

Report of Fatality
Struck By 993K Loader Bucket Accident
Surface Coal Mine

July 12, 2024

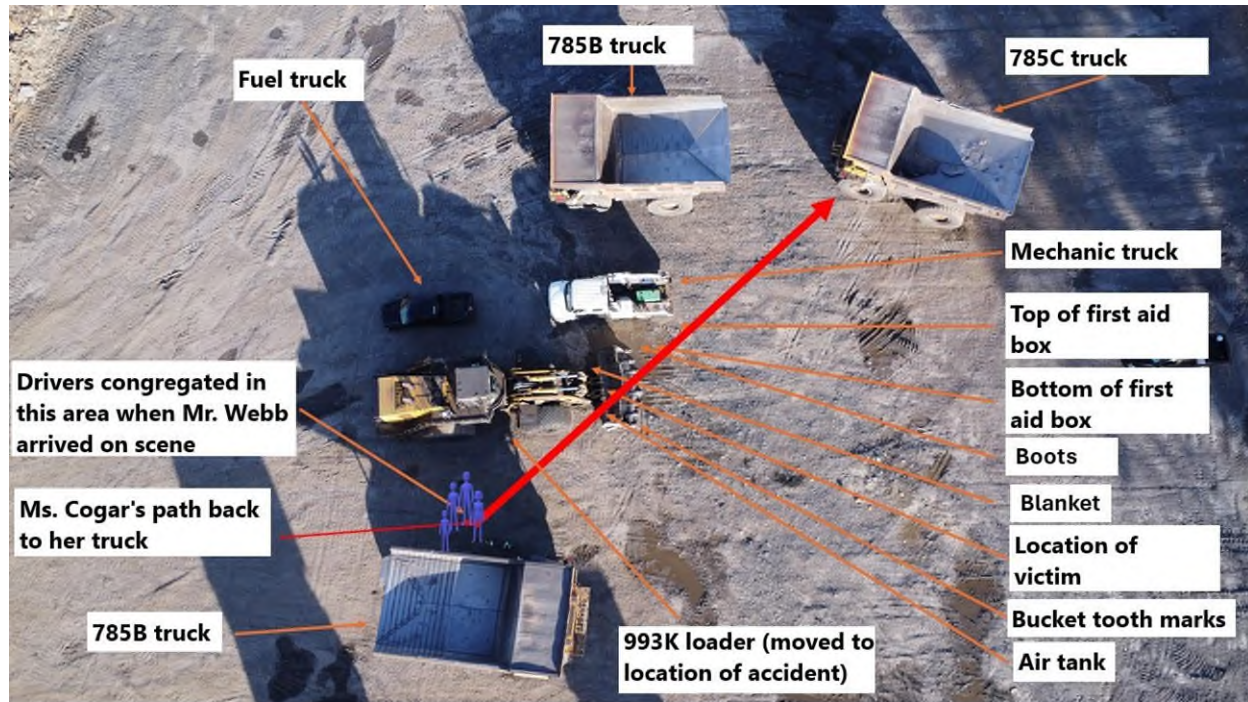
Pocahontas Coal Company, LLC
Wyco Surface Mine
Permit Number S00300719
Near Rhodell in Raleigh County

Region IV Office
337 Industrial Drive
Oak Hill, West Virginia 25901
Christopher Dawson, Inspector-at-Large

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Photos















Drone image with a recreation of the machine locations at the time of the accident.



993K loader Ms. Cogar walked underneath.

Timeline

July 12, 2024

-  5:00 p.m. Ashley Cogar's shift started.
-  10:30 p.m. The 993K loader shows a code for hydraulic oil.
-  10:35 p.m. The fuel/lube truck arrives in the pit.
-  10:40 p.m. The haul truck drivers, including Ms. Cogar, congregate on the ground, by the 993k loader.
-  10:45 p.m. Mechanics from Big Wrench Equipment Repair, LLC arrive in the pit.
-  10:50 p.m. Justin Shorter, Foreman, receives a text that the 993K loader is down.
-  10:55 p.m. James Webb, Foreman-in-Training, arrives in the pit and tells drivers to use the 992 loader.
-  10:58 p.m. The drivers start back to the trucks.
-  11:00 p.m. Ms. Cogar walks under the bucket of the 993K loader.
-  11:12 p.m. (Approximately) Mr. Shorter arrives in the pit and calls an ambulance.
-  12:02 a.m. The ambulance arrives.
-  July 23, 2024 - Ms. Cogar succumbs to her injuries.

