



JAN 5 2009

MEMORANDUM FOR FELIX A. QUINTANA  
Administrator for Metal and  
Nonmetal Mine Safety and Health

FROM: GEORGE M. FESAK *George M. Fesak*  
Director, Program Evaluation and Information Resources

EDWARD P. CLAIR *by Edward P. Clair for EPC*  
Associate Solicitor for Mine Safety and Health

JEFFREY A. DUNCAN *Jeffrey A. Duncan*  
Director for Educational Policy and Development

MARK E. SKILES *Mark E. Skiles*  
Director of Technical Support

NANCY M. SAHAKIAN, MD  
Senior Program Management Consultant, Clinical Operations,  
Federal Occupational Health Service, United States Public  
Health Service *Nancy Sahakian*

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2008-36 [REDACTED]

Deceased: [REDACTED]

Date of Incident: September 11, 2008

Date of Death: September 11, 2008

Operator: Teck-Pogo

Mine: Pogo Mine

Decision: Not Chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. MSHA's investigation revealed that [REDACTED] worked as a mill mechanic at the Pogo Mine. He was found non-responsive in the doorway of the cyanide recovery thickener containment area. Within 6 hours of the incident, MSHA personnel inspected the work location and tested it for hydrogen cyanide. They did not detect any hydrogen cyanide. Additionally, the cyanide alarms had not gone off in the area and the cyanide detection devices had been properly maintained. No other environmental hazards were found that could have contributed to [REDACTED] death. The Certificate of Death indicates that the cause of [REDACTED] death was hypertensive cardiovascular disease.

Based on the Certificate of Death and the results of MSHA's investigation, the committee members concluded that [REDACTED] died from natural causes and his death should not be charged to the mining industry.

cc: Richard E. Stickler  
John Pallasch  
Robert M. Friend