
West Virginia Office of Miners' Health, Safety and Training

April 22, 2010

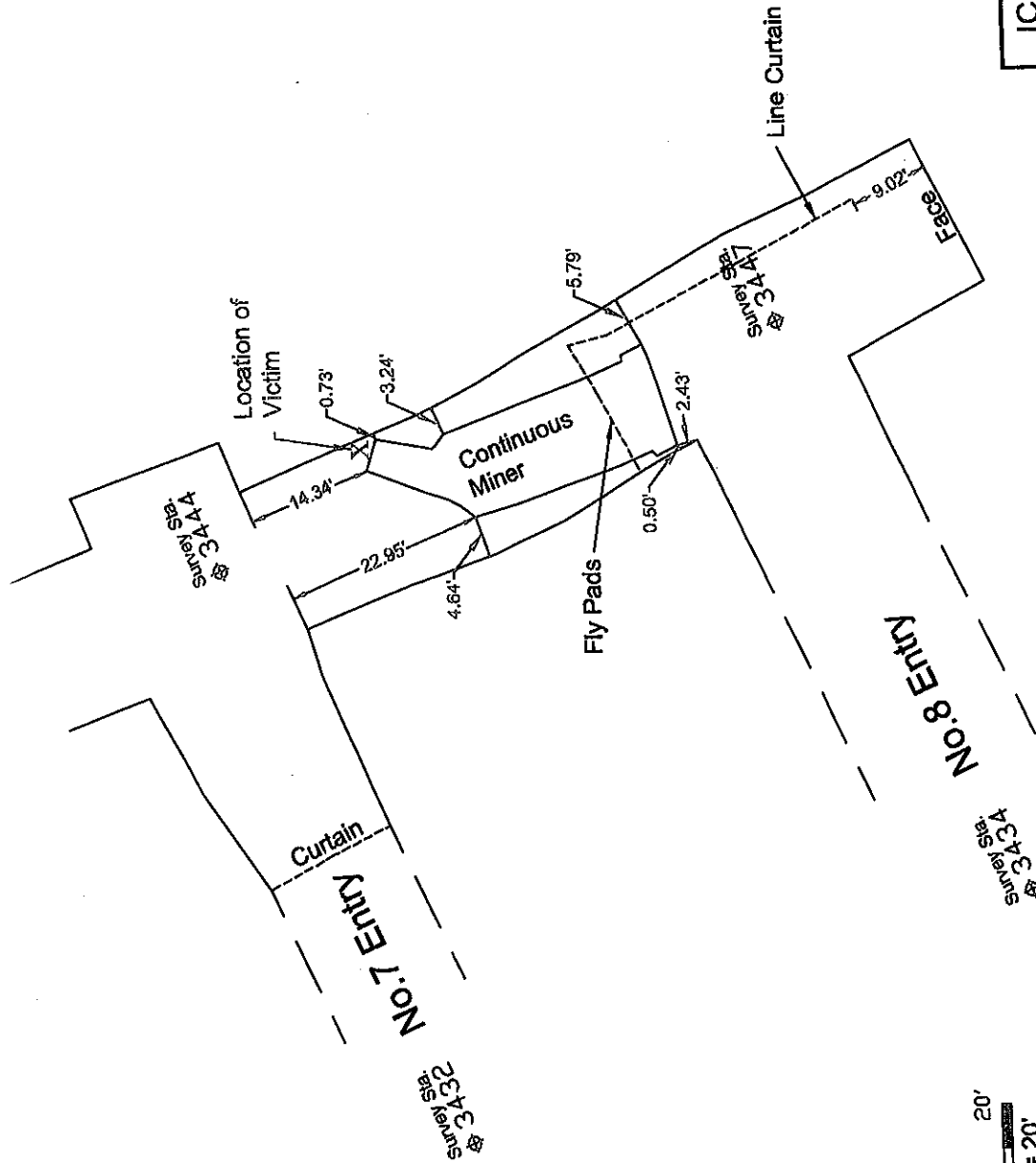
Report of Investigation
Underground Coal Mine Fatality
(Machinery Accident)

ICG Beckley, LLC
Beckley Pocahontas Mine
Permit Number U00301195A

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

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Legend	
Survey Station	◆ 3444
Ventilation Controls	---
Surveyed Rib Line	---
Location of Victim	X
Dimensions	┆—9.02'—┆

ICG Beckley, LLC
 279 Wolf Run Road
 P.O. Box 49, Eccles, WV 25836

Beckley Pocahontas Mine
 Pocahontas #3 Seam
 MSHA ID: 46-05252

WV ID: U-3011-85A

ACCIDENT LOCATION
 INVOLVING
JOHN KING April 22, 2010

ICG Beckley, L.L.C.

