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West Virginia Office of Miners' Health, Safety and Training

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November 4, 2007

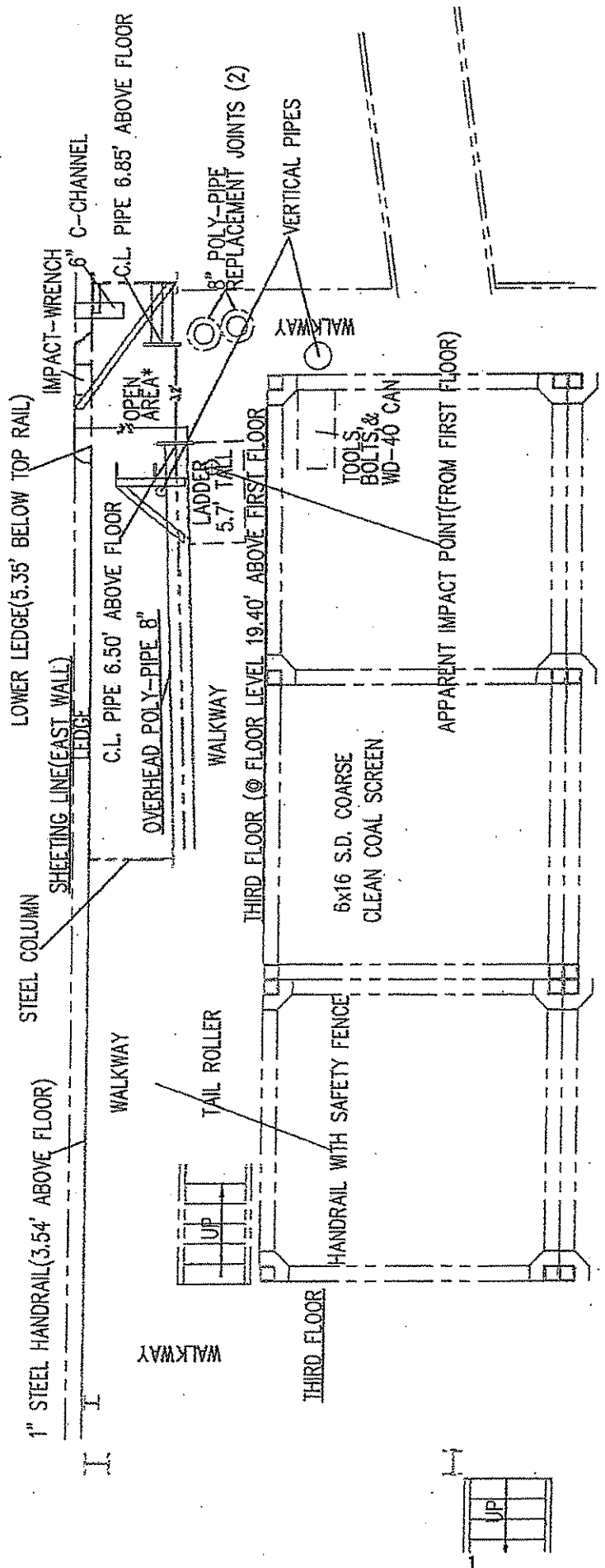
Report of Investigation  
Coal Preparation Plant  
Fatal Fall of Person Accident

Weatherby Processing Corporation  
Remington Preparation Plant  
Permit Number L-732

