
West Virginia Office of Miners' Health, Safety and Training

December 2, 2004

Report of a Surface Mine Fatality
Mountain Top Clearing, LLC, Permit Number C-6105
Contractor for
Catenary Coal Company
Samples Mine, Permit Number S-3023-90

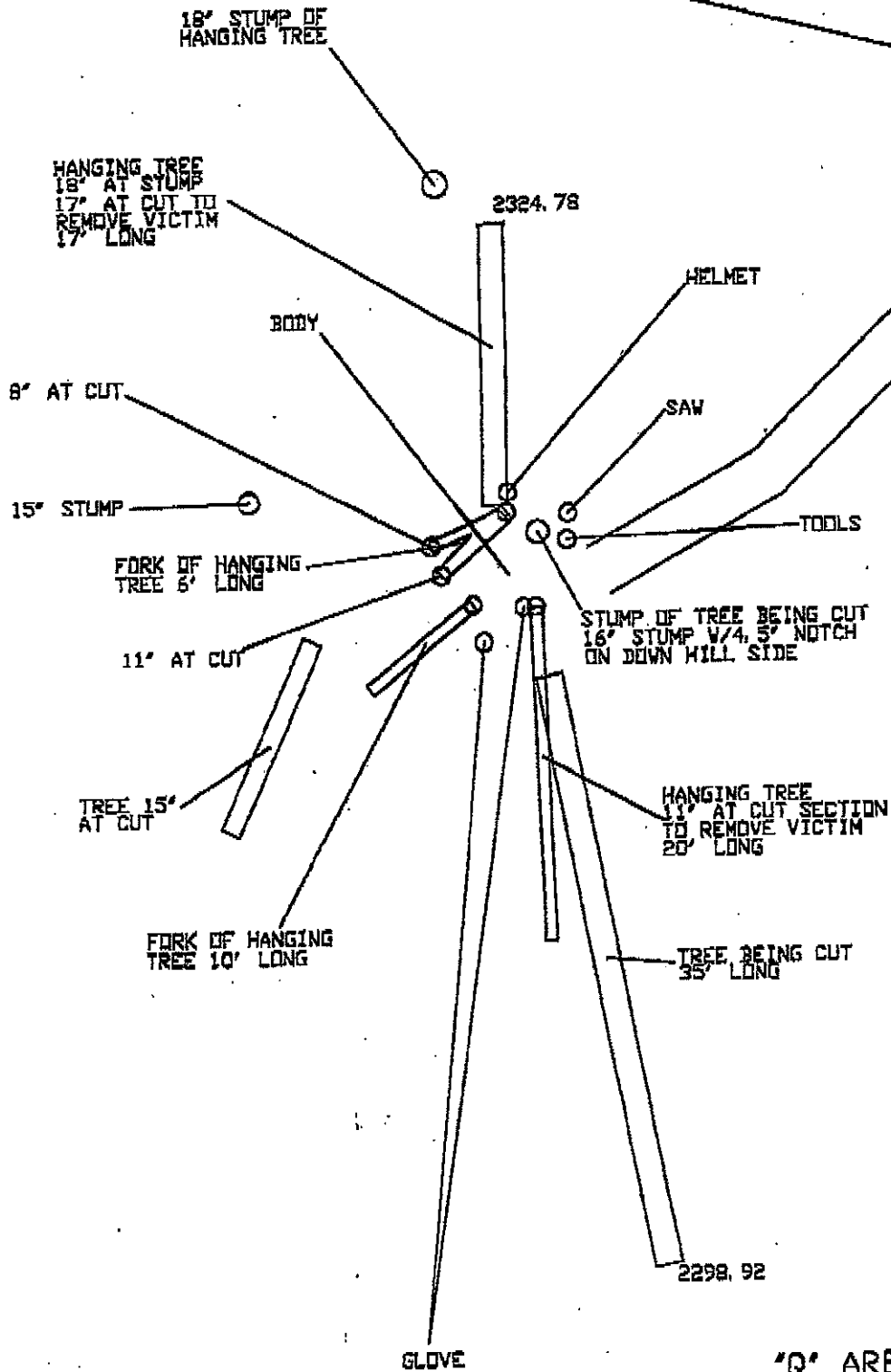
Region IV Office
142 Industrial Drive
Oak Hill, West Virginia 25901
Gary S. Snyder, Inspector-at-Large

