
West Virginia Office of Miners' Health, Safety and Training

February 19, 2013

**Report of Investigation
Underground Coal Mine Fatality**

**Pocahontas Coal Company, LLC
Affinity Mine
Permit Number U-000152-82A**

**Region IV Office
550 Industrial Drive
Oak Hill, West Virginia 25901
McKennis Browning, Inspector-at-Large**

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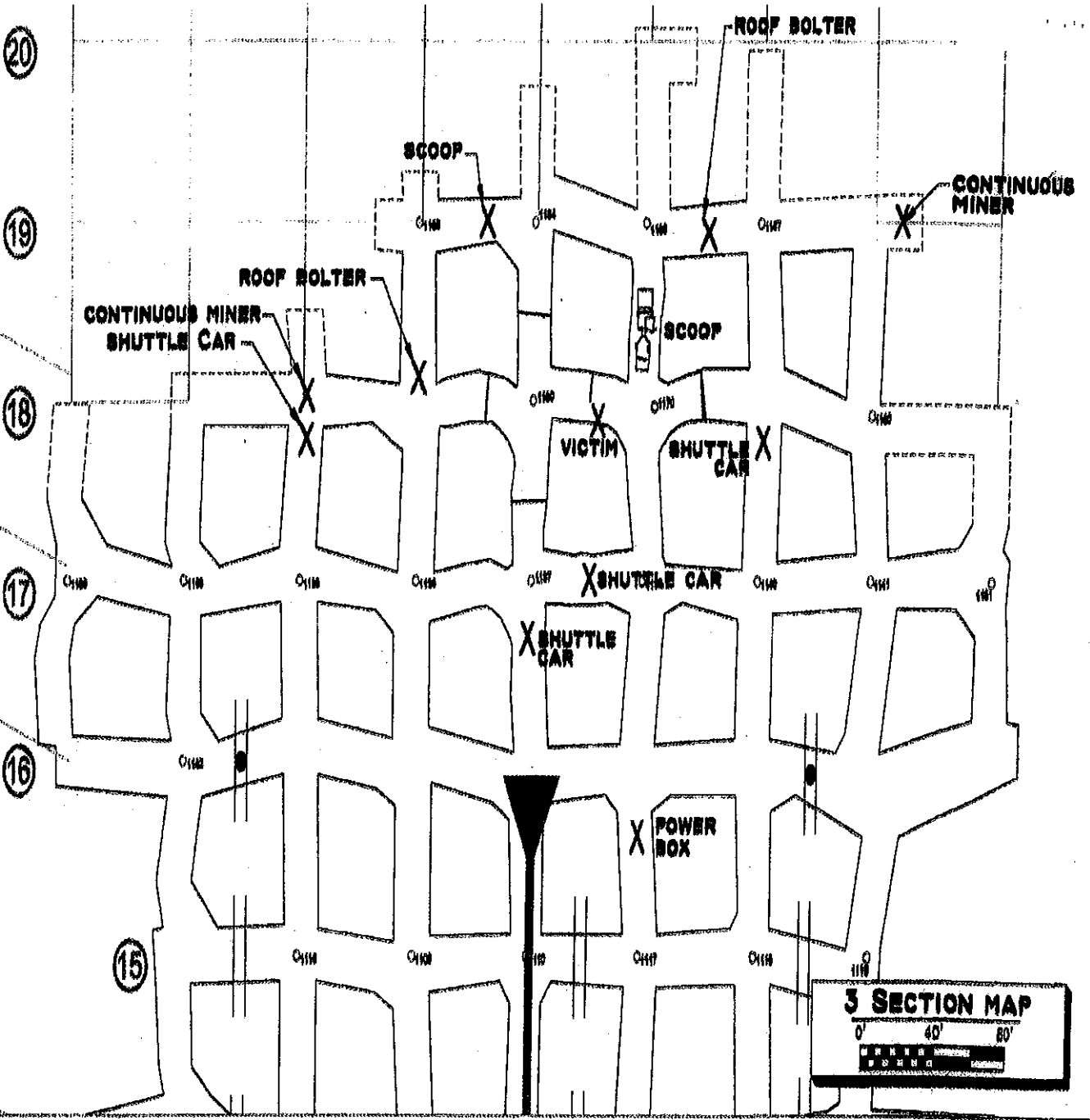
