

**WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND  
TRAINING**

**REPORT OF FATALITY**

**Fall-Elevated Work Place**

**January 14, 2022**

**NEXGEN INDUSTRIAL SERVICES**

**PERMIT NO. C00008058**

**Contractor For**

**Ohio County Coal Resources**

**Ohio County Mine Preparation Plant**

**PERMIT NO. D00004791B**

**REGION ONE**

**14 COMMERCE DRIVE, SUITE ONE**

**WESTOVER, WEST VIRGINIA 26501**

**EDWARD PEDDICORD, INSPECTOR-AT-LARGE**

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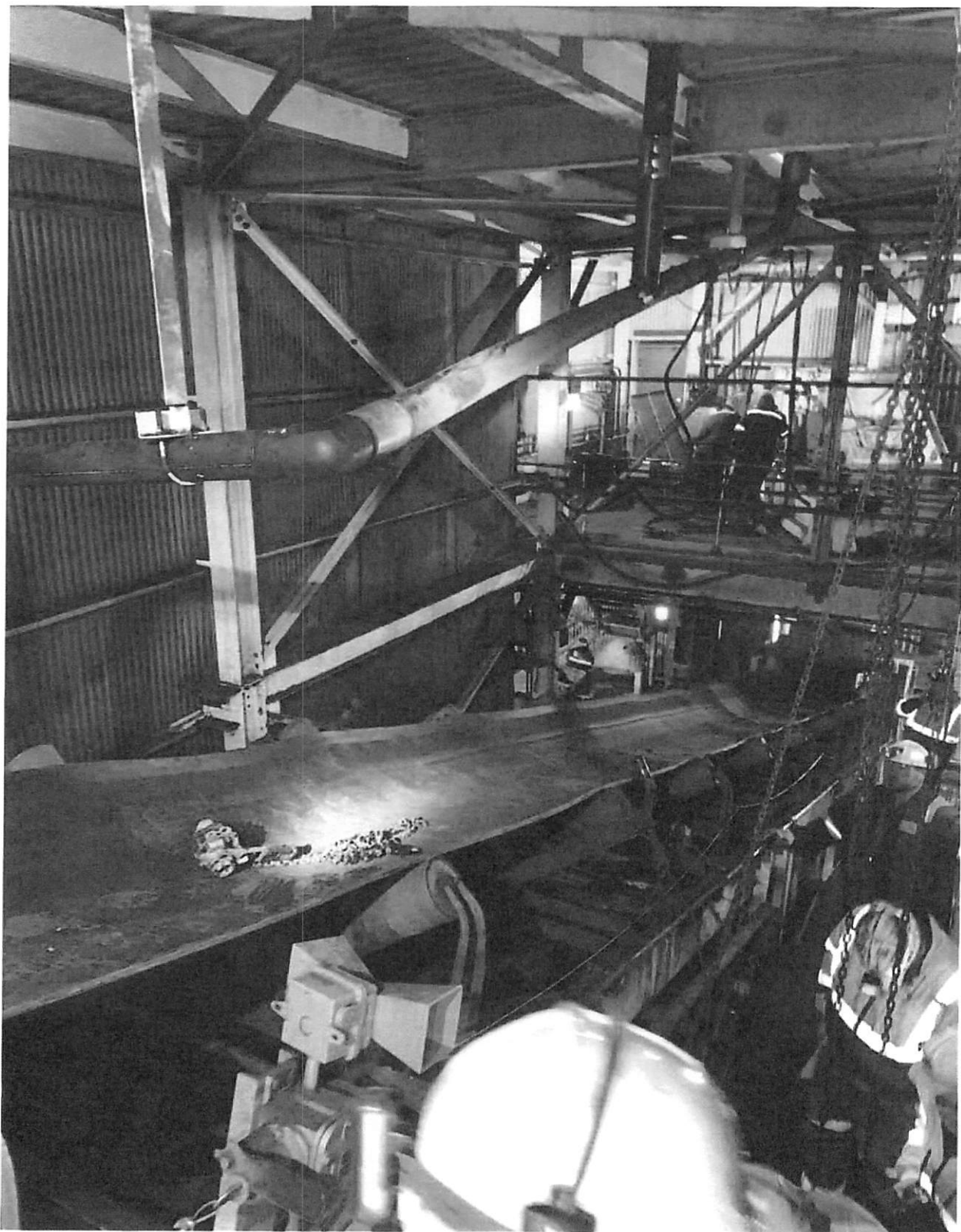
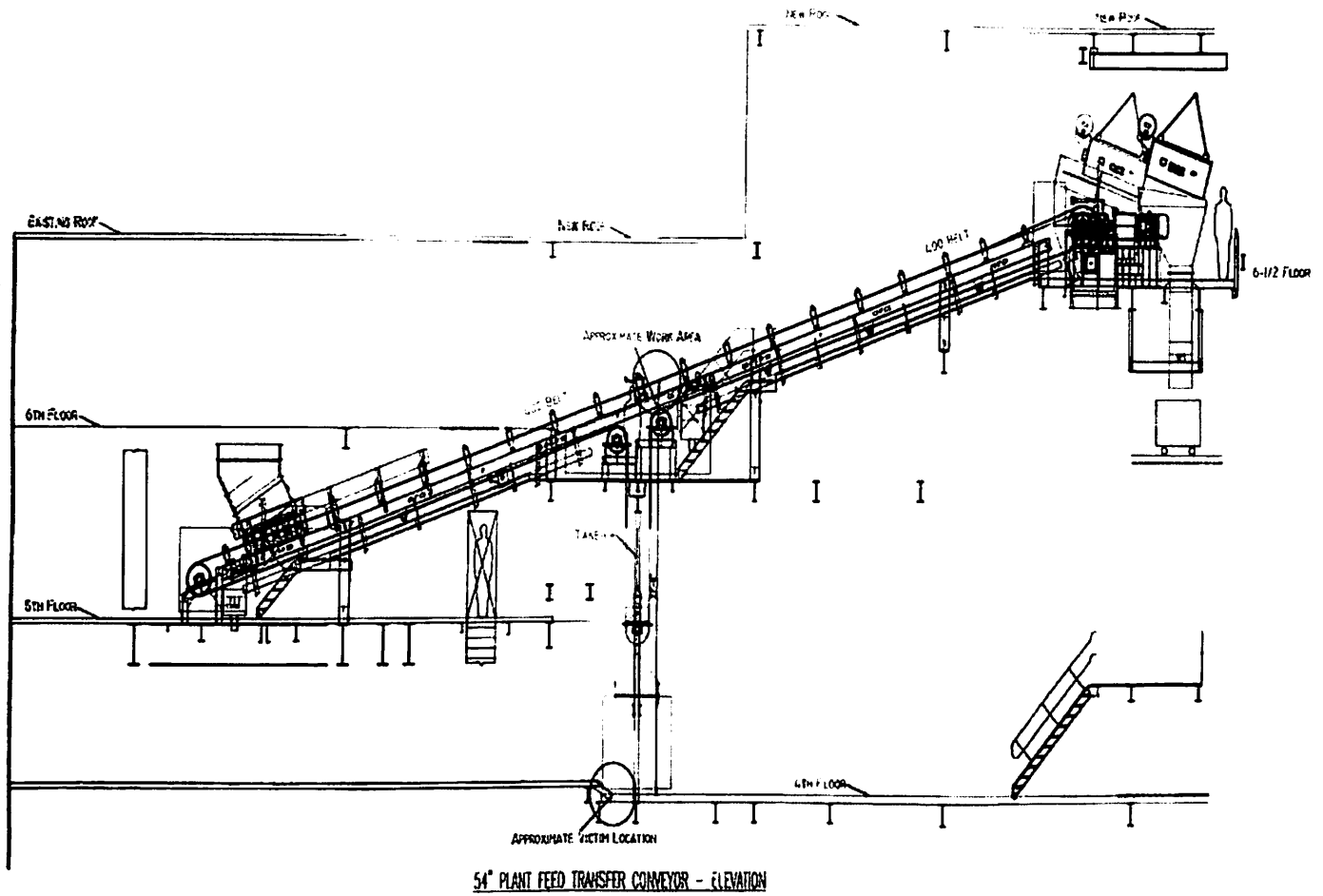
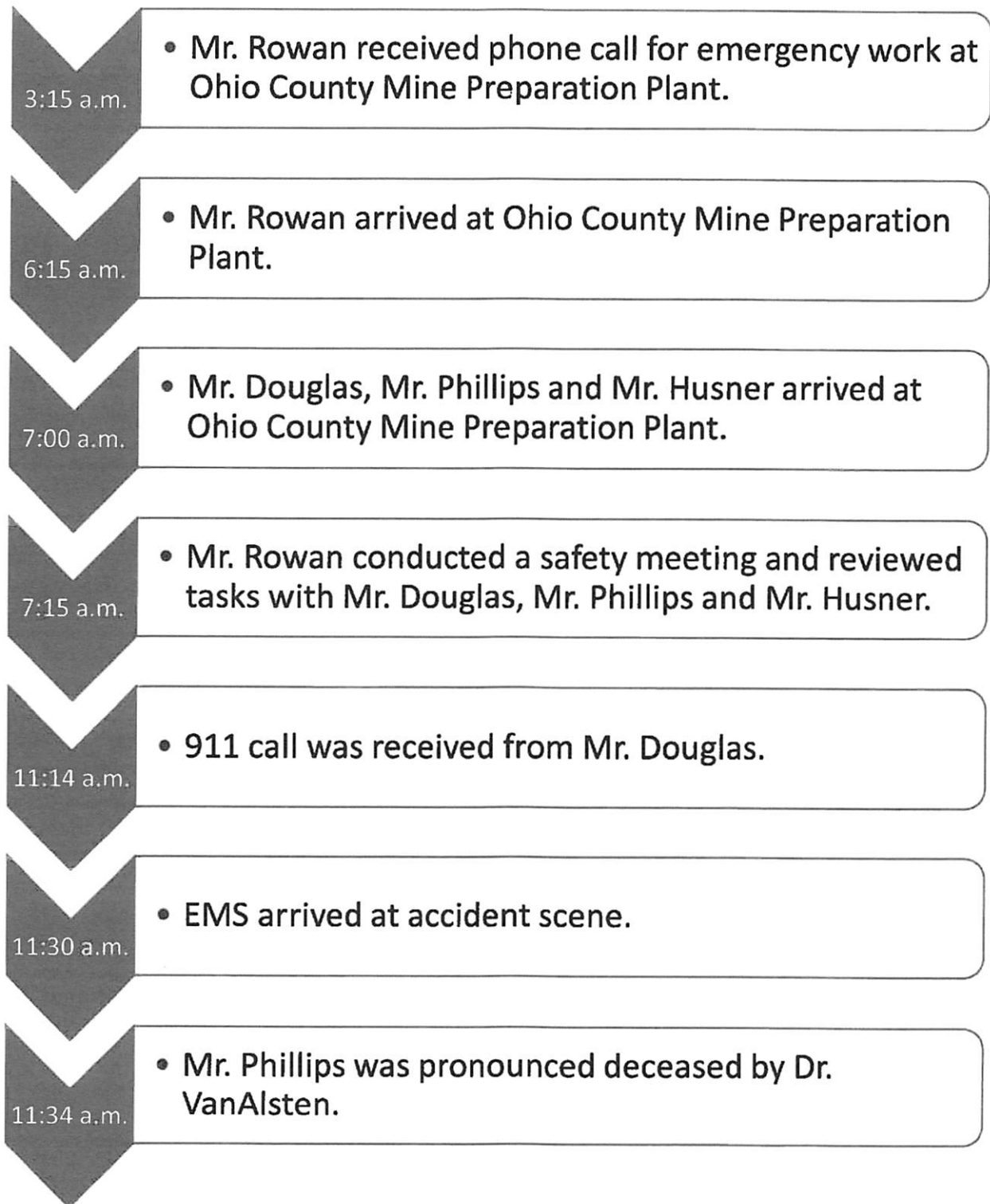


