U.S. Department of Labor

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



April 03, 2009

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

THROUGH:

Charly C. Shemas CHARLES J. THOMAS Director of Accountability for

FROM:

ARLIE A. WEBB (. J. Shoman for Accountability Specialist

Mine Safety and Health Administration

SUBJECT:

MSHA Office of Accountability Audit, MNM South Central District, Dallas, Texas, Field Office, and

Introduction

This memorandum summarizes the Office of Accountability audit of the subject field office and mine. Audit subjects include MSHA field activities, level of enforcement, Field Activity Reviews, Accompanied Activities, MSHA supervisory and managerial oversight, mine plans, and the conditions and practices at the mine. The audit was conducted by Arlie A. Webb during the week of

Positive findings and issues requiring attention are included in this audit report.

Overview

The field office review was conducted on audit was conducted on

and the on-site portion of the Accompanying the auditor were

Special thanks to

the field office and on-site portions of this audit.

On-site areas examined included the active pit, haul roads, berms, main crusher/rock breaker, stacker belts, scrubber, log washer, mobile shop, fuel storage area, reclaim areas, training center, training records, mine records, sediment and water storage impoundments. Most of the mobile equipment on mine property was inspected during this audit, including 4 front-end loaders, 4 haul trucks, a bulldozer, rock breaker, rock drill, bobcat loader, and contractor service truck. Also inspected were

oxygen/acetylene welding equipment, man-lifts, electrical installations, and personal protective equipment such as safety harnesses.

S&S Rate Comparison

S&S rates for the Dallas, Texas field office are below the district and national levels for Fiscal Year 2008, as well as to-date in FY 2009.

Fiscal Year	Year Field Office South Central		National				
		District	Average				
2008	14.9%	19.2%	20.9%				
2009	11.5%	19.8%	19.8%				

S & S Rate Comparison

A review of current enforcement actions at this particular mine indicate that gravity, negligence, and number of person affected are being correctly determined.

Time and Activity Comparison

Time distribution for E01 inspections conducted out of the Dallas Field Office from January of 2008 to January of 2009 is commendable, with an average of 61.2 percent of the total inspection time being spent on-site.

	Surface Facilities – E01 Inspections						
	Travel	Other	On Site	Citations Written On-site	Citations Written Off-site	Total Percent	
% of Total	20.6	10.7	63.1	0.4	5.2	100.0	

[Surface Mines – E01 Inspections						
	Travel	Other	On Site	Citations Written On-site	Citations Written Off-site	Total Percent	
% of Total	24.4	14.4	54.5	1.1	5.6	100.0	

	Underground Mines - E01 Inspections							
	Travel	Other	On Site	Citations Written On-site	Citations Written Off-site	Total Percent		
% of Total	20.8	9.4	66.1	0.3	3.4	100.0		

Recommendation – The Office of Accountability recommends that inspectors issue citations while on-site to improve safety and increase inspector presence on-site.

Audit Results

The audit revealed positive findings in several areas, including the following:

- 1. The South Central District has a highly commendable system for tracking supervisory and managerial mine visits.
- 2. Supervisors and managers visit mines on a regular basis.
- 3. CLR decisions and advice given to inspection personnel appears to be in compliance with national guidelines.
- 4. Inspector on-site time is commendable, and time spent in the "other" category is low.
- 5. Additional accountability reviews are regularly conducted within the district.
- 6. Although the number of citations issued at the operation involved in this audit appears low, observations made during a two-day mine visit revealed the company to have an excellent compliance attitude and a proactive safety program that is geared toward employee accident prevention.

The audit also revealed several issues that require corrective actions, including the following:

- 1. Additional emphasis needs to be placed on the hazards involved with falling or flying materials, especially those related to accumulated materials on overhead belt conveyor structures above walkways and roadways.
- 2. Field Activity Reviews and Accompanied Activity Reports should contain more detailed documentation of both positive and negative observations regarding inspector work products and performance.
- 3. Although the district has a spreadsheet for tracking accountability reviews and corrective actions, the column headings in the spreadsheet should be revised to better define which entries are corrective actions and which are methods for measurement of those actions.
- 4. The field office needs to insure that operators correctly complete MSHA Form 7000-1 (Mine Accident and Injury), especially with regard to information regarding actions to prevent similar accidents in the future.
- 5. The Dallas Field Office needs an Office Assistant to allow spend more time with inspectors rather than performing secretarial duties.

