
West Virginia Office of Miners' Health, Safety and Training

April 7, 2006

Fatal Machinery Investigation Report
Mystic Energy, Inc.
Candice No. 2 Mine
Permit No. U-5007-93

Region Three – Danville Office
137 Peach Court, Suite 2
Danville, West Virginia 25053
Harry Linville, Inspector-at-Large

TABLE OF CONTENTS

- SKETCH..... 3
- GENERAL INFORMATION..... 4
- DESCRIPTION..... 4-5
- FINDINGS OF FACT..... 6
- CONCLUSION..... 7
- ENFORCEMENT ACTION..... 7
- RECOMMENDATIONS..... 7
- ACKNOWLEDGMENT..... 7
- APPENDIX..... 8 - 14

AVERAGE ENTRY
HT. = 54"

TOP TAKEN
HEIGHT
7' TO 7' 6"

MOBLE
UNIT #1

DOLLY RAISED
UP OFF LOW LOW

12916

VICTIM REMOVED
FROM UNDERNEATH
DOLLY AND PLACED HERE

BELT HEAD

MYSTIC ENERGY, INC.

P.O. BOX 228
STANAFORD, WV 25927
CANDICE 2 MINE

LOWER WINIFREDE SEAM

WHARTON, WV

DATE STARTED: 8/19/84

BOONE COUNTY

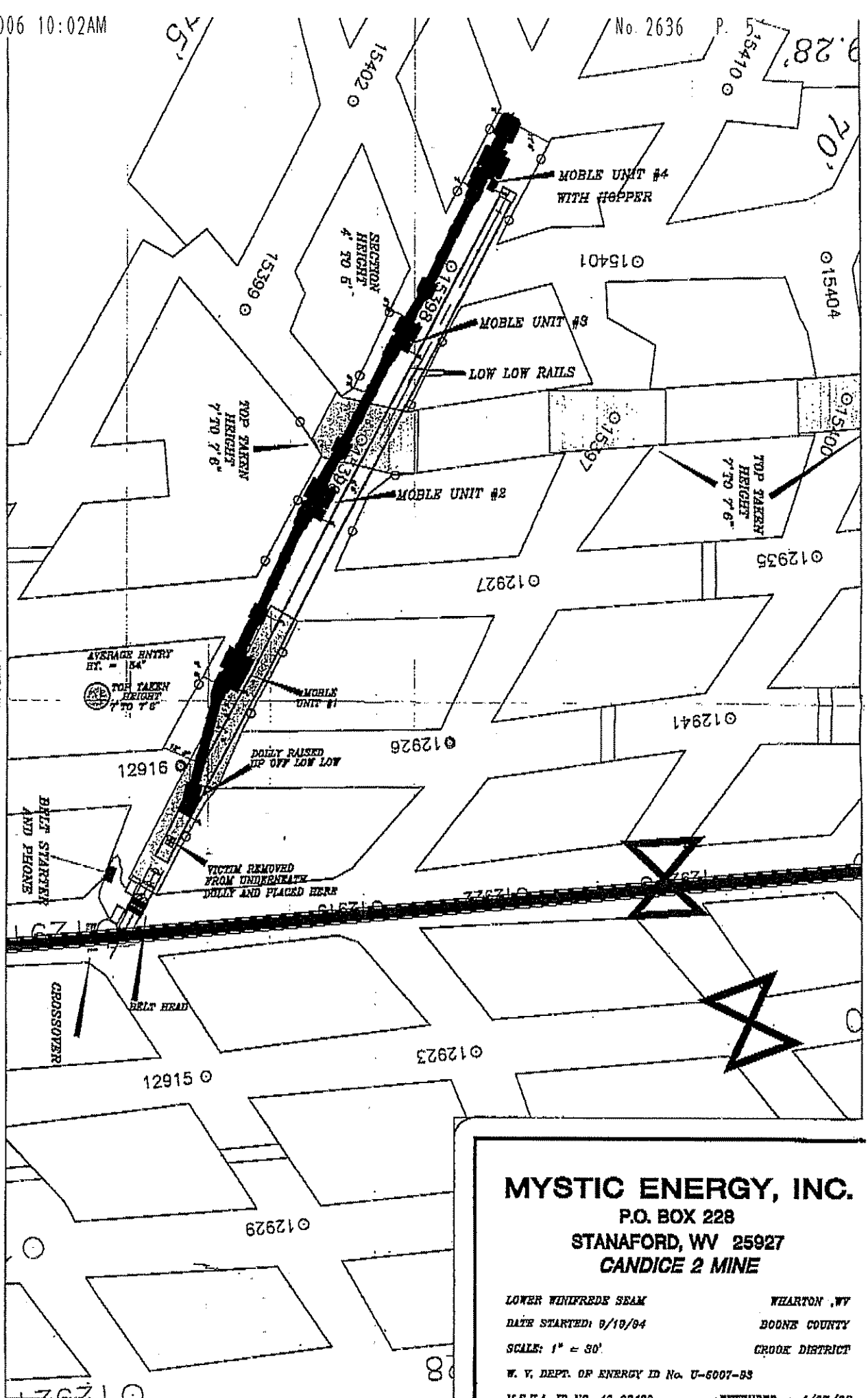
SCALE: 1" = 10'