Photo of the working location on 400 belt



CAD drawing obtained from Ohio County Coal Resources



## **GENERAL INFORMATION**

Ohio County Coal Resources, Ohio County Mine Preparation Plant, Permit No. D00004791B, is located in Benwood, West Virginia. The plant processes coal from the Ohio County underground coal mine. Annual production year to date is 44,543 clean tons.

The Ohio County Mine employs four-hundred and fifty-two (452) employees and operates three (3) shifts, with thirty-four (34) employees at the preparation plant. NEXGEN INDUSTRIAL SERVICES, Contractor ID No. C00008058, located in Mt. Morris, Pennsylvania, provides industrial services to this mining operation. On January 14, 2022, at approximately 11:13 a.m., Jeffrey A. Phillips, 44 years of age, received fatal injuries while he was working on the 400 belt on day shift. The 400 belt is located on the fifth floor and extends to the sixth floor of the Ohio County Mine Preparation Plant. Mr. Phillips was an employee of NEXGEN INDUSTRIAL SERVICES.

On January 14, 2022, at 11:14 a.m., Chadwick Douglas called 911 for assistance. At this time the West Virginia Division of Homeland Security Mine and Industrial Accident Rapid Response System was notified of the accident. Edward Peddicord, Region One Inspector-at-Large of the West Virginia Office of Miners' Health, Safety & Training, was then notified that an accident had occurred at the Ohio County Mine Preparation Plant. Mr. Peddicord contacted William Coen, District Inspector, who issued a verbal control order at 11:47 a.m. to Brian Hough, Corporate Safety Manager of American Consolidated Natural Resources. John Meadows, Region One Assistant Inspector-at-Large of the West Virginia Office of Miners' Health, Safety & Training notified Arthur Wood, District Inspector, of the accident at 11:30 a.m. Mr. Wood issued a written control order to Ohio County Coal Resources, Ohio County Mine at 1:45 p.m.

## **DESCRIPTION**

On January 14, 2022, at approximately 7:00 a.m., NEXGEN INDUSTRIAL SERVICES arrived at the Ohio County Mine Preparation Plant. The Independent Contractor was contracted to replace the snub roller on the 400 belt located on the fifth floor. NEXGEN INDUSTRIAL SERVICES on-site employees consisted of Kenneth Rowan III, General Superintendent; Chadwick Douglas, Leadman; Shawn Husner and Jeffrey Phillips, General Laborers. At the start of the shift, Mr. Rowan conducted a safety meeting at approximately 7:15 a.m. with the NEXGEN INDUSTRIAL SERVICES employees. The content of the meeting consisted of the following: personal protection equipment, working in elevated heights/fall protection and lock-out/tag-out procedures. After the conclusion of the safety meeting, an on-site review of the specific tasks associated with the replacement of the snub roller was conducted by Mr. Rowan. Mr. Douglas and Mr. Phillips had performed this task together in the past. After the meeting, Mr. Rowan departed the preparation plant leaving Mr. Douglas in charge of the task. Mr. Douglas instructed Mr. Phillips and Mr. Husner to collect the necessary tools for the task. Mr. Douglas proceeded to the master control center room to lock and tag out the 400 belt.

The 400 belt had already been locked out by an Ohio County Mine Preparation Plant employee. Mr. Douglas inserted his lock into the multi-lock device. The NEXGEN INDUSTRIAL SERVICES employees transported the tools on the elevator to the fifth floor and proceeded to install lifting equipment to raise the counterweight to allow the release of tension in the belt. Due to the weight of the belt, it was necessary to install two (2) chain hoists in the front and two (2) chain hoists in the rear to provide slack in the belt so the snub roller could be pulled out from between the top and bottom belt. The damaged roller was removed and the new roller installation commenced. When the roller was close to its mounting position, Mr. Douglas climbed onto the top belt and tied off to the guide roller of the training roller located on the east side of the belt. Mr. Douglas then installed another chain hoist to help position the roller onto the base. Mr. Douglas then climbed off the top of the 400 belt onto the catwalk. Mr. Phillips climbed onto the top belt without any fall protection. Mr. Douglas instructed Mr. Phillips to put on his safety harness. Mr. Douglas stated that Mr. Phillips told him he was only going to be a second and did not don a safety harness. Mr. Douglas bent down to look at the roller to see what adjustments were needed for proper alignment. While Mr. Douglas was looking at the alignment of the roller, he saw a blurred movement go past his view between the top and bottom belt.

Mr. Douglas immediately searched for Mr. Phillips who was no longer at his last known location. Mr. Husner was on the fifth floor attaching gauges to the oxygen and acetylene tanks then joined Mr. Douglas in the search. Mr. Douglas and Mr. Husner found Mr. Phillips lying on the concrete of the fourth floor. Mr. Douglas immediately called 911 and Mr. Rowan for assistance. Mr. Husner then proceeded to the bottom floor to direct the arriving Marshall County EMS to the scene. Mr. Rowan arrived and administered first aid until care was transferred to the Marshall County EMS. Mr. Phillips was pronounced deceased on January 14, 2022, at 11:34 a.m. by Dr. VanAlsten of MedComm.

