

UNITED STATES
DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION

REPORT OF INVESTIGATION

Surface
(Coal)

Fatal Fall of Person Accident
January 14, 2022

NexGen Industrial Services Inc. (A2537)
Mount Morris, Pennsylvania

at

Ohio County Mine
Ohio County Coal Resources, Inc.
Dallas, Marshall County, West Virginia
ID No. 46-01436

Accident Investigators

Matthew Taylor
Civil Engineer

Andrew Stalder
Mine Safety and Health Inspector

Originating Office
Mine Safety and Health Administration
Morgantown District
604 Cheat Road
Morgantown, WV 26508
Carlos Mosley, District Manager

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OVERVIEW

On Friday, January 14, 2022, at 11:12 a.m., Jeffrey Phillips, a 44 year-old contract laborer with over 13 years of mining experience, was fatally injured when he fell from an elevated work location.

The accident occurred because the contractor (NexGen Industrial Services Inc.) did not assure that miners used safety belts and lines while working from an elevated work location.

GENERAL INFORMATION

Ohio County Coal Resources, Inc., a subsidiary of American Consolidated Natural Resources, Inc., owns and operates the Ohio County Mine. Ohio County Mine is an underground coal mine located in Dallas, Marshall County, West Virginia. The mine employs 442 miners and operates three, eight-hour shifts per day, seven days per week. The mine operator extracts coal using room and pillar and longwall mining methods and transports the coal to the surface by a belt conveyor. Ohio County Coal Resources, Inc. hired NexGen Industrial Services Inc. (NexGen) to replace a belt conveyor's snub roller in the mine's preparation plant on the day of the accident.

The principal management officials at the Ohio County Mine at the time of the accident were:

Timothy Stevens	General Manager
Ray Wilhelm	Superintendent
Matthew Cunningham	Safety Director

The principal management official for NexGen at the time of the accident was:

Cordel Bowman	Safety Director
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The Mine Safety and Health Administration (MSHA) completed the last regular safety and health inspection at this mine on December 30, 2021. A regular safety and health inspection was ongoing at the time of the accident. The 2021 non-fatal days lost (NFDL) incident rate for the Ohio County Mine was 6.29, compared to the national average of 3.75 for mines of this type.

DESCRIPTION OF THE ACCIDENT

On January 14, 2022, at approximately 7:00 a.m., Phillips arrived at the preparation plant. Phillips traveled with the NexGen crew, including Kenneth Rowan, General Superintendent; Chad Douglas, Lead Man; and Shawn Husner, Laborer, to the plant feed transfer belt conveyor (400 belt) to discuss the type of work they were there to complete. The 400 belt is located between the fifth and sixth floors of the preparation plant (see Appendix A). Rowan informed the NexGen crew that the 400 belt's snub roller, which maintains belt tension as the belt moves around the drive assembly of the belt conveyor, was damaged and they needed to replace it. Phillips and Husner went to their vehicles to gather the tools and equipment needed to complete the replacement. Douglas traveled to the plant's motor control center and locked and tagged out the 400 belt. Rowan left the preparation plant to check on another job at an adjacent property.

After Rowan left, Husner brought tools in and set up cutting torches. Douglas and Phillips returned to the 400 belt, removed tension from the belt by raising the counterweight with chain hoists, and blocked it against motion. Douglas and Phillips started dismantling the snub roller bearing assemblies. Phillips then retrieved a ladder and helped Douglas hang two sets of chain hoists from the belt conveyor structure to support the snub roller during removal. Douglas and Phillips removed the damaged snub roller, moved it down the catwalk onto the landing below, and then moved the new roller up the catwalk and prepared it for installation. They secured the new roller with the chain hoists and placed it under the top belt.

In an interview, Douglas stated that both he and Phillips used fall protection two separate times earlier in the shift. As Phillips was climbing on the top belt to operate the offside chain hoist (see Appendix A), Douglas, standing on the catwalk (see Appendix B) right beside Phillips, told him twice to put on his fall protection. However, Phillips did not put on his fall protection. A short time later, Douglas bent down to see how high Phillips would have to hoist the roller, saw Phillips fall from the 400 belt to the fourth floor, and yelled out. Husner was on the fifth floor, preparing oxygen and acetylene tanks for use, when he heard Douglas yell. Husner turned and saw Phillips lying on the concrete floor.

Douglas and Husner rushed to assess Phillips. Douglas checked for a pulse, and finding none, called Rowan. Douglas called 911 at 11:14 a.m. Rowan traveled to the preparation plant and performed cardiopulmonary resuscitation (CPR) and first aid on Phillips.

The Benwood Volunteer Fire Department arrived at 11:21 a.m. and continued CPR until Marshall County Emergency Medical Services (EMS) arrived at 11:26 a.m. EMS could not detect a pulse from Phillips, and they were unable to resuscitate him. Marshall County EMS contacted Dr. Stephanie Van Alsten, MD, at West Virginia University Medical Command, who pronounced Phillips dead at 11:34 a.m.

