

West Virginia Office of Miners' Health, Safety and Training

February 26, 2023

Report of Fatality

Mobile Equipment

LSM Excavating LLC

Permit No. C00008306

Contractor For

Appalachian Resource West Virginia, LLC

Grapevine East Surface

Permit No. S00500707B

Near Thacker in Mingo County, WV

Region Two

830 Virginia Ave.

Welch, WV 24801

Benjamin Hamilton, Inspector-at-Large

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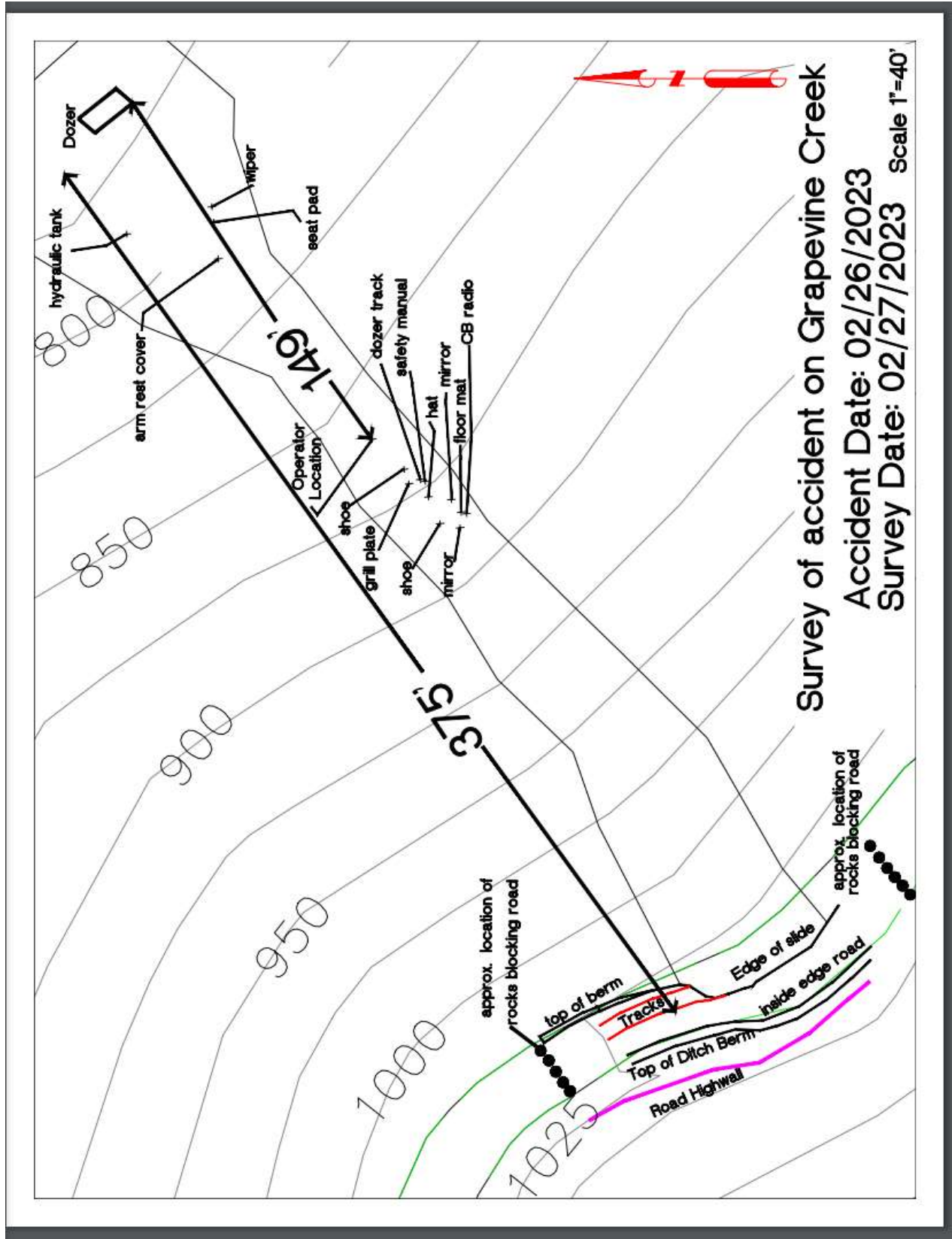
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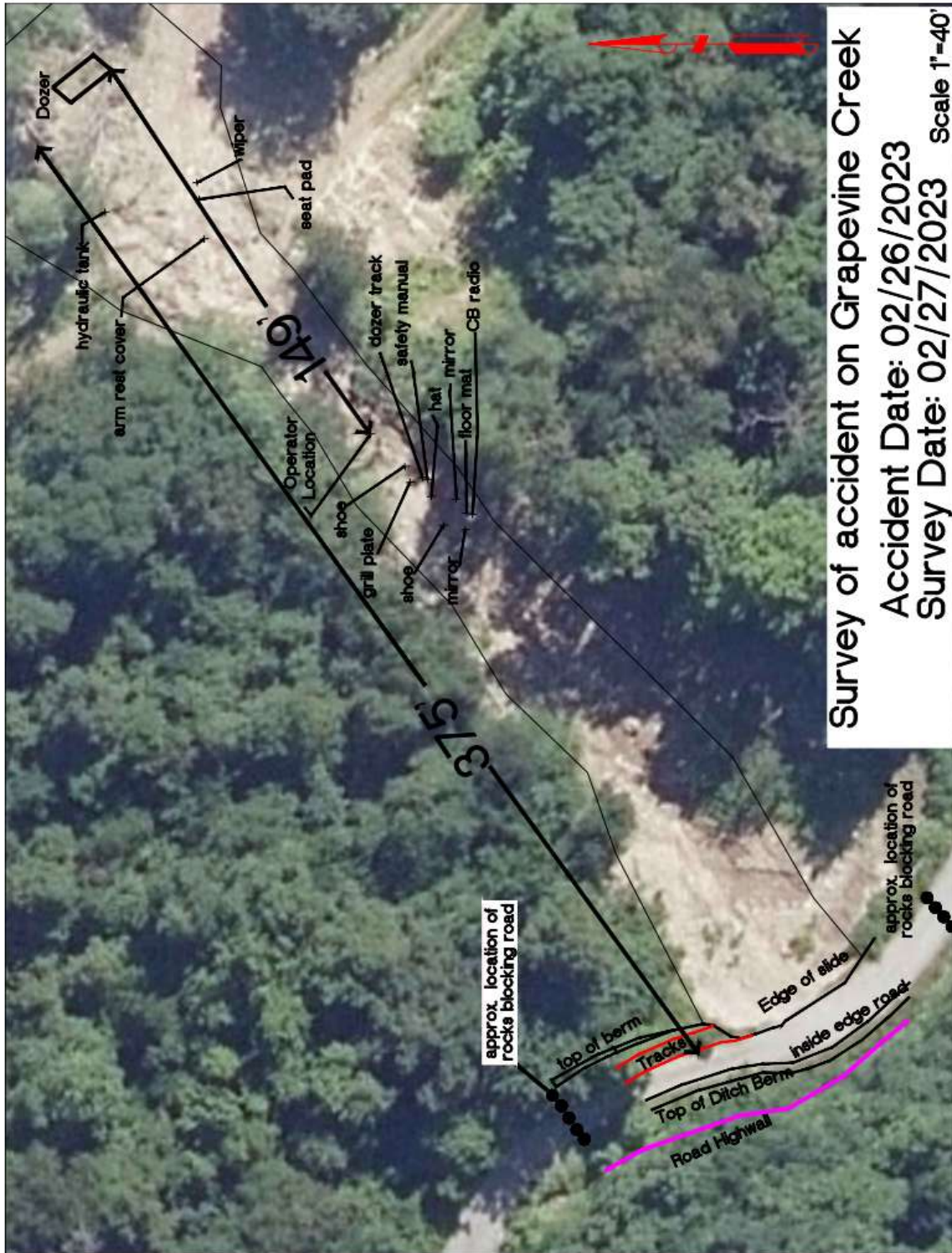
Photo of John Deere 850K dozer after accident

