

UNITED STATES
DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION

REPORT OF INVESTIGATION

Surface
(Kaolin and Ball Clay)

Fatal Fall of Face, Rib, Side or Highwall Accident
November 13, 2023

Piedmont Mining, LLC (B2884)
McIntyre, Wilkinson County, Georgia

at

Wrens Plant
KaMin LLC
Wrens, Jefferson County, Georgia
ID No. 09-00143

Accident Investigators

Kevin Hardester
Mine Safety and Health Inspector

Danny Williams
Mine Safety and Health Inspector

Originating Office
Mine Safety and Health Administration
Birmingham District
1030 London Drive
Birmingham, AL 35211
Brian Thompson, District Manager

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OVERVIEW

On November 13, 2023, sometime between noon and 12:30 p.m., James Hightower, a 54 year-old contract excavator operator with 29 years of mining experience, died when a highwall collapsed, engulfing him. Hightower was found between the cab of the excavator and the highwall.

The accident occurred because the contractor did not prevent miners from working or traveling between equipment and the highwall where equipment may hinder escape from falls or slides of highwalls.

GENERAL INFORMATION

KaMin LLC (KaMin) owns and operates the Wrens Plant mine. This mine is a surface kaolin and ball clay mine located in Wrens, Jefferson County, Georgia. The Wrens Plant mine processes kaolin from five different pits in the area, including the Lewis Pit, where the accident occurred. KaMin contracts Piedmont Mining, LLC (Piedmont) to remove the overburden to expose the kaolin. At the Lewis Pit, excavators remove the overburden from a highwall approximately 44 feet in height. The overburden excavated from the highwall is loaded onto off-road haul trucks and hauled to be used in reclaiming areas that were previously mined.

Once sufficient kaolin is uncovered, Piedmont relocates to another pit. KaMin contracts with Howard Sheppard Inc. to mine the kaolin to deliver it to the plant for processing. KaMin management was not at the Lewis Pit at the time of the accident, and Wrens Plant miners do not routinely work in the Lewis Pit. When a particular pit is operating, only one contracting company works in the pit at a time.

The principal management official at the Wrens Plant mine at the time of the accident was:

Greg Hatfield

Mining Supervisor

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

William Sherrer

Mine Manager

The Mine Safety and Health Administration (MSHA) completed the last regular safety and health inspection at this mine on September 18, 2023. The 2022 non-fatal days lost incident rate for the Wrens Plant mine was 0.62, compared to the national average of 1.17.

DESCRIPTION OF THE ACCIDENT

On November 13, 2023, at 5:30 a.m., a Piedmont crew consisting of William Sherrer, Mine Manager; Hightower, Nelson Jordan, and Antonio Grant, Excavator Operators; Clifford Salter, Thomas Scarboro, Travis Ingram, Joseph Gibbons, and Arthur Burton, Haul Truck Operators; Randall Peeler, Darryl Unruh, and Ricardo Merrell, Bulldozer Operators; and Jerome Denton, Fuel Truck Operator, arrived at the Lewis Pit to begin work for the day. According to interviews, Hightower, Jordan, and Grant parked their excavators on top of mounds of material adjacent to the highwall, consistent with Piedmont's mining method. From this elevated position, excavators could reach higher up on the pit wall and easily excavate the material and load trucks.

At 12:00 p.m., Hightower chose to remain in his excavator as the crew left the pit for lunch. The crew returned to the pit at 12:30 p.m. Denton drove his fuel truck into the pit to service the equipment, starting with Jordan's excavator. While lubricating the bucket of Jordan's excavator, Denton and Jordan noticed Hightower's excavator sitting idle. After Denton completed servicing Jordan's excavator, Jordan returned to his excavator and used his excavator's horn to get Hightower's attention. Not receiving a response from Hightower, Jordan moved the bucket of his excavator and bumped the bucket on Hightower's excavator, but he still received no response from Hightower. Denton walked up onto the mound of material where Hightower's excavator was located adjacent to the pit highwall, throwing clay balls at Hightower's machine to get his attention. Receiving no response, Denton continued to the cab of Hightower's excavator. Once there, Denton saw Hightower was not in the cab of his excavator. Denton saw that material from the pit highwall had sloughed down and piled up onto the steel tracks and up to the door of the excavator. The sloughed material had filled in the trench between the excavator and the highwall.

Denton returned to his truck and called Sherrer to come to Hightower's excavator. According to interviews, Sherrer arrived and joined Denton in trying to locate Hightower, digging by hand into the material partially covering Hightower's excavator. Not finding Hightower, Sherrer then climbed into Hightower's excavator and drove it backwards a few feet from the face of the highwall which caused the material to slough down further, exposing part of Hightower's body. By this time, the remainder of the crew had arrived and began helping to free Hightower from the material which had engulfed him.

The miners were able to partially remove material off Hightower. Recognizing Hightower was not breathing and had no pulse, Sherrer and Denton began cardiopulmonary resuscitation (CPR) while Salter, Grant, Scarboro, Gibbons, Burton, and Merrell continued to remove material from Hightower. During the recovery efforts, Grant called Melissa Raley, Area Safety Manager for Piedmont, who then called 911 at 1:27 p.m. At 1:35 p.m., Gold Cross Emergency Medical Services (EMS) arrived and took over CPR and applied an AED while miners continued to extricate Hightower. Once Hightower was free, EMS personnel, assisted by Sherrer, carried him to the awaiting ambulance where EMS continued CPR and departed the mine for the hospital. Faye McGahee, Jefferson County Coroner, met EMS enroute, and after examining Hightower, declared him deceased at 3:00 pm.

