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 8	Evaluate the examination of electrical equipment, transformer stations, and/or electrical circuits.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 9	Evaluate examination for permissibility during the review.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 10	Determine if E01 inspections include examinations of the conveyor belts, belt drives, and belt entries.	Adequate: Yes Corrective Action Needed: No Comments: None

Question Number	Question	Answer
Question 11	Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed areas.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 12	Determine if close-out discussions are being conducted.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 13	Evaluate applicable plans for the site (ventilation, roof control, emergency response, ground control, etc.).	Adequate: Yes Corrective Action Needed: No Comments: None
Question 14	Determine if a proper examination of the Atmospheric Monitoring System and Automatic Fire Sensor and Warning Device is being conducted.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 15	Determine if proper procedures for conducting, documenting, and reviewing MSHA health inspections are being followed.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 16	Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.	Adequate: Yes Corrective Action Needed: No Comments: None

Questions 17-34 apply to Field Office and District-specific items.

Question Number	Question	Answer
Question 17	Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 18	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: Yes Corrective Action Needed: No Comments: None
Question 19	Determine if decisions are made to initiate or decline investigations for Possible Knowing/Willful Reviews within 30 calendar days.	<div></div> <div></div> <div></div>
Question 20	Evaluate 103(i) spot inspection (E02) reports for the office being reviewed for compliance with agency policies and procedures.	Adequate: Not Applicable Corrective Action Needed: No Comments: This question does not apply to the Field Office under review.
Question 21	Determine if Hazardous Condition Complaint inspections/ investigations are being conducted according to policy and procedures.	Adequate: Yes Corrective Action Needed: No Comments: None

Question Number	Question	Answer
Question 22	Determine if supervisors are monitoring inspector time and activity to ensure proper use of time, including off-shift and weekend work, by all inspectors.	Answer Adequate: Yes Corrective Action Needed: No Comments: None
Question 23	Determine if required supervisory accompanied activities are being conducted and documented according to agency policy and procedures.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 24	Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 25	Determine if the Electronic Mine Files are maintained and reviewed according to current agency policy and procedures.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 26	Determine if supervisors are rotating the mine assignments annually among inspectors assigned to their Field Office.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 27	Determine if retraining for supervisors, inspectors, and specialists is up to date and being tracked.	Adequate: Yes Corrective Action Needed: No Comments: None

Question Number	Question	Answer
Question 28	Determine if District Managers, Assistant District Managers, and supervisors are conducting mine visits according to directives.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 29	Determine if six-month plan reviews comply with current agency policy and procedures.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 30	Determine if Assistant District Managers are conducting second-level reviews.	[REDACTED] [REDACTED] [REDACTED]
Question 31	Determine if District management personnel are reviewing work products and reports for accuracy and completeness.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 32	Determine if managers and supervisors are using standardized reports to review critical data relevant to inspections and investigations.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 33	Determine if information (mine status, methane liberation, number of employees, etc.) is being entered into the MSHA Standardized Information System accurately and in a timely manner.	Adequate: Yes Corrective Action Needed: No Comments: None

Question Number	Question	Answer
Question 34	<p>Determine if the District's Roof Control Plan Review Standard Operating Procedures follow established Program Policy Manual requirements and include guidance to follow the Roof Control Plan Review Handbook to include:</p> <ul style="list-style-type: none"> • 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 	<p>Adequate: Yes</p> <p>Corrective Action Needed: No</p> <p>Comments: None</p>

Attachment C: Issue Requiring a Corrective Action Plan

Issue 1: Documentation for the E01 inspection did not conform to established inspection procedures.

For the E01 reviewed, the inspection notes for 13 of 21 underground inspection days did not include documentation of bump tests for multi-gas detectors.

Requirement: Mine Safety and Health Enforcement General Inspection Procedures Handbook, December 2019 (PH19-IV/V-1)

Chapter 2, Section K, page 2-3: Bump Testing

Multi-gas detectors used by enforcement personnel will be performance-tested (bump tested) before use. Instruments that fail the bump test must be recalibrated prior to use in the field. Bump tests will be documented in the notes.