

Pattern of Violations Screening Criteria and Scoring Model - 2007

A computer-generated report is run that retrieves data for the most recent 24 months available for every mine under MSHA's jurisdiction. Mines currently in an "Active" status (on the date the report is generated) are reviewed to determine if a potential Pattern of Violations may exist.

The Director of Assessments forwards to the Administrators for Coal and Metal and Nonmetal Mine Safety and Health the list of mines meeting all of the following criteria and exceeding threshold weighted scores identified through MSHA and SOL executive consultation.

Initial Screening Criteria (30 CFR §104.2)

The following screening criteria are used to perform the initial screening required under 30 CFR §104.2. Mines meeting **all** of the following criteria are further screened to identify mines meeting potential Pattern of Violations as described in 30 CFR §104.3.

At least **ten** S&S Citations/Orders, at mines classified as Surface and Facility, **issued** during the 24 month review period.

At least **twenty** S&S Citations/Orders, at mines classified as Underground, **issued** during the 24 month review period.

At least two "elevated enforcement" actions, [i.e. type action is 104 (b), 104 (d) or 107(a)], **issued** during the 24 month review period.

The ratio of Citation/Orders **issued** in the most recent 12 months of the review period to the number of Citations/Orders **issued** during the previous 12 months of the review is 70% or greater.

The mine's rate of S&S Citations/Orders issued per 100 inspection hours during the 24 month review period is equal to or greater than 125% of the National rate of S&S Citations/Orders **issued** per 100 inspection hours for that mine type and classification.

of S&S Citation/Orders **Issued** per 100 inspection hours during the last two quarters is greater than the Industry Average for this mine type and classification. **OR** # elevated enforcement issuances per 100 inspection hours during the last two quarters is greater than the Industry Average for this mine type and classification.

The information the Assessments Office uses to initially screen mines includes a weighted score for each operation meeting the above criteria by adding the following to create a weighted score:

- a. the number of 104(b) orders issued per 100 Inspection Hrs. for failure to abate an S&S issuance that that became final during the period under consideration and multiplying by a factor of 5;

- b. the number of 104(d) (unwarrantable failure) citations and orders issued per 100 Inspection Hrs. that became final during the period under consideration and multiplying by a factor of 5;
- c. the number of 107(a) (imminent danger) orders issued¹ per 100 Inspection Hrs. during the period under consideration and multiplying by a factor of 5;
- d. a 5%-20% increase of the raw weighted score for operations with injury rates above the national average for the same mine type and industry grouping as follows:

<i>Degree 1-4 Injury Rate Multipliers</i>			
<i>IR Greater than Nat'l. Avg. and less than or equal to 2 times the Nat'l. Avg.</i>	<i>IR Greater than 2 times the Nat'l. Avg. and less than or equal to 3 times the Nat'l. Avg.</i>	<i>IR Greater than 3 times the Nat'l. Avg. and less than or equal to 4 times the Nat'l. Avg.</i>	<i>IR Greater than 4 times the Nat'l. Avg.</i>
5%	10%	15%	20%

- e. a 5%-20% increase of the raw weighted score for operations with injury severity rates (number of days lost X 200,000 divided by the total work hours reported) above the national average for the same mine type and industry grouping as follows:

<i>Degree 1-4 Injury Severity Rate Multipliers</i>			
<i>ISR Greater than Nat'l. Avg. and less than or equal to 2 times the Nat'l. Avg.</i>	<i>ISR Greater than 2 times the Nat'l. Avg. and less than or equal to 3 times the Nat'l. Avg.</i>	<i>ISR Greater than 3 times the Nat'l. Avg. and less than or equal to 4 times the Nat'l. Avg.</i>	<i>ISR Greater than 4 times the Nat'l. Avg.</i>
5%	10%	15%	20%

Pattern Criteria Screening (30 CFR §104.3)

The following screening criteria are used to perform the pattern criteria screening required under 30 CFR §104.2. The Office of Assessments forwards a list of the mines meeting **all** of the following criteria to the Administrators for Coal and Metal and Nonmetal Mine Safety and Health for final review and necessary action.

A minimum of two “elevated enforcement” **final orders** of the Commission, [i.e. type action is 104 (b), 104 (d) or 107(a)] during the 24 month review period.

At least one 104 (d) **final order** of the Commission during the 24 month review period.

At least ten S&S Citations/Orders, at mines classified as Surface and Facility, that are **final orders** of the Commission during the 24 month review period.

¹ Imminent Danger orders are not assessed and thus do not become “final orders” of the Commission. Therefore, the number of Imminent Danger orders issued is used in this score.

At least **twenty** S&S Citations/Orders, at mines classified as Underground, that are **final orders** of the Commission during the 24 month review period.

A minimum of **five** S&S Citations, of the same standard, that became **final orders** of the Commission during the most recent 12 months.

The raw weighted score is increased by 5%-20% for operations with violations per 100 inspection hours (VPIH) above the 24-month national average for the same mine type and industry grouping as follows:

VPIH Multipliers			
<i>VPIH Greater than Nat'l. Avg. and less than or equal to 2 times the Nat'l. Avg.</i>	<i>VPIH Greater than 2 times the Nat'l. Avg. and less than or equal to 3 times the Nat'l. Avg.</i>	<i>VPIH Greater than 3 times the Nat'l. Avg. and less than or equal to 4 times the Nat'l. Avg.</i>	<i>VPIH Greater than 4 times the Nat'l. Avg.</i>
5%	10%	15%	20%

The final weighted score must be greater than or equal to the average weighted score for the same type and industry classification.