270 Wolf Run Road
P.O. Box 49, Eccles, WV 26036



Beckley Pocahontas Mine

Pocahontas #3 Seam

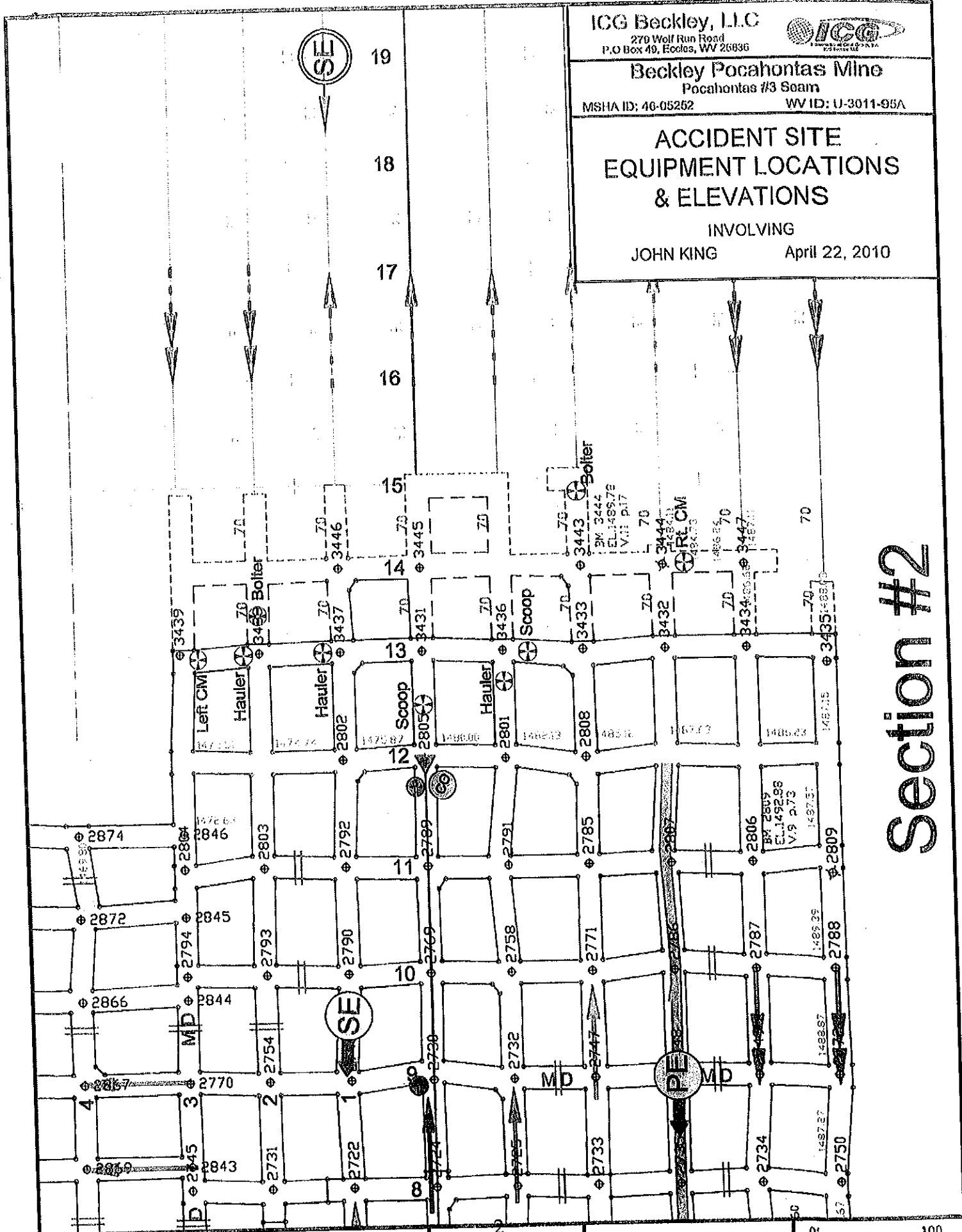
MSHA ID: 40-05262

WV ID: U-3011-06A

ACCIDENT SITE EQUIPMENT LOCATIONS & ELEVATIONS

INVOLVING
JOHN KING April 22, 2010

Section #2



Beckley Pocahontas Mine

Section 2

04/24/10



**Report of Investigation
Underground Coal Mine Fatality
ICG Beckley, LLC
Beckley Pocahontas Mine, Permit Number U00301195A**

GENERAL INFORMATION

This report is based on an investigation conducted in accordance with Chapter 22A, Article 1, Section 14 of the mining laws of the State of West Virginia.

A serious machinery accident occurred at approximately 11:15 p.m. on April 22, 2010 at the ICG Beckley, LLC, Beckley Pocahontas Mine located at Eccles in Raleigh County. The accident occurred on the No. 2 working section in the last open crosscut between the No. 7 and No. 8 entries near survey station No. 3444. John King, 28 years of age, received crushing injuries while tramming a Joy 14 CM 15-11CCX continuous miner. Mr. King was caught between the end of the miner boom and the left coal rib. He died on April 23, 2010, from the injuries he had sustained during the accident.

The West Virginia Office of Miners' Health, Safety and Training was notified of the accident by the Mine and Industrial Accident Emergency Operations Center at 11:42 p.m. on April 22, 2010. A joint investigation with the Mine Safety and Health Administration was started immediately.

DESCRIPTION

The ICG Beckley, LLC, Beckley Pocahontas Mine is located at Eccles, West Virginia in Raleigh County. The deep mine has two airshafts and one slope and normally operates seven (7) days a week. This mine currently has 270 employees. Coal is extracted from the Pocahontas No. 3 seam, which has an average thickness of approximately 43 inches. The average mine height is approximately 60 inches. Currently, advance mining is accomplished with three "super" sections.