CROOK DISTRICT

W. V. DEPT. OF ENERGY ID No. U-5007-88

M.S.H.A. ID NO. 46-08429

EXTENDED - 04-07-06



MYSTIC ENERGY, INC.
 P.O. BOX 228
 STANAFORD, WV 25927
 CANDICE 2 MINE

LOWER WINIFREDE SEAM WHARTON, WV
 DATE STARTED: 8/18/04 BOONE COUNTY
 SCALE: 1" = 30' CROOK DISTRICT
 W. V. DEPT. OF ENERGY ID No. U-6007-83
 M.S.H.A. ID NO. 48-08429 EXTENDED # 4/07/08

Fatal Machinery Investigation Report
Mystic Energy, Inc.
Candice No. 2 Mine
Permit No. U-5007-93

GENERAL INFORMATION

A fatal machinery accident occurred on April 7, 2006 at the Mystic Energy, Inc., Candice No. 2 Mine located in Cow Creek near Wharton in Boone County, West Virginia. The accident happened at approximately 12:17 pm. Mr. Jackie L. Toler, a 53-year-old mobile bridge operator was fatally injured when he became entangled in a mobile bridge carrier dolly unit on the Casey Section. This is West Virginia's seventeenth coalmine fatality in 2006.

Mr. Toler had been employed at the Candice No. 2 Mine for thirteen years and had approximately 32 years of total coal mining experience. Mr. Toler resided in Simon, West Virginia.

Mr. Fred Houchins of Mystic Energy, Inc., at approximately 12:19 p.m. on April 7, 2006, notified the Office of Miners' Health, Safety and Training of the accident. A joint investigation with the Mine Safety and Health Administration (MSHA) was started immediately.

Mystic Energy, Inc. was originally permitted to commence operation of the Candice No. 2 Mine on September 21, 1994. The mine employs 100 people on three shifts. Two underground units are currently in operation and coal is being mined in the lower Winifrede seam.

The Candice No. 2 Mine utilizes continuous haulage on the operating sections. Coal from the continuous miner is placed into a hopper unit on the front mobile bridge carrier unit, from there the coal is moved on a system of chain conveyors from one mobile bridge carrier to the next. Once the coal reaches the last bridge, the chain conveyor for this unit moves the coal into a dolly unit, which deposits the coal onto the section belt conveyor. The belt conveyor entry is always the center entry.

DESCRIPTION

The Casey Section day shift crew entered the mine on April 7, 2006 at their normal starting time of 7:00 a.m. under the direction of section foreman, Les Perry. They arrived on the section around 7:25 a.m. Members of the crew included Densil Blankenship, mobile bridge operator; Chris Snuffer, roof bolter operator; Randy Houchins, mobile bridge operator; Donald McCoy, mobile bridge operator; Jackie Toler, mobile bridge operator; Ronald Kidd, roof bolter operator; Tony Argabright, scoop operator; Brad Browning, electrician; Ron Echard, miner operator; Mike Rollins, continuous miner operator helper.

This section began a new panel on April 3, 2006 and initially began with only two mobile bridge units. As the section had advanced that week, additional bridge units had been added. On the day of the accident, the fourth bridge had been introduced to the system and was in

operation. The section is typically a seven-entry system, however, at this time there were only 5 entries. Entry numbers 1 and 7 were in the process of being picked up.

