
West Virginia Office of Miners' Health, Safety and Training

January 2, 2002

Fatal Roof Fall Investigation Report
Independence Coal Company, Inc.
Justice No. 1 Mine
Permit No. U-5013-98

Region Three - Danville Office
425 Lick Creek Road
Danville, West Virginia 25053
Harry Linville, Inspector-at-Large

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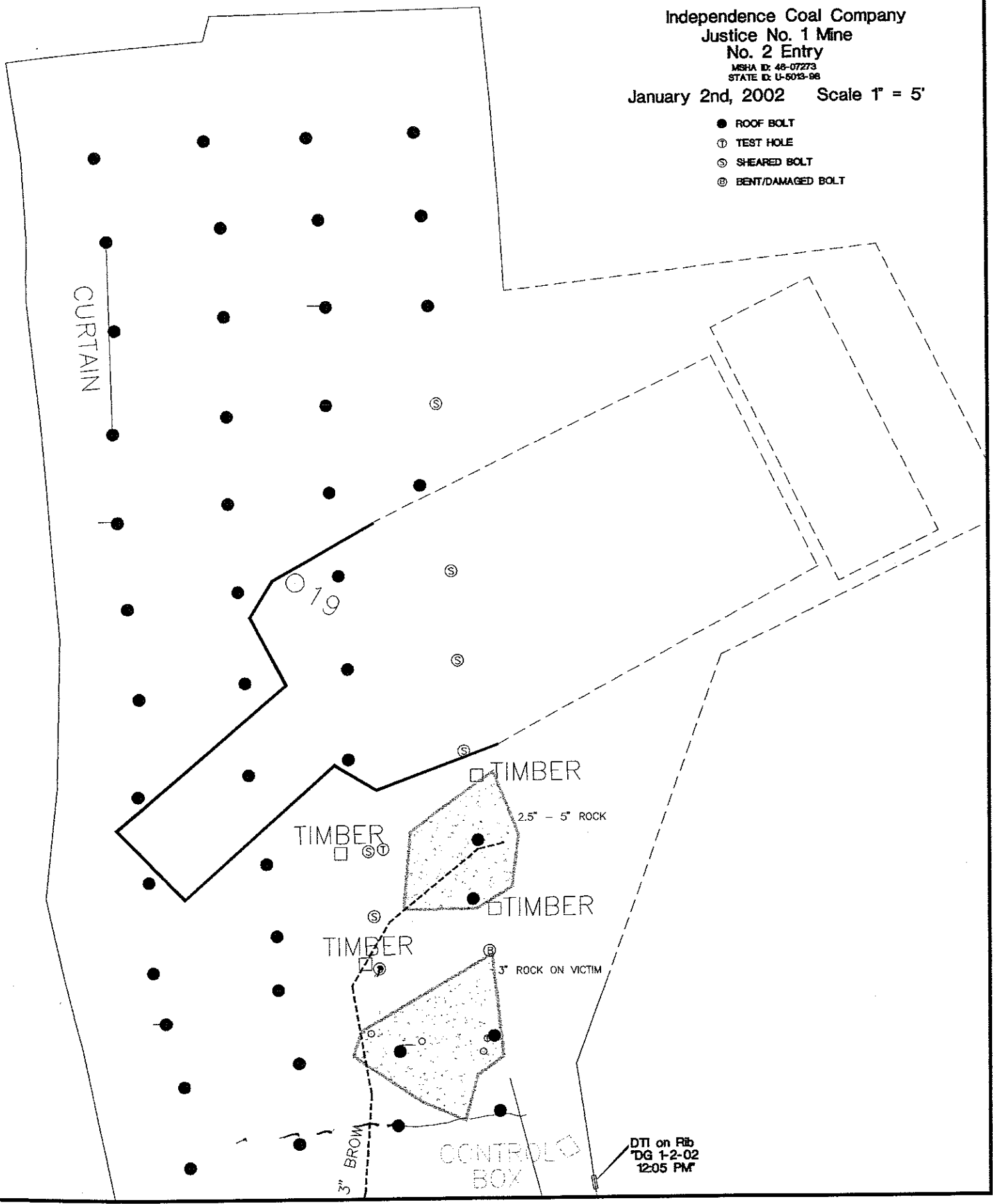
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Independence Coal Company
Justice No. 1 Mine
No. 2 Entry