On Thursday April 22, 2010, the evening shift crew, led by Kevin Torres, Section Foreman, and Bruce Brown, Assistant Section Foreman, entered the mine at 3:30 p.m. The crew traveled by rubber-tired vehicle and arrived on the No. 2 section at approximately 4:00 p.m.

The shift progressed normally with mining and roof bolting cycles alternating between the left and right sides of the nine-entry section. Ventilation work, cleaning, rock dusting and supplying of the section were performed as needed throughout the shift. John King, Continuous Miner Operator, finished mining the No. 6 left crosscut at 10:50 p.m. and backed the machine outby to the No. 6 entry intersection. He then began tramming the continuous miner toward the No. 8 right crosscut face

While tramming the machine to this area, Mr. King was simultaneously pulling approximately 30 ft. of cable slack by using a pull rope to secure the power cable to the end of the miner boom on the left side. The boom was positioned to the left side of the continuous miner at this time. Bruce Brown traveled straight across to the No. 5 entry to watch and observe the cable slack as the continuous miner was pulling it. Alan Christian, Hauler Operator, was helping John King move the continuous miner during this time. Both men were outby the machine's boom, while Mr. King was tramming the machine through a fly-pad that was installed in the crosscut leading into the intersection of the No. 8 entry. At this time, Mr. Christian looked back to view the cable slack being pulled and also to watch for a signal from Mr. Brown. Suddenly, Mr. Christian heard the machine move and John King yelled out to him, "Get me out!" Mr. Christian turned and saw Mr. King pinned between the boom and left coal rib with his back against the rib. He also saw the machine remote control box was now located on top of the boom, and Mr. King had used it to de-energize the machine. Mr. Christian immediately went to him to render assistance. Mr. King stated "I can't believe I did this!" Mr. Christian was able to free Mr. King without moving the machine. He gently laid the victim across his leg and the trailing cable pull rope.