Report of Fatality

Struck By 993K Loader Bucket Accident Investigation

Pocahontas Coal Company, LLC

Wyco Surface Mine

WV Permit Number S00300719

General Information

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

Pocahontas Coal Company, LLC, was permitted to operate the Wyco Surface Mine on October 26, 2022. The mine employs 56 people on two shifts, using mountain top removal and contour mining methods to produce coal from the Sewell, Welch, and Beckley Seams. There were two active production pits at the time of incident, the South Pit and the North Pit.

Ashley Cogar worked as a haul truck driver for Pocahontas Coal Company, LLC, at the Wyco Surface Mine from March 18, 2024, to July 12, 2024. Ms. Cogar was a certified Surface Miner, with two years and one month of total mining experience. Ms. Cogar last received Experienced Miner training on March 18, 2024. Ms. Cogar died on July 23, 2024, from serious injuries sustained on July 12, 2024, when she was caught between a loader bucket and the ground, while working at the Wyco Surface Mine.

On July 12, 2024, the West Virginia Office of Miners' Health, Safety and Training received notice of the accident and began their investigation.

Formal interviews were conducted on July 16, 2024, at the Mine Safety and Health Administrations Pineville, West Virginia office. The following individuals voluntarily testified:

Cory Lane – 993K Loader Operator

Dustin Martin – Mechanic (Big Wrench Equipment Repair, LLC)

Corey Stover – Mechanic (Big Wrench Equipment Repair, LLC)

James Webb – Foreman-in-Training

Henry Cochran – Rock Truck Driver

Jacob Lucas – Lube Truck Driver/EMT-M

Robert McClung – 992 Loader Operator

Robert Shrewsbury – Rock Truck Driver

Justin Shorter – Foreman

Weather Conditions Wyco Surface Mine 7/12/2024

The weather conditions during the accident were clear skies, with temperatures in the low to mid 60 degrees. The accident occurred after sunset.

Ground conditions in the pit were wet due to the water truck wetting the area to prevent dust.

Accident Description

On July 12, 2024, Ashley Cogar started her shift as a haul truck driver at 5:00 p.m. Corey Lane was operating the Caterpillar 993K loader, unit #LO270, loading spoil (rock) onto three (3) Caterpillar 785 haul trucks in the South Pit. Ms. Cogar was operating a Caterpillar 785C haul truck unit #H0103, hauling spoil from the South Pit. At approximately 10:30 p.m., Mr. Lane's 993K loader presented a code on the Vital Information Management System (VIMS), informing the operator that the hydraulic fluid level was low. Mr. Lane pulled the loader away from the spoil pile he had been loading, parked in the middle of the pit, facing away from the spoil pile, and then called for the lube truck. Robert Shrewsberry was operating the Caterpillar 785B unit #H0736 that was waiting to be loaded next. Mr. Shrewsberry pulled his haul truck to the right of the 993K loader and stepped out onto the ground.

Jacob Lucas, operator of the Mack fuel/lube truck unit #LT4309, arrived in the pit and parked on the left side of the 993K loader, facing the opposite direction of the loader. Mr. Lucas filled the hydraulic tank on the 993K loader then watched for a leak as the loader was started. Mr. Lucas detected a leak and informed Mr. Lane to shut the loader off and call for mechanics.

Big Wrench Equipment Repair, LLC mechanics, Dustin Martin and Corey Stover, had heard the conversation on the CB radio that the 993K loader was down and were already proceeding to the loader pit. The mechanics arrived, parked behind the lube truck, and began to trouble shoot for the leak by having the operator of the 993K loader start the machine and raise and lower the boom as Mr. Martin, Mr. Stover, and Mr. Lucas tried to pinpoint the leak.

Henry Cochran, operator of the Caterpillar 785C unit #H0104, returned from the dump and parked his haul truck to the right of the Big Wrench Equipment Repair, LLC service truck and the lube truck. Ms. Cogar arrived back in the pit shortly afterwards and parked the 785C haul truck unit #H0103, to the rear of Mr. Cochran's truck. Mr. Cochran and Ms. Cogar joined Mr. Shrewsberry on the ground between the 993K loader and Mr. Shrewsberry's truck.

James Webb, Foreman-in-Training, arrived in the pit in a Dodge 1500 pickup truck and approached the truck drivers on the ground near Mr. Shrewsberry's truck. At this time, Robert

McClung was entering the pit in a Caterpillar 992 loader unit #LO279, to start loading the haul trucks. Mr. Webb informed the haul truck drivers to return to their trucks and proceed to the 992 loader to be loaded. At that time Mr. Shrewsberry walked to the front of his truck to mount, Mr. Cochran walked around the back of the 993K loader to his truck and Ms. Cogar remained with Mr. Webb momentarily to finish conversing.