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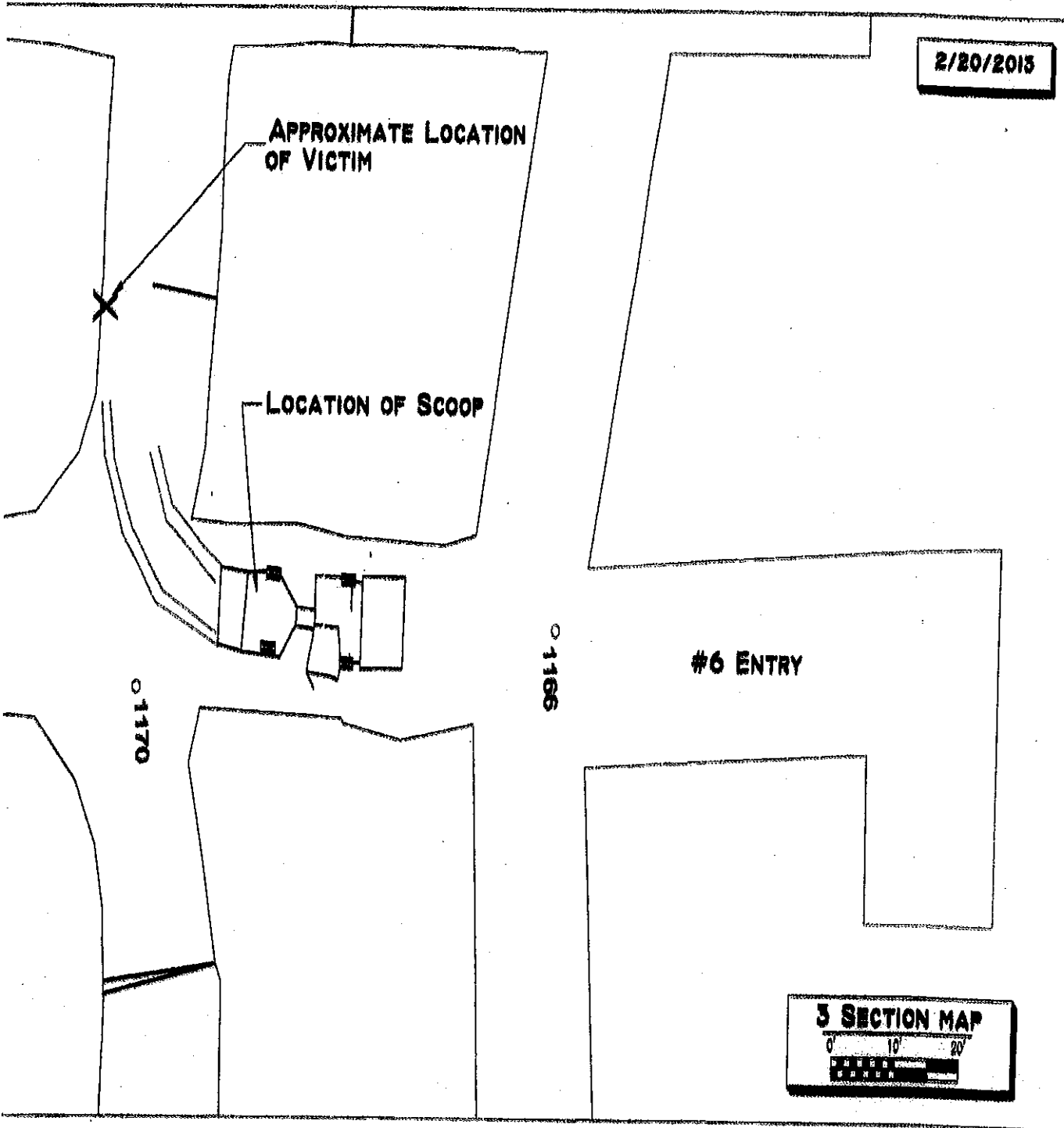
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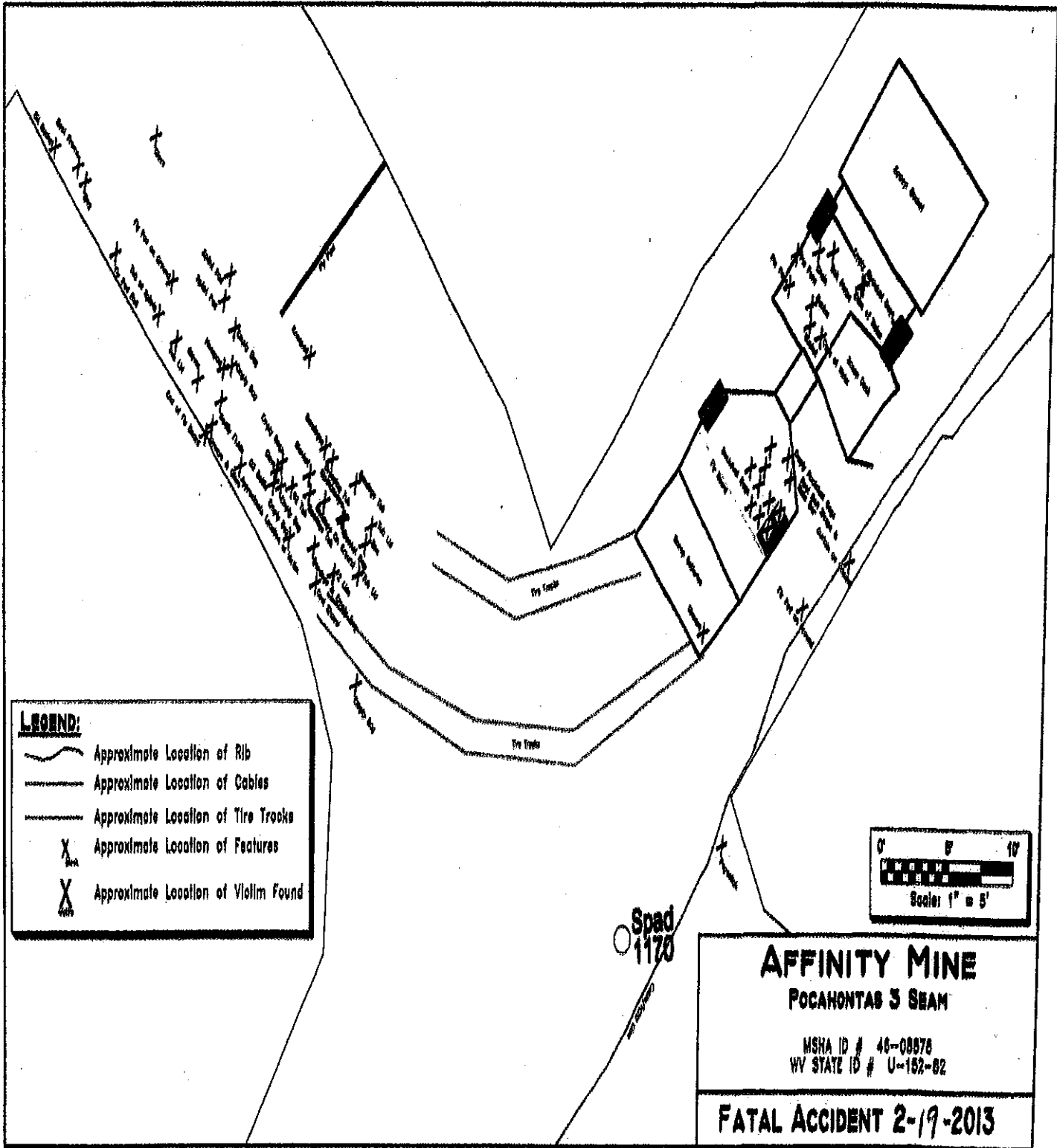
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SKETCHES