Attachments

- A. Office of Accountability Checklist with comments, recommendations, and references.
- B. Citations issued during the audit



C. Recommended "Best Practices" bulletin regarding flying or falling materials from overhead structures.

Attachment A United States Department of Labor Mine Safety and Health Administration Office of Accountability District South Central Field Office Dallas, Texas Mine ID Date
Evaluate supervisory review of inspection reports and documentation for completeness.
Adequate X Inadequate Not Applicable Comments Below
2. Determine if supervisors address report deficiencies immediately
Adequate X Inadequate Not Applicable Comments Below
4. Evaluate the quality of Field Activity Review reports (FARs)
Adequate X Inadequate Not Applicable Comments Below
Recommendation – Supervisors should include more detailed documentation of FARs to assist them in mentoring inspectors.
Determine if supervisors/managers are identifying and addressing 5. performance or behavior based issues during and after accompanied inspections are conducted Adequate Inadequate X Not Applicable Comments Below
There was one apparent issue regarding lax enforcement noted during the research for this audit. One had only issued itations over a period of more than a ears and had an S&S percentage of control. This issue no longer applies to the South Central District because
Recommendation – The Office of Accountability recommends a) increased attention to inspector work products (improved FARs), and b) enhanced accompanied activities, to better protect the miners and avoid future problems associated with lax enforcement.

Attachment A United States Department of Labor Mine Safety and Health Administration Office of Accountability District South Central Field Office Dallas, Texas Mine ID
6. Evaluate the quality of Accompanied Inspections
Adequate X Inadequate Not Applicable Comments Below
Recommendation – Supervisors should include more detailed documentation of Accompanied Activities to assist them in mentoring inspectors.
8. Determine if Assistant District Manager is holding supervisor accountable for general mine visits, FARs, and accompanied activities
Adequate X Inadequate Not Applicable Comments Below
The ADM is monitoring supervisory mine visits, FARs and AAs.
Determine if ADMs and DMs are visiting mines with poor compliance at least monthly 11. monthly Adequate X Inadequate Not Applicable Comments Below
Determine if supervisors, staff assistants, and other management personnel 16. are reviewing work products for accuracy and completeness Adequate X Inadequate Not Applicable Comments Below
 Determine if supervisors are monitoring inspector time and activity 17. documentation to ensure proper use of time by inspector
Adequate X Inadequate Not Applicable Comments Below
Determine if Standard Operating Procedures (SOPs) are in place, current, and18.in compliance with MSHA policies and procedures
Adequate X Inadequate Not Applicable Comments Below

Attachment A United States Department of Labor Mine Safety and Health Administration Office of Accountability District South Central Field Office Dallas, Texas						
District South Central Field Office Dallas, Texas Mine ID						
20. Determine if supervisors are adequately evaluating the level of enforcement by visiting each producing mine						
Adequate X Inadequate Not Applicable Comments Below						
Determine if second level reviews are used to assess supervisory review of enforcement actions						
Adequate X Inadequate Not Applicable Comments Below						
24. Determine if appropriate actions are taken by supervisors and manager with respect to issues of misconduct and/or poor performance						
Adequate Inadequate X Not Applicable Comments Below						
Adequate with one exception. The issue regarding apparent poor performance mentioned in Item No. 5 above, should have been dealt with prior to Recommendation – Supervisors and managers should monitor all AR activities and correct issues of poor performance in a timely manner.						
Evaluate inspector/specialist knowledge of documentation required andprocess for completing PKW Forms.						
Adequate X Inadequate Not Applicable Comments Below						
29. Determine if complete and thorough inspections are being conducted and adequately documented						
Adequate X Inadequate Not Applicable Comments Below						
With the exception of the issue mentioned in Item No. 5, thorough and complete inspections were being made by the personnel in the Dallas, Texas field office and at the audited mine. See item 5 and item 24.						