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ROAD



'Q' AREA
 Location Of Fatality
 12/03/04
 1"=10'

**REPORT OF A SURFACE MINE FATALITY
MOUNTAIN TOP CLEARING, LLC, C-6105
CONTRACTOR FOR
CATENARY COAL COMPANY, SAMPLES MINE
PERMIT NO. S-3023-90**

GENERAL INFORMATION

A fatal surface mine accident occurred at approximately 1:30 p.m. on December 2, 2004 at the Catenary Coal Company, Samples Mine, located at Eskdale in Kanawha County, West Virginia. The accident occurred in the Q area of the surface mine. William S. Woods, tree cutter, age 44, cut a tree that had a dead tree leaning against it. When the tree he was cutting fell, the dead tree also fell striking Mr. Woods causing fatal injuries. Terry Tolley, Safety Manager for Catenary Coal Company, notified the Office of Miners' Health, Safety and Training, Region IV office, on December 2, 2004 at approximately 2:50 p.m. that a serious accident had occurred at the mine.

Terry L. Keen, Surface Mine Inspector with the West Virginia Office of Miners' Health, Safety and Training, Oak Hill office, was contacted by the Region IV office at 2:55 p.m. A joint investigation with the Mine Safety and Health Administration was started immediately.

DESCRIPTION

Mountain Top Clearing, LLC along with their sister company, M. G. C., Inc. are contracted by Catenary Coal Company to clear trees and vegetation at the Samples surface mine in advance of mining operations. Mountain Top Clearing, LLC utilizes 16 employees to cut trees at various mines throughout West Virginia. On the day of the accident, Mountain Top Clearing, LLC had six (6) employees performing tree cutting at the Samples mine and M. G. C., Inc. had two (2) employees performing dozer work. Mountain Top Clearing, LLC performs the tree cutting operations and M. G. C., Inc. performs tree stump and vegetation removal. These employees work seven (7) hours a day, five (5) days a week.

On Thursday, December 2, 2004, the Mountain Top Clearing, LLC crew started to work at approximately 8:15 a.m. in the Q area of the Samples Mine. According to testimony, the crew started to work later than normal on the morning of the accident. Their starting time is usually 7:30 a.m., but they had to wait for supplies to be delivered. According to testimony, work started and the crew spread along the bottom of the slope and began cutting toward the top. The six (6) man crew cut their way up the slope and when they reached the top, they went back down and started up the hillside again. The shift proceeded normally without incident until approximately 1:10 p.m. when Mike McKinney, crew leader, stated that he came upon a tree that had a dead tree leaning against it. Mr. McKinney stated that he made the decision not to cut the tree. As he

started moving away from the tree, Anthony Duffield, tree cutter, came up to the tree and started to cut it. Mr. McKinney stated that he yelled to Mr. Duffield to not cut the tree and come on out. Mr. Duffield went to Mike McKinney and they started walking out toward a nearby road.

At approximately 1:30 p.m., the two (2) men saw William Woods, tree cutter, coming down the slope toward them. He was cutting small brush as he approached the tree that Mr. McKinney had left. Mr. Woods approached the tree that had the leaning tree against it and started to cut a notch in it. Mike McKinney said he yelled to William Woods to leave the tree and come on out. He said he motioned to him to look up and again yelled for him to come on that it was quitting time. He said William Woods nodded back to him, however Mr. Woods was wearing full safety gear, such as a safety helmet with a face shield and hearing protection. Mike McKinney stated that he looked down to pick up his saw when he heard William Woods's chain saw. He thought he was just clearing a path, but he looked back toward Mr. Woods and saw the trees fall. Anthony Duffield stated that he also saw the trees fall and the leaning tree strike Mr. Woods. They both stated that Mr. Woods did not attempt to move out of the way. Mike McKinney and Anthony Duffield immediately ran to Jimmy Prince, supervisor who was operating a bulldozer nearby, for help. Jimmy Prince immediately called for help on the CB radio. They then ran to William Woods and checked his pulse. Anthony Duffield stated that he cut the tree that was lying across Mr. Woods in order to free him. Jimmy Prince started to perform CPR on Mr. Woods.