When the crew arrived on the section, production activities proceeded as normal. The continuous miner began mining a scrap cut in the crosscut between No. 5 and No. 6 Heading, took a full cut from No. 6 Headings for the cross-cut to the right, took a full cut from the No. 2 Heading for cross-cut to the left, and then took a full cut from No. 3 Heading and were preparing to move to the No. 4 Heading.

Upon completion of mining in the No. 3 Heading, the entire bridge system was backed out of the face areas. All four bridges were alongside the section belt, which remained in operation, and the continuous miner had backed out to a point just inby the section tailpiece to allow other equipment to cross the section. While the mobile bridges were waiting, the No. 3 Mobile Bridge operator (mobile bridges are numbered from outby to inby, 1 thru 4) de-activated his machine in order to exit the operator's compartment. The de-activation of his machine made all of the units inoperable. When the No. 3 Mobile Bridge operator re-entered his compartment, he re-set his machine, which allowed all four units to operate again.

When the continuous miner began tramming toward the face of the No. 4 Heading, the mobile bridges prepared to follow. The No. 4 Mobile Bridge operator, Densil Blankenship, called on the communication system and asked if everyone was ready. The No. 3 Mobile Bridge operator, Randy Houchins, responded that he was ready, but there was no reply from the No. 1 or No.2 Mobile Bridge operator. The No. 4 Bridge began tramming forward as the other units followed. After traveling about 20 to 25 feet, Blankenship realized that one of the units was not tramming. He called on the communication system to ask if everyone was tramming, but received no response from Mr. Toler. He then ask the No. 2 Mobile Bridge operator, Donald McCoy, to look behind him and see what was going on with Mr. Toler. Mr. McCoy responded that he could not see him anywhere. Mr. Blankenship immediately shut the units down, exited his compartment and turned the section belt off. Mr. Blankenship then proceeded back along the bridges to check on the situation. When he arrived at the No. 1 Bridge, he could see no evidence of Mr. Toler. Blankenship continued traveling out-by toward the belt discharge area, as he passed by the dolly unit he spotted a mine light lying on the belt. When he looked back toward the dolly, he could see Mr. Toler's body in the dolly unit.

Mr. Blankenship then began calling for help. Personnel from the section responded to his call. Chris Snuffer, EMT, checked for vital signs but found none. Roger Cook, Jr., mine foreman, also checked for vital signs and did not find any. The group then started trying to determine how best to get Mr. Toler from the dolly unit. It was decided that a chain ratchet would be used to lift the dolly upward, while at the same time using two jacks, one on either side, to raise the dolly unit. Once the dolly was raised, the belt was cut out-by to allow for slack in the belt.

When Mr. Toler was removed from the dolly unit, he was loaded onto a stretcher and brought to the surface. Once outside, Mr. Toler was transported by the Boone County Ambulance Authority to the Boone Memorial Hospital where he was pronounced dead.

FINDINGS OF FACT

1. All four mobile bridge carrier units were equipped with a safety device referred to by Stamler Corporation as a cab arm door. This device is to be raised when an operator needs to exit the operator's compartment of their carrier. When the cab arm door is raised, it not only makes that mobile bridge carrier inoperable, it makes all the units inoperable. The cab arm door lever is located under the operator's right arm when seated in the operator's compartment. Once an operator returns to his operating position, the cab arm door must be repositioned and the unit reset to allow the bridge carriers to operate.
2. All four mobile bridge carrier units were equipped with a panic bar located immediately to the left of the operators left arm. Should the operator need to shut the bridge carrier down for any reason, they can exert a small amount of pressure on the panic bar to de-energize his carrier. This system also makes all the mobile bridges inoperable until reset.
3. All four mobile bridge carrier units are equipped with a communication system. This communication system, which utilizes earmuffs and a mike, is voice activated and allows all four operators to speak to each other.
4. The victim, Mr. Jackie Toler, had been operating the No. 1 Mobile Bridge Carrier unit prior to the accident.
5. The section belt, which the mobile bridge carriers frequently travel alongside, travels at a speed of approximately six hundred feet per minute.
6. During the investigation, it was determined that the cab arm door device on Mobile Bridge Carrier units 2, 3 &4 would de-activate the equipment once the device was raised no more than two inches. The cab arm door on the No. 1 Mobile Bridge Carrier unit would not de-activate the equipment until it had been raised abruptly to full height.
7. During the investigation, the No. 1 Mobile Bridge Carrier was found with the cab arm door in the down position and the start button was in the operate mode.
8. The panic bars on all four mobile bridge units were working properly.
9. The communication system on all four mobile bridge carrier units was operating properly.
10. The victim had exited the operator's compartment of the No. 1 Mobile Bridge Carrier unit while the mobile bridges were parked alongside the section belt. After the accident, the No. 1 Mobile Bridge Carrier was found to be in an operational mode. It is undetermined, as a result of this investigation, whether the operator exited the operator's compartment without de-activating the equipment or whether the individual exited the