Attachment A United States Department of Labor Mine Safety and Health Administration Office of Accountability
District South Central Field Office Dallas, Texas Mine ID
Determine that the inspector spent sufficient time on off-shifts and on31. weekends
Adequate X Inadequate Not Applicable Comments Below
34.Determine if all mine record books, postings, and other required materials are examined during the inspection
Adequate X Inadequate Not Applicable Comments Below
36.Determine if the amount of time expended on each inspection activity and area of the mine is sufficient to accomplish inspection goals
Adequate X Inadequate Not Applicable Comments Below
37. Evaluate each citation/order/safeguard for inspector's determination of gravity, negligence, number of persons affected, and the level of enforcement
Adequate Inadequate X Not Applicable Comments Below
Although the number of issuances at this mine has historically been low, on-site observations made over a two-day period revealed this particular operator to be very safety conscious. This operator has an excellent proactive safety department. Only two citations were issued during those two days.
However, one exception was noted regarding protection of persons from falling or flying material. The audit revealed that material (dust, rock chips, etc.) was collecting on the structural supports for overhead belt conveyors. This material had accumulated to the point that large amounts, weighing several pounds, could easily fall onto persons or vehicles using the paths and roads beneath the structures. In one instance, a small amount of this material fell to a roadway during the inspection. 30 CFR, §56.14110 requires that persons be protected from flying or falling objects, and interviews with supervisors and managers indicate this problem may be systemic to the entire region.
Action Required – Strict, consistent enforcement of 30 CFR, §57.14110.
Recommendation - Issuance of a "Best Practices" poster (Example is attached) to place mine operators on notice that such hazards must be eliminated by housekeeping, guarding, or both.

Attachment A United States Department of Labor Mine Safety and Health Administration Office of Accountability
District South Central Field Office Dallas, Texas Mine ID
39. Check adequacy of preshift/onshift examinations
Adequate X Inadequate Not Applicable Comments Below
41. Evaluate operator's workplace examinations
Adequate X Inadequate Not Applicable Comments Below
Eventing electrical cables on several piezes of equipment
48. Examine electrical cables on several pieces of equipment
Adequate X Inadequate Not Applicable Comments Below
Numerous electrical cables on equipment, substations, and at the plant were inspected during this audit. Only one electrical violation was observed. A citation was issued for a damaged electrical cable on the main crusher.
60. Determine if all required record books are adequately completed and in compliance with applicable standards
Adequate X Inadequate Not Applicable Comments Below
62. Examine mine bulletin board and evaluate adequacy of all required postings
Adequate X Inadequate Not Applicable Comments Below

Attachment A United States Department of Labor Mine Safety and Health Administration Office of Accountability District South Central Field Office Dallas, Texas Mine ID
66. Determine if districts are conducting sufficient, in-depth Peer Reviews
Adequate X Inadequate Not Applicable Comments Below
Accountability reviews at the district level appeared thorough and included a root cause analysis for each issue. A spreadsheet is maintained to track reviews and document the corrective actions and time lines for completion.
Recommendation – The spreadsheet is somewhat vague regarding the purpose of columns "U," "V," & "W." Revision of the headers for these columns would promote a better understanding of what methods will be used to measure the effectiveness of corrective actions.
Determine if MSHA headquarters is conducting sufficient, in-depth Peer
67. Reviews

	Adequate	X	Inadequate	Not Applicable		Comments Below
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 68. 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	e X	Inadequate	Not Applicable		Comments Below		
See Item	No. 66 ab	ove.					

69.	Determine if Peer Reviews are being used to assess supervisors and managers performance						
Adequate	e X	Inadequate	Not Applicable		Comments Below		

	Determine if Peer Reviews include a visit to the mine, and include
70.	bservation of the producing section, conveyor belt entries, escapeways and
Adequate	he ERP provisions X Inadequate Not Applicable Comments Below

Attachment A United States Department of Labor Mine Safety and Health Administration Office of Accountability
District South Central Field Office Dallas, Texas Mine ID
75. Evaluate approved training plan after discussion with miners
Adequate X Inadequate Not Applicable Comments Below
Evaluate other plans as applicable to each particular audit. Impoundment Plans 76.
Adequate X Inadequate Not Applicable Comments Below
This limestone quarry included two ponds; one pond is used as a settling pond and the other is used as a fresh water source for the plant. Both ponds are incised and are classified as low hazard.
However, the greater issue appears to be the lack of regulations within MNM requiring plans for impoundments as well as a lack of criteria for the proper construction of impoundments. The Office of Accountability is aware that the Dam Safety Officer and MNM is currently working on such regulations and recommends increased efforts to complete the process.
Evaluate the two most current completed E01 (regular) inspection reports (two quarters)
Adequate X Inadequate Not Applicable Comments Below
The two most recent E01 inspections indicated a definite improvement over the activities mentioned in Items No. 5 and 29 above. Inspection documentation has improved, and on-site time has increased significantly.
79. Citations, orders, and safeguards issued during previous two quarters
Adequate X Inadequate Not Applicable Comments Below