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

## TABLE OF CONTENTS

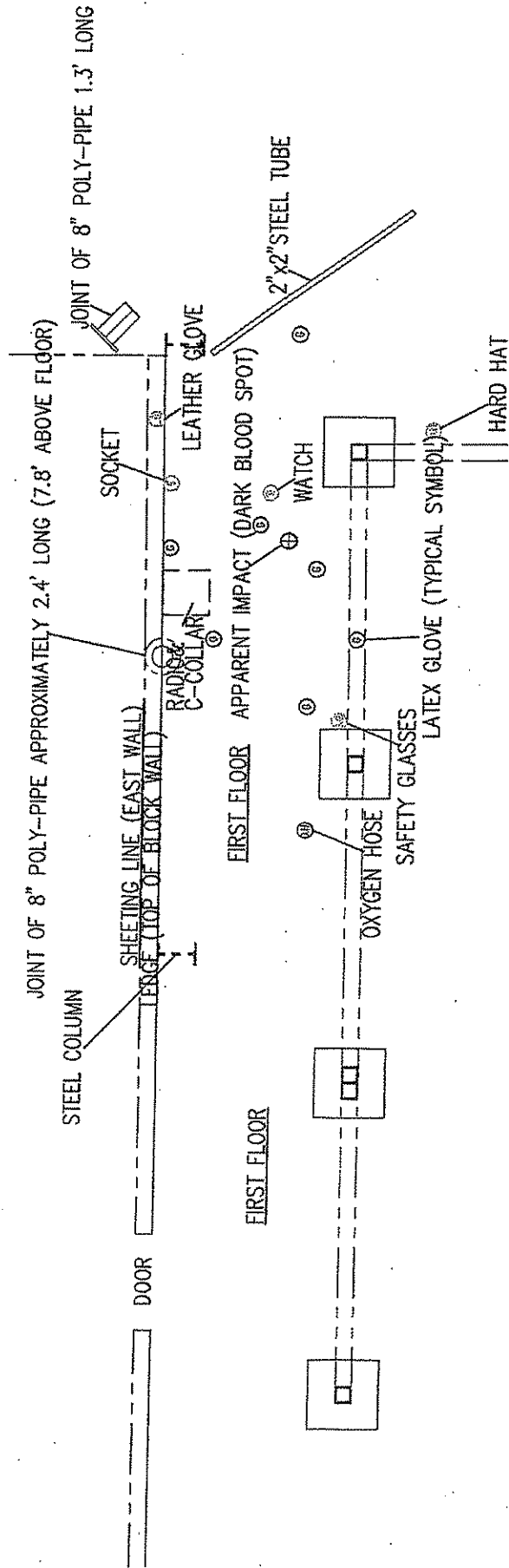
SKETCH .....	1, 2
GENERAL INFORMATION .....	3
DESCRIPTION .....	3, 4
FINDING OF FACTS .....	4, 5
CONCLUSION .....	5
ENFORCEMENT OF ACTION .....	5
RECOMMENDATIONS .....	5
ACKNOWLEDGEMENT .....	5
APPENDIX .....	6 - 11



Weatherby Processing  
 MSHA ID NO.: 46-08685  
 MHS&T ID NO.: L-732  
 Accident Location Drawing - 3rd. Floor  
 Accident Date: 11/04/07  
 Accident Victim: Larry Bird  
 Drawn: 11/05/07-11/06/07  
 Sheet: 1 of 2  
 Scale: 1"=5'

\*NOTE: OPEN AREA TO GROUND FLOOR\*





2

Weatherby Processing  
 MSHA ID NO.: 46-08685  
 MHS&T ID NO.: L-732  
 Accident Location Drawing - 1st. Floor  
 Accident Date: 11/04/07  
 Accident Victim: Larry Bird  
 Drawn: 11/05/07-11/06/07  
 Sheet: 2 of 2  
 Scale: 1"=5'



**Report of Investigation  
Fatal Fall of Person Accident  
Weatherby Processing Corporation  
Remington Preparation Plant  
Permit Number L-732**

**GENERAL INFORMATION**

This report is based on an investigation conducted in accordance with Chapter 22A, Article 2, Section 66 of the mining laws of the State of West Virginia.

Larry W. Bird, Floor Walker/Mechanic, was critically injured in an accident at approximately 7:30 a.m. on Sunday, November 4, 2007. Mr. Bird fell from the third floor to the first (ground) floor of the Weatherby Processing Corporation, Remington Preparation Plant, while working to replace a piece of polyethylene pipe. Mr. Bird died from the injuries he sustained at approximately 10:00 a.m. on January 2, 2008.

The West Virginia Office of Miners' Health, Safety and Training, Region IV office, was notified of the accident by the WV Mine Safety Hotline at 7:50 a.m. on November 4, 2007. A joint investigation with the Mine Safety and Health Administration was started immediately.

**DESCRIPTION**

The Weatherby Processing Corporation, Remington Preparation Plant is located in Slaughters Creek near Chelyan in Kanawha County, West Virginia. The plant has 32 employees that comprise four (4) crews called "A", "B", "C", and "D" crews. Each crew works four (4), 12-hour shifts (6:00 a.m. - 6:00 p.m. and 6:00 p.m. - 6:00 a.m.) per week. These crews are scheduled to work four (4) days and are off four (4) days. In addition to plant employees, employees with Process Construction, Inc. perform maintenance work in the plant on Sundays. The seven (7) floor plant processed 3,107,890 tons of raw coal (1,209,830 tons of clean coal) from January 1, 2007 to October 31, 2007.

On November 4, 2007, at the start of the 6:00 a.m. shift, a safety meeting was held with the "C" crew. The topics covered included slips, trips and falls. Mr. Ricky Parsons, Scalehouse Man, read the safety meeting information to the men. According to Greg Williams, Shift Supervisor, the crew members were then assigned their work duties for the day.