## FINDINGS OF FACTS

1. Mr. Phillips was an employee of NEXGEN INDUSTRIAL SERVICES for approximately eight (8) years. His occupation was General Laborer.
2. Mr. Phillips possessed a WVMHS&T Underground Coal Miner's Certification Number 1-21100 issued on 9/4/2013.
3. Mr. Phillips last documentation of hazard training for the Ohio County Mine Preparation Plant was 2/2/2019.
4. Mr. Phillips received annual miner retraining on 11/19/2021.
5. NEXGEN INDUSTRIAL SERVICES possesses a Certificate of Approval, Contractor ID No. C00008058.
6. NEXGEN INDUSTRIAL SERVICES provides contract employees to perform mine specific job tasks for Ohio County Mine Preparation Plant and other facilities.
7. The Ohio County Mine Preparation Plant was not processing coal at the time of the accident.
8. The 400 belt is the plant feed conveyor belt from the raw coal silo to the new prep plant side and is located between the fifth and sixth floors of the old plant.
9. The west side of the 400 belt is equipped with a catwalk with handrails and toe boards. The east side is not so equipped.
10. The 400 belt is on a 16.5% incline and is equipped with a pull cord the entire length of the belt on the catwalk side.
11. The 400 belt is fifty-four (54) inches wide and seventy-eight (78) feet in length.
12. The top belt of the 400 belt extends above the installed handrails of the catwalk. There are no handrails on either side of the elevated belt work location.
13. Tension for the 400 belt is provided by a counterweight.
14. The snub roller to be replaced is located forty-two (42) feet from the 400 belt tail roller located on the fifth floor.
15. The beams where Mr. Douglas and Mr. Phillips tied off when they were attaching chain hoists to lift the take-up pulley are thirteen (13) feet above the concrete of the fourth floor.
16. To gain access to the counterweight work location, Mr. Douglas and Mr. Phillips were not protected from falling through openings in surface installations when they crossed the handrail. Mr. Douglas and Mr. Phillips accessed the counterweight without protective devices.
17. At the snub roller no attempts were made to attach fall protection to adequate anchorage or structural members.
18. Height in the work area on the belt was restricted due to a four (4) inch pipe. From the pipe to the top belt measured four (4) feet above the centerline of the belt.
19. At least two (2) distinct sets of boot prints were observed on top of the 400 belt at the accident scene.
20. A chain hoist with grease/oil on the chain was laying on the belt in the approximate location of the fall. Boot and chain skid marks on the belt were observed at this location.
21. The safety harnesses available to the NEXGEN INDUSTRIAL SERVICES employees were manufactured by Werner, October 2017.
22. One retractable lanyard was manufactured by Guardian Fall Protection and the other by Fall Tech. Both were equipped with six (6) foot lanyards.
23. The safety harnesses with single tie off retractable lanyards were in working condition and located on the fifth floor. One was in a wheelbarrow and one was on the floor.



24. A total of eight (8) chain hoists were used for this task. Two (2) chain hoists were lifting the belt counterweight. Four (4) chain hoists were attached to the belt to pull slack, two (2) were attached to the west side of the belt and the other two (2) were attached on the east side of the belt. The other two (2) chain hoists were being used to position the snub roller. One was attached to the overhead I-beam on the west side of the belt and the other one was attached to the belt structure on the east side of the belt.
25. The chain hoist attached to the overhead I-beam is approximately sixteen (16) feet above the level section of the catwalk.
26. There was no recorded documentation of a twenty-four (24) hour inspection of the operations by the mine operator.
27. The victim fell approximately twenty-eight (28) feet, landing on a concrete floor.
28. Mr. Husner stated in the informal interviews that he did not attend a safety meeting at the beginning of the shift. Mr. Husner stated in the formal interviews he attended a safety meeting at the beginning of the shift.
29. Mr. Husner stated in the informal interviews that he heard Mr. Douglas "yell" and heard a "thud". Mr. Husner stated in the formal interviews he heard nothing.
30. Mr. Douglas stated in the informal interviews that Mr. Phillips went to get a ladder from another floor. Mr. Douglas stated in the formal interviews that no ladder was used.
31. Mr. Douglas stated in the informal interviews that Mr. Phillips was on the belt for fifteen (15) minutes. Mr. Douglas stated in the formal interviews that Mr. Phillips was on the belt only seconds.
32. Mr. Douglas stated in the informal interviews that the chain hoist on the top belt near the approximate location of the fall was inoperable and that he had placed it on the belt. Mr. Douglas stated in the formal interviews that he did not know anything about the chain hoist on the top belt.

