U.S. Department of Labor

Mine Safety and Health Administration 1100 Wilson Boulevard Arlington, Virginia 22209-3939

Director of Accountability for

Mine Safety and Health



January 22, 2009

MEMORANDUM FOR

MICHAEL A. DAVIS Deputy Assistant Secretary for Operations Mine Safety and Health

THROUGH:

FROM:

SUBJECT:

JERRY KISSELL (). Shorman for Accountability Specialist

MSHA Office of Accountability Audit, Bessemer, Alabama, Field Office, and

CHARLES J. THOMAS Charles J. Shomas

Introduction

This memorandum summarizes the Office of Accountability audit of the subject mine and field office. Audit subjects included the Uniform Mine File, MSHA field activities, level of enforcement, Field Activity Reviews (FAR's), MSHA supervisory and managerial oversight, mine plans, and the conditions and practices at the facility. The audit was conducted during the week of by Jerry Kissell. Positive findings and issues requiring attention are included in this audit report.

Overview

The auditor traveled to the Bessemer, AL field office and the **second second** to observe and evaluate enforcement activities and facility conditions. Accompanying the auditor was inspector and

Areas of the mine inspected included the open pit, highwalls, roadways, berming, and mobile equipment including dozers, excavators, haul/rock trucks, powder magazines, front end loaders and service trucks. One surface blast was observed as well.

Safety discussions were held with forty-six miners from both the day and evening shifts. Topics that were discussed included highwall safety, dozer safety and accidents, berming safety, haul truck safety dumping procedures, illumination and the unsafe use of cell phones during the operation of any mobile equipment/vehicles.

The audit revealed many positive findings related to MSHA field activities and mine conditions, including well organized pre-inspection conferences, and enforcement actions on all levels from 104(a), 104(b), 104(d), and 107(a). Other positives included good communications between MSHA and the mine operator, clear explanation and root cause discussion on citations issued and thorough and complete inspections. A review of FARS and AA's determined they are detailed and in depth and second level reviews are completed as required. Conditions at the mine site were reflective of the previous inspection reports.

Four violations were issued during this audit. The level of enforcement appears accurate and fair for the conditions observed at the mine.

Positive items observed include:

- 1.) Inspection documentation indicated thorough and complete inspections.
- 2.) Good communications during inspections, including root cause evaluation in citation issuance. Excellent professionalism with the operator.
- 3.) D-tracking by the district and updated spreadsheet provided to field office.
- 4.) Knowledgeable, experienced inspection staff.
- 5.) Experienced mining workforce, work and communicate well with each other on the site.

Issues that require corrective actions:

- 1.) 7000-1 MSHA accident and injury reports were not maintained as <u>required</u> by the UMF handbook. (Item 81)
- 2.) Event sheet activity calendar was not accurately documented. (Item 1)
- 3.) Coal Mine Inspectors must conduct a thorough review of inspection reports, and time reporting. (Item 1)
- 4.) Effective oversight of follow-up and evaluation of the corrective action plan are essential to the success of the accountability program. The district should monitor and update corrective actions to determine the success of the plan and make adjustments as necessary. (Item 68)

Recommendations -

One district review was completed. When separate surface facilities are under a separate ID it would be wise use of resources to incorporate the surface entity along with the UG audit when appropriate. HQ selects the mines for each district, as per the Accountability Handbook. A surface mine was selected for one of the Coal district level reviews for 2008.

High visibility, reflective safety vests should be provided to MSHA surface coal inspectors. (Night inspections can be more hazardous as these inspectors perform duties with little or no safety reflective clothing to improve their visibility to others in the area.) Metal Non-metal program area has ordered reflective vests for all inspectors.

Consider cameras as part of inspection tools for surface inspector to support violation documentation. (Both of these recommendations may already be in the action phase.)

Audit Results

The attached checklist addresses the findings of this audit. Positive results as well as issues that need to be addressed are covered in the checklist.

Attachments

А. В.

OOA C	Checklist wit	th comments
Citatio	ns issued dı	ıring audit
1.		77.1605(d)
2.		77.1110
3.		77.1605(d)
4.		77.1605(a)
5.		77.1606(c)
6.		77.1110
7.		77.208(d)
8.		77.1110
9.		77.1605(d)
10.		77.410(a)(1)

Photo's of Mine site

cc:

M. Davis

C.