operator's compartment believing he had de-activated the equipment when in reality he had not.

CONCLUSION

The victim exited the operator's compartment of the No. 1 Mobile Bridge Carrier while positioned alongside the moving section conveyor. Mr. Toler, in some manner, ended up on the section belt conveyor and was drug into the mobile bridge dolly unit where he received fatal crushing injuries.

ENFORCEMENT ACTIONS

During the course of this investigation, 9 notices of violation were cited. One of these violations pertained to the cab arm door not being maintained in a proper operating condition as designed. The investigating team was unable to determine whether the victim did or did not attempt to de-activate the machine by utilizing this device.

RECOMMENDATIONS

Mystic Energy Inc. submitted the following remedial measures. See attachment.

ACKNOWLEDGEMENT

The Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Mystic Energy Inc., UMWA and the Mine Safety and Health Administration during this investigation.

Terry Farley, Health and Safety Administrator Date

Harry Linville, Inspector-at-Large Date

John Kinder, District Inspector Date

Rodney Leake, Electrical Inspector Date

Steve Cox, Safety Instructor Date

APPENDIX

- Mine Information Sheet
- Victim Information Sheet
- Persons Present During Investigations
- Attachment

MINE INFORMATION

COMPANY Mystic Energy, Inc.

MINE NAME Candice 2

WV PERMIT U-5007-93 MSHA PERMIT NO. 46-08429

ADDRESS 106 Lockheed Drive, Beaver, WV 25813

COUNTY Boone PHONE NO. 304-247-6228

DATE PERMIT ISSUED September 21, 1994

WORKING STATUS Active

LOCATION On Cow Creek off Rt. 85 near Wharton, WV

UNION X NON-UNION _____

DAILY PRODUCTION 3000 tons ANNUAL PRODUCTION TO DATE 209,547 tons

TOTAL EMPLOYEES 99

NUMBER OF SHIFTS 2 production, 1 maintenance

COAL SEAM NAME AND THICKNESS Winifrede, 48 inches

ACCIDENT INCIDENT RATE _____ LOST TIME ACCIDENTS _____

TYPE OF HAULAGE Continuous haulage, bridge units

WVOMHST INSPECTOR John Kinder

DATE OF LAST INSPECTION March 28, 2006

NOTIFIED BY Fred Houchins

NOTIFICATION TIME 12:19 p.m., April 7, 2006

CMSP – ANNIVERSARY DATE October 4, 2006

CMSP – CONTACT PERSON Burge Speilman

INVESTIGATION

The following persons were present for the on-site investigation conducted on April 7, 2006.

MYSTIC ENERGY INC.

Fred Houchins	Superintendent
Roger Cook, Jr.	General Mine Foreman
Harold Brown	Maintenance Supervisor
Jimmy Dotson	Maintenance Chief
Les Perry	Section Supervisor

UNITED MINE WORKERS OF AMERICA

James Martin	Chairman, Safety Committee
--------------	----------------------------

MINE SAFETY AND HEALTH ADMINISTRATION

Clark Blackburn	Supervisor
Jesse Cole	District Manager
Luther Marrs	Assistant District Manager
Tim Justice	Coal Mine Inspector
Doug Johnson	Accident Investigator
Rodney Lusk	Accident Investigator

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley	Health and Safety Administrator
Harry Linville	Inspector-at-Large
John Kinder	District Inspector
Danny Cook	Electrical Inspector
Willie Barker	Safety Instructor
Steve Cox	Safety Instructor

The following persons were present for an on-site investigation conducted on April 8, 2006.

