

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



AUG 24 2011

MEMORANDUM FOR NEAL H. MERRIFIELD
Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2010-M-09 [REDACTED]

Deceased: [REDACTED]

Date of Incident: February 09, 2010

Date of Death: February 12, 2010

Operator: Aggregates USA, LLC.

Mine: Riverbend Quarry

Contractor: Dyno Nobel-East-Central
Region

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. [REDACTED], a 42 year old contractor blaster, was involved in an auto accident on February 09, 2010. His vehicle was struck on the driver's side. The accident occurred on a state highway. Due to concerns about soreness as a result of his accident, he was assigned to just assist blasting crews for the next 2 days. On February 12, 2010, the deceased arrived on the job site at 7:00 AM with a blasting crew. [REDACTED] performed his normal duties with no complaints about his health. At 3:17 PM it was reported that [REDACTED] was on the ground and his breathing was labored. Emergency medical personnel arrived on the scene and transported him to a local hospital where he was pronounced dead.

An autopsy identified 12 left sided rib fractures, lacerations of the left lung and spleen, and a collection of blood outside of the left lung. The forensic pathologist indicated that the bleeding had been going on for some time and that exertion or a fall would not have contributed to his death. The death certificate indicated that the manner of death was accidental and was due to blunt force injuries sustained from a motor vehicle collision. The MSHA inspection of the immediate area was conducted and no hazards were found that may have contributed to his death.

Based on an examination of the death certificate, the findings of the autopsy report and the outcome of the MSHA investigation, the committee members concluded that [REDACTED] died as a result of an accident which occurred off mine property. The committee members determined that his death should not be charged to the mining industry.

cc: Joseph A. Main
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