

West Virginia Office of Miners' Health, Safety & Training

February 27, 2017

Report of Investigation

Coal Mine Fatality

Slip and Fall

Justice Low Seam Mining, Inc.

JC "Jim" Justice II Prep Plant

Permit Number L00000960

Region 2

891 Stewart Street

Welch, West Virginia 24801

John T. O'Brien, Inspector-at-Large

Benjamin Hamilton, District Inspector 271

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Timeline

Accident to Transport

Date: 02/27/2017

Accident occurred	10:00 p.m.
Mr. Music calls 911	10:06 p.m.
Berwind FD enroute	10:08 p.m.
MCEAA Unit 809 enroute	10:09 p.m.
Mine and Industrial Accident Hotline notified	10:11 p.m.
War FD enroute	10:17 p.m.
Berwind FD arrives	10:25 p.m.
War FD arrives	10:41 p.m.
MCEAA Unit 809 arrives	11:14 p.m.

Date: 02/28/2017

MCEAA Unit 809 departs	1:42 a.m.
MCEAA Unit 809 arrives at Welch Community Hospital	3:00 a.m.

GENERAL INFORMATION

The Justice Low Seam Mining, Inc., JC "Jim" Justice II Prep Plant Permit No. L00000960 is located in Bishop, McDowell County, West Virginia. The prep plant has five (5) employees. The plant operates two twelve (12) hour shifts over a twenty-four (24) hour day. The operation began in 2013. Coal is hauled by truck from several locations in Virginia and West Virginia. The coal is then processed by the plant and shipped by rail.

DESCRIPTION

On February 27, 2017, at 7:00 p.m., Jason Kenneth Matthews, a 43-year-old plant attendant with approximately three (3) months experience at this prep plant started work on the evening shift. This was Mr. Matthew's first shift on the evening shift, he had been on the day shift prior to this day.

As the shift began, Jeff Music, the control room operator/foreman, started his work inside the control room. Mr. Matthews went inside the plant to begin his work. During the shift, Mr. Matthews called Mr. Music on the two-way radio informing him that the plate press was not working properly. At this time, Mr. Music began to shut the plant down. Mr. Music notified Danny Orick, "B" crew night shift foreman on the surface mine, of the problem. Mr. Orick instructed mechanic, Ralph Sparks, to go to the plant to assist Mr. Matthews. Mr. Sparks arrived at the plant and they found the problem to be a broken plate on the press which would require moving several plates. Mr. Matthews told Mr. Sparks he would move the plates and that Mr. Sparks could return to his duties on the surface mine. Mr. Matthews then contacted the control room operator, Mr. Music, by radio to inform him to restart the belts. Mr. Sparks began collecting his tools to return to the surface mine and observed Mr. Matthews get a shovel and begin to climb a fiberglass ten (10) foot extension ladder to gain access to the top of the plate press. Mr. Sparks testified that Mr. Matthews was not wearing his safety harness as he was ascending the ladder. Mr. Sparks was walking down the steps when he heard a shovel fall and Mr. Matthews scream for help. Mr. Sparks then ran to the control panel and hit the stop switch to stop the press. Mr. Sparks then went down one level to stop the filter cake collection belt located under the filter press. Mr. Sparks then ran to the control room to inform Mr. Music what had occurred. Mr. Music then shut the prep plant down. Mr. Sparks and Mr. Music returned to the prep plant and discovered Mr. Matthews had fallen eighteen (18) feet from the top of

the filter press onto the filter cake collection conveyor belt and had traveled fifty-five (55) feet to another ten (10) foot drop off and fell onto the refuse collection conveyor belt causing fatal injuries.

Mr. Matthews was found lodged in the bin located on the refuse collection conveyor belt. Mr. Matthews was covered in refuse material up to his neck. Mr. Music and Mr. Sparks observed that Mr. Matthews was not moving and would not respond when they called out to him. Mr. Music then returned to the control room and called 911 at 10:06 p.m. Mr. Sparks radioed the surface mine foreman, Danny Orick for help. Mr. Orick got the surface mine EMT, Richard Compton, and went to the plant. Mr. Orick and Mr. Compton went to the control room, retrieved the first aid box and entered the plant at the accident scene. Mr. Orick determined that a safety harness was necessary to safely enter the bin. Mr. Orick left to find a safety harness and, when he returned, found Thurman Slone, an employee of the surface mine, was already in the bin checking on Mr. Matthews. The EMT, Mr. Compton, instructed Mr. Slone to check for breathing and pulse. Mr. Slone checked Mr. Matthews three times but was unable to obtain any response.