INVESTIGATION OF THE ACCIDENT

On January 14, 2022, at 11:41 a.m., Matthew Cunningham, Safety Director, called the Department of Labor National Contact Center (DOLNCC). The DOLNCC contacted Tyler Peddicord, Supervisory Mine Safety and Health Inspector, who contacted Michael Stark, Staff Assistant. Stark sent Andrew Stalder, Mine Safety and Health Inspector, to the mine as the lead accident investigator. Stark also sent Larry Johnson, Supervisory Mine Safety and Health Inspector, to the mine.

Stalder and Johnson arrived at the preparation plant at 12:55 p.m. and Stalder issued an order under the provision of Section 103(k) of the Mine Act to assure the safety of the miners and preservation of evidence. Stark contacted Matthew Taylor, Civil Engineer, and sent him to the mine to help with the investigation. MSHA conducted the investigation in conjunction with the West Virginia Office of Miners' Health Safety and Training (WVOMHST), Ohio County Coal Resources, Inc., NexGen, and the United Mine Workers of America who represents the miners for Ohio County Coal and NexGen.

The accident investigation team conducted an examination of the accident scene and interviewed miners, mine management, the miners' representative, contract employees, and contractor management. Investigators also reviewed work conditions and practices relevant to the accident. Interviews were conducted on February 1, 2022, at the WVOMHST office in Westover, West Virginia. See Appendix C for a list of persons participating in the investigation.

DISCUSSION

Location of the Accident

The accident occurred along the 400 belt inside the preparation plant. The 400 belt travels up from the fifth floor towards the sixth floor. The work area from where the victim fell was 27 feet above the fourth floor. The area was well lit, and there were no moving obstacles above the belt. The distance between the railing and the chain hoist lever was 30 inches. The belt was dry at the time of the accident. The mine operator had idled the plant on the previous shift because the snub roller malfunctioned. NexGen contractors were the only miners present at the accident scene when the accident occurred.

Fall Protection

NexGen had a written policy that miners would wear fall protection where there was a hazard of falling. Investigators inspected the fall protection equipment and determined that it was all in good condition, had all attachments in place, and that suitable anchorage points were available.

Examinations

The WVOMHST regulations require an examination of the preparation plant. The mine operator performed an examination the afternoon shift before the accident. Records showed no hazards or violations in the general area of the accident. Investigators determined that no other hazards existed that would have contributed to the accident.

Training and Experience

Phillips had over 13 years of mining experience with over eight years at NexGen. Phillips received all training, including fall protection, in accordance with MSHA Part 48 training regulations.

ROOT CAUSE ANALYSIS

The accident investigation team conducted an analysis to identify the underlying causes of the accident. The team identified the following root cause, and the contractor implemented the corresponding corrective action to prevent a recurrence.

Root Cause: The contractor did not assure miners used safety belts and lines while working from an elevated work location.

Corrective Actions: The contractor developed and implemented an updated training plan on effective use of safety belts and lines and retrained all miners according to the updated plan.

CONCLUSION

On Friday, January 14, 2022, at 11:12 a.m., Jeffrey Phillips, a 44 year-old contract laborer with over 13 years of mining experience, was fatally injured when he fell from an elevated work location.

The accident occurred because the contractor (NexGen Industrial Services Inc.) did not assure that miners used safety belts and lines while working from an elevated work location.

Approved By:

Carlos Mosley
District Manager

Date

ENFORCEMENT ACTIONS

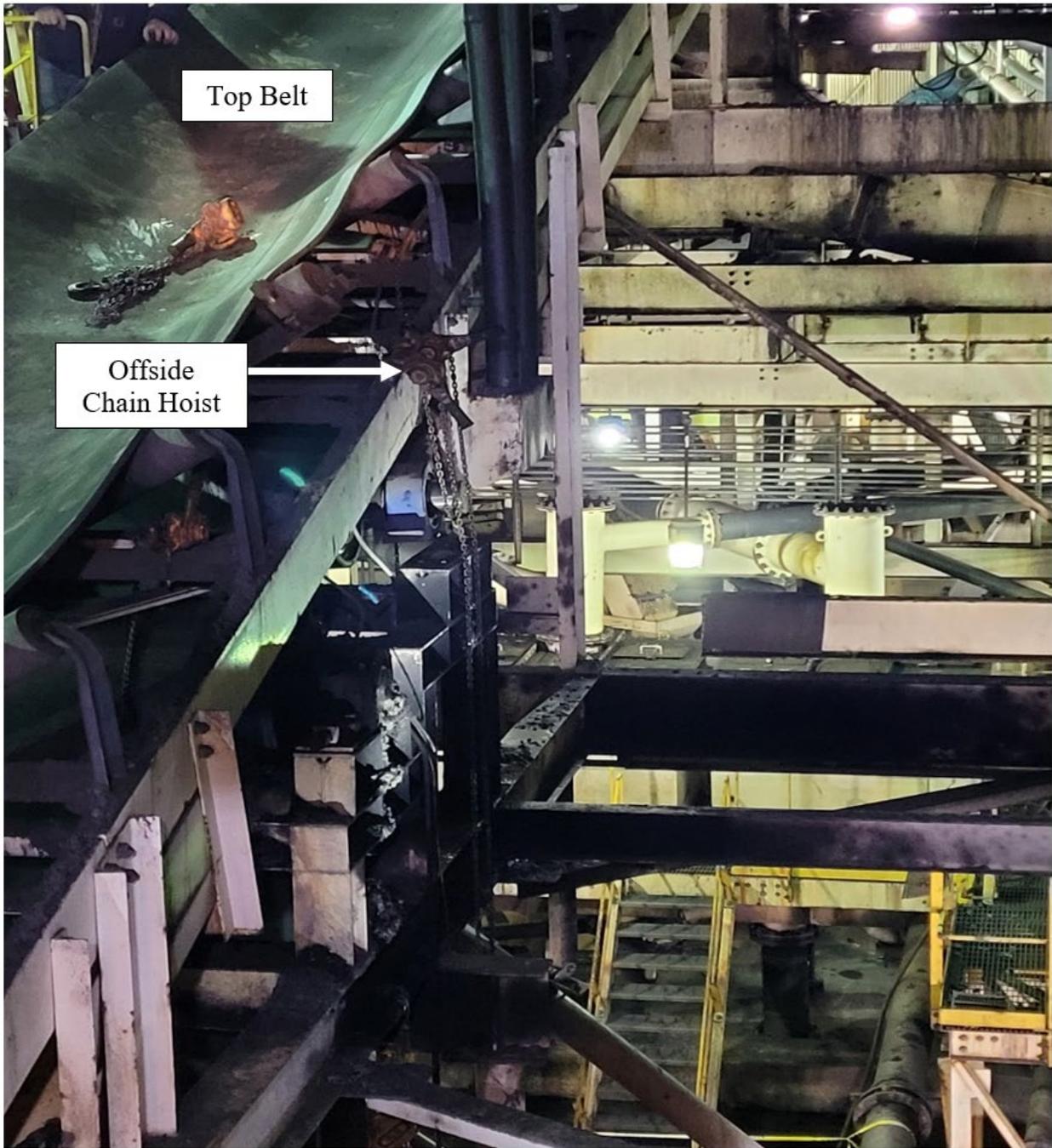
1. A 103(k) order was issued to Ohio County Coal Resources, Inc.

A fatal accident occurred on January 14, 2022, at 11:12 a.m. This order is being issued under the authority of the Federal Mine Safety and Health Act of 1977, under Section 103(k) to insure the safety of all persons at the mine, and requires the operator to obtain the approval of an authorized representative of MSHA of any plan to recover any person in the mine or to recover the mine or affected area. This order prohibits any activity in the affected area. The operator is reminded of the obligation to preserve all evidence that would aid in investigating the cause or causes of the accident in accordance with 30 CFR 50.12.

2. A 104(a) citation was issued to NexGen Industrial Services Inc. for a violation of 30 CFR 77.1710(g).

An accident occurred at this mine on January 14, 2022, when a contract employee received fatal injuries after falling from the 400 elevated belt conveyor. The accident occurred because the contractor did not assure all miners utilized safety belts and lines where there was a danger of falling.

APPENDIX A – 400 Belt



APPENDIX B – Catwalk where Douglas was Standing Prior to the Accident



APPENDIX C – Persons Participating in the Investigation

Ohio County Coal Resources, Inc.

Brian Hough	Corporate Safety Manager
William Mullett	Corporate Safety Manager
Michael Savasta	Corporate Safety Manager
Christopher Pence	Attorney / Hardy Pence PLLC
Ray Wilhelm	Superintendent
Matthew Cunningham	Safety Director

United Mine Workers of America

Bryan Rankin	Chairman of Safety Committee
Michael Knight	Local President

NexGen Industrial Services Inc.

Cordel Bowman	Safety Director
Rebecca Oblak	Attorney / Oblak Law, PLLC
Kenneth Rowan	General Superintendent
Chad Douglas	Lead Man
Shawn Husner	Laborer

West Virginia Office of Miners' Health Safety and Training

Edward Peddicord	Inspector at Large
John Meadows	Assistant Inspector at Large
Jeffrey Bennett	Accident Investigator
James Bowman	Accident Investigator
William Coen	Accident Investigator
Michael Southern	Accident Investigator
Arthur Wood	Accident Investigator

Mine Safety and Health Administration

Michael Stark	Staff Assistant
Larry Johnson	Supervisory Mine Safety and Health Inspector
Andrew Stalder	Mine Safety and Health Inspector
Matthew Taylor	Civil Engineer
Tonya Debiase	Mine Safety and Health Training Specialist