Lewis Eads, Hauler Operator, had also heard John King yell out and immediately went to assist. Mr. Christian told Mr. Eads to stay with him. Mr. Christian ran to get Bruce Brown, the Assistant Section Foreman, and then called the dispatcher for an ambulance. Mr. Christian then helped carry first aid supplies to John King. Mr. Brown went to the left side of the section to get help and then went to the accident scene. Mr. Eads stayed with the victim until help arrived. Mr. King asked Mr. Eads to lay him down on his back. Mr. Eads cut the pull rope and laid him down. The victim remained in this position.

Kevin Torres and Ron King, both of whom are certified Emergency Medical Technicians, were at the section coal feeder when they were informed of the accident. Mr. Torres sent two persons to obtain first aid kits and one person to prepare a personnel carrier for transportation. He also instructed one person to phone outside for an ambulance. Mr. Torres then quickly went to the accident scene. Upon arrival, he saw Mr. King laying under the boom beside the rib, on his back, with his legs bent over to the right side. He observed that the victim was conscious and appeared to be injured. He noticed no evidence of external injuries to the victim. Mr. King told Mr. Torres, "I messed up." Kevin Torres and Ron King put a C-collar on the victim and helped load him onto a backboard. The victim was then transported and placed in the personnel carrier and given oxygen throughout the trip to the surface. An ambulance was present on the surface when the victim exited the mine at 11:44 p.m.

The victim was treated and transported to the Raleigh General Hospital in Beckley, WV by Jan-Care Ambulance. The victim arrived at the hospital at 12:00 a.m. on April 23, 2010. Subsequently, the victim was transported by Health Net to the Charleston Area Medical Center where he died at 11:28 a.m. on April 23, 2010.

FINDINGS OF FACT

1. The Operator's remote control unit, used in conjunction with the Joy 14 CM 15-11CCX continuous miner, was in a general good condition and was fully functional.
2. The trailing cable used to supply power to the continuous miner enters the junction box on the left side of the machine.
3. The Joy 14 CM 15-11CCX continuous miner is designed so that the machine will not tram or operate on start-up if either of the two tram levers on the Matric LTD TX3 remote control unit is stuck or placed in an operational position.
4. The remote control unit is designed with a "tram enable" switch. This switch must be activated before the machine will tram. If tramping is not initiated within three (3) seconds, the "tram enable" switch must be recycled.
5. Representatives from the Mine Safety & Health Administration and the West Virginia Office of Miner's Health, Safety, and Training extensively tested the continuous mining machine and related remote control unit. The unit performed flawlessly during the testing process. Further testing conducted at the Matric Corporation and also at the MSHA Technical Support Center concluded that the remote control unit had no defects and was fully functional.
6. The overall mining height of the section is 60-inches.
7. The condition of the mine floor in the crosscut between No.7 and No.8 entries was damp to dry, with no obstructions or irregularities, and only a minimal change in elevation between entries.
8. According to testimony, on two previous occasions, the victim was cautioned by management personnel to remove himself from the "red zone" area of the continuous miner while tramping the machine. On more than one occasion, a co-worker had observed the victim in the "red zone" during the tramping process, but never cautioned him.

CONCLUSION

On April 22, 2010, John King, Continuous Miner Operator, received crushing injuries when he was pinned between the coal rib and the boom of the continuous miner. He was positioned in an area that did not afford him protection while operating this machine. Mr. King died on April 23, 2010, as a result from the injuries sustained from the accident.

ENFORCEMENT ACTION

A non-assessed control order was issued in accordance with Title 36, Series 19, Section 7 of the West Virginia Mining Laws in order to preserve the scene of the accident and to complete an investigation.

The WV Office of Miners' Health, Safety and Training issued one (1) notice of violation to ICG Beckley, LLC during this investigation. The violation was written as follows:

Notice of Violation; Chapter 22A, Article 2, Section 49 (d):

On April 22, 2010 a continuous miner operator on the No. 2 section was seriously injured while tramming a remote-controlled Joy continuous miner in the last open crosscut between the No. 7 and No. 8 entries. The victim was pinned against the coal rib by the boom of the continuous miner. He died on April 23, 2010 as a result of the injuries sustained. This violates a health or safety provision or safety rule, is of a serious nature and involves a fatality.