Members of the Berwind Fire Department arrived on the scene at 10:25 p.m. Darnell Baker was a member of the Berwind Fire Department who observed that Mr. Matthews was covered up to his neck in coal and rock and that his head was covered in blood. Mr. Baker stated he could get no response from Mr. Matthews. The Berwind Fire Department along with the War Fire Department recovered Mr. Matthews from the bin and loaded him into the McDowell County Emergency Ambulance Authority Unit 809. The ambulance left the prep plant at 1:42 a.m. on February 28, 2017 and arrived at Welch Community Hospital at 3:00 a.m.

FINDINGS OF FACT

1. The McLanahan Recessed Plate Filter Press is manufactured by McLanahan Corp. World Headquarters, 200 Wall Street, Hollidaysburg, PA 16648. (814)695-9807. Project ID# 20112063
2. A Miller T4000 full body safety harness for fall protection was provided by the operator for employees to use inside the preparation plant.
3. The victim was not wearing the safety harness or any type of fall protection at the time of the accident.
4. The victim used a Louisville fiberglass ten (10) foot extension ladder to gain access to the plate press. This ladder was not secured against movement.
5. The Recessed Plate Filter Press was not locked out/tagged out while work was being performed on the press.
6. The filter cake collecting conveyor belt located under the press was not locked out/tagged out at the time of the accident.
7. The filter cake collecting conveyor belt was in operation at the time of the accident.
8. The frame mounting point located on top of the plate was broken on the filter press.
9. Mr. Matthews fell eighteen (18) feet from the top of the filter press onto the filter cake collection conveyor belt and then traveled fifty-five (55) feet to another ten (10) foot fall onto the refuse collection belt causing fatal injuries.
10. Mr. Matthews was found lodged in the bin located on the refuse collection conveyor belt covered in refuse material up to his neck.
11. Based on eyewitness interviews, the accident occurred on February 27, 2017 at approximately 10:00 p.m.
12. The call to 911 occurred at 10:06 p.m. on February 27, 2017.
13. The mine and industrial accident hotline was notified at 10:11 p.m. on February 27, 2017.
14. A verbal control order was issued by John O'Brien, Inspector-at-Large of Region 2 OMHS&T at 10:21 p.m.

ENFORCEMENT ACTION

The following actions were taken as a result of the investigation.

A non-assessed order was issued in accordance with the West Virginia Administrative Regulation Title 56, Series 3, Section 51.1 to preserve evidence until an investigation by the Office of Miners' Health, Safety and Training was completed.

One special assessed notice of violation was issued to Justice Low Seam Mining, Inc. during this investigation.

1. 56-3-42.3(h) – The operator has failed to require that repairs or maintenance shall not be performed on equipment until the power is off and the equipment is blocked against motion, in that at the time of the fatal accident the victim was working on the filter press located above the filter cake collecting belt, the power was on the filter press and the filter cake collecting belt was in operation at the time of the fatality. The victim fell from the top of the filter press onto the filter cake collecting belt which was in motion and traveled fifty-five (55) feet to a cross belt ultimately ending up in the refuse bin.

Five notices of violation were issued to Justice Low Seam Mining, Inc. during this investigation.

1. 56-8-4.1-The operator failed to implement the Comprehensive Mine Safety Program in that a training record on an MSHA 5000-23 form was not provided for the Plate Press training for Ralph Sparks.
2. 22A-2-67-The operator failed to report in writing to the Director and the district mine inspector within twenty-four hours the full details of the accident that occurred on February 27, 2017.
3. 56-3-43.11(a)-The operator failed to require that all ladders be securely fastened. The ladder used at the time of the accident to gain access to the work area above the plate press was not securely fastened.
4. 56-3-47.4(a)-The operator failed to require that persons wear safety belts when there is a danger of falling. At the time of the fatal accident, the victim was not wearing a safety belt when working at the plate press area where there was a danger of falling.
5. 56-8-4.1-The operator failed to implement the Comprehensive Mine Safety Program in that a training record on a MSHA 5000-23 form was not provided for the Plate Press training for Jason Matthews.

RECOMMENDATIONS

A plan detailing steps to prevent a similar occurrence was submitted to and approved by OMHS&T. The plan addressed the installation of four (4) tag lines being installed on top of each press to allow employees to attach safety lanyards for fall protection while working in this area. Mike Plumley, safety consultant for Brickstreet Insurance, provided fall protection, lockout/tagout and block & stored motion training to all employees.

Two-way radio communication shall be provided to all employees while working inside the plant area. Signs were installed on the four entry doors to the plant stating, "Two Way Radio Communication Required Beyond This Point"

ACKNOWLEDGEMENTS

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of: Patrick Graham, Senior VP, Health, Safety and Human Resources; the employees of Justice Low Seam Mining, Inc.; the employees of "B" Crew; Chestnut Land Holdings, LLC; Dalton Branch Refuse Impoundment; and MSHA inspectors, Arron Cline and Shannon Keene.