

U.S. Department of Labor

Mine Safety and Health Administration
201 12th Street South, Suite 401
Arlington, Virginia 22202-5452



MAY 16, 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
Pineville District and [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Accountability Division's review of the Pineville District and the [REDACTED]. The review focused on enforcement activities at the [REDACTED]. The review also included an 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 Troy Davis conducted the review in [REDACTED]. The review focused on a Regular Safety and Health Inspection (E01) at [REDACTED] ID No. [REDACTED], Event No. [REDACTED], completed in [REDACTED]. [REDACTED] is a surface coal mine located in [REDACTED]. The review also included areas of District and Field Office oversight as identified in the attached Accountability Division Checklist (Attachment A). 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, enforcement was appropriate for the mine. This review did not identify any issues requiring a corrective action plan.

Specialist Davis also discussed with District personnel some inspection and procedural best practices (Attachment B).

Attachment A: Accountability Division Checklist

Pineville District and [REDACTED]

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

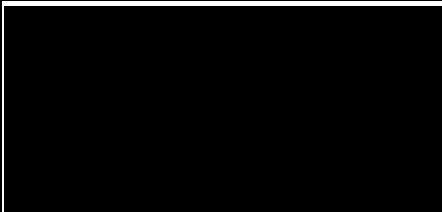
Questions 1-16 apply to the regular mine inspection report reviewed and the mine site visit.

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: Yes Corrective Action Needed: No Comments: None
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

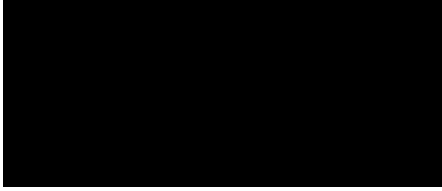
Question Number	Question	Answer
Question 6	Evaluate the observation of the mining cycle and conditions in the active working area during the review.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 7	Evaluate the air quantity, quality, and gas checks during the review.	Adequate: Not Applicable 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: Not Applicable Corrective Action Needed: No Comments: None
Question 10	Determine if E01 inspections include examinations of the conveyor belts, belt drives, belt entries.	Adequate: Not Applicable Corrective Action Needed: No Comments: None
Question 11	Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed areas.	Adequate: Not Applicable 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 Number	Question	Answer
Question 13	Determine for coal mines only, after an in-mine visit, if approved plans (Ventilation, Roof Control, Emergency Response Plan (ERP), etc.) are compatible with mining conditions and equipment.	Adequate: Not Applicable Corrective Action Needed: No Comments: None
Question 14	Determine if a proper examination of the Atmospheric Monitoring System (AMS) and Automatic Fire Sensor and Warning Device is being conducted.	Adequate: Not Applicable 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 to initiate or decline investigations for Possible Knowing/Willful (PKW) Reviews are within 30 calendar days.	
Question 20	Evaluate 103(i) spot inspection (E02) reports for the office being reviewed for compliance with agency policies and procedures.	Adequate: Yes Corrective Action Needed: No Comments: None
Question 21	Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.	Adequate: Yes Corrective Action Needed: No Comments: None
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.	Adequate: Yes Corrective Action Needed: No Comments: None

Question Number	Question	Answer
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: Yes Comments: None
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 Number	Question	Answer
Question 30	Determine if Assistant District Managers are conducting the required second-level reviews.	
Question 31	Determine if district management personnel are reviewing work products and reports for accuracy and completeness.	<p>Adequate: Yes</p> <p>Corrective Action Needed: No</p> <p>Comments: None</p>
Question 32	Determine if managers and supervisors are using standardized reports to review critical data relevant to inspections and investigations.	<p>Adequate: Yes</p> <p>Corrective Action Needed: No</p> <p>Comments: None</p>
Question 33	Determine if information (mine status, methane liberation, number of employees, etc.) is being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner.	<p>Adequate: Yes</p> <p>Corrective Action Needed: No</p> <p>Comments: None</p>

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 B: Discussion Topic

Some inspectors are performing the required bump test procedure utilizing testing apparatus provided by the mine operator. This is not in direct compliance with policy, however, it attempts to comply under extraordinary constraints.