INVESTIGATION OF THE ACCIDENT

On November 13, 2023, at 1:43 p.m., John Mayer, Environmental Safety and Health Manager for KaMin, called the Department of Labor National Contact Center (DOLNCC) to report the accident. At 1:56 pm., the DOLNCC contacted Thomas Chatham, Supervisory Mine Safety and Health Inspector. Chatham contacted Jarvis Westery, Assistant District Manager. Westery sent Robert Ashley, Supervisory Mine Safety and Health Inspector, and Robert Johnson, Mine Safety and Health Inspector, to the mine. Johnson issued an order under the provisions of Section 103(k) of the Mine Act to ensure the safety of the miners and the preservation of evidence. Westery assigned Kevin Hardester, Mine Safety and Health Inspector, as the lead accident investigator, and Danny Williams, Mine Safety and Health Inspector, to assist in the investigation.

Hardester and Williams arrived at the mine on November 14, 2023, at 8:10 a.m. MSHA's accident investigation team conducted an examination of the accident scene and interviewed Piedmont's miners and management, and KaMin management. MSHA also reviewed conditions and work procedures relevant to the accident. See Appendix A for a list of persons who participated in the investigation.

DISCUSSION

Location of the Accident

The accident occurred in the Number 23 area of the Lewis Pit. The area had a 44-foot highwall being accessed by a Caterpillar 349 Excavator (see Appendix B).

Weather

The weather at the time of the accident was 64 degrees Fahrenheit with clear skies. Investigators determined that weather did not contribute to the accident.

Equipment Involved

The equipment involved in the accident was a Caterpillar 349 track excavator. Investigators examined the excavator and did not find any deficiencies.

Mining Method

To remove the overburden so the kaolin clay beneath it could be mined, Piedmont's excavator operators dug into the highwall. The highwall face would eventually slough down into the trench between the excavator and the highwall. The same excavator operators that pulled overburden material from the highwall would load the overburden into off-road haul trucks for removal. As the highwall was approximately 44 feet high, the excavator operators would work from an elevated pad constructed using fallen material and located immediately adjacent to the highwall. The area between the highwall and the pad created a trench that confined the spread of sloughing material as the highwall partially collapsed in a controlled fashion. A partial collapse of the highwall is intentional and results from the steep angle created by the removal of material at the toe of the highwall; however, this condition makes it dangerous for miners to exit their equipment and position themselves anywhere between the equipment and the highwall.

The pad, approximately 14 feet in height, provided the excavators with an extended reach up the highwall. The top of the pad also facilitated a more efficient position from which to load the overburden from the trench into the large off-road haul trucks. The addition of the elevated pad and trench were changes to the mining method that were implemented by KaMin in October of 2023 due to safety concerns involving material falling onto the excavator. There were no written procedures for mining in the Lewis Pit prior to October of 2023.

Piedmont did not prevent miners from working or traveling between equipment and the highwall where equipment may hinder escape from falls or slides of highwalls, which contributed to the accident.

Examinations

According to interviews and records, Piedmont conducts workplace examinations daily and KaMin conducts examinations monthly. Examination of ground conditions are conducted by the equipment operators each shift.

Training and Experience

Hightower had 29 years of mining experience, all with Piedmont. Piedmont included general information about the hazards of highwalls in their safety training. Investigators reviewed the training documentation and determined that Hightower received training in accordance with MSHA Part 46 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 prevent miners from working or traveling between equipment and the highwall where equipment may hinder escape from falls or slides of highwalls.

Corrective Action: The contractor developed and implemented a new written procedure that includes training of contractors' activities to ensure contractors are complying with MSHA regulations. The procedure requires that equipment operators remove equipment from the area of the highwall before exiting the machine.

CONCLUSION

On November 13, 2023, sometime between noon and 12:30 p.m., James Hightower, a 54 year-old contract excavator operator with 29 years of mining experience, died when a highwall collapsed, engulfing him. Hightower was found between the cab of the excavator and the highwall.

The accident occurred because the contractor did not prevent miners from working or traveling between equipment and the highwall where equipment may hinder escape from falls or slides of highwalls.

Approved By:

Brian Thompson
District Manager

Date

ENFORCEMENT ACTIONS

1. A 103(k) order was issued to Piedmont Mining, LLC.

A fatal accident occurred on November 13, 2023, between noon and 12:30 p.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 Piedmont Mining, LLC for violation of 30 CFR 56.3430.

A fatal accident occurred at the mine on November 13, 2023, when an excavator operator was engulfed after a highwall collapsed while he was between the excavator and the highwall. The contractor did not prevent miners from working or traveling between equipment and the highwall where equipment may hinder escape from falls or slides of highwalls.

APPENDIX A – Persons Participating in the Investigation

KaMin LLC

Charles Newsome	East Georgia General Manager
Kevin Hudson	Environmental, Safety and Health Manager
John Mayer	Environmental, Safety and Health Manager
Greg Hatfield	Mining Supervisor
Jonathan Newsome	Mining Supervisor

Piedmont Mining, LLC

Garrett Smith	Vice President
William Sherrer	Mine Manager
Melissa Raley	Area Safety Manager
Antonio Grant	Excavator Operator
Nelson Jordan	Excavator Operator
Arthur Burton	Haul Truck Operator
Joseph Gibbons	Haul Truck Operator
Travis Ingram	Haul Truck Operator
Clifford Salter	Haul Truck Operator
Thomas Scarboro	Haul Truck Operator
Jerome Denton	Fuel Truck Operator
Ricardo Merrell	Bulldozer Operator
Randall Peeler	Bulldozer Operator
Darryl Unruh	Bulldozer Operator

Mine Safety and Health Administration

Kevin Hardester	Mine Safety and Health Inspector
Danny Williams	Mine Safety and Health Inspector

APPENDIX B – Accident Scene