Larry Bird, Floor Walker/Mechanic, was assigned to work with contractors on the fourth floor of the plant. For unknown reasons he left the fourth floor and started helping Trinel Simpkins, Floor Walker/Mechanic, who was working by himself on the third floor. Mr. Simpkins was in the process of replacing a portion of the recirculating media pipeline that goes from the head tank to the deslime screen. This eight (8) inch diameter pipe

travels the length of the plant. The portion of pipe targeted for replacement, which was 3.7' long, had been installed approximately 1 ½ to two months ago. Two pieces of high-density polyethylene (HDPE) pipe with flange bolt connections on each end had been installed in this location. A Morris ("band-aid") coupling was used to join (or couple) the two pieces of pipe. Sometime earlier, the manufacturer of this pipe had been called in to measure and make a one piece pipe with flange fittings on both ends. According to Chuck Dorsey, Plant Superintendent, the portion of pipe being replaced was not leaking, but a more proper fitting piece of pipe with correct angles was needed.

The piece of pipe being worked on was located 6.50 to 6.85 feet above the third floor walkway. It extended 6 ½ to 10 ½ inches past the handrail and was located over an opening (between the outside wall of the plant and the walkway) from the third floor to the ground floor. This opening, measuring 18 feet x 3.4 feet, had originally had a vertical ladder with a back guard that extended from the ground floor to the fourth floor, but was removed after several renovations.

Mr. Simpkins stated that work on loosening/removing the coupling bolts started between 7-7:15 a.m. The men used a battery-powered impact wrench with a 1 ¼ inch socket to loosen and remove the coupling bolts in order to remove the old pipe. They used a step ladder that had been brought to the work site to access the bolts. The pipe had not been secured to prevent it from falling. The four (4) bolts for each of the flange couplings had been removed, but the pipe stayed in place. According to Mr. Simpkins, he hit the pipe with a wrench and used a screw driver to pry the pipe flanges apart. The pipe did not move. The men then decided to loosen the bolts of the band-aid coupling. When the last bolt of the band-aid coupling was loosened, the piping fell in two separate pieces. A 2.4 foot section of pipe fell and lodged on some conduit and other structures located below; a 1.3 foot section of pipe fell to the ground floor. The impact wrench fell and landed on a metal ledge against the wall of the plant, which was 3.4 feet from the handrail and floor. The 1 ¼-inch socket fell to the ground floor.

Mr. Bird and Mr. Simpkins then discussed retrieving the socket and the impact wrench. According to Mr. Simpkins, they did not specifically discuss how they would get the impact wrench. Mr. Simpkins left and started toward the ground floor to get the pipe and the socket. Mr. Bird was on the "safety side of the handrail" when he left. He saw something (a shadow) quickly fall toward the ground floor level when he was on the second floor, but did not know what had taken place. He went to the opening of the second floor, looked down and saw that Mr. Bird had fallen to the ground floor. Mr. Simpkins immediately began yelling for help on his radio, saying that an accident had occurred. Stanley Pomeroy, Dozer Operator, was working on the ground floor and was the first person to arrive at the accident scene. He immediately began administering first aid. Other workers soon arrived at the scene. First aid continued and an ambulance, that had been summoned, arrived a short time later. Mr. Bird was taken to Charleston Area Medical Center in Charleston, West Virginia and later transferred to other health care facilities. Mr. Bird died from his injuries at approximately 10:00 a.m. on January 2, 2008.

### FINDINGS OF FACTS

1. The distance from the third floor walkway to the ground floor of the plant was 19.4 feet. The distance from the top of the handrail on the third floor to the ground floor was 23.95 feet.
2. The high-density polyethylene (HDPE) pipe (8-inch diameter) and coupling being taken out was 3.7 feet long. The weight of the two pieces of pipe and coupling being replaced was 80 pounds.
3. The pipe being removed had not been provided with any means to prevent it from falling as required by Chapter 22A, Article 2, Section 53c(1) of the WV Mining Laws.
4. Fall protection, such as a safety harness and lanyard, was not being utilized during any of the work activities that were being performed.

### CONCLUSION

Larry W. Bird was fatally injured as a result of falling from the third floor of the preparation plant. Based on the testimony received, it is believed that the victim was attempting to retrieve the battery-powered impact wrench when he fell to the ground floor.

### ENFORCEMENT ACTION

A non-assessed control order was issued in accordance with Title 36, Series 19, Section 7 of the WV Mining Laws in order to preserve the scene of the accident and to complete an investigation. There were no notices of violation issued that contributed to this accident.

### RECOMMENDATIONS

#### Fall Protection, Re-Instruction Plan

1. All employees and contractors working at Weatherby Processing Corporation, Remington Preparation Plant will be reinstructed on the importance and proper use of fall protection. The reinstruction will include the use of fall protection when using ladders that are positioned near an area where the potential of falling more than six (6) feet is possible.