Conrad Larrabee, foreman for Catenary Coal Company, was nearby and heard the call for help on the CB radio. Mr. Larrabee stated that he called for EMT's and an ambulance on his company radio. Mr. Larrabee stated he arrived at the scene along with other EMT's and began caring for Mr. Woods. They placed Mr. Woods on a backboard-type stretcher, placed him in Mr. Larrabee's pickup truck, and transported him down the hill where the Kanawha County Ambulance Service was waiting. Mr. Woods was pronounced dead at the scene and transported to the Medical Examiners office in Charleston, West Virginia.

FINDINGS OF FACT

1. The employees of Mountain Top Clearing, LLC all wear full protective clothing that includes chaps, safety helmet with face shield, and hearing protection.
2. William Woods was cutting trees on approximately a 21.8-degree slope.
3. According to testimony, Mountain Top Clearing, LLC did not have a plan in place to mark trees deemed hazardous.

4. The tree that Mr. Woods cut was approximately 35 feet long and 16 inches in diameter at the stump, and he had cut a 4.5-inch notch on the downhill side of the tree. The leaning tree that fell on Mr. Woods was 18 inches in diameter at the stump and approximately 53 feet long.

CONCLUSION

William S. Woods was fatally injured when a dead tree leaning against a tree he cut, fell and struck him. The failure to recognize the hazardous condition that existed contributed to this accident.

ENFORCEMENT ACTION

A non-assessed control order was issued in accordance with Title 56, Series 3, Section 51.1 of the WV Surface Mine Regulations. There were no other notices of violation issued as a result of this accident.

RECOMMENDATIONS

In accordance with Title 56, Series 8, Section 9.4, Mountain Top Clearing, LLC shall modify the Comprehensive Mine Safety Program to include, but not be limited to, the following:

1. Mountain Top Clearing, LLC shall institute a program to mark trees that will not be cut due to hazards. When a cutter encounters a tree that can be a safety hazard, such as a hanging tree, he shall immediately notify the crew leader. The crew leader will then determine if the tree is a hazard that cannot be cut. If a decision is made that a tree cannot be safely cut, the crew leader shall mark the tree to signify that it is to be left alone and not cut.
2. Any tree so marked will be recorded in the Mountain Top Clearing, LLC pre-shift examination book. When the hazard is removed, the removal or abatement shall also be recorded in the pre-shift examination book.
3. All employees shall be re-instructed on proper tree cutting procedures and the modifications to the comprehensive mine safety program.

ACKNOWLEDGMENT

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Catenary Coal Company, Mountain Top Clearing, LLC, M. G. C., Inc., and the Mine Safety and Health Administration during this investigation.

Respectfully Submitted:

Gary S. Snyder 1/19/05
Gary S. Snyder, Inspector-at-Large Date

Terry L. Keen 1/19/2005
Terry L. Keen, Surface Mine Inspector Date

Gerald A. Ellison 1/19/05
Gerald A. Ellison, Surface Mine Inspector Date

APPENDIX

- Contractor Information Sheet
- Mine Information Sheet
- Victim Information
- Persons Present During Investigation and Interviews