RECOMMENDATIONS

In accordance with Title 56, Series 8, Section 9.4 of the WV Mining Laws, the comprehensive mine safety program for the Beckley Pocahontas Mine shall be modified to include the following safety precautions and guidelines:

1. All miners will be re-trained in red zones on continuous miners. This meeting will be recorded and considered a written warning.
2. Any red zone violation will result in a 3-day suspension.
3. A second violation of a red zone on a continuous miner by the same individual will result in a 5-day suspension, with potential discharge.
4. Management may, at its discretion, accelerate this process depending on the gravity of the red zone violation.
5. Red zones will be discussed in weekly safety meetings and a record of these meetings will be kept for a period of one year. This record will be made available

to an authorized representative of the Office of Miners' Health, Safety, and Training upon request.

6. Red zones on continuous miners are depicted on an attached diagram.

ACKNOWLEDGMENT

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of ICG Beckley, LLC, Beckley Pocahontas Mine and the Mine Safety and Health Administration during this investigation.

APPENDIX

- Mine Information Sheet
- Victim Information Sheet
- Red Zone Diagram

MINE INFORMATION

COMPANY ICG Beckley, LLC

MINE NAME Beckley Pocahontas

WV PERMIT U00301195A

ADDRESS P.O. Box 49, Eccles, WV 25836

COUNTY Raleigh

DATE PERMIT ISSUED September 16, 2008

LOCATION From Beckley WV Rt. 3 West Left on Old Eccles Rd. to Wolf Run Rd.

UNION _____ NON-UNION Yes

DAILY PRODUCTION 7,000 tons raw

ANNUAL PRODUCTION TO DATE 620,000 tons

TOTAL EMPLOYEES 270 NUMBER OF SHIFTS 3

NAME OF COAL BED Pocahontas No. 3

SEAM THICKNESS 43 inches

ACCIDENT INCIDENT RATE 1.45 LOST TIME ACCIDENTS 1

TYPE OF HAULAGE Shuttle Cars, Bucyrus Haulers and belt

WV OMHST INSPECTOR James Griffin

DATE OF LAST INSPECTION April 21, 2010

NOTIFIED BY Jimmie McGhee

TIME OF NOTIFICATION 11:42 p.m. on April 22, 2010

CMSP – ANNIVERSARY DATE October 30, 2010

CMSP – CONTACT PERSON Jeffrey Toler

VICTIM INFORMATION

NAME OF VICTIM: John King

AGE OF VICTIM: 28 yrs.

TOTAL MINING EXPERIENCE: 5 yrs. EXPERIENCE AT THIS MINE: 2 yrs.

AVERAGE NUMBER OF DAYS WORKED PER WEEK: 5

AVERAGE NUMBER OF HOURS WORKED PER WEEK: 50

LENGTH OF SHIFTS: 10 hr. TRAVEL TIME TO/FROM WORK: 30 minutes

OCCUPATION AT TIME OF ACCIDENT: Continuous Miner Operator

REGULAR OCCUPATION: Continuous Miner Operator

COAL MINER'S CERTIFICATION: 4-11718

OTHER CERTIFICATIONS: _____

DEPENDENTS: Two

DATE OF ACCIDENT: 22nd DAY OF April 2010

AT: 11:15 p.m. O'CLOCK

LOCATION OF ACCIDENT: No. 2 section between #7 and 8 entries near spad
No. 3444.

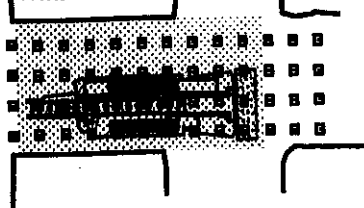
CAUSE OF ACCIDENT: Victim was tramming continuous mining machine
when he became pinned between the machine's boom and coal rib.

