



# ABC's of Inspections

## Insights

1.14.14

Recently, at the SE Mine Safety and Health Conference, Sam Pierce, the new District Manager for the Mine Safety and Health Administration's (MSHA) Southeast District, provided the mine industry with a two-page handout titled "ABC's of Inspecting." (Attached below). Mr. Pierce indicated that he has distributed this to the field offices in the SE District and expects his inspectors to live up to the principles outlined in the handout. Mr. Pierce should be applauded for his efforts to improve MSHA's inspection process by setting out common sense guidance for MSHA Inspectors. Beyond its undoubted usefulness for Inspectors, however, mine operators should take time to review the handout and ensure that these tools are being incorporated into day-to-day operations at their facilities. While most mine safety professionals I have met are already doing the things I discuss below, your commitment to health and safety is a daily task and there is always room for improvement.

### Accountability

First, the handout states that "MSHA inspectors must demonstrate through their words and actions that they are ethical, honest, knowledgeable, respectful, credible and professional. They must be committed to protecting the safety and health of our nation's most precious resource - the miner." The handout reminds Inspectors that they are accountable to the miners, the mine operator, the tax payer, their supervisor, their family, and themselves.

Inspections can be a difficult process for mine operators and MSHA inspectors. Taking a step back from the inspection, however, it is important to recognize that at the end of the day, everyone should be working toward the same goal - protecting the health and safety of the people who work at the mine. When you have an inspection at your facility, are you respectful, credible, and professional in your interactions with the MSHA inspector? While it can be frustrating to receive a citation when you disagree with the inspector, demonstrating accountability can go a long way in maintaining a good relationship with MSHA and hopefully working through the issues raised by the citation. Mine safety professionals must remember that they are accountable to the miners who work at the mine to ensure that they are safe on the job.

### Basics

Next, the handout states "As federal employees, MSHA personnel are expected and required to use their time efficiently and effectively. To accomplish these goals, inspectors should determine if any portion of a mine inspection or on-site enforcement activity can be conducted differently so that redundant, ineffective, or overlapping activities can be reduced or eliminated without compromising

redundant, ineffective, or overlapping activities can be reduced or eliminated without compromising the requirements of the Mine Act or miners' safety and health." The handout continues, "Inspectors should also take every opportunity to discuss risk reduction with miners and mine operators, just as they communicate information regarding violations. Inspectors should always encourage mine operators and miners to work towards continual improvement in workplace safety and health that goes beyond regulatory compliance."

Sometimes it may feel like MSHA is not seeing the forest for the trees by citing conditions like a missing trash can lid in the break room. When you are conducting daily workplace examinations outside the inspection, are you falling into the same trap of putting on your "regulatory compliance goggles"? If the goal is only to comply with MSHA's standards, you're likely missing some bigger safety issues that could cause serious harm to your employees. By starting with a big picture view of your facility and fixing issues that may actually injure or kill your employees, everything else should fall into place. If you get that \$100 citation for the trash can lid, I promise you'll sleep better knowing that your time was well spent ensuring that more dangerous safety issues were corrected and your employees were able to go home to their families.

### **Credibility**

Finally, the handout states that "MSHA employees are to avoid any action that may be construed as an attempt to influence or give preferential treatment to a mine employee, mine operator, industry labor organization, or industry association . . . Every effort should be made by inspectors to talk with a reasonable number of miners about safety or health concerns they may have during the course of every inspection or investigation." The handout advises that "Inspectors should always rely on the best available information, in conjunction with their training and experience, to reach fact-based, impartial decisions in safety and health matters involving miners."

In your interactions with MSHA Inspectors, it is crucial to maintain your credibility. Contesting or debating every citation, even when there are no legitimate arguments to be made, diminishes your credibility and impairs your ability to meaningfully impact future inspections. Your conversations with MSHA Inspectors before, during, and after an inspection should highlight your knowledge of the Mine Act and its regulations, and demonstrate your credibility. Additionally, as the handout notes, every employee at the mine site has potentially valuable information regarding health and safety issues that may be present. Have you surveyed your employees lately to discover issues that may not be obvious to management? If not, you should--health and safety is not an area to bury your head in the sand. Providing an anonymous place for employees to present issues may also be a helpful tool in identifying and correcting issues.

[MSHA's ABC's of Inspections.pdf \(664.74 kb\)](#)