

West Virginia Office of Miners' Health, Safety and Training

August 18, 2023

(Updated June 27, 2024, to reflect 6 additional non-contributory violations)

**Report of Fatality
Drowning with Underlying Issues**

**Twin State Mining, Inc
Mine No. 39
Permit No. U00402589E
Elbert in McDowell County, WV**

**Region Two
830 Virginia Ave.
Welch, WV 24801**

Mike Pack, Inspector-at-Large

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Area where Mr. Finley was found.

(Photo was taken on Saturday, August 19, 2023, at 2:11 a.m.)

Photo #1



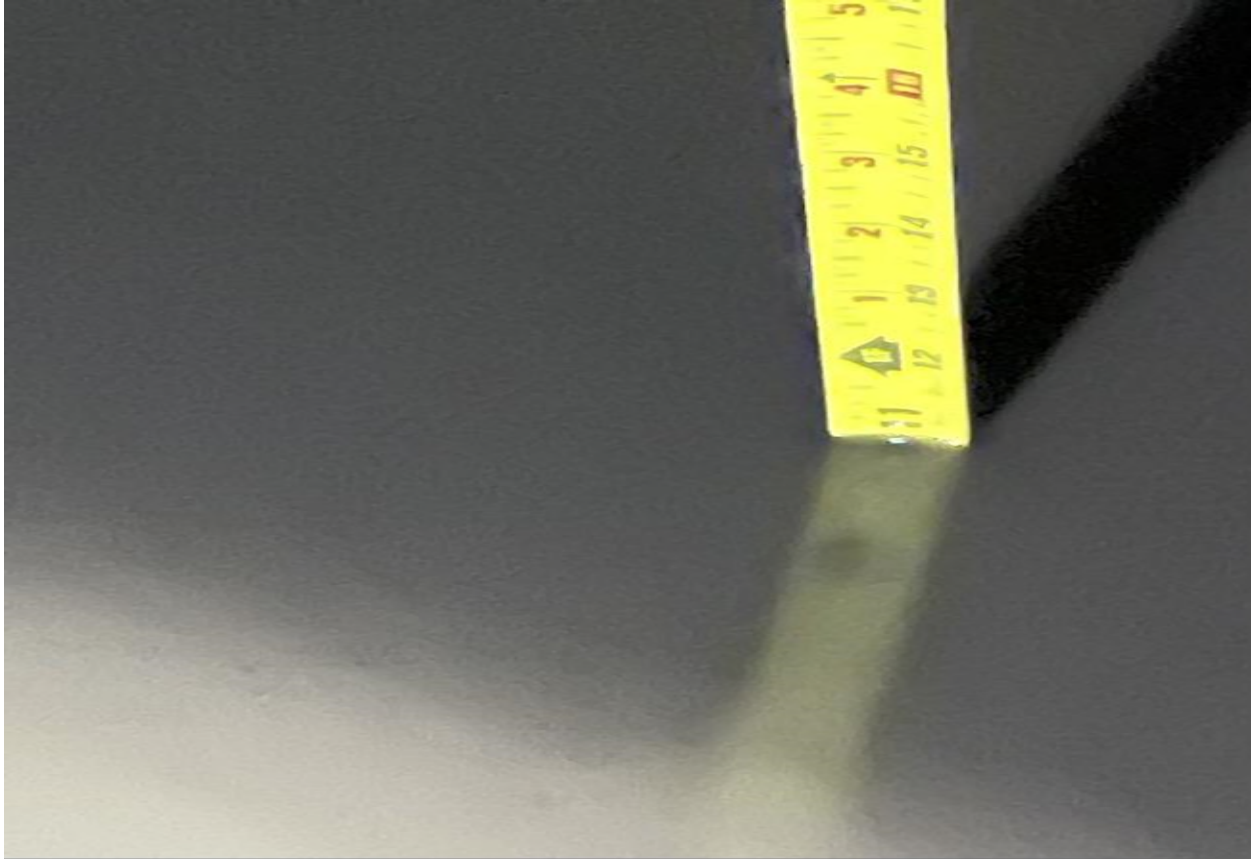
**Area photo of the crosscut where Mr. Finley was found.
(Photo taken on Saturday, August 19, 2023, at 2:16 a.m.)**