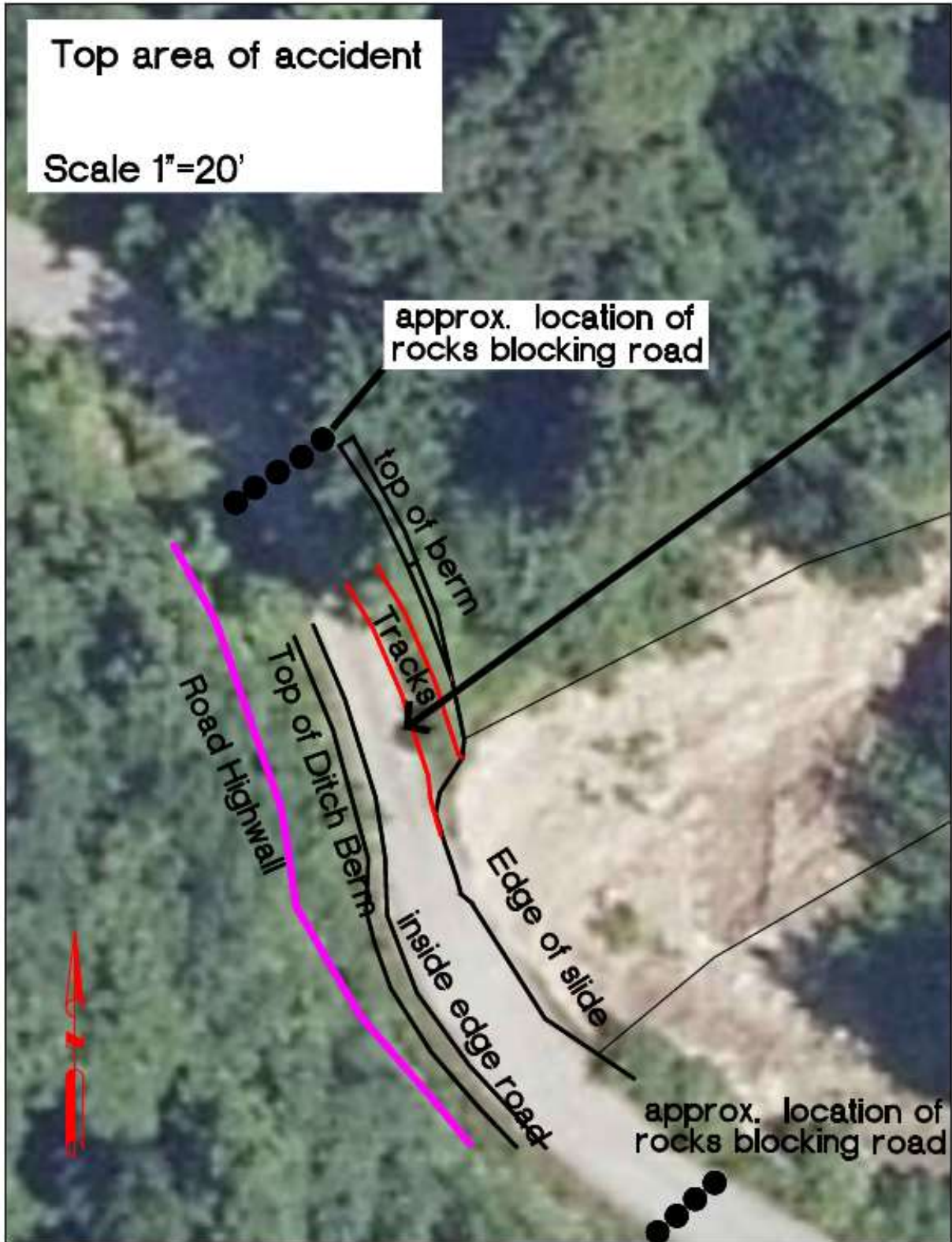


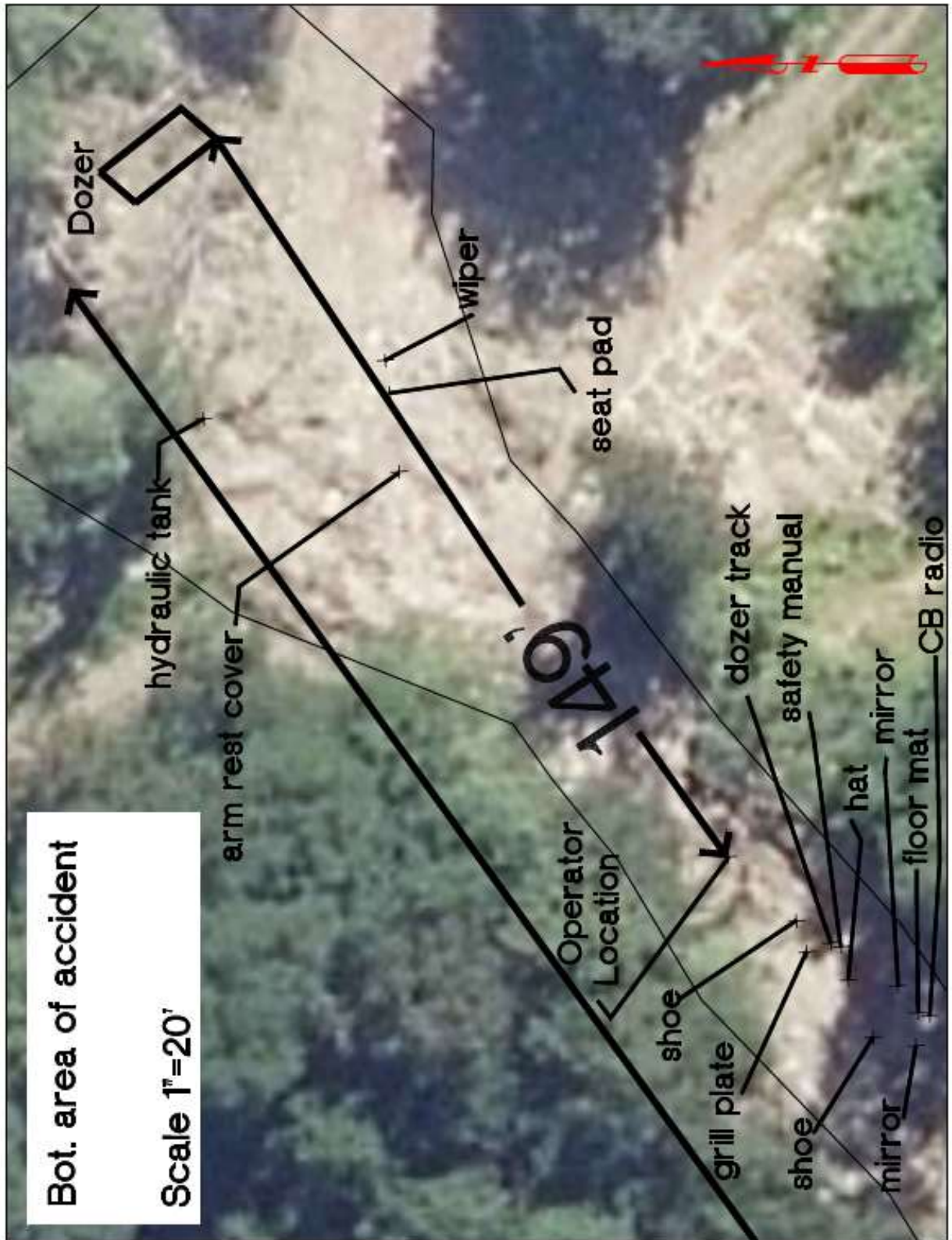
Photo of John Deere 850K dozer after accident
















Survey of accident on Grapevine Creek
Accident Date: 02/26/2023
Survey Date: 02/27/2023 Scale 1"=40'







Accident Timeline

-  12:56 p.m. Billy Mapes (victim) started trammimg the John Deere 850 K. dozer up Haulroad #3.
-  1:08 p.m. Accident occurred.
-  3:30 p.m. Billy Gilman, Security Officer, discovered the accident scene.
-  3:57 p.m. 911 was called.
-  4:12 p.m. Ambulance service, Stat EMS, arrived on scene.
-  4:20 p.m. Matewan Volunteer Fire Department arrived on scene.
-  4:32 p.m. WV Emergency Management Division (WVEMD) was notified by Roger Slone, Safety Manager at Appalachian Resource West Virginia, LLC.
-  4:35 p.m. Mr. Slone, Safety Manager, notified Janice Martin, Asst. Inspector-at-Large with WV Office of Miners' Health Safety and Training (WVOMHS&T), Region 2.
-  4:45 p.m. A non-assessed Verbal Control Order was issued to Mr. Slone by Kelly Blair, Surface Inspector with WVOMHS&T, Region 2.
-  4:46 p.m. Mr. Mapes was pronounced deceased by Dr. Joshua Mena with MedCom.
-  6:00 p.m. A joint investigation between WVOMHS&T and Mine Safety and Health Administration (MSHA) began.
-  6:00 p.m. Stat EMS transported Mr. Mapes' body to the WV Coroner's Office.
-  8:55 p.m. Mr. Mapes' body arrived and was accepted by WV Coroner's Office.

GENERAL INFORMATION

Appalachian Resource West Virginia, LLC, Grapevine East Surface Mine, Permit No. S00500707B, is located near Thacker, West Virginia. The surface mine has a preparation plant on this permit. Annual production to date is 90,770 tons. This surface mine and plant operated two shifts with 45 employees. LSM Excavating LLC, Contractor ID No. C00008306, located in Freeburn, Kentucky, is one of several independent contractors that provides services to this mining operation.