- G. Fesak
- K. Stricklin
- T. Bentley
- F. Quintana N. Merrifield

1. Coal X Metal/Nonmetal
Evaluate supervisory review of inspection reports and documentation for completeness.
Adequate X Inadequate Not Comments Below
 Event 1. Time was credited on 9/10/08 after the Event was closed. Ending date on this event is 7/28/08. This action was explained.
An SAR form was found in the E-01 inspection report – This document is privileged, protected information. <i>Action required – supervisory reviews of inspector work products need improvement.</i>
2. Coal X Metal/Nonmetal Determine if supervisors address report deficiencies immediately
Adequate Inadequate X Not Comments Below
Reference item 1, supervisors should be identifying deficiencies and requesting the proper corrective actions.
3. Coal X Metal/Nonmetal Determine if supervisors are visiting each assigned mine at least annually
Adequate X Inadequate Not Applicable Comments Below
4. Coal X Metal/Nonmetal
Evaluate the quality of Field Activity Review reports (FAR's)
Adequate X Inadequate Not Comments Below
More documentation could be provided expressing positives and areas for improvement.

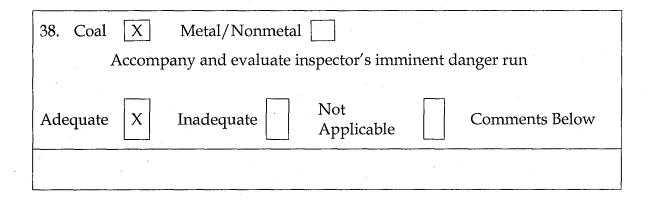
pe pe	X Metal/Nonmet etermine if supervisors, erformance or behavior spections are conducted	/managers are iden based issues during	tifying and addressing g and after accompanied
Adequate	X Inadequate	Not Applicable	Comments Below
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6. Coal	X	Metal/Nonm	etal		-	
E	valuate	e the quality of A	Accoi	mpanied Insp	ections	
Adequate	x	Inadequate		Not Applicable		Comments Below
activities. S	Specific	s a spreadsheet documentation improvements	: track n cou	king the comp ld be provide	leted an d on the	

7. Coal X Metal/Nonmetal Determine if supervisors are thoroughly reviewing mine files at least
annually
Adequate X Inadequate Not Applicable Comments Below
The UMF files are in good order with one exception. The 7000-1 accident and
injury reports were not current for all accidents in the past 12 months. The 7000-
1 for an accident reported Jan. 5, 2008 was not in the UMF. (PH94-V-9(2),
CHAPTER 3, Section 3, Part 1.)

17. Coal X Metal/Nonmetal Determine if supervisors are monitoring inspector time and activity
documentation to ensure proper use of time by inspector
Adequate X Inadequate Not Comments Below
Positive Comment: The management of inspection activity time is good. The events reviewed show the total percent of other time was at 13.8% for event and 11% for event Total site time accounted for 70% and 77% respectively. This is commendable
time management. Travel accounted for the remainder of the time on this event.
29. Coal X Metal/Nonmetal Determine if complete and thorough inspections are being conducted and adequately documented
Adequate X Inadequate Not Comments Below
30. Coal X Metal/Nonmetal Determine if inspection notes, air samples, rock dust samples, and tracking map/diagram support the inspector's assertion that the mine was inspected in its entirety
Adequate X Inadequate Not Comments Below
31. Coal X Metal/Nonmetal Determine that the inspector spent sufficient time on off-shifts and on weekends
Adequate X Inadequate Not Comments Below
This mine operates two shifts and interview with inspector and records indicate inspectors on site during both shifts.

34. Coal XMetal/Nonmetal Determine if all mine record books, postings, and other required materials are examined during the inspection Not Х Adequate Inadequate **Comments Below** Applicable 36. Coal X Metal/Nonmetal Determine if the amount of time expended on each inspection activity and area of the mine is sufficient to accomplish inspection goals Not Inadequate Х Adequate **Comments Below** Applicable 37. Coal X Metal/Nonmetal Evaluate each citation/order/safeguard for inspector's determination of gravity, negligence, number of persons affected, and the level of enforcement Not Х Inadequate Adequate **Comments Below** Applicable



Evaluate operator's workplace examinations Adequate X Inadequate Not Applicable Comments Below 42. Coal X Metal/Nonmetal Evaluate conditions in the working section and observe work cycle Adequate X Inadequate Not Adequate X Inadequate Not Adequate X Inadequate Not Applicable Comments Below 49. Coal X Metal/Nonmetal Evaluate several pieces of equipment.
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Adequate X Inadequate Not Applicable Comments Below
The audit team inspected 6 haul/rock trucks, 3 dozers, 2 FEL, 1 skid steer, 4 excavators, one crusher/screen, the scale house and scale. Citations were properly evaluated and issued appropriately for violations observed.
60. Coal X Metal/Nonmetal Determine if all required record books are adequately completed and in compliance with applicable standards
Adequate X Inadequate Not Comments Below