DATE OF DEATH: 23rd DAY OF April 2010

RED ZONES ARE NO ZONES FOR

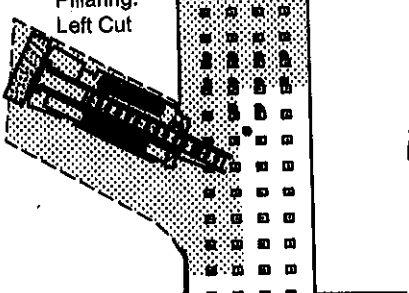
MINING WITH REMOTE CONTROL CONTINUOUS MINERS

Tramming To Next Place

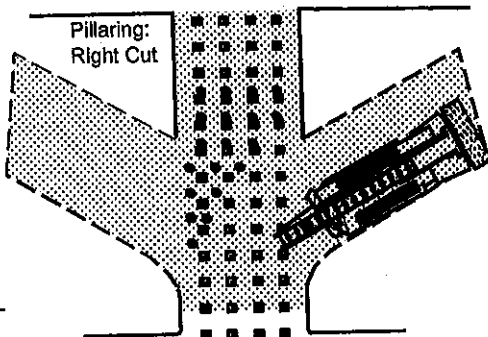


NOTE:
THESE DRAWINGS DO NOT SUPERCEDE
ANY STATE OR FEDERAL REQUIREMENT

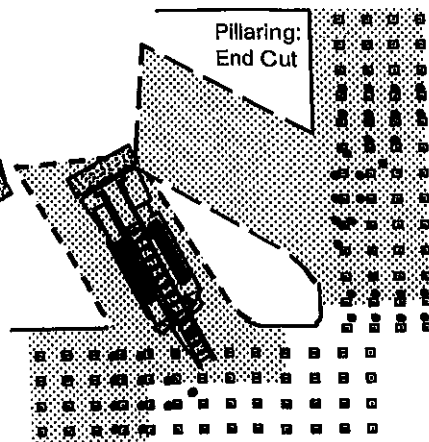
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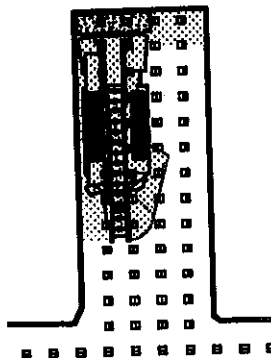
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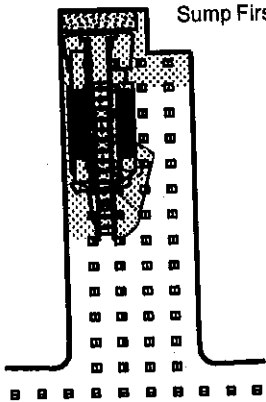
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End Cut



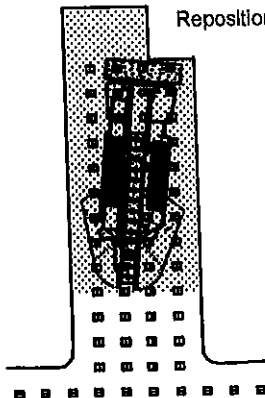
Beginning First Sump



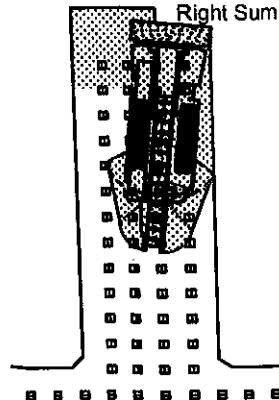
Sump First Side



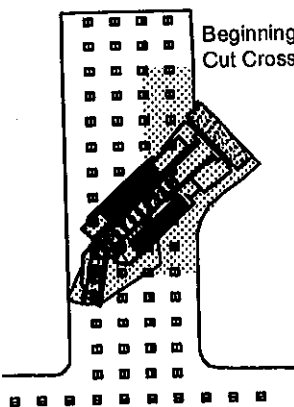
Repositioning Miner



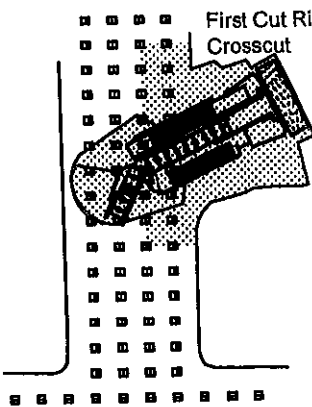
Right Sump



Beginning To
Cut Crosscut



First Cut Right
Crosscut



First Cut Left
Crosscut