MSHA ID: 46-07273
STATE ID: U-6013-88

January 2nd, 2002 Scale 1" = 5'

- ROOF BOLT
- ⊙ TEST HOLE
- ⊙ SHEARED BOLT
- ⊙ BENT/DAMAGED BOLT



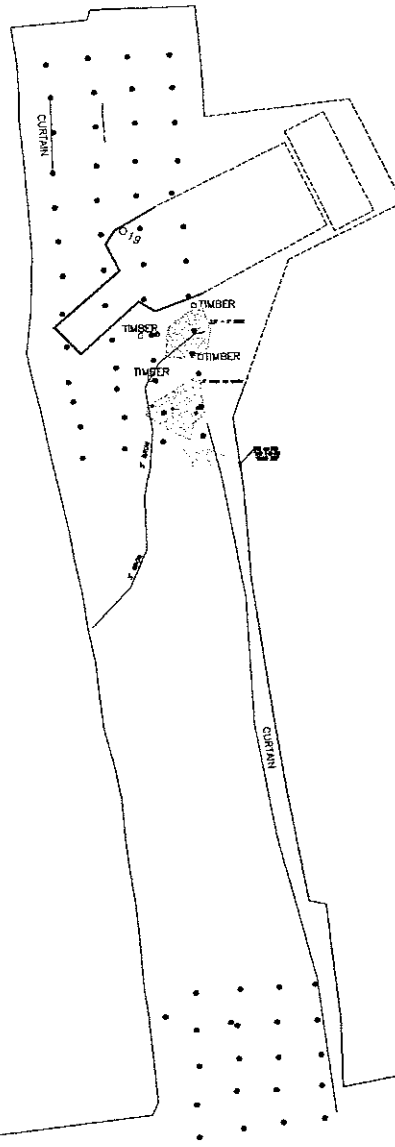
DTI on Rib
DG 1-2-02
12:05 PM

Independence Coal Company
Justice No. 1 Mine
No. 2 Entry

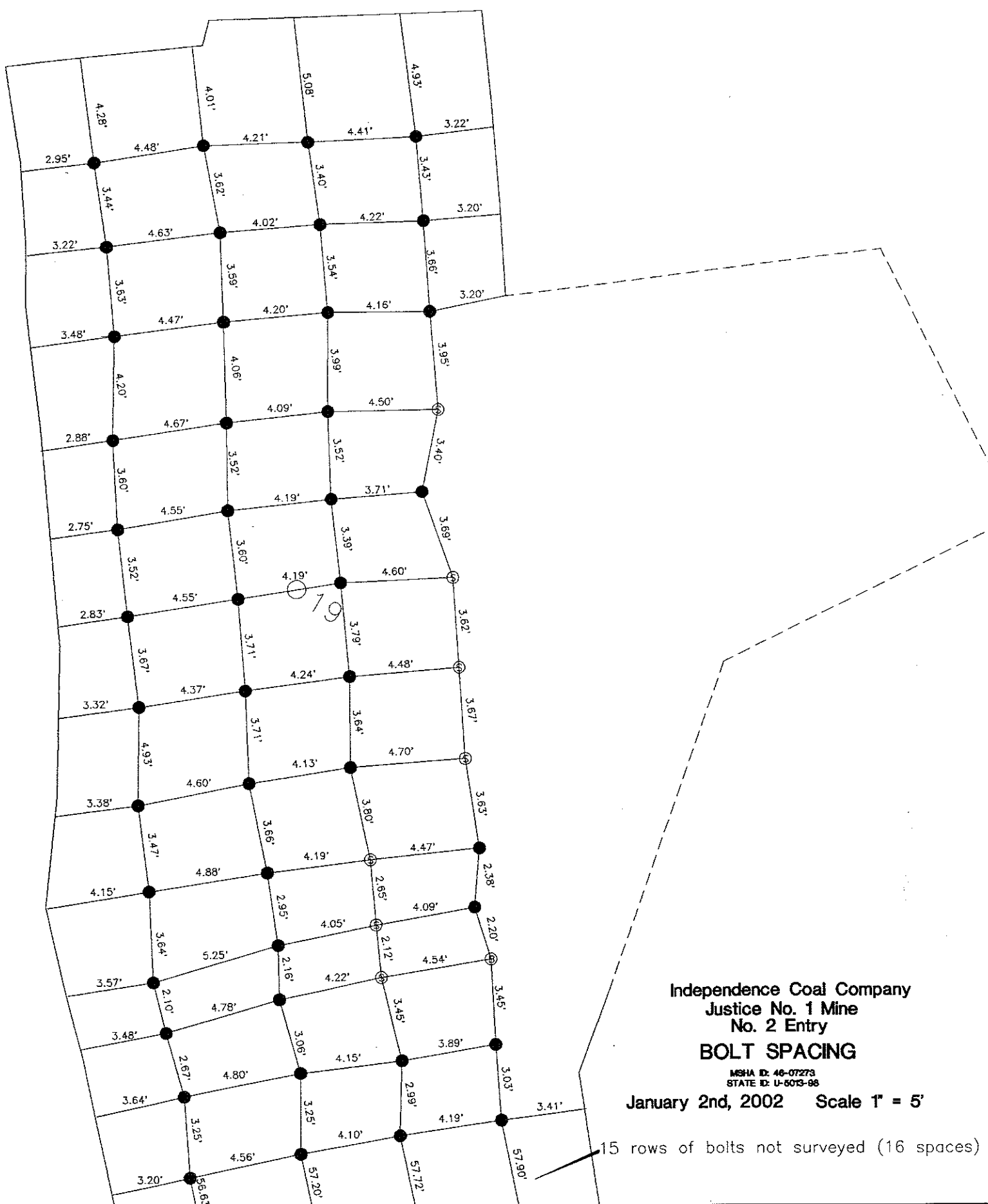
MSHA ID: 46-07273
STATE ID: U-5013-98

January 2nd, 2002 Scale 1" = 20'

- ROOF BOLT
- ⊙ TEST HOLE
- ⊕ SHEARED BOLT
- ⊖ BENT/DAMAGED BOLT



⊙17



Independence Coal Company
 Justice No. 1 Mine
 No. 2 Entry
BOLT SPACING

MSHA ID: 46-07273
 STATE ID: U-6013-88

January 2nd, 2002 Scale 1" = 5'

15 rows of bolts not surveyed (16 spaces)

**Fatal Roof Fall Investigation Report
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GENERAL INFORMATION

A fatal roof fall accident occurred at approximately 1:15 p.m. on January 2, 2002 at the Independence Coal Company, Justice No. 1 Mine. The accident occurred on the no. 7 Headgate section. Danny R. Adkins, age 44, was fatally injured by a section of mine roof which fell striking him as he was operating a Joy 12 CM12 continuous mining machine. Mr. Adkins was operating via remote control and was turning a crosscut to the right in the no. 2 entry when the roof fall occurred. Mr. Adkins had a total of 23 years of mining experience and had worked at this mine for a total of four (4) years.

Dennie Ballard, Assistant Inspector-at-Large with the Office of Miners' Health, Safety and Training's Danville office was notified by Independence safety technician Greg Neil at approximately 1:55 p.m. on January 2, 2002. A joint investigation with the Mine Safety and Health Administration (MSHA) was started immediately.

The last general inspection at this mine was completed on December 28, 2001.

DESCRIPTION

The Independence Coal Company, Justice No. 1 Mine is a slope/shaft mine producing coal in the Powellton seam. The mine is located in Boone County on Robinson Creek Road near Uneeda and was reopened by Independence Coal Company on January 10, 1999. One longwall and two continuous mining sections are currently being operated. Coal is transported to the surface by a conveyor belt, and the average mining height varies from 6 to 8 feet. The no. 7 Headgate section is a 4-entry longwall set-up.

