



**MAY 16 2022**

MEMORANDUM FOR PATRICIA W. SILVEY  
Deputy Assistant Secretary for  
Mine Safety and Health

[REDACTED]

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

[REDACTED]

FROM: THOMAS W. CHARBONEAU  
Director, Office of Assessments

SUBJECT: Mine Safety and Health Administration (MSHA)  
Accountability Division Review  
Vacaville District and [REDACTED]

[REDACTED]

#### Introduction

This memorandum summarizes the Accountability Division's review of the Vacaville 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] [REDACTED] Event No. [REDACTED] completed in [REDACTED]. The [REDACTED] is an [REDACTED] 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: The District did not provide equipment and supplies for all inspectors to complete performance (bump) tests of multi-gas detectors needed to safely and effectively conduct underground inspections (Attachment C).

Multi-gas detector bump test kits were not made available for inspectors when conducting multiple-day underground inspections at non-local underground mines. When the inspectors stay in their assigned travel areas to conduct the inspections during the week, they cannot feasibly return to the Field Office each day to bump test multi-gas detectors before use.

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

Attachment A: Corrective Action Plan

March 25, 2022

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

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

THROUGH: MOHAMED ABOELMAGD  
Chief, Division of Accountability

FROM: JAMES PECK [REDACTED]  
District Manager  
West Region, Vacaville District

SUBJECT: Corrective Action Plan  
Vacaville District Fiscal Year 2021 Review

This is a response to the review conducted by the Accountability Division in [REDACTED] for the Vacaville District and the [REDACTED]. The review identified one issue to be addressed.

Issue 1: The District did not provide equipment and supplies for all inspectors to complete performance (bump) tests of multi-gas detectors needed to safely and effectively conduct underground inspections.

Multi-gas detector bump test kits were not available to inspectors conducting multiple-day underground inspections at non-local underground mines. When the inspectors stay in their assigned travel areas to conduct the inspections during the week, they cannot feasibly return to the Field Office each day to bump test multi-gas detectors before use.

ROOT CAUSE:

The District did not accurately interpret the instructions for proper bump testing of multi-gas detectors. While operating under Covid-related restrictions, the District used an abbreviated process that the District believed met the manufacturer's instructions.

PROPOSED CORRECTIVE ACTION(S):

Starting immediately:

1. If the inspector is unable to bump test the multi-gas detector, the inspector will ensure that the operator's representative or miner's representative has a properly functional, calibrated, and bump-tested detector before traveling underground. The inspector shall document this action in the daily notes.
2. Upon completing the appropriate bump test, the inspector will document the test in their daily notes.

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

The District Manager is responsible for ensuring corrective actions are implemented.

TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

The District distributed bump test kits to the appropriate inspection personnel at each Field Office, except for the [REDACTED] Field Office which is awaiting delivery of its order.

METHOD FOR DETERMINING SUCCESS:

The Assistant District Managers will confirm to the District Manager that the bump test kits are used and that bump tests are documented in the inspectors' notes.

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

Vacaville 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.

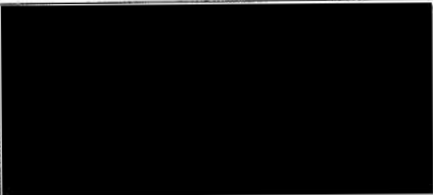
Questions 1-16 apply to the regular mine inspection report reviewed and the mine site visit.

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: 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: 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: Not Applicable Corrective Action Needed: No Comments: This question does not apply to the mine under review.
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: Not Applicable Corrective Action Needed: No Comments: This question does not apply to the mine under review.
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: Not applicable Corrective Action Needed: No Comments: This question does not apply to the mine under review.
Question 14	Determine if a proper examination of the Atmospheric Monitoring System and Automatic Fire Sensor and Warning Device is being conducted.	Adequate: Not Applicable Corrective Action Needed: No Comments: This question does not apply to the mine under review.
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: No Corrective Action Needed: Yes Comments: Attachment C
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.	
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 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 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: No 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 second-level reviews.	
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"> <li>• Checking that required information is submitted</li> <li>• Checking for communication with other plan approval groups</li> <li>• Assuring that designated MSHA personnel contact the operator for additional information</li> <li>• Discussing results of on-site evaluations with the operator and identified miners' representatives</li> </ul>	<p>Adequate: Not Applicable</p> <p>Corrective Action Needed: No</p> <p>Comments: This question does not apply to the District under review.</p>

## Attachment C: Issue Requiring a Corrective Action Plan

Issue 1: The District did not provide equipment and supplies for all inspectors to complete performance bump tests of multi-gas detectors needed to safely and effectively conduct underground inspections.

Multi-gas detector bump test kits were not made available for inspectors when conducting multiple-day underground inspections at non-local underground mines. When the inspectors stay in their assigned travel areas to conduct the inspections during the week, they cannot feasibly return to the Field Office to performance bump test multi-gas detectors before use daily.

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

### Chapter 1, Section H, page 1-2: Inspection Equipment and Supplies

Inspection personnel will be provided equipment and supplies sufficient to safely and effectively complete the assigned inspection and will be properly trained in the use of such equipment.

The inspector should use equipment and supplies that are owned and properly maintained by MSHA (refer to the Inspector's Equipment List and Field Office Equipment and Supplies List in Chapter 5) or other specialized equipment as required.

### 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.