On February 26, 2023, Billy Mapes, 73 years of age, was working for LSM Excavating LLC, at the Grapevine East Surface Mine. At approximately 1:08 p.m., while tramping a John Deere 850K dozer on Haulroad #3, Mr. Mapes backed through an unbermed slip area of the road and the dozer rolled down a distance of 375 feet. Mr. Mapes was ejected from the dozer and received fatal injuries.

On February 26, 2023, at 4:35 p.m., Roger Slone, the Safety Manager of Appalachian Resource West Virginia, LLC, notified Janice Martin, Assistant Inspector-at-Large for the West Virginia Office of Miners' Health, Safety and Training, Region 2, that an accident had occurred at the Grapevine East Surface Mine, Haulroad #3. Ms. Martin immediately notified Kelly P. Blair, Surface Inspector for the West Virginia Office of Miners' Health, Safety and Training, Region 2, to proceed to the mine immediately. Mr. Blair called Mr. Slone and issued a verbal control order. A joint investigation with the Mine Safety and Health Administration, Appalachian Resource West Virginia, LLC, and LSM Excavating LLC began upon Mr. Blair's arrival at the mine.

DESCRIPTION

On February 25, 2023, at approximately 2:00 p.m., Jasher Norman, an employee for LSM Excavating LLC, hauled the dozer to the entrance of the county road which is parallel to Haulroad #3 entrance. Mr. Norman stated that he unloaded the dozer and unlocked the gate to Haulroad #3. He stated that he tramped the dozer through the gate and parked it in the flat/wide spot area. Mr. Norman stated that no warning/alarm lights or sensors activated when he pre-shifted the dozer or while he was tramping the dozer.

On February 26, 2023, at approximately 12:56 p.m., Mr. Mapes started the dozer and proceeded along Haulroad #3. Mr. Mapes tramped the dozer to the area of the haulroad that had rocks/boulders blocking further access. Mr. Mapes used the dozer to move several of the rock/boulders to gain further access along the haulroad. After moving the rocks to gain further access, he put them back in place. After placing the rocks to prevent access, he used the dozer to backblade the area he had disturbed. While completing this task, Mr. Mapes tramped backwards and backed upon and through the washout slide area in the haulroad causing the dozer to travel off the side of the haulroad and roll down the slope/slip area for approximately 375 feet. While the dozer rolled down the slope/slip area, Mr. Mapes was ejected from the dozer and was later found approximately 149 feet above where the dozer came to rest. Ronnie Gilman, a Security Officer for Asset Protection Solutions, LLC, found the dozer which was still running. He checked the dozer and the area around the dozer for Mr. Mapes. Mr. Gilman turned the engine off on the dozer. Mr. Gilman then located Mr. Mapes on the slope area. Mr. Gilman stated he

checked for a pulse and Mr. Mapes did not have one at that time. The 911 call was made at 3:57 p.m. Tori Vance and Elisha Doss, EMTs with Stat EMS, arrived on the scene at 4:12 p.m. The Matewan Volunteer Fire Department arrived on scene at 4:20 p.m. Dr. Joshua Mena with MedCom gave the Do Not Resuscitate Order at 4:46 p.m. Stat EMS departed the scene with Mr. Mapes at 6:00 p.m. and transported his body to the Office of the Chief Medical Examiner-West Virginia located at 619 Virginia Street West, Charleston, West Virginia.

FINDING OF FACTS

1. Mr. Mapes was a certified surface coal miner. Issued June 6, 2015, Certificate No. 3-15954.
2. Mr. Mapes attended an annual refresher course on February 12, 2022.
3. LSM Excavating LLC, possessed a certificate of approval, contractor no. C00008306.
4. LSM Excavating LLC, provided contractual work for Appalachian Resource West Virginia, LLC's Grapevine East Surface Mine Permit No. S00500707B.
5. Haulroad #3 is part of Appalachian Resource, West Virginia, LLC's Grapevine East Surface Mine Permit No. S00500707B.
6. Haulroad #3 was utilized by LSM Excavating LLC on several previous dates with repair work being completed on this haulroad.
7. The John Deere 850K dozer was only operated by Mr. Mapes. The pre-operational check book did not show a pre-operational check was completed on February 26, 2023.
8. On the day of the accident JD Link records indicate the dozer was started at 12:56 p.m. and lost communication at 1:08 p.m.
9. Formal interviews revealed that Mr. Mapes had utilized this road on previous dates.
10. Mr. Mapes on the date of the accident utilized the dozer to move a barricade (rocks) to allow entry. Mr. Mapes replaced the barricade (rocks).
11. Mr. Mapes received fatal injuries when he was tramming backwards and backed over the washed-out slip causing the dozer to roll backwards down the slope/slip area. Mr. Mapes was ejected from the dozer. The dozer traveled 375 feet before coming to rest. The victim was located 149 above the dozer on the slope.

