

UNITED STATES
DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION

REPORT OF INVESTIGATION

Surface Nonmetal Mine
(Dimension Stone)

Fatal Powered Haulage Accident
October 7, 2010

Wheeler Rock Quarry
Wheeler Construction Company Inc.
Lansing, Leavenworth County, Kansas
Mine I.D. 14-01723

David M. Siquefield
Mine Safety and Health Inspector

Originating Office
Mine Safety and Health Administration
Rocky Mountain District
P.O. Box 25367, DFC
Denver, Colorado 80225-0367
Richard Laufenberg, District Manager

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OVERVIEW

Ralph Wheeler, dozer operator, age 72, died on October 7, 2010, when he was struck by a haul truck. Wheeler dismounted the dozer he had been operating and walked in front of the haul truck. The accident occurred because the victim approached the haul truck and did not notify the haul truck operator of his presence.

GENERAL INFORMATION

Wheeler Rock Quarry, a dimension stone mine, operated by Wheeler Construction Company Inc., was located in Lansing, Leavenworth County, Kansas. The principal operating official was Ralph Wheeler (victim), president. Stone blocks were mined with a hydraulic shovel from quarry walls. The rocks were sized and then sold to local landscape companies. The mine normally operated intermittently, one shift per day, based on market demands. Total employment was two persons.

The Mine Safety and Health Administration (MSHA) was not aware of this operation prior to the accident. MSHA assumed jurisdiction as a result of information provided during the fatal accident investigation.

DESCRIPTION OF ACCIDENT

On the day of the accident, Ralph Wheeler and his son Greg Wheeler, haul truck driver, were completing the final stages of reclamation at the mine site. They planned to dissolve the company and sell all of the equipment upon completion of the reclamation.

The Wheelers arrived at the mine site at 8:00 a.m., and began reclamation work. Greg Wheeler hauled top soil to the reclaim area. Ralph Wheeler operated a dozer, spreading the top soil to cover the previously mined out areas. This was typical of the reclamation work that had been going on since July of this year.

At approximately 10:30 a.m., Greg Wheeler backed his truck to dump, and observed his father sitting on the dozer. After dumping the load, he drove forward and noticed that his father was not on the dozer. He stopped the truck, looked down and saw the victim lying on the ground behind the left front wheel of the haul truck. The victim was nonresponsive and Greg Wheeler called for Emergency Medical Services. Ralph Wheeler was pronounced dead at the scene by the Wyandotte County Coroner. The cause of death was blunt force trauma.

INVESTIGATION OF THE ACCIDENT

MSHA learned of the accident on October 8, 2010, through an article published in a local newspaper. Joseph Steichen, supervisory mine safety and health inspector, contacted Greg Wheeler, on October 8, 2010, and an investigation was started the same day. An order was issued under the provisions of Section 103(k) of the Mine Act to ensure the safety of miners.

An MSHA investigator traveled to the mine site, made a physical inspection of the accident scene, conducted an interview, and reviewed conditions and work procedures relevant to the accident.

DISCUSSION

Location of the Accident

The accident took place in the northwest area of the mine where the area was being reclaimed. The area was dry and relatively flat.

Haul Truck

The haul truck involved in the accident was a 35 ton Euclid Model R-35 end dump. The haul truck's brakes and braking system were tested and evaluated and they were functional and no defects were found. The haul truck's windshield and mirrors were clear and undamaged. A test of the haul truck operator's view from the haul truck cab was conducted. A blind spot existed 8 feet in front of the haul truck.

Weather

The weather at the time of the accident was 77 degrees Farenheight, clear and sunny. The weather was not considered to be a factor in the accident.

Communications

Greg Wheeler and Ralph Wheeler used cell phones to communicate with each other.

Training and Experience

Ralph Wheeler had 20 years, 9 weeks and 4 days of experience at this operation, but had not received training in accordance with 30 CFR Part 46.

Greg Wheeler had 20 years, 9 weeks and 4 days of experience at this operation, but had not received training in accordance with 30 CFR Part 46.

A non-contributory citation was issued for the lack of training.

ROOT CAUSE

A root cause analysis was conducted and the following root cause was identified:

Root Cause: The accident occurred because the victim approached the haul truck and did not communicate with the haul truck operator of his presence.

Corrective Action: The business terminated at the time of the victim's death. Consequently, no action was taken.