On Wednesday, January 2, 2002 the no. 7 Headgate section crew, under the direction of section foreman, Darren Gordon, entered the mine at the normal starting time of 6:30 a.m. Due to conveyor belt problems production did not start until approximately 9:45 a.m. in the no. 1 entry. The no. 4 entry was also mined before mining started in the no. 2 entry at approximately noon. Section foreman, Darren Gordon made an onshift examination in the no. 2 entry at the same time continuous mining machine operator, Danny R. Adkins, began taking the first cut from a crosscut being turned to the right at 12:05 p.m. Gordon left the no. 2 entry as Adkins was loading the first or second shuttle car of coal and proceeded to the section power center. Gordon and Adkins were both planning to leave the mine at approximately 1:30 p.m. Gordon was leaving to attend a meeting while Adkins had a personal appointment.

Continuous mining machine operator, Roger Cox, had been advised earlier during the shift to relieve Adkins at approximately 1:00 p.m. Cox proceeded to the no. 2 entry at approximately 1:00 p.m. and found Adkins utilizing the remote control device to mine the first cut from a crosscut turned to the right. According to Cox, Adkins told him that he was having trouble mining the crosscut

because the place was on an uphill grade. Cox also said that Adkins told him that he was having difficulty mining the place on center and that he had sheared a couple of roof bolts.

The right side of the cut had been mined to a depth to be measured at approximately 23 feet during the investigation. Cox stated that Adkins began to back the continuous mining machine from the cut a few minutes after he arrived. Shuttle car operator, Steve Gillenwater, indicated that he was flagged to stop as he was returning from the section dumping point to allow the continuous mining machine to back out of the place. Cox also stated that the roof in the area, which had just been mined, began to fall striking the continuous mining machine's cutting head as it was backing out of the place. Cox indicated that he then turned to run as the roof continued to fall toward their position. According to Cox, he ran a short distance before turning to look at which time he saw that Adkins had been struck by the falling roof material.

Cox immediately called out to the shuttle car operators, Steve Gillenwater and James Ingham. Cox stated that he was unable to lift the rock that had fallen on Adkins. Gillenwater and Ingram then helped Cox flip a section of rock over which was lying on the upper portion of Adkins' body. Section foreman, Darren Gordon, then arrived at the accident site and helped Ingram remove another piece of rock from the lower portion of Adkins' body. Gillenwater stated that Adkins was initially responsive and very quickly lost consciousness. Adkins was placed on a stretcher and oxygen was administered before men began to carry the stretcher to the track mounted mantrip. The stretcher was constructed from fly boards and brattice cloth. According to EMT George Runion, Adkins stopped breathing when they arrived at the mantrip. Runion then did artificial respiration for a short time as the mantrip was leaving the section. Adkins stopped breathing again after the mantrip had traveled approximately five crosscuts and a pulse also could not be detected. Runion and James Ingram then started two-man CPR and continued until Adkins was turned over to the Boone County Ambulance Authority paramedics at the bottom of the mine's elevator shaft. Adkins was transported to the Boone Memorial Hospital where he expired at 3:05 p.m.

FINDINGS OF FACT

1. The victim was struck by a section of draw rock, which measured approximately 5 feet by 5 feet by 3 inches thick while operating a continuous mining machine via remote control in a crosscut turned to the right in the no. 2 entry.
2. The continuous mining machine was a 12 CM12 Joy.
3. The mining at the accident site measured 85 inches.
4. The no. 2 entry had been roof bolted with 6-foot torque tension bolts.
5. A total of seven (7) roof bolt plates and tension locking nuts were sheared off and/or rendered ineffective by the continuous mining machine as the crosscut was mined.

6. Four (4) of the damaged roof bolts were located in the last row adjacent to the crosscut turned to the right. Three (3) damaged roof bolts were located in the next to last row adjacent to the crosscut.
7. The roof fall, as described by eyewitness Roger Cox, started in the unsupported face area of the crosscut and extended outby into the area where the roof bolts were damaged.
8. The victim was located under the area where the three (3) roof bolts had been damaged in the next to last row when the fall occurred.
9. Those involved in the recovery indicated that the victim was completely covered by the fallen roof material and was found with his feet pointed toward the crosscut.