CONCLUSION

The victim, Mr. Mapes was trammimg the John Deere 850K dozer on Appalachian Resource West Virginia, LLC Grapevine East Surface Mine Permit # S00500707B on Haulroad #3. Mr. Mapes backed upon the berm and over an unbermed washed out slip causing the dozer to roll backwards down the slope/slip ejecting him causing him to sustain fatal injuries.

ENFORCEMENT ACTION

There were two non-assessed control orders issued in accordance with West Virginia Code Section 22A-2-68. There was a total of seven violations written. Three violations were written to Appalachian Resource West Virginia, LLC and four violations were written to LSM Excavating LLC.

RECOMMENDATIONS

In accordance with West Virginia Code of State Rules Section 56-8-8.4, Appalachian Resource West Virginia LLC's Grapevine East Surface Mine and LSM Excavating LLC shall update and make modifications to their Comprehensive Mine Safety Program. LSM Excavating LLC has submitted a plan for approval as seen on page 13 of this report. Appalachian Resource West Virginia, LLC's Grapevine East Surface Mine needs to submit a plan of prevention and an updated Comprehensive Mine Safety Program.



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Randall Mapes-Owner
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The following is a plan of prevention in regards to the accident that occurred on February 26th, 2023. This plan will be implemented from this day going forward, April 13th, 2023 by LSM Excavating, LLC. The goal is to eliminate any safety issues before they occur by integrating improved risk assessment and planning into all projects for the safety of those involved.

Going forward LSM Excavating, LLC and its employees will partake in site specific training by the employing company when starting at a new location. This will be completed prior to any work being done with appropriate documentation to validate. Once established LSM Excavating, LLC will perform equipment safety check off sheets with employees that will be operating that equipment for that particular shift. LSM Excavating, LLC will also implement a weekly report between themselves and the employer which will log job specific details for each project. Lastly, LSM Excavating, LLC will no longer pass through locked gates or locked entries without appropriate mine personnel present to ensure roadways and tramways are appropriate for use. This will also be logged on the weekly report sheet. Clearer communication with job specific details and additional safety training will ideally prevent such occurrences in the future in addition to following all other state safety regulations.



4-13-2023

ACKNOWLEDGEMENT

The West Virginia Office of Miners' Health Safety and Training acknowledges the cooperation of employees and management of LSM Excavating LLC, Appalachian Resource West Virginia, LLC and the Mine Safety and Health Administration during this investigation.

MINE INFORMATION

Company: Appalachian Resource West Virginia, LLC

Mine Name: Grapevine East Surface Mine

WV Permit No.: S00500707B

MSHA Permit No.: 4608930

Address: PO Box 1169, Pikeville, KY 41508

County: Mingo

Phone No.: 606-794-2459

Date Permit Issued: 9/18/20

Working Status: Active

Location: Near Thacker, WV

Daily Production: N/A

Annual Production to Date: 90,700 tons YTD

Total Employees: 44

Number of Production Shifts: 2

Coal Seam Name & Thickness: N/A

Lost Time Accidents: 0 YTD

Accident Rate: 0 YTD

Type of Haulage: Equipment

WVOMHST Inspector: Todd Egnor

Date of Last Inspection: 2/20/23

WMOMHST Notified By: WVEMD

Notification Time: 4:32 PM

CMSP Anniversary Date: N/A

CMSP Contact Person: Roger Slone

CONTRACTOR INFORMATION

Contractor Name: LSM Excavating LLC

State Permit No.: C00008306

MSHA Permit No.: A7147

Address: PO Box 129, Freeburn, KY 41528

County: Pikeville, KY

Phone: 606-369-2458

Type of Work Performed: Excavation Contract Labor Total Employees: 4

No. of Shifts:1

Accident Frequency Rate: 0.00

WVOMHST Inspector: Todd Egnor

Notified By: Randall Mapes

Notification Date: February 26, 2023

Time: 3:15 PM