#### Securing Objects from Falling, Re-Instruction Plan

2. All employees and contractors working at Weatherby Processing Corporation, Remington Preparation Plant will be reinstructed on the importance of securing objects that have the potential to fall into an active work area. The area below the installation or removal site will be cordoned-off.

## APPENDIX

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



MINE INFORMATION

COMPANY Weatherby Processing Corporation

MINE NAME Remington Preparation Plant

WV PERMIT L-732

ADDRESS P. O Box 1083, Beckley, WV 25801

COUNTY Kanawha

DATE PERMIT ISSUED April 13, 1998 WORKING STATUS Active

LOCATION Ohley, West Virginia

UNION \_\_\_\_\_ NON-UNION Yes

DAILY PRODUCTION 2,000 tons (transportation and loading)

ANNUAL PRODUCTION TO DATE 1,209,830 tons of clean coal

TOTAL EMPLOYEES 32 NUMBER OF SHIFTS 2

NAME OF COAL BED N/A

SEAM THICKNESS N/A

ACCIDENT INCIDENT RATE 0 LOST TIME ACCIDENTS 1

TYPE OF HAULAGE Conveyor belt to the plant and shipped by truck

WV OMHST INSPECTOR Gerald Pauley

DATE OF LAST INSPECTION October 30, 2007

NOTIFIED BY Charles Sloan

TIME OF NOTIFICATION 7:44 am. (WV Mine Safety Hotline)

CMSP - ANNIVERSARY DATE May 15, 2008

CMSP - CONTACT PERSON Randy Boggs, Safety Director

VICTIM INFORMATION

NAME OF VICTIM Larry W. Bird

ADDRESS [REDACTED]

AGE 42 SOCIAL SECURITY NUMBER [REDACTED]

TOTAL MINING EXPERIENCE 17 years

EXPERIENCE AT THIS MINE 3.25 years

AVERAGE NUMBER OF DAYS WORKED PER WEEK 4

AVERAGE NUMBER OF HOURS WORKED PER WEEK 48 PER DAY 12

LENGTH OF SHIFTS AT MINE 12 hrs. TRAVEL TIME TO/FROM WORK 45 min.

OCCUPATION AT TIME OF ACCIDENT Floor Walker/Mechanic

REGULAR OCCUPATION Floor Walker/Mechanic

COAL MINER'S CERTIFICATION N/A

SPOUSE'S NAME [REDACTED]

DEPENDENTS [REDACTED]

DATE OF ACCIDENT 4 DAY OF November, 2007

CAUSE OF ACCIDENT: Mr. Bird was working to replace a piece of pipe on the third floor of the plant and fell approximately 20 feet to the ground floor. He apparently fell when he tried to retrieve an impact wrench being used during this work activity. The tool had fallen and landed on a ledge of the plants inside wall approximately 3.4 feet from the third floor walkway.

DATE OF DEATH: 2<sup>nd</sup> DAY OF January, 2008

## INVESTIGATION

The following persons were present during the on-site investigation conducted from November 4, 2007 and November 6, 2007:

### WEATHERBY PROCESSING CORPORATION

Chuck Dorsey	Plant Superintendent
Greg Williams	Shift Foreman
Frank Foster	Safety Department Director
Randy Boggs	Safety Department
David Hardy	Attorney

### MINE SAFETY AND HEALTH ADMINISTRATION

James Humphrey	Accident Investigator
Otis Matthews	Accident Investigator

### WV OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

C. A. Phillips	Deputy Director
William A. Tucker	Assistant Inspector-at-Large
Gary W. Wingrove	Deep Mine Inspector
Clarence L. Dishmon	Deep Mine Inspector
Gerald W. Pauley	Deep Mine Inspector

## INTERVIEWS

The following persons were present during the interviews conducted on November 6, 2007:

### WEATHERBY PROCESSING CORPORATION

Chuck Dorsey*	Plant Superintendent
Greg Williams*	Shift Foreman
Trinel Simpkins, Jr.*	Floor Walker / Mechanic
Stanley A. Pomeroy*	D-9 Dozer Operator-Raw Coal Pile
Rick Parsons*	Scale House Man
Doug Belcher*	Contractor Foreman-Process Construction
Frank Foster	Corporate Director of Safety
Randy Boggs	Safety Director
David Hardy	Attorney
Karon Verholt	Court Reporter

MINE SAFETY AND HEALTH ADMINISTRATION

James Humphrey  
Otis Matthews

Accident Investigator  
Accident Investigator

WV OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

C. A. Phillips  
Gary S. Snyder  
William A. Tucker  
Clarence L. Dishmon  
Gerald W. Pauley

Deputy Director  
Inspector-at-Large  
Assistant Inspector-at-Large  
Deep Mine Inspector  
Deep Mine Inspector

\*denotes persons interviewed