At this time, mechanic Dustin Martin had informed Mr. Lane that he had found the general area of the oil leak on the 993K and to set the bucket on the ground and turn the machine off. As Mr. Lane was setting the bucket on the ground, Ms. Cogar had turned from Mr. Webb to return to her haul truck and walked under the bucket as it was being lowered from approximately three quarters of its maximum lift height to the ground. At approximately 11:00 p.m., the bucket struck Ms. Cogar's head, knocking her to the ground, then continued to lower, pinning Ms. Cogar's lower body between the bucket and ground.

Mr. Webb stated that as Ms. Cogar began to walk away from him, he had looked away from Ms. Cogar in the direction of the loader. When the bucket set down, he heard a noise that caused him to look in the direction of the bucket to see Ms. Cogar pinned underneath. He then heard Mr. Lucas yelling to Mr. Lane to raise the bucket and witnessed Mr. Lucas jumping up and down to get the loader operator's attention. Mr. Webb then threw his hard hat at the cab of the loader to get the operator's attention.

Mr. Lane, the 993K operator, noticed the commotion and asked the mechanic, Mr. Martin, what Mr. Webb and Mr. Lucas were saying. Mr. Martin told him they wanted him to raise the bucket and back the loader up, to which Mr. Lane complied.

Mr. Webb ran to his pickup truck and announced "Code Blue in the South Pit" three times on the CB radio to inform all employees of an emergency. He then grabbed his first aid bag that was in his pickup and returned to Ms. Cogar.

Justin Shorter, Foreman, had been at the mine office taking care of paperwork and had received a text message at 10:50 p.m. stating that the 993K was down in the South Pit. When Mr. Shorter got into his Jeep to proceed to the South Pit, he heard the "Code Blue" call over the CB radio and immediately went to the South Pit.

Mr. Lucas, the EMT-M, began to assess Ms. Cogar and treat the bleeding of the lower extremities. Corey Stover went to the mantrip bus that was parked a short distance from the area, drove it to the loader and pulled the EMT box from the bus. Mr. McClung had started toward the mantrip, but when he saw Mr. Stover arrive there first, he turned toward the loader to assist. Mr. Lucas applied pressure and dressings to control bleeding. Mr. Stover and Mr. McClung applied oxygen, a cervical collar (neck brace), and a blanket while Mr. Webb laid on the ground beside Ms. Cogar to comfort her and keep her conscious.

Mr. Shorter arrived in the pit at 11:12 p.m., assessed the situation, then called the ambulance service that was saved in his phone contacts. Mr. Shorter attempted to call Bobby Sams, Mine

Superintendent, but received no answer. Mr. Shorter then called Rusty Keen, Safety Technician, and informed him of the situation.

At 12:02 a.m., the Jan-Care Ambulance arrived on site and took over the care of Ms. Cogar. The ambulance transported Ms. Cogar from the scene to the intersection of McKinney Mountain Road and Coal Field Expressway to meet with Health Net. At 1:02 a.m., Health Net lifted off with Ms. Cogar and transported her to CAMC General Hospital in Charleston, WV. Ms. Cogar succumbed to her injuries on July 23, 2024.

Findings of Fact

The accident occurred at night, around 11:00 p.m.

During the investigation it was stated that the only light was coming off the 993K loader and the maintenance trucks.

The light plant was out of service due to leaking antifreeze.

Ms. Cogar was issued a Safety Sensitive certification on 7/12/2018.

Ms. Cogar attended a 40-hour class from 11/12/2018 – 11/16/2018.

Ms. Cogar was issued an Apprentice Miner certification on 11/16/2018.

Ms. Cogar passed her Renewal 1 Apprentice Miner exam and was issued an extension of her Apprentice Miner certification on 9/30/2022.

Ms. Cogar was issued a Surface Miner certification on 1/18/2023.

Ms. Cogar received Experience Miner training on 3/18/2024 at the Affinity Mine Complex.

Ms. Cogar received Task Training, which was completed on 3/19/2024 on the 785 A Truck.

Ms. Cogar received Task Training, which was completed on 3/20/2024 on the 785 C and 785 B Trucks.

Ms. Cogar was not wearing a cap light or high-visibility clothing at the time of the accident.

Mr. Lane was the operator of the 993K at the time of the accident.

Mr. Lane received his Surface Coal Miner certification on 3/21/2011.