CONTRACTOR INFORMATION

CONTRACTOR Mountain Top Clearing, LLC

MINE NAME Catenary Coal Company, Samples Mine

WV PERMIT C-6105 MSHA PERMIT NO. C858

MAILING ADDRESS Box 75, Fairdale, West Virginia 25839

COUNTY Raleigh PHONE NUMBER (304) 934-7448

TYPE OF WORK PERFORMED Clear Cutting

WORKING STATUS Active

LOCATION Various Mine Sites

UNION _____ NON-UNION Yes

TOTAL EMPLOYEES 16

NUMBER OF SHIFTS 1

ACCIDENT FREQUENCY RATE 67.82 LOST TIME ACCIDENTS 6 and 1 fatal

WVOMHST INSPECTOR Terry L. Keen

DATE OF LAST INSPECTION May 4, 2004

CMSP – ANNIVERSARY DATE October 15, 2005

CMSP – CONTACT PERSON Jimmy Prince, Manager

MINE INFORMATION

COMPANY Catenary Coal Company

MINE NAME Samples Mine

WV PERMIT S-3023-90

ADDRESS 5914 Cabin Creek Road, Eskdale, West Virginia 25075

COUNTY Kanawha

DATE PERMIT ISSUED July 15, 1991 WORKING STATUS Active

LOCATION Eskdale, West Virginia

UNION _____ NON-UNION Yes

DAILY PRODUCTION 20,000 tons

ANNUAL PRODUCTION TO DATE 5.5 million tons

TOTAL EMPLOYEES 290 NUMBER OF SHIFTS 2

NAME OF COAL BED 7 Block, 6 Block, 5 Block, Lower 5 Block, Stockton, Coalburg

SEAM THICKNESS Various

ACCIDENT INCIDENT RATE 1.83 in 2004 LOST TIME ACCIDENTS 3 in 2004

TYPE OF HAULAGE Truck and Rail

WV OMHST INSPECTOR Terry L. Keen

DATE OF LAST INSPECTION October 18, 2004

NOTIFIED BY Terry Tolley, Manager of Safety

TIME OF NOTIFICATION 2:50 p.m. on December 2, 2004

CMSP - ANNIVERSARY DATE October 1, 2005

CMSP - CONTACT PERSON Terry W. Tolley, Manager of Safety

INVESTIGATION

The following persons were present during the on-site investigation conducted on December 2, 2004:

CATENARY COAL COMPANY

Jeff Bitzer	President
Terry W. Tolley	Manager of Safety
Robert Hill	Assistant Manager of Safety
Mark Heath	Attorney
Conrad Larrabee	Supervisor

MOUNTAIN TOP CLEARING, LLC

Richard Breton	Manager of Mountain Top Clearing, LLC
Jimmy Prince	Supervisor
Michael McKinney	Crew Leader
Jason McKinney	Tree Cutter
Darrell Pritt	Tree Cutter
Anthony Duffield	Tree Cutter
Roger Holcomb, Jr.	Tree Cutter
LeRoy Darby	Dozer Operator for M. G. C., Inc.

MINE SAFETY AND HEALTH ADMINISTRATION

Sherman L. Slaughter	Surface Coal Mine Inspector/Accident Investigator
Lincoln Selfe	Assistant District Manager
Leo Inghram	Surface Coal Mine Inspector
Gerald Cook, Sr.	Accident Investigator

WV OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

J. Douglas Conaway	Director
Terry L. Keen	Surface Mine Inspector
Gerald A. Ellison	Surface Mine Inspector

INTERVIEWS

The following persons were present during the interviews conducted on December 3, 2004:

CATENARY COAL COMPANY

Jeff Bitzer	President
Mark Heath	Attorney
Terry W. Tolley	Manager of Safety
Robert Hill	Assistant Manager of Safety
Conrad Larrabee*	Supervisor

MOUNTAIN TOP CLEARING, LLC

Richard Breton*	Manager of Mountain Top Clearing, LLC and M. G. C., Inc.
Jimmy Prince*	Supervisor of Mountain Top Clearing, LLC and M. G. C., Inc.
Michael McKinney*	Crew Leader
Jason McKinney	Tree Cutter
Darrell Pritt	Tree Cutter
Anthony Duffield*	Tree Cutter