CONCLUSION

The physical evidence at the accident site clearly indicated that the victim was located under unsupported roof. Permanent roof supports had been rendered ineffective by the continuous mining machine as the crosscut was mined.

ENFORCEMENT ACTION

A non-assessed control order was issued in accordance with Chapter 22A, Article 2, Section 68 of the West Virginia Code to preserve evidence following the accident.

A total of five (5) notices of violation were issued during this investigation. Two (2) were considered to have contributed to the accident and are listed below.

Title 36, Series 43, Section 3.3. The physical evidence at the accident site clearly indicates that the victim was located under unsupported roof. Permanent roof supports had been rendered ineffective by the continuous mining machine as a crosscut was mined.

Chapter 22A, Article 2, Section 25(a). The approved roof control plan was not complied with on the no. 7 Headgate section in that reflective signs were not hung in the no. 2 crosscut right during mining of an extended cut. A red zone sticker was also not attached to the remote control device as required.

RECOMMENDATIONS

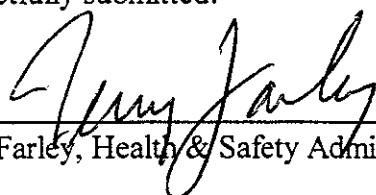
1. Additional training was conducted for all mine employees. The training addressed the location of the "red zone" area pertaining to the location of continuous mining machine operators operating via remote control along with roof and rib examinations.

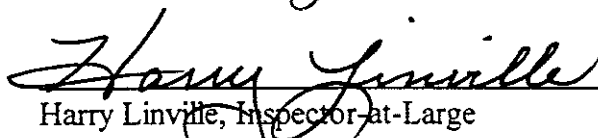
- 2. The continuous mining machine will be removed from the turn and spot bolting done when a roof bolt is damaged between the operator's position and the centerline of the crosscut being mined. This provision will also be included in the operator's comprehensive mine safety program.


ACKNOWLEDGMENT


The Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Independence Coal Company, Inc. and the Mine Safety and Health Administration during this investigation.

Respectfully submitted:


Terry Farley, Health & Safety Administrator
Date: 2-28-02


Harry Linville, Inspector-at-Large
Date: 2-20-02


Kerry Herron, District Inspector
Date: 2/20/02


Eugene White, District Inspector
Date: 2/20/02

APPENDIX

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

MINE INFORMATION

COMPANY Independence Coal Company, Inc.

MINE NAME Justice No. 1

WV PERMIT NO. U-5013-98

ADDRESS HC 78, Box 1800 Madison, WV 25301

COUNTY Boone

DATE PERMIT ISSUED January 10, 1999

WORKING STATUS Active

LOCATION Quinland, Boone County, West Virginia

UNION _____ NON-UNION x

DAILY PRODUCTION 25,000 tons ANNUAL PRODUCTION THRU 2001- 3,469,700 tons

TOTAL EMPLOYEES 200

NUMBER OF SHIFTS 3

COAL SEAM NAME AND THICKNESS Powellton, 72 inches

ACCIDENT INCIDENT RATE 3.13 (2001) LOST TIME ACCIDENTS 6 (2001)

TYPE OF HAULAGE Belts

WVOMHST INSPECTOR Kerry Herron

DATE OF LAST INSPECTION December 28, 2001

NOTIFIED BY Raymond Coleman

NOTIFICATION 1:32 p.m. January 2, 2002

CMSP - ANNIVERSARY DATE January 28, 2002

CMSP - CONTACT PERSON Carlos Porter

VICTIM INFORMATION

NAME Danny R. Adkins

ADDRESS P. O. Box 137 Omar, WV 25638

TELEPHONE NO. (304)946-4234 AGE 44 SOCIAL SECURITY NO. ██████9596

TOTAL MINING EXPERIENCE 23 years

EXPERIENCE AT THIS MINE 4 years*

AVERAGE NUMBER OF DAYS WORKED PER WEEK 6

AVERAGE NUMBER OF HOURS WORKED PER WEEK 54 PER DAY 9

LENGTH OF SHIFTS AT THIS MINE 9 hrs. TRAVEL TIME TO/FROM WORK 1 hr.