Mr. Lane received Hazard Training and Experienced Miner training on 3/4/2024.

Mr. Lane received Task Training, which was completed on the 992 and the 993K loaders.

Mr. Shorter received his Surface Apprentice certification on 3/22/2010, his Surface Miner certification on 8/18/2010, and his Surface Mine Foreman certification on 6/6/2018.

Mr. Shorter was one hour late to the on-shift exam prior to this accident, arriving at 9 p.m. instead of 8 p.m.

Two employees of the independent contractor, Big Wrench Equipment Repair, LLC (C00009782), were assisting with finding the oil leak on the 993K Loader. Mr. Dustin Martin received his Surface Coal Miner certification on 7/29/2022. Mr. Corey Stover received his Surface Coal Miner certification on 9/5/2017.

Mr. Lucas received his Surface Apprentice Miner certification on 6/3/2019, his Surface Coal miner on 6/5/2020, and his EMT-M certification on 6/23/2023.

Mr. Lucas was the attending certified EMT-M in the area working on Ms. Cogar.

Conclusion

The victim was on the ground with other employees in the immediate vicinity of the Caterpillar 993K loader while the operator of the loader was raising and lowering the bucket to troubleshoot for a hydraulic leak. As the victim turned to walk back to her haul truck, she walked underneath the raised bucket while it was being lowered to the ground, receiving fatal crushing injuries.

Enforcement Action

A non-assessed control order was issued in accordance with Title 36, Series 19, Section 7.1 of the West Virginia Code of State Rules.

Modifications were made to the company's Ground Control Plan and Comprehensive Mine Safety Program to prevent a reoccurrence.

Five Notices of Violations were issued during this investigation.

Recommendations

The following will be included in the Wyco Surface Mine Comprehensive Mine Safety Program:

Ensure light plants are functioning and in use in work areas. Reflective material that can be seen from all directions shall be worn by persons while out of equipment. Provide employees with strobe lights to be worn on their person during times of low visibility (dark, fog, etc.). When equipment repairs or maintenance are being performed in areas other than designated maintenance areas, develop safety zones around equipment.

Acknowledgement

The West Virginia Office of Miners' Health, Safety and Training acknowledges the cooperation of employees and management of Pocahontas Coal Company, LLC – Wyco Surface Mine and the Mine Safety and Health Administration during this investigation. We would like to thank the following persons for their cooperation during this investigation:

Pocahontas Coal Company employees Jeff Birchfield, Daniel Sole, Jason Chapman, Rusty Keen, Bobby Sams, Cory Lane, James Webb, Henry Cochran, Jacob Lucas, Robert McClung, Robert Shrewsberry and Justin Shorter.

Big Wrench Equipment Repair, LLC employees Dustin Martin and Corey Stover.

Mine Safety and Health Administration employees Craig Plumley Aaron Cline and Jeff Presley.

Appendices

- Mine Information Sheet
- Victim Information Sheet

Mine Information

Company Pocahontas Coal Company, LLC

Mine Name Wyco Surface Mine

WV Permit S00300719

Address 5824 Tams Highway Helen, WV 25853

County Raleigh

Date Permit Issued 10/26/2022 Working Status Active

Location Near Rhodell WV

Union _____ Non-Union X

Daily Production 1,361.18 tons

Annual Production to Date 196,010 tons

Total Employees 56 Number of Shifts 2

Name of Coal Bed Beckley Rider

Seam Thickness 18"-20"

Accident Incident Rate 0 Lost Time Accidents 0

Type of Haulage Caterpillar 777 and 785 haul trucks

WV OMHST Inspector Ben Mullens

Date of Last Inspection 4/22/2024

Notified by Jason Martin

Time of Notification 11:59 p.m.

CMSP – Anniversary Date NA

CMSP – Contact Person John Lewis

Victim Information

Name of Victim Ashley Cogar

Age of Victim 33

Total Mining Experience 2 Years 1 Month

Experience at This Mine 3 Months 24 Days

Average Number of Days Worked Per Week 5

Average Number of Hours Worked Per Week 50

Length of Shifts at Mine 10 Hours

Travel Time To/From Work 2 Hours One Way

Occupation at Time of Accident Truck Driver

Regular Occupation Truck Driver

Miner's Certification 07 Surface Miner Cert. #4-11149

Other Certifications 32 Safety Sensitive, 04 Surface Apprentice

Date of Accident 12th Day of July 2024

At 11 O'clock p.m.

Location of Accident South Pit Wyco Surface Mine