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Attachment A United States Department of Labor Mine Safety and Health Administration Office of Accountability District South Central Field Office Dallas, Texas Mine ID
80. Determine if 104(d) tracking system is in place at the office being audited, and is being kept up to date
Adequate X Inadequate Not Applicable Comments Below
114. Determine if spreadsheets and/or databases provided for tracking of mine visits by supervisors and managers is kept up to date
Adequate X Inadequate Not Applicable Comments Below
Although metal/nonmetal supervisors and managers are not required to track their mine visits, the South Central District has established an effective method for tracking these visits.
email when a mine visit is planned, and second enters this data

onto a spreadsneet. The same process is followed for mine visits. The	
tracks his own mine visits by entering data into a personal log mainta	ined for
that purpose.	

115.	Evaluate the effectiveness of management's support of, and communication with, inspectors and specialists						
Adequate	X	Inadequate	Not Applicable	Comments Below			

Attachment A United States Department of Labor Mine Safety and Health Administration Office of Accountability
District South Central Field Office Dallas, Texas Mine ID
117. Are MSHA Forms 7000-1 accurately reviewed for proper information and potential violations, unsafe practices, or conditions?
Adequate X Inadequate Not Applicable Comments Below
In one instance, the 7000-1 was not properly completed by mine personnel. Section B, which contains the accident code, name of investigator, date of investigation, and steps taken to prevent recurrence of accident, was not completed.
Recommendation – Section B of the 7000-1 form contains important information that the operator must provide, most notably the "steps taken to prevent a recurrence of the accident." 7000-1 forms should be reviewed by the field office upon receipt and appropriate action taken when required information is not submitted.
The operator was informed of this oversight, and is in the process of making corrections.
Determine if increastory have sufficient equipment and supplies to conduct
118.Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.
Adequate Inadequate X Not Applicable Comments Below
There is a two to three month waiting time for calibration of noise dosimeters. Records indicate that noise dosimeters are being shipped, according to an established schedule, for calibration. However, the instruments are not being returned to the district in a timely manner, causing the field offices to reschedule inspection dates and sampling to compensate for a lack of equipment.
According to information from headquarters, a revised calibration submission schedule will become effective on May 01, 2009.

Recommendation – The calibration process should be continuously monitored to maximize efficiency of calibrations and prevent recurrence of this issue.

119.	Determine if adequate close-out conferences are being conducted at the end of each inspection.						
Adequate	X	Inadequate	Not Applicable		Comments Below		

Attachment A District Sou	United States Department of Labor Mine Safety and Health Administration Office of Accountability th Central Field Office Dallas, Texas Mine ID
120.	Determine if E01 inspections at surface mines includes an observation/evaluation of blast hole drilling, loading, and blasting operations.
Adequate	X Inadequate Not Applicable Comments Below
	Determine if manpower at the field office is sufficient to ensure adequate.

121. Complete inspections, investigations, and other activities.
Adequate Inadequate X Not Applicable Comments Below
This field office does not have an Office Assistant. The must also
perform duties relating to incoming and outgoing mail, complaint processing, returning
phone calls to operators, etc. These activities detract from ability to
properly monitor and mentor his subordinates. In absence, these
duties are shared by inspectors. This has a negative impact on their ability to conduct
inspections.
Recommendation – The field office should be allotted an additional FTE for Office Assistant.