**Report of Investigation
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GENERAL INFORMATION

This report is based on an investigation conducted in accordance with Chapter 22A, Article 1, Section 14, of the code of the State of West Virginia.

John H. Myles, an employee of Pocahontas Coal Company, LLC, Affinity Mine was fatally injured in an accident at approximately 7:12 p.m. on February 19, 2013. Mr. Myles was employed as a shuttle car operator on the No. 3 working section. Mr. Myles was shoveling coal from the outby mine rib between No. 5 and No. 6 entries at the time of the accident. This location is in the second line of crosscuts from the face on the No. 3 section. While performing this work, he was struck by the Fairchild 35 WHL No. 509 battery powered scoop (Serial No. T339-509).

Jan Care Ambulance Service was notified of the accident at 7:17 p.m. on February 19, 2013 by Timothy Falk, night shift dispatcher at this mine.

McKennis Browning, Inspector-at-Large, of the West Virginia Office of Miners' Health, Safety and Training, Region IV office, was notified of the accident by the Mine and Industrial Accident Emergency Operations Center at 7:22 p.m. on February 19, 2013. A joint investigation with the Mine Safety and Health Administration was started immediately.

DESCRIPTION

The Pocahontas Coal Company, LLC, Affinity Mine is located on Independence Road near Sophia, Raleigh County, West Virginia. The underground mine has three working sections mining in the Pocahontas No. 3 coal seam and employs 212 persons.

The coal seam is approximately 42 to 48 inches thick with an average mining height of approximately 50 to 58 inches.

This mine operates 5 days per week. The maintenance, rock dusting, etc. is conducted on Saturdays and Sundays.

Normally, the dayshifts and evening shifts are coal production shifts. The third shifts perform idle work.

On February 19, 2013, when the evening shift arrived the mine was experiencing a power outage. The power was restored at approximately 4:00 p.m., and the mine was examined with the final pre-shift report called out at approximately 5:00 p.m. The No. 3 section crew, consisting of 13 men, proceeded underground to the end of track at the No. 2 to No. 3 section split. The crew

then traveled the remainder of the distance to the section on a rubber tired mantrip arriving at approximately 5:50 p.m.

Mr. Richard Laramee, Assistant Section Foreman, held a safety talk with the crew. The crew members then proceeded to their respective work areas assigned to them.

At this time, Mr. Laramee examined the working faces. After completing the examinations, Mr. Laramee informed Mr. Myles that his shuttle car was down for repairs and instructed him to help the scoop operator perform back cleaning in the No. 6 entry and connecting crosscuts.

Justin Ward was operating the No. 509 Fairchild scoop and Mr. Myles was assisting him by cleaning coal from the mine ribs with a shovel. At approximately 7:05 p.m., Mr. Ward scooped the coal to the face of the No. 6 entry where Mr. Myles was shoveling the outby rib from the No. 5 to No. 6 crosscut (see attached drawing page No. 3). As Mr. Ward was backing the No. 509 Fairchild scoop (battery end first) out of the No. 6 face, he entered the crosscut where Mr. Myles was shoveling. Mr. Ward stated in his testimony that he rang the scoop bell as he entered the crosscut and did not see a light or Mr. Myles. As Mr. Ward trammed the No. 509 Fairchild scoop into the break, he heard the victim yell. He stopped the scoop, got out of the deck, and went to the rear of the No. 509 Fairchild scoop and saw Mr. Myles on the mine floor (approximately 7:12 p.m.). Mr. Ward immediately went to get help. He called for Mr. Laramee and told him what had happened.

Mr. Laramee, William Hensley, Joey Howlett (EMT), Daniel Porterfield, Adam Whitt, Eddie Pritt, Josh Petry and other crew members administered first-aid by administering oxygen, CPR, and treating for shock before placing the victim on a backboard and transporting him by rubber tired vehicle to the end of track. The victim was then loaded on a track mounted mantrip and transported as far as possible, then carried around a de-railed supply car to a waiting mantrip. The mantrip proceeded to the service hoist and to a waiting ambulance on the surface at approximately 7:46 p.m.

Jan-Care Ambulance Service transported Mr. Myles to the Raleigh General Hospital in Beckley, WV where he was pronounced dead at 8:50 p.m. by Dr. Knopp and Dr. Tallman.

FINDINGS OF FACTS

1. Mr. Myles' regular job was a shuttle car operator on the No. 3 section. At the time of the accident he was shoveling coal from the mine ribs assisting the scoop operator in his clean-up duties. He had been employed at this mine approximately 1 year and 2 months.
2. The coal seam thickness is approximately 42 to 48 inches. The overall height in the area of the accident is 50 to 58 inches. The mine floor in this area was dry.
3. Mr. Myles was struck by the No. 509 Fairchild scoop while shoveling coal from the mine rib in the No. 5 to No. 6 crosscut near spad No. 1170 (located in the No. 6 entry).

