

Preliminary Report of Accident

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



PR001 03/03/2023

1. Accident Type F - Fatal Injury		2. Accident Classification 21 - Other Accident Drowning		3. Date/Time of Accident 02/25/2023 8:06 AM		4. Date/Time of Death 02/25/2023 3:40 PM		5. Fatal Case No FAI-6884875-1					
6. Mine Information													
a) Mining Company Name:		Terra Firma Materials LLC											
b) Mine Name:		La Havana Pit											
c) Parent of Mining Company:		Nancy Cuellar Davenport et al											
7. Mine Location Information						8. Mine ID Number		9. Union					
a) City Havana		b) County Hidalgo		c) State TX		41-04706		No					
10. Primary Mineral Mined Crushed & Broken Limestone Mining, N.E.C.				11. Number of Employees									
				a) Total 55		b) Underground		c) Open Pit/Quarry 55		d) Mill/Prep Plant		e) Other	
12. Contractor Name						13. Contractor Union		14. Contractor ID Number					
15. Contractor Address													
a) City		b) County			c) State			d) Zip Code					
16. Number of Contractor Employees													
a) Total		b) Underground			c) Open Pit/Quarry			d) Mill/Prep Plant		e) Other			
17. Number of Persons in Mine at Time of Accident					18. Number of Persons Unaccounted for								
a) Mine Employees 12		b) Contractor Employees			a) Mine Employees		b) Contractor Employees						
19. Accident Location 03 - Open Pit								20. Mining Height					
								Feet		Inches			
21. Nonfatal Injuries		22. Fatal Injuries 1											
23. Victims Information													
Eliborio Garcia													
a) First Name Eliborio		a) MI	a) Last Name Garcia		b) Age 42	c) Regular Job Title Equipment Operator		d) Activity at Time of Accident Cleaning Slurry Pond		Employee Mine Employee			
24. Mining Experience													
a) Total Experience 0 Years 0 Weeks 5 Days		b) Experience at the Mine 0 Years 0 Weeks 5 Days			c) Experience at the Activity at the Time of the Accident 0 Years 0 Weeks 5 Days			d) Experience with Contractor 0 Years 0 Weeks 0 Days					
25. Autopsy Performed No		If Yes, Location											
26. Mine Telephone No. (956) 316-3636													
27. Description of Accident (include equipment involved, the exact location in the mine, and status and recovery operations) A miner drowned after the excavator he was operating traveled over a berm into a sediment pond. <i>The information provided in this notice is based on preliminary data ONLY and does not represent final determination regarding the nature of the incident or conclusions regarding the cause of the accident.</i>													
28. Equipment Manufacturer Caterpillar					29. Model 326 FL								
30. District M5000 - Dallas District					32. Field Office M5611 - San Antonio TX Field Office			33. Event Number 6884875					