Photo #2



**Area view of the location where Mr. Finley was found.
(Photo taken Saturday, August 19, 2023, at 2:16 a.m.)**

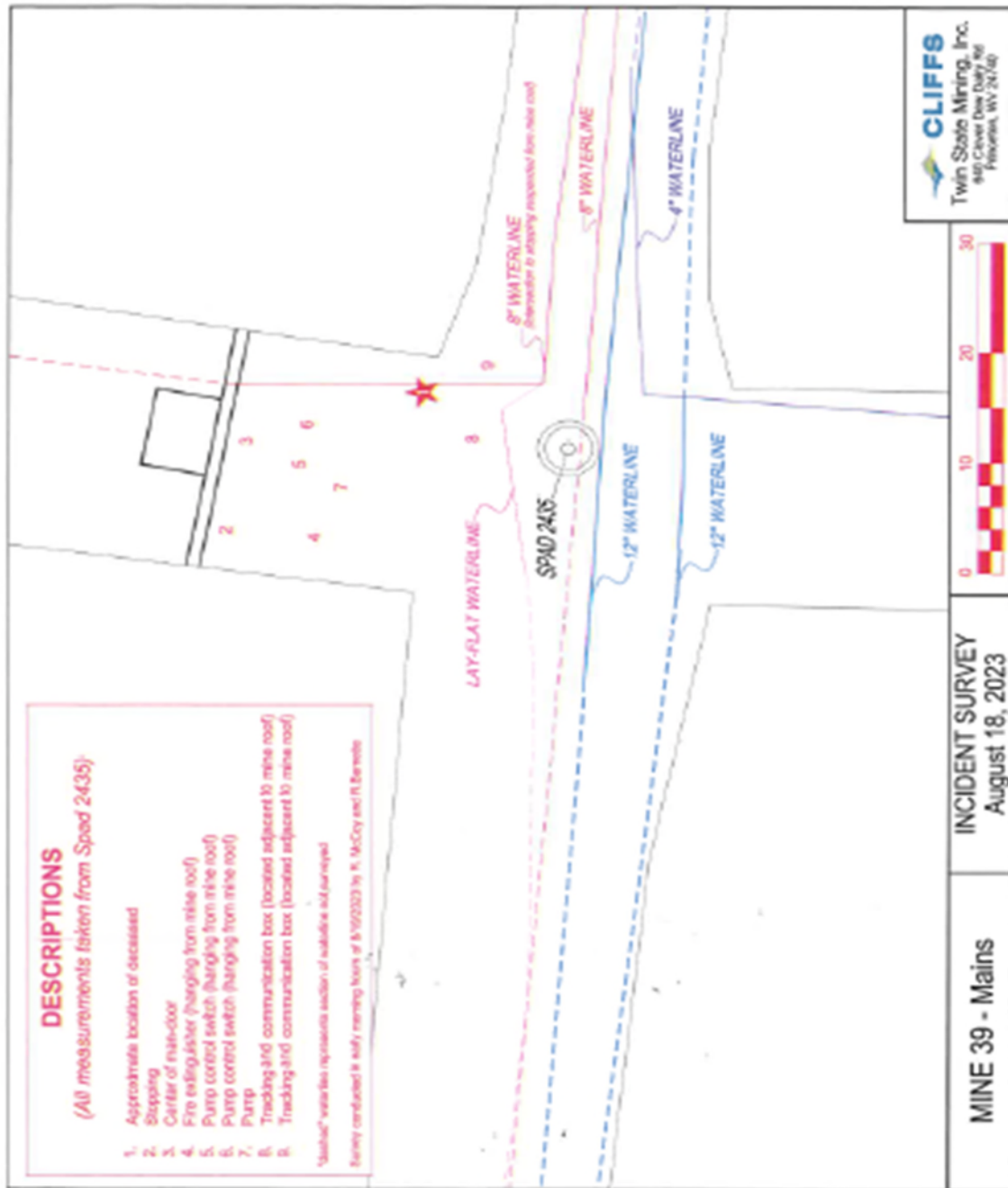
Photo #3



Area towards the center of the crosscut, approximately three feet from the location Mr. Finley was found.

(Photo taken Saturday, August 19, 2023, at 2:53 a.m.)

Photo #4



Map of area where Mr. Finley was found.