4. The distance from the mine floor to the top of the scoop batteries was approximately 45 inches which compromised the visibility of the operator.
5. Available equipment and maintenance records did not indicate any problems existed with the No. 509 Fairchild scoop although three non-contributing violations were cited on the scoop.

CONCLUSION

While the victim was shoveling coal from the mine ribs he was struck by the Fairchild No. 509 battery powered scoop resulting in fatal injuries.

ENFORCEMENT ACTION

A non-assessed control order was issued in accordance with Title 36, Series 19, Section 7.1 of the West Virginia Mining Laws, Rules and Regulations in order to preserve the scene of the accident and to complete the investigation. The West Virginia Office of Miners' Health, Safety and Training issued ten (10) violations during this investigation. None of these are special assessments.

RECOMMENDATIONS

In accordance with Title 56, Series 8, Section 9.4 of the WV Mining Rules and Regulations, the comprehensive mine safety program for the Pocahontas Coal Company LLC, Affinity Mine shall be modified to include the following :

- (1) All employees will be retrained to perform their assigned task or tasks on their first shift back. Task training will be conducted according to part 48.27.
 - a. Health and safety aspects and safe operating procedures for work tasks, equipment, and machinery.
 - b. Supervised practice during non-production.
 - c. Supervised operation during production.
 - d. Required record keeping upon completion (5000-23).
- (2) Each underground employee, visitor, contractor, etc. will be provided with and required to wear a personal strobe light that will be utilized when on foot inby the section loading point.
- (3) To protect workers inby the section tailpiece performing stationary tasks such as shoveling ribs, hanging fly pads, splicing cable or surveying, a visual safety device will be provided at all access travel ways to the work area. An example is magnetic strobes, reflective tubes, or similar devices.
- (4) All scoops will be provided with the following safety device updates: Install front and rear cameras with a cab monitor on all DC scoops used inby the section loading point.

Camera systems on all AC scoops will be installed within 10 days of MSHA/WVOMHS&T approval. Until the cameras are installed all outby AC scoops will be provided with a flashing strobe indicator on the battery end to improve vehicle awareness.

- (5) All shuttle cars will be provided with the following safety device updates: Install front and rear cameras with cab monitors. Highland Machinery has just started the approval process with MSHA. Affinity will complete installation of these units by June 1, 2013.
- (6) Any scoop or shuttle car with a camera will be removed from service if the camera becomes inoperative.
- (7) No extraneous material will be permitted on top of any mobile equipment.

ACKNOWLEDGMENT

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Pocahontas Coal Company, LLC, and the Mine Safety and Health Administration during this investigation.

APPENDIX

- Mine Information Sheet (page 10)
- Victim Information Sheet (page 11)

MINE INFORMATION

COMPANY Pocahontas Coal Company, LLC

MINE NAME Affinity Mine

WV PERMIT U-000152-82A

ADDRESS P.O. Box 267 Midway, WV 25878

COUNTY Raleigh

DATE PERMIT ISSUED Sept. 5, 2006 WORKING STATUS Active

LOCATION Affinity Complex Road, Sophia WV

UNION _____ NON-UNION Yes

DAILY PRODUCTION 6737 tons (approximately)

ANNUAL PRODUCTION TO DATE 170,000 tons (approximately)

TOTAL EMPLOYEES 212 NUMBER OF SHIFTS 3

NAME OF COAL BED Pocahontas No. 3

SEAM THICKNESS 42-48 inches

ACCIDENT INCIDENT RATE 8.37 LOST TIME ACCIDENTS 2

TYPE OF HAULAGE Belt Conveyor

WV OMHST INSPECTOR Gene Stewart

DATE OF LAST INSPECTION 2-19-13

NOTIFIED BY Timothy Falk

TIME OF NOTIFICATION 7:22 p.m., February 19, 2013

CMSP – ANNIVERSARY DATE 9-15-2013

CMSP – CONTACT PERSON Rick Ashley