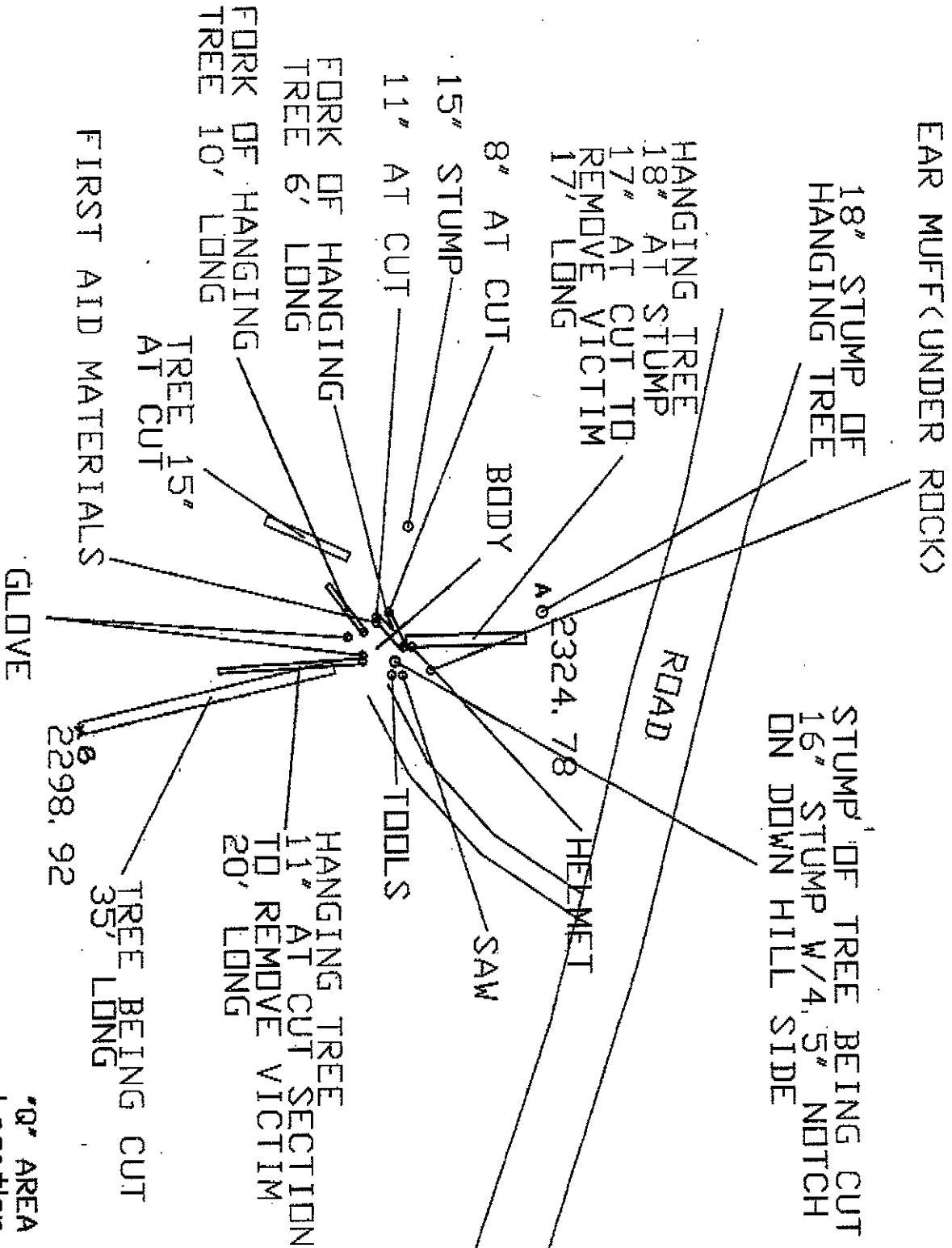
*denotes persons interviewed

MINE SAFETY AND HEALTH ADMINISTRATION

Lincoln Selfe	Assistant District Manager
Gerald Cook, Sr.	Accident Investigator
Leo Inghram	Surface Coal Mine Inspector