Event Timeline

August 18, 2023

- ❖ Evening shift started at 3:00 p.m.
- ❖ At approximately 4:30 p.m., Mr. Estep and Mr. Finley went underground.
- ❖ At 5:00 p.m., Mr. Estep and Mr. Finley arrived at call point 4. Mr. Estep and Mr. Finley separated at this point. Mr. Finley went to #1 belt head near the punch-out portal.
- ❖ At approximately 9:30 p.m., Mr. Estep and Mr. Nichols arrived near the punch-out portal (39 mains neutral).
- ❖ At approximately 9:32 p.m., Mr. Estep and Mr. Finley began work in the left return (39A ½ return punchout).
- ❖ At approximately 9:40 p.m., Mr. Finley was found unresponsive.
- ❖ At approximately 9:57 p.m., Mr. Collins, Mr. Nichols, and Mr. Slagle helped Mr. Estep get Mr. Finley through the man door and began CPR.
- ❖ At approximately 10:00 p.m., Mr. Collins contacted the Dispatcher.
- ❖ At 10:04 p.m., Dispatcher, Mr. Francis, called 911.
- ❖ At approximately 10:10 p.m. EMS was enroute to Twin State Mining, Mine No. 39. EMS arrived on scene at 10:15 p.m.
- ❖ At 10:29 p.m., Homeland Security contacted WVOMHS&T Assistant Inspector At Large, Janice Martin, at which time a verbal control order was issued.
- ❖ At 10:30 p.m., Ms. Martin contacted District Inspector, Donna Kessinger.
- ❖ At approximately 10:35 p.m., EMS left the scene with Mr. Finley, enroute to Welch Community Hospital. EMS arrived at Welch Community Hospital at 10:40 p.m., and at 10:44 p.m., Mr. Finley was pronounced deceased by Dr. Tallman.

GENERAL INFORMATION

The Cleveland Cliffs, Twin State 39 Mine was permitted to operate on March 28, 2023. The #39 mine has 130 employees working two production shifts and one idle maintenance shift five days per week. The mine utilizes the room and pillar mining method.

The management officials for Mine No. 39 at the time of the accident were:

Ronald Price	Mine Superintendent
Parker Purdue	General Mine Foreman
Dana Adkins	Chief Electrician

The date of the last West Virginia Office of Miners' Health, Safety and Training (WVOMHS&T) inspection was on August 17, 2023.

Mr. Christopher Finley, a 39-year-old section foreman with 15 years of mining experience, was found unresponsive while installing a discharge waterline (blue lay flat) for a Stancor Model P-20CE 2G-3018 220VAC dewatering pump.

Mr. Finley obtained his underground miner card on September 9, 2008 and received his West Virginia foreman certification on November 6, 2015. Mr. Finley was employed as a section foreman on May 9, 2023 and received experienced miner training at this mine site on May 10, 2023.

DESCRIPTION OF EVENTS

On Friday, August 18, 2023, the shift started at 3:00 p.m. Ronald Estep and Mr. Finley were assigned the task of running a lay-flat water line for the No. 2 pump, which is in the left return (tracking zone 39A ½ return punch-out), one crosscut underground.

At approximately 4:30 p.m., they went underground to begin their work. Mr. Finley and Mr. Estep traveled to call point 4 at approximately 5:00 p.m. Mr. Estep told Mr. Finley to go to where they were going to work and wait for him. Mr. Finley took a rail ride to the punch-out portal while Mr. Estep went to do a quick project. He loaded a charger in the bucket of a scoop and took it to B1 head. After Mr. Estep finished his project, Timothy Nichols brought Mr. Estep from B1 head to the #1 head to join Mr. Finley.

Mr. Estep and Mr. Finley began to unspool the lay flat line for the #2 pump. Mr. Estep stated he told Mr. Finley to unspool it and Mr. Estep would pull it. He stated that he knew Mr. Finley was doing it because it was easy to pull. Mr. Estep and Mr. Finley were communicating verbally with each other while he (Mr. Estep) was pulling and Mr. Finley was unspooling the waterline for a duration of approximately five (5) minutes. Mr. Estep asked Mr. Finley how much slack was left at the pump. Mr. Finley did not answer him, Mr. Estep stated he asked again and received no answer. Mr. Estep went to check on him and found Mr. Finley lying face down, towards the stopping. Mr. Estep picked Mr. Finley up, cleaned mud off his face and mouth and checked his breathing. Mr. Finley was unresponsive.

At this point Mr. Estep said he pressed the emergency button on his radio to alert for help. Mr. Jerry Collins, Mr. Nichols and Mr. William Slagle showed up at approximately 9:50 pm to assist Mr. Estep in carrying Mr. Finley through the man door.

Mr. Collins called Dispatcher Timothy Francis to alert him of Mr. Finley's condition. The dispatcher, Mr. Francis, called 911 at 10:04 p.m. to request an ambulance. Mr. Collins stated once they got Mr. Finley through the man door, they began cardiopulmonary resuscitation (CPR). Upon arrival of the mantrip, they loaded Mr. Finley and continued rescue efforts until outside and turned him over to STAT Emergency Medical Service ambulance (STAT).