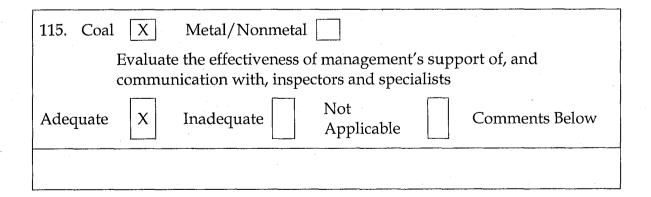
62. Coal X Metal/Nonmetal Examine mine bulletin board and evaluate adequacy of all required postings
Adequate X Inadequate Not Applicable Comments Below
66. Coal X Metal/Nonmetal
Determine if districts are conducting sufficient, in-depth Peer Reviews
Adequate X Inadequate Not Applicable Comments Below
OA recommends future District audits should consider surface mines and surface facilities in lieu of an underground mine audit each and every year when practical.
67. Coal Metal/Nonmetal Determine if MSHA headquarters is conducting sufficient, in-depth Peer Reviews
Adequate Inadequate Not Applicable X Comments Below
No Headquarters review done in District 11 for the audit period. Four other Districts were selected for HQ reviews.
68. Coal X Metal/Nonmetal Determine if Peer Reviews identify root causes of deficiencies, corrective actions, set time lines for corrections, and identify a method for accurately measuring the success or failure of corrective actions.
Adequate X Inadequate Not Comments Below
Effective follow-up and evaluation is part of the peer review program. The district will monitor the effectiveness of the corrective action plan on an ongoing basis and make adjustments to the plan as necessary. (<i>Reference- AH08-III-4, Accountability Program Handbook, Follow-up and Evaluation, page 8.</i>)

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73. Coal X Metal/Nonmetal	
Evaluate the approved ground control plan after in-mine visit	
Adequate X Inadequate Not Comments Bel	ow
75. Coal X Metal/Nonmetal	
Evaluate approved training plan after discussion with miners	
Adequate X Inadequate Not Applicable Comments Bel	ow
77. Coal X Metal/Nonmetal	
Evaluate the two most current completed E01 (regular) inspection	
reports (two quarters)	
Adequate X Not Comments Bel	ow
Event Sheet Activity Calendar was not accurate. See Item 1.	
79. Coal X Metal/Nonmetal	
Citations, orders, and safeguards issued during previous two qua	rters
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Adequate X Inadequate Not Comments Bel	1

80. Coal X Metal/Nonmetal Determine if 104(d) tracking system is in place at the office being audited, and is being kept up to date Not Х Inadequate Adequate **Comments Below** Applicable 81. Coal X Metal/Nonmetal Determine if all plans and documents in the Uniform Mine File are legible, and up to date Not Adequate Inadequate | X **Comments Below** Applicable Accident on 7/12/2008 – No 7000-1 report in the UMF as required under PH94-V-9(2), CHAPTER 3, Section 3, Part 1. (This is corrected.)

114. Coal	X	Metal/Nonme	tal	
		+	ts and/or databases rs and managers is l	s provided for tracking of kept up to date
Adequate	X	Inadequate	Not Applicable	Comments Below



Attachment B -

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iection II-Inspector's Evaluation				
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Mine		7. Mine ID				(Contractor)
Condition of Practice					8a. Writte	n Notice (103g)
he audible warning devic uel/lube service truck i hen tested, the device d	n service a	t the mine	e site wa	as not b	being ma	
				5. A. A.		
Violation A. Health B. Section		C. Part/Section of		See Contin	wallon Form (MS	HA Form 7000-3a)
Safety Violation of Act		Title 30 CFR		77.160)5(d)	
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line Citation/Order	U.S. Department of Labor Mine Safety and Health Administration
ction IViolation Data	
Date	3, Citation/ Order Number
Served To	5. Operator
a sa sa ang ang ang ang ang ang ang ang ang an	
Mine	7. Mine ID
Condition or Practice	(Contractor) 8a. Written Notice (103g)
	of the company no. 605 fuel/lube service truck s not being maintained. The window was broken to the frame.
	See Continuation Form (MSHA Form 7000-3a)
Violation A. Health B. Section Safety G of Act Other	C. Part/Section of Title 30 CFR 77.1605(a)
ection II-Inspector's Evaluation	an a
). Gravity:	
	nlikely 🖉 Reasonably Likely 📋 Highly Likely 📋 Occurred 📋
B. Injury or illness could rea- sonably be expected to be; No Lost Workdays	Lost Workdays Or Restricted Duty 🕢 Permanently Disabling 🔲 Fatal 🛄
C. Significant and Substantial: Yes 🔲 No 🔽	D. Number of Persons Affected: 001
I, Negligence (check one) A. None 📋 B. Low	
2. Type of Action 104(a) 13.	Type of Issuance (check one) Citation 🗹 Order 📄 Saleguard 📄 Written Notice [
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i. Area or Equipment	an an an an ann an ann an ann an ann an
A. Date Mo Da Yr B. Time	(24 Hr. Clock)
ection III-Termination Action	elektron mela von meter verset verse generen verse bielekte en en en sektron en sektron en en en en en en en e Neder sektron en
7. Action to Terminate	
3. Terminated A. Date Mo Da Yr B. Time (24 Hr.	Circle
and a second	
ction IV-Automated System Data 0. Type of Inspection 20. Event Number 20.	21. Primary or Mill
2. Signature	23. AR Number

