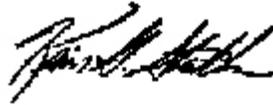


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(Reissue of 07-I-1)

PROCEDURE INSTRUCTION LETTER NO. I08-I-01

FROM: KEVIN G. STRICKLIN
Administrator for



Coal Mine Safety and Health



FELIX A. QUINTANA
Administrator for
Metal and Nonmetal Mine Safety and Health

SUBJECT: Revision of Accident Investigation Procedures

Scope

This Procedure Instruction Letter (PIL) applies to Mine Safety and Health Administration (MSHA) District Managers and to MSHA personnel who are assigned accident investigation duties and/or responsibilities at mine sites following a fatality. The PIL also provides instructions for enforcement personnel who may be the MSHA first responders following a fatality.

Purpose

This PIL provides guidance for MSHA District Managers when considering whether a death at a mine should be charged to the mining industry. The PIL also provides guidance for MSHA personnel when performing duties as part of a fatal accident investigation or acting as first responders following a fatality at a mine. This revision augments instructions currently found in the Accident/Illness Investigation Procedures Handbook, No. PH00-I-5.

Procedure Instructions

All deaths on mine property must be reported immediately by mine operators and/or independent contractors under 30 C.F.R. Part 50. While District Managers may classify a death as a chargeable mining fatality when facts support such a determination, a District Manager never should make a determination that a death is not chargeable as a mining fatality. Rather, a determination that a death is not chargeable will be made only by the Fatality Review Committee following a fully documented investigation.

1. The accident investigation team always must conduct a thorough investigation and develop a well-documented investigation file. In situations in which a District Manager has not determined that a death on mine property is chargeable to the mining industry, the District Manager must ensure that the investigation also provides information and documentation necessary to permit the Fatality Review Committee to determine whether the death is chargeable to the mining industry. After the investigation is completed, the District Manager should submit a memorandum to the Administrator containing all of the required factual information and evidence for the Fatality Review Committee (See Accident/Illness Investigation Procedures Handbook, No. PH00-I-5, Ch. 2, Section III). The memorandum should read: "See attached investigation for determination of chargeability of the death at [mine name], Mine I.D. No. []." In the memorandum, the District Manager should not offer a recommendation, opinion, or conclusion regarding chargeability.
2. Considerable time may elapse before an accident investigator arrives at the mine. During this time, the inspector normally assigned enforcement responsibilities at the mine may be required to perform duties as a first responder until an accident investigator arrives. Although the first responder is not part of the accident investigation team, the first responder should secure the scene and issue a 103(k) order as appropriate. Any other activity or collection of preliminary information should be limited to assure the independence of the investigation and should include only items that cannot be preserved until the investigator arrives. Finally, any records and/or documentation provided to the first responder should be turned over to the investigator as soon as possible.
3. As stated in part in the Accident/Illness Investigation Procedures Handbook, No. PH00-I-5, when investigating fatal accidents, the investigation shall be conducted or led by an investigator who has been thoroughly trained in accident investigation techniques and procedures. When other team members are necessary, they may include technical specialists, engineers, supervisors, or other inspectors or investigators, as needed. Neither the team leader nor the team members should have been responsible for inspections within the previous 6 months at the mine where the fatal accident occurred. When practicable, any specialists assigned should not have been responsible for plan approvals within the previous six months. This procedure applies to fatalities immediately charged to the mining industry by a District Manager, as well as fatalities that subsequently will be reviewed by the Fatality Review Committee.

Background

The Accident/Illness Investigation Procedures Handbook No. PH00-I-5 includes instructions for both Coal and Metal and Nonmetal personnel in selecting accident investigation team members, conducting investigations, and preparing the Agency's reports of the investigations. These procedures are being revised to clarify the responsibilities of MSHA personnel responding to a fatality at a mine, investigating a fatal accident, and making determinations concerning the chargeability of a death on mine property.

Authority

The Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. § 801 *et seq.*; 30 C.F.R. pt. 50

Filing Instructions

This instruction letter should be filed behind the tab marked "Procedure Instruction Letters" in the binder for Program Policy Handbooks and Procedure Instruction Letters.

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