achment B		Mine Safety and	Department of Health Admin Accountability	istration	l		
trict South Centra	I Field Office	Dallas, Tex	as Mine ID				
Mine Citation/Order			U.S. Departr Mine Safety			tion	
Section I-Violation Data I. Date Mo. Da Y	2 Time /24 Hr	Clock)			3. Citation/		
A Served To			5. Operator		Order Nur	mber	
			V 7.				(Contractor)
The outer jac		······	·······				Notice (103g)
walkway which could expose w				.c.5 a 0	ay. n	ne damoget	
	Photos	s taken					
9. Violation A. Health Safety Other	B. Section of Act	s taken	C. Part/Section of Title 30 CFR		See Contin 56.12	nuetion Form (MSHA	Form 7000-3a) 🖌
Safety Other Section II-Inspector's Evaluatio	B. Section of Act	s taken				يبير ومشافات أنتأ البوريون ووهودي ممالية الت	Form 7000-3a) 😿
Safety	B. Section of Act					004	
Safety Other Section II-Inspector's Evaluatio 10. Gravity.	B. Section of Act] Unlikely 🖌	Title 30 CFR		56.12 Highly Likely	004	
Safety Other Section II-Inspector's Evaluatio 10. Gravity: A. Injury or Illness (has) B. Injury or Illness could	B. Section of Act (is): No Likelihood (rea- o be: No Lost Worl] Unlikely 🖌	Title 30 CFR		56.12 Highly Likely Permanently	004	əd [_]
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enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiverees to small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiverees to small business. If you wish to comment on the enforcement actions of MSHA, you may call +388-RGs-FAIR (1-888-734-3247), or write the Ombudsman at Small Business. Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Attachment B District South Central F	United States Department of Labor Mine Safety and Health Administration Office of Accountability Tield Office Dallas, Texas Mine ID	
Mine Citation/Order Continuation	U.S. Department of Labor Mine Safety and Health Administration	
Section I-Subsequent Action/Continuation		
1. Subsequent Action 1a. Continuat	tion 2. Dated Mo Da Yr 3. Citation/ (Original tssue) Order Number	
4 Served To	5 Operator	
		actor)
Section II-Justification for Action		

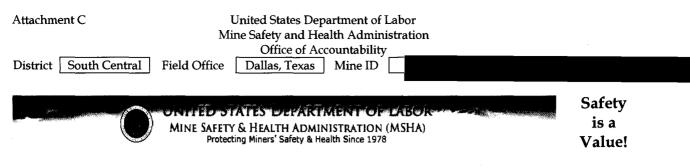
Continuation of 17. Action to Terminate similar hazards.

1

Section III-Subsequent Action Taken			See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	📋 C. Vacated 🔲 D. Terminated	E. Modified
Section IV-Inspection Data		· ·	
9 Type of Inspection E01	10. Event Number		
	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Ck	ock)
MSFIA Form 7000-3a, Mar 85 (revised)			

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	Mine	Safety and Heal Office of Acco	th Administration untability	n		
trict South Central	Field Office		Mine ID É			
Mine Citation/Order			.S. Department of I ine Safety and Heal			
Section IViolation Data 1. Date Mo Da Yr	2. Time (24 Hr. Clack)	1		3. Citation/		
4. Served To				Order Number		
						(Contractor)
The secondary ro	ad leading to	the MCC at	the water c	rossover ba	d no ber	
two foot drop of						
road. The road	was 13 feet w	vide, tire t	racks were of	bserved clo	ose to th	ne
	ucks and a sk	id steer tr	avel this ro	ad several	time a c	lay.
Photos taken						
				See Continuatio	on Form (MSHA Fo	orm 7000-3a)
9. Violation A. Health	B. Section	C Det				
			Section of			
Safety	of Act		Section of 30 CFR	56.9300a		
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Safety Other Section II-Inspectors Evaluation 10. Gravity:	of Act	Title	30 CFR			
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PROTECTION AGAINST FALLING MATERIALS

The dust and small particles generated by transporting materials via conveyor belts can accumulate on the conveyor belt structure and present a hazard to workers below.

In areas where such materials can present a hazard, guards, shields, or other devices need to be installed to provide protection for persons working or traveling under these conveyors.



BEST PRACTICES

- **EVALUATE:** Identify areas where accumulations of materials on overhead conveyors present the potential for hazards associated with falling materials.
- **ELIMINATE:** Provide shields, guards, or other devices in areas where persons work or travel to protect persons from the dangers associated with falling materials.

Install guards or barricades to prevent persons from entering other areas where dangers associated with falling materials may exist and provide warning signs at these locations.

Develop and implement a program for maintaining overhead conveyors and associated structures free of accumulated materials.

EDUCATE: Include recognition and avoidance of hazards associated with falling materials in your training plan.