WV OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

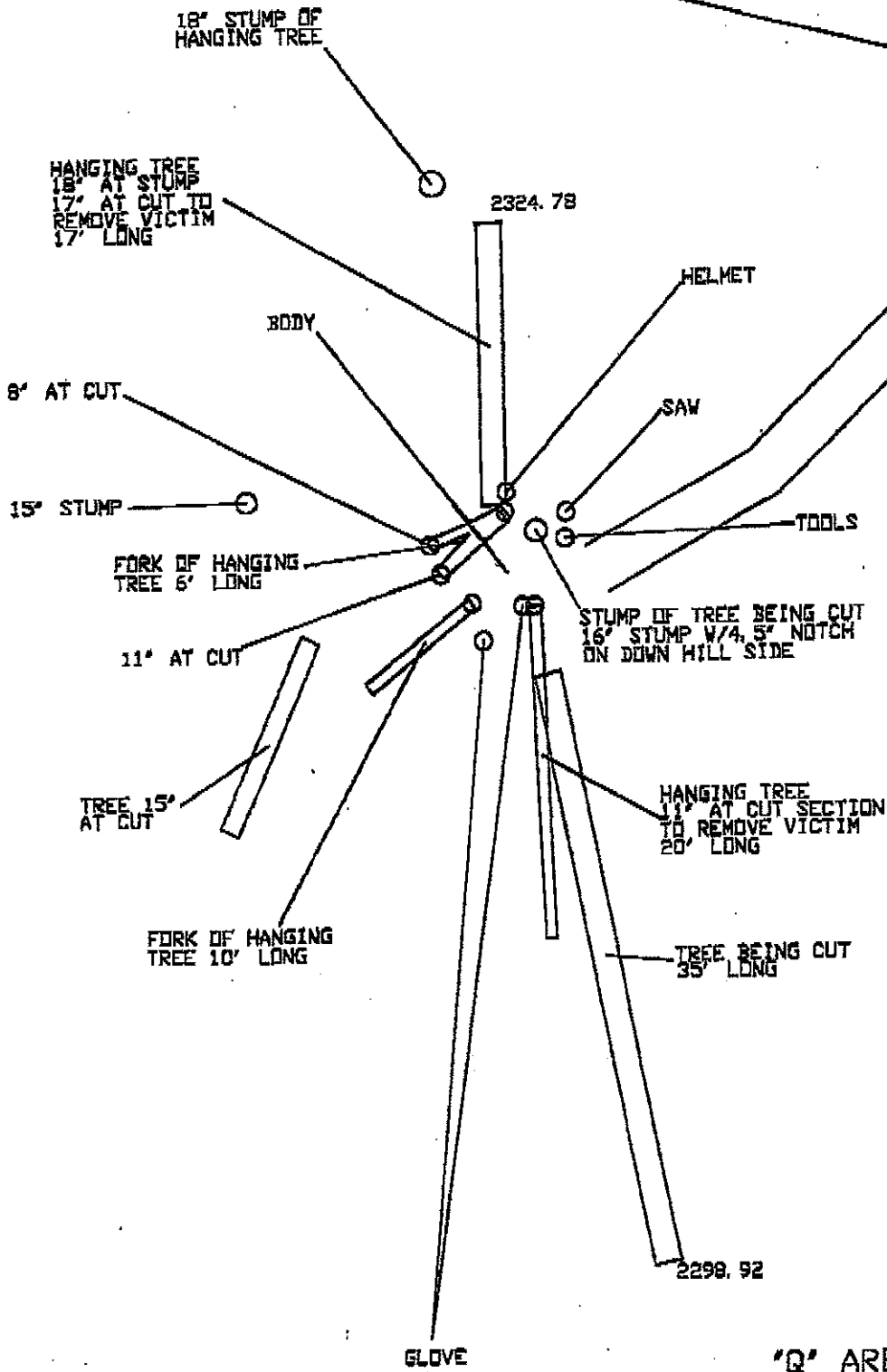
Gary S. Snyder	Inspector-at-Large
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