## **CONCLUSION**

Mr. Phillips received fatal injuries when he fell from the 400 belt at the Ohio County Mine Preparation Plant. Mr. Phillips was observed standing on top of the belt and was not wearing fall protection. Mr. Phillips fell approximately twenty-eight (28) feet landing on the concrete of the fourth floor.

## **ENFORCEMENT ACTION**

### **NEXGEN INDUSTRIAL SERVICES**

**§22A-2-53a.(5)** During the investigation of a fatal accident that occurred on January 14, 2022, a formal interview revealed that prior to the accident, Mr. Phillips was not protected from fall hazards. Mr. Phillips received fatal injuries when he fell approximately twenty-eight (28) feet from the top of the 400 belt onto the concrete of the fourth floor. Mr. Phillips was last observed standing on top of the 400 belt without required safety protection. This is a violation of a safety rule and is of a serious nature involving a fatality.

**§22A-2-51. Housekeeping.** Good housekeeping shall be practiced in and around mine buildings and yards. Such practices include cleanliness, orderly storage of materials, and the removal of possible sources of injury, such as stumbling hazards, protruding nails and broken glass. Mr. Phillips received fatal injuries when he was working on the 400 belt on January 14, 2022. Mr. Phillips was on top of the 400 belt with a chain hoist on the belt in his access/work area causing a potential stumbling hazard. At the access/work area location on the 400 belt above the snub roller there were boot/chain skid marks in the boot prints on top the 400 belt. This is a violation of a safety rule and is of a serious nature involving a fatality.

**§22A-2-53c.(1)** Openings in surface installations through which men or material may fall shall be protected by railings, barriers, covers or other protective devices. Mr. Douglas and Mr. Phillips accessed the counterweight without protective devices. The two (2) employees accessed the counterweight area to install chain hoists to lift the counterweight. The area was accessed by crossing over the handrail, stepping onto two (2) beams that were approximately two (2) feet apart prior to stepping onto the counterweight. The beams are approximately thirteen (13) feet above the fourth floor. This is a violation of a safety rule and is of a serious nature involving a fatality.

Due to the information discovered during our investigation, two (2) violations were issued to Ohio County Coal Resources, one additional violation was issued to NEXGEN INDUSTRIAL SERVICES and one notice of Individual Personal Assessment (IPA) was issued.

## **ACKNOWLEDGEMENT**

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the management and employees of American Consolidated Natural Resources, Ohio County Coal Resources, NEXGEN INDUSTRIAL SERVICES, United Mine Workers of America and the Mine Safety and Health Administration during this investigation.

**MINE INFORMATION**

COMPANY Ohio County Coal Resources

MINE NAME Ohio County Mine

WV PERMIT D00004791B MSHA PERMIT NO. 46-01436

ADDRESS 1107 Golden Ridge Road, Dallas WV 26036

COUNTY Marshall PHONE NO. 304-238-1500

DATE PERMIT ISSUED 02/9/2021

WORKING STATUS Active LOCATION Ohio County Mine Preparation Plant

UNION Yes NON-UNION

DAILY PRODUCTION 25,000 tons ANNUAL PRODUCTION TO DATE 44,543 tons

TOTAL EMPLOYEES 452 NUMBER OF SHIFTS 3

COAL SEAM NAME AND THICKNESS Pittsburgh #8, 72 inches

ACCIDENT INCIDENT RATE 10.32 NFLD LOST TIME ACCIDENTS 2

TYPE OF HAULAGE Belt Conveyor System

WVOMHST INSPECTOR Adam Matlick and Arthur Wood

DATE OF LAST INSPECTION 1/12/2022

NOTIFIED BY Mine and Industrial Accident Emergency Operations Center

NOTIFICATION TIME 11:14 a.m. Contact to the Mine and Industrial Accident  
Emergency Operations Center

CMSP – CONTACT PERSON Matthew Cunningham