Mine Citation/Order	U.S. Department of Labor Mine Safety and Health Administration
Section IViolation Data	
1. Date Mar Da Xe 12 Timo (22 Hr. Clock)	3. Citation/ Order Number
4. Served To	5. Operator
8 Mine	7. Mine ID (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
Caterpillar front end loader in The steps were broken apart, dam	off driver's side of the company no. 132 988F service in the pit were not being maintained. Maged, and could not be used to mount and a defect which affects safety.
. (
	· · · · · · · · · · · · · · · · · · ·
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section Safety d of Act	C. Part/Section of Title 30 CFR 77.1606(c)
Other	(1110000)
B. Injury of illness could rea- sonably be expected to be: No Lost Workdays [] C. Significant and Substantial: Yes [] No 🔽 11. Negligence (check one) A. None [] B. Low []	Lost Workdays Or Restricted Duly Permanently Disabling Fatal D. Number of Persons Affected: 001 C. Moderate D. High E. Reckless Disregard
12. Type of Action 1()4(a) 13. Typ	e of Issuance (check one) Citation 🐼 Order [] Safeguard [] Written Notice
and the second secon	E. Citation/ F. Dated Mo Da Yr
A Citation B Order C C Safeguard C D Written I	
14. Initial Action A. Citation B. Order C. Safeguard D. Written M 15. Area or Equipment	
A. Citation B. Order C. Safeguard D. Written M 15. Area or Equipment 16. Termination Due A. Date Mo Da Yr B. Time (24)	
A. Citation B. Order C. Safeguard D. Written M 15, Area or Equipment 16. Termination Due A. Date Mo Da Yr B. Time (24) Section IIITermination Action	Notice Order Number 4 Hr. Clock) Image: Clock descent for the second se
A. Citation B. Order C. Safeguard D. Written M 15, Area or Equipment 16. Termination Due A. Date Mo Da Yr B. Time (24) Section IIITermination Action	Notice Dider Number
A. Citation B. Order C. Safeguard D. Written M 15. Area or Equipment 16. Termination Due A. Date Mo Da Yr B. Time (2- Section III-Termination Action 17. Action to Terminate The bottom steps we and dismount the machine.	Notice Order Number
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/ine Citation/Order	U.S. Department of Labor Mine Safety and Health Administration
ection IViolation Data	
, Date No De Ve Da Tiero /2/ Hr. Cto	3. Citation/ Order Number
. Served To	5 Operator
Mine	7. Mine ID
. Condition or Practice	(Contractor) 8a. Written Notice (103g)
	dence of a six month examination. There were no extinguisher. The tag was completely missing from
•	
	See Continuation Form (MSHA Form 7000-3a)
Violation A. Health B. Section Safety G of Act Other	C. Part/Section of Title 30 CFR 77.1110
ection II-Inspector's Evaluation	
0. Gravity: A. Injury or Illness (has) (is): No Likelihood 📝	Unlikely Reasonably Likely Highly Likely Doccurred
B. Injury or illness could rea-	and a second
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autility be expected to be.	
O Disclosed and October Web	No 🔽 D. Number of Persons Affected: 001
C. Significant and Substantial: Yes	De Musica - Constant - Alexandre - Constant - Alexandre - Constant
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C. Significant and Substantial: Yes I. Negligence (check one) A. None I I. Type of Action IO4(a) 4. Initial Action	No D. Number of Persons Affected: 001 B. Low C. Moderate D. High E. Reckless Disregard
C. Significant and Substantial: Yes I. Negligence (check one) A. None I I. Type of Action IO4(a) 4. Initial Action	No D. Number of Persons Affected: 001 B. Low C. Moderate D. High E. Reckless Disregard 13. Type of Issuance (check one) Citation Order Safeguard E. Citation/ F. Dated Mo Da Yr
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Mine			7. Mine ID		(Contractor
. Condition	or Practice	• • • • • • • • • • • • • • • • • • •		8a. Wr	itten Notice (103g)
ere n	ot proper]	tessed gas cylinde by secured in a sa nt unsecured next	fe manner. The co	ompressed gas cyl	
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		-19 - 1		See Continuation Form (MSHA Form 7000-3a)
. Violation	A. Health Safety	B. Section of Act	C. Part/Section of Title 30 CFR	77.208(d)	
ection IIIns	pector's Evaluation		adaramalisiyin ya isogin ya is Manaziri ya isogin ya	in a second s	
sonab C. Signif	or illness could rea- ly be expected to be icant and Substantia nca (check one)	2: No Lost Workdays 📋 🛛 L	ost Workdays Or Restricted Duty	Permanently Disabling [D. Number of Persons Affe ligh [] E. Reckless Dis	cted: 001
	<u>an an a</u>		and the second secon		
2. Type of] 13. туре с	of Issuance (check one) Citation	No	
4. Initial Ac	stion n [1] B. Order [1]	C. Safeguard 门 D. Written Not	ice Citation/	F. Date	d Mo Da Yr
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	ermination Action		b		
7. Action to	o Terminate The	e gas cylinders we	re properly secure	ed and tied off.	- · ·
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8. Termina	A. Date	B. Time (24 Hr. Clock		मार्थ के 1945 - 1997 के 1997 क	\$2
ection IV-A	utomated System Data	<mark>a andre and the state of the s</mark>	and a start of the second s		
9. Type of (activity	Inspection code) E01	20. Event Number	21, Primary or M		
	(e)			23. AR Number	
2. Signatur				ment Fairness Act of 1996, the Small B	Salaran Astronomia