CONCLUSION

The accident occurred because the victim approached the haul truck and did not communicate with the haul truck operator of his presence.

ENFORCEMENT ACTIONS

Order No. 6459378 was issued on October 8, 2010, under the provisions of Section 103(k) of the Mine Act:

A fatal accident occurred at this operation on October 7, 2010, at approximately 10:30 a.m. As rescue and recovery work is necessary, this order is being issued, under Section 103(k) of the Mine Act, to ensure the safety of all persons at this operation. This order is also being issued to prevent destruction of any evidence which would assist in the investigation of the cause or causes of the accident. It prohibits all activity at the Northwest area of the mine where the reclamation activities were being conducted at the time of the accident until MSHA has determined that it is safe to resume normal mining operations in this area. This order applies to all persons engaged in the rescue and recovery operation and any other persons onsite.

This order was terminated on October 14, 2010. Conditions that contributed to the accident no longer exist.

Approved by:

Date: November 30, 2010

Richard Laufenberg
District Manager

LIST OF APPENDICES

Appendix A—Persons Participating in the Investigation

Appendix B—Victim Data Sheet

APPENDIX A

Wheeler Construction Company Inc.

Greg Wheeler haul truck driver

Mine Safety and Health Administration

David M. Sinquefield mine safety and health inspector

APPENDIX B

Accident Investigation Data - Victim Information

U.S. Department of Labor
Mine Safety and Health Administration



Event Number:

6	5	5	3	0	4	2
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Victim Information: 1																																								
1. Name of Injured/Ill Employee: <i>Ralph Wheller</i>					2. Sex: <i>M</i>		3. Victim's Age: <i>72</i>			4. Degree of Injury: <i>01 Fatal</i>																														
5. Date(MM/DD/YY) and Time(24 Hr.) Of Death: <i>a. Date: 10/07/2010 b. Time: 10:30</i>										6. Date and Time Started: <i>a. Date: 10/07/2010 b. Time: 8:00</i>																														
7. Regular Job Title: <i>168 Dozer Operator</i>							8. Work Activity when Injured: <i>047 Ground Reclaim Work</i>					9. Was this work activity part of regular job? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>																												
10. Experience																																								
a. This																																								
Work Activity: <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><th>Years</th><th>Weeks</th><th>Days</th></tr><tr><td style="text-align: center;">20</td><td style="text-align: center;">9</td><td style="text-align: center;">4</td></tr></table> b. Regular Job Title: <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><th>Years</th><th>Weeks</th><th>Days</th></tr><tr><td style="text-align: center;">20</td><td style="text-align: center;">9</td><td style="text-align: center;">4</td></tr></table> c. This Mine: <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><th>Years</th><th>Weeks</th><th>Days</th></tr><tr><td style="text-align: center;">20</td><td style="text-align: center;">9</td><td style="text-align: center;">4</td></tr></table> d. Total Mining: <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><th>Years</th><th>Weeks</th><th>Days</th></tr><tr><td style="text-align: center;">20</td><td style="text-align: center;">9</td><td style="text-align: center;">4</td></tr></table>																	Years	Weeks	Days	20	9	4	Years	Weeks	Days	20	9	4	Years	Weeks	Days	20	9	4	Years	Weeks	Days	20	9	4
Years	Weeks	Days																																						
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Years	Weeks	Days																																						
20	9	4																																						
Years	Weeks	Days																																						
20	9	4																																						
11. What Directly Inflicted Injury or Illness? <i>087 Was run over by haul truck tire</i>										12. Nature of Injury or Illness: <i>170 Crushing</i>																														
13. Training Deficiencies Hazard: <input type="checkbox"/> New/Newly-Employed Experienced Miner: <input checked="" type="checkbox"/> Annual: <input type="checkbox"/> Task: <input type="checkbox"/>																																								
14. Company of Employment: (If different from production operator) <i>Operator</i>										Independent Contractor ID: (if applicable)																														
15. On-site Emergency Medical Treatment Not Applicable: <input type="checkbox"/> First-Aid: <input type="checkbox"/> CPR: <input type="checkbox"/> EMT: <input checked="" type="checkbox"/> Medical Professional: <input type="checkbox"/> None: <input type="checkbox"/>																																								
16. Part 50 Document Control Number: (form 7000-1)										17. Union Affiliation of Victim: <i>9999 None (No Union Affiliation)</i>																														