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# GENERAL INFORMATION

## Coal Mine Fatal Accident 2004-26



Contractor:	Mountaintop Clearing LLC
Operator:	Simmons Fork Mining Incorporated
Mine:	Paynter Branch Surface Mine
Accident Date:	March 12, 2004
Classification:	Machinery
Location:	District 4, Wyoming County, WV
Mine Type:	Surface
Employment:	41

# ACCIDENT DESCRIPTION



At 12:45 p.m. on Friday, March 12, 2004, a 32-year old tree cutter with five years of mining experience was fatally injured while cutting trees to clear for strip mining operations. The victim cut a tree that did not fall to the ground. Instead, it leaned slightly in the direction of a nearby standing tree. As the victim was cutting the nearby tree, the previously cut tree fell and struck him.

# ROOT CAUSE ANALYSIS

*Causal Factor:* The team leader of the crew did not have the authority to require the workers follow his instructions. When he decided on a corrective action to eliminate the hazardous condition, the victim disagreed with him. When the team leader told the victim not to expose himself to the danger tree, the victim ignored him.

*Corrective Actions:* Mountaintop Clearing, LLC should provide each cutting crew with a person with the authority to discipline workers who fail to follow safe work procedures and company policies.

*Causal Factor:* The person designated to examine the work area was not a certified person and hazardous conditions, which were present, were not corrected. The standing cut maple tree and the blowing wind produced a hazardous condition. The hazardous condition was identified, but the hazard was not reported or corrected.

*Corrective Actions:* A certified person should be provided to conduct examinations for hazardous conditions of work areas.

# ROOT CAUSE ANALYSIS

*Causal Factor:* The workers were not using safe cutting methods. They were not using an undercut (notch) and leaving a hinge to control the direction of fall when cutting the trees. The workers were not keeping a safe distance between persons on the ground and the trees being cut.

*Corrective Actions:* The contractor should provide training to all persons to ensure that safe cutting methods are used.

*Causal Factor:* The workers were not provided with training in hazard avoidance. Even though they would recognize a tree as being dangerous they would still cut it. They had not received training that stipulated what methods to use to avoid danger trees or that defined a safe distance between cutters.

*Corrective Actions:* The contractor should provide training in hazard avoidance to all persons for the avoidance of danger trees and safe cutting distances.

# CONCLUSION

The accident occurred because proper tree cutting procedures were not used. A hazardous condition resulted which was not corrected appropriately - resulting in a fatal accident. Required examinations were not being conducted and training was lacking. Also contributing to the accident was the failure to provide an appropriate level of supervision in that no one had authority or responsibility for safety at the work site.



# ENFORCEMENT ACTIONS

104(a) Citation was issued to the Contractor for a violation of 30 CFR 77.1713(a) The person designated by the operator to examine active working areas where three clear cutters were cutting trees near the Buffalo pit at the mine did not report and correct hazardous conditions found during a shift on March 12, 2004. The contractor did not designate a certified person to examine active working areas. The victim cut through a tree which did not fall completely to the ground.

104(a) Citation was issued to the Contractor for a violation of 30 CFR 48.27(c) When the miners were hired, they were not provided training for safe procedures to cut trees. The workers were using unsafe methods to cut trees when the victim was fatally injured by a tree he cut. When the miners were hired, they were trained to use unsafe procedures instead of safe methods to cut trees.

# ENFORCEMENT ACTIONS

104(a) Citation was issued to the Mine Operator for a violation of 30 CFR 77.1713(a) The production operator failed to assure that a certified person made examinations of the workplace on March 12, 2004. The tree-cutting contractor designated a non-certified person to make workplace examinations. The production operator knew that these contractors were working in the area, but did not assure that the active work areas were examined by a certified person and that action was taken to correct hazardous conditions.

104(a) Citation was issued to the Contractor for a violation of 30 CFR 48.26(b)(7) Three persons were cutting trees at the mine March 12, 2004, and had not received the safety training as required by Section 115 of the Act. They had not received training that included the avoidance of hazards present when cutting trees specific to what a safe distance between a tree being cut and a person on the ground was, or the methods to use to avoid standing trees that presented a hazard to the workers.

# BEST PRACTICES

- Conduct an evaluation of each step in the work process for potential hazards before starting work.
- Plan and clear a retreat path before felling is started.
- Conduct felling on the same level or upslope from previously felled trees on any slope where rolling or sliding of trees or logs is foreseeable.
- Do not work within two tree lengths of a danger tree, including any tree that has been cut but did not fall.
- Fell or remove danger trees using mechanical means only (e.g. use mobile equipment to knock down a danger tree).