3. Mine 7. Mine 8. Condition or Practice 7. Mine 7. No 7. Mine 7. Mine 7. Mine 7. Mine 7. Mine 7. Mine 7. Mine 7. Mine 7. Mine 8. Condition or Practice Matche Coal yard was not being Month examination. There were no dates not tag was completely missing from the fire end tag was completely missing from tag was completely missi	see Continuation Form (MSHA Form 7000-3a) Ction of CFR 77.1110 onably Likely Highly Likely Occurred Restricted Duty Permanently Disabling Fatal D. Number of Persons Affected: 001 Image: Citation Imag
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Condition or Practice			<u> </u>		8a. Writter	n Notice (103g)
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Safety 🖌	of Act		Title 30 CFR	77,160	5(d)	
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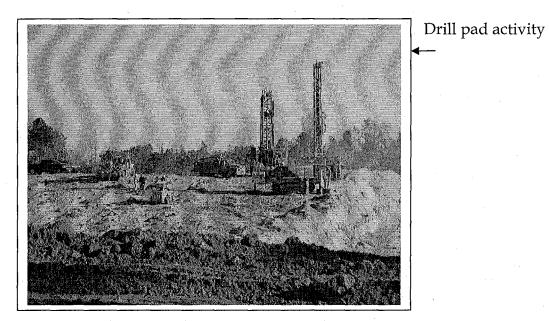
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The audible warning device, front horn, was repaired and it operated properly by sound when tested on the company no. 400 Caterpillar 330C excavator.

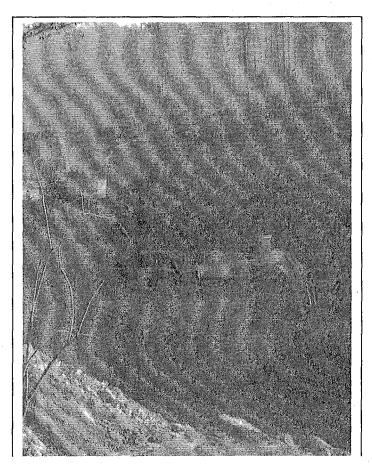
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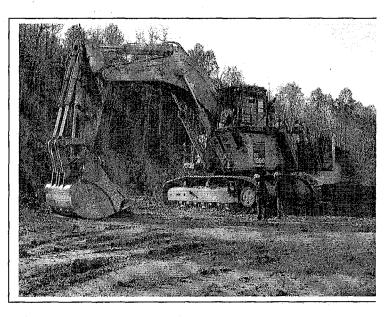
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Attachment C - Mine photo's



Komatsu 1800 Excavator being inspected





Mine production activity