STAT EMS left at 10:35 p.m. to transport Mr. Finley to the Welch Community Hospital, arriving at 10:40 p.m. Doctor Jane Tallman pronounced Mr. Finley deceased at 10:44 p.m.

FINDING OF FACTS

1. Mr. Finley, a 39-year-old section foreman from Princeton, WV with 15 years of mining experience was found unconscious and unresponsive while assisting to run lay-flat line to the No. 2 return pump, approximately one crosscut underground, in the left return.
2. WVOMHS&T investigators met with MSHA personnel and company officials to discuss the investigation. WVOMHS&T investigators, in conjunction with MSHA, conducted an examination of the accident scene, took photographs and acquired written statements from miners.
3. The area where the accident occurred was wet and muddy with a total depth of water and mud approximately eight to ten inches with the top, approximately 4 inches, being water.
4. Mr. Finley mentioned he did not feel well once in the foreman's meeting to Mr. Estep and again in the office to Mr. Slagle around 3:05-3:10 p.m.
5. At about 9:00 p.m., Mr. Finley and Mr. Estep started work on unspooling the lay flat line to be installed on the No. 2 pump.
6. At about 9:40-9:45 p.m., Mr. Finley did not respond back to Mr. Estep's question about whether there was enough slack and Mr. Estep went to check on Mr. Finley.
7. Mr. Estep found Mr. Finley face down in what Mr. Estep estimated to be eight to nine inches of mud and water.
8. Mr. Estep did not witness what happened to Mr. Finley.
9. The official cause of death was that Mr. Finley died due to fresh water drowning with underlying hypertensive cardiovascular disease listed as a contributing factor.
10. There is no conclusive evidence explaining how or why Mr. Finley ended up in the water or why Mr. Finley could not get himself out.

CONCLUSION

On Friday, August 18, 2023, at approximately 9:40 p.m., Mr. Chris Finley, a 39-year-old section foreman with 15 years of mining experience, was found unresponsive when he stopped communicating with Mr. Estepp, while installing lay flat waterline for a dewatering pump. The investigation and record review determined that while the ultimate cause of death was fresh water drowning (as listed on the death certificate) with hypertensive cardiovascular disease contributing, the root cause of the event itself remains unclear.

ENFORCEMENT ACTION

A non-assessed control order was issued in accordance with Chapter 22A, Article 2, Section 68 of the West Virginia Code to prevent further injuries and to preserve the accident scene along with eleven non-contributory violations found during investigation.

ACKNOWLEDGEMENT

The West Virginia Office of Miners' Health, Safety and Training acknowledges the cooperation of the employees and management of Twin State Mining, Inc., Mine #39 and the Mine Safety and Health Administration during the process of this investigation.

VICTIM INFORMATION

Name of Victim: Christopher Finley

Age of Victim: 39

Total Mining Experience: 15 yrs. **Experience at this Mine:** 3 months

Average Number of Days Worked Per Week: 5.5

Average Number of Hours Per Week: 55

Length of Shifts at Mine: 9 **Travel To/From Work:** 50 minutes

Occupation at Time of Event: Helping Outby

Regular Occupation: Section Foreman

Miners Certification: 2-6252 **WV Electrician Certification:** N/A

Spouse's Name: N/A

Date of Event: August 18, 2023 **Time:** Approx. 9:45 pm

Location of Event: #1 Crosscut Left Return, 39A Mains.

Date of Death: August 18, 2023 **Day of the Week:** Friday

MINE INFORMATION

Company: Twin State Mining

Mine Name: Mine No. 39

WV Permit No.: U00402589E

MSHA Permit No.: 46-09261

Address (Physical Location): 48 Advert Rd Elbert, WV 24830

County: McDowell

Phone No.:

Date Permit Issued: March 28, 2023

Working Status: Active

Location: Elbert, WV

Non-Union:

Daily Production: 1200 Clean tons **Annual Production to Date:** 219,559

Total Employees: 135

Number of Production Shifts: 2

Coal Seam Name & Thickness: Pocahontas 3 Seam 34"-46" **Lost Time Accidents:** 4

Accident Rate: 3.80 IR

Type of Haulage: Belt

WVOMHST Inspector: Donna Kessinger & Chad Daniels (Assigned Inspector – Aaron Toler)

Date of Last Inspection: August 17, 2023

WMOMHST Notified By: WVEMD

Notification Time: 10:11 pm

CMSP Anniversary Date: March 18, 2023

CMSP Contact Person: Andy Fields