OCCUPATION AT TIME OF ACCIDENT Continuous Miner Operator

REGULAR OCCUPATION Continuous Miner Operator

COAL MINER'S CERTIFICATION L-1202-A

OTHER CERTIFICATIONS N/A

SPOUSE'S NAME Lisa Adkins

DEPENDENTS 2

DATE OF ACCIDENT: 2nd. DAY OF January, 2002 AT 1:15 O'CLOCK a.m.

CAUSE OF ACCIDENT: The victim was struck by falling roof material while operating a continuous mining machine via remote control in the no. 2 and right working face.

DATE OF DEATH: 2nd. DAY OF January, 2002

*Note: This mine was originally permitted under another permit number on April 4, 1997.

INVESTIGATION

The following persons participated in the initial investigation conducted on January 2, 2002.

INDEPENDENCE COAL COMPANY, INC.

Carlos Porter	General Manager
Raymond Coleman	Safety Director
Norman Hill	Superintendent

OFFICE OF MINERS' HEALTH, SAFETY & TRAINING

Harry Linville	Inspector-at-Large
Eugene White	District Inspector

MINE SAFETY AND HEALTH ADMINISTRATION

John Brown	Coal Mine Inspector
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The following persons participated in the onsite investigation conducted on January 2, 2002.

INDEPENDENCE COAL COMPANY, INC.

Frank Foster	Massey Coal Service (Safety)
Randy Riddle	Vice President
Raymond Coleman	Safety Director
Roger Spencer	Mine Foreman
Chad Bowen	Engineer
Rusty Adams	Engineer
Jim Gay	Engineer

MINE SAFETY AND HEALTH ADMINISTRATION

Don Winston	Roof Control Inspector
Roger Richmond	Accident Investigator
John Brown	Coal Mine Inspector

OFFICE OF MINERS' HEALTH, SAFETY & TRAINING

Terry Farley	Health & Safety Administrator
Kerry Herron	District Inspector
Mike Rutledge	Safety

The following persons participated in the follow-up investigation.

INDEPENDENCE COAL COMPANY, INC.

Roger Spencer	Mine Foreman
Curtis Coleman	Mine Foreman
Frenchie Lusk	Assistant Mine Foreman

MINE SAFETY AND HEALTH ADMINISTRATION

Don Winston	Roof Control Inspector
Sandin Phillipson	MSHA Tech. Support
Joe Zelanko	MSHA Tech. Support
Jim Humphrey	Coal Mine Inspector

OFFICE OF MINERS, HEALTH SAFETY & TRAINING

Kerry Herron	District Inspector
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INTERVIEWS

The following persons were present during interviews conducted on January 3, 2002.

INDEPENDENCE COAL COMPANY, INC.

Mark Clemons	President
Richie Henderson	Vice President
Carlos Porter	General Manager
Frank Foster	Massey Coal Services (Safety)
Raymond Coleman	Safety Director
Greg Neil	Assistant Safety Technician
Dave Hardy	Attorney
Shane Harvey	Attorney (Massey Coal Services)
Darren Gordon*	Mine Foreman
Roger Cox*	Continuous Miner Operator
Ronald Gillenwater*	Shuttle Car Operator
James Ingham*	Shuttle Car Operator
George Runion*	Roof Bolting Machine Operator
Carl C. Hawkins	Roof Bolting Machine Operator

*Denotes persons interviewed

MINE SAFETY AND HEALTH ADMINISTRATION

Terry Price
Jim Beha
Roger Richmond
Jim Humphrey
Sharon Cook
Jimmy Jones

Supervisor
MSHA Specialist
Accident Investigator
Coal Mine Inspector
Educational Field Services
MSHA

OFFICE OF MINERS' HEALTH, SAFETY & TRAINING

C. A. Phillips
Terry Farley
Harry Linville
Kerry Herron
Mike Rutledge

Deputy Director
Health & Safety Administrator
Inspector-at-Large
District Inspector
Safety Instructor