MYSTIC ENERGY, INC.

Fred Houchins	Superintendent
Harold Brown	Maintenance Supervisor
Jimmy Dotson	Maintenance Chief

MINE SAFETY AND HEALTH ADMINISTRATION

Eugene D. Hennen	Technical Support
Danny Meadows	Coal Mine Inspector

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Rodney Leake

Electrical Inspector

INTERVIEWS

The following persons were present for the interviews conducted on April 8, 2006.

MYSTIC ENERGY INC.

Benny Milam

General Mine Manager

Roger Cook, Jr. *

General Mine Foreman

Les Perry *

Section Supervisor

Mark Heath

Attorney

(* Denotes those interviewed)

UNITED MINE WORKERS OF AMERICA

James Martin

Chairman, Safety Committee

Ron Echard *

Continuous Miner Operator

Tony Argabright *

Scoop Operator

Brad Browning *

Electrician

Shannon Dolin *

Belt Examiner

Chris Snuffer *

Roof Bolter Operator

Randy Houchins*

Mobile Bridge Operator

Donald McCoy *

Mobile Bridge Operator

Densil Blankenship *

Mobile Bridge Operator

J. R. Gray *

Mobile Bridge Operator

(* Denotes those interviewed)

MINE SAFETY AND HEALTH ADMINISTRATION

Terry Price

Supervisor

Luther Marrs

Assistant District Manager

Doug Johnson

Accident Investigator

Rodney Lusk

Accident Investigator

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

C. A. Phillips

Deputy Director

Terry Farley

Health and Safety Administrator

Harry Linville

Inspector-at-Large

John Kinder

District Inspector

Steve Cox

Safety Instructor

INVESTIGATION

The following persons were present for the onsite investigation conducted on April 10, 2006.

MYSTIC ENERGY, INC.

Fred Houchins	Superintendent
Roger Cook, Jr.	General Mine Foreman
Harold Brown	Maintenance Supervisor

UNITED MINE WORKERS OF AMERICA

James Martin	Chairman, Safety Committee
--------------	----------------------------

MINE SAFETY AND HEALTH ADMINISTRATION

Doug Johnson	Accident Investigator
Rodney Lusk	Accident Investigator

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Harry Linville	Inspector-at-Large
John Kinder	District Inspector
Steve Cox	Safety Instructor

INTERVIEWS

The following persons were present for interviews conducted on April 10, 2006.

MYSTIC ENERGY, INC.

Fred Houchins	Superintendent
Roger Cook, Jr.	General Mine Foreman
Harold Brown	Maintenance Supervisor

UNITED MINE WORKERS OF AMERICA

James Martin	Chairman, Safety Committee
Leon Sturgill *	Electrician
Ricky Kinser *	Mobile Bridge Operator

INVESTIGATION

The following persons were present for an on-site investigation conducted on April 12, 2006.

MYSTIC ENERGY, INC.

Benny Milam	General Mine Manager
Jimmy Dotson	Maintenance Chief

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Harry Linville	Inspector-at-Large
John Kinder	District Inspector
Rodney Leake	Electrical Inspector
Steve Cox	Safety Instructor

INTERVIEWS

The following individuals were present for interviews at the mine site on April 13, 2006.

MYSTIC ENERGY, INC.

Benny Milam	General Mine Manager
Mark Heath	Attorney

UNITED MINE WORKERS OF AMERICA

James Martin	Chairman Safety Committee
J. R. Gray *	Mobile Bridge Operator
Kyle Elswick *	Mobile Bridge Operator
Ronald Sturgill *	Mobile Bridge Operator

(* Denotes those interviewed)

MINE SAFETY AND HEALTH ADMINISTRATION

Rodney Lusk	Accident Investigator
-------------	-----------------------

OFFICE OF MINERS' HEALTH SAFETY AND TRAINING

Terry Farley	Health and Safety Administrator
Harry Linville	Inspector-at-Large
John Kinder	District Inspector
Rodney Leake	Electrical Inspector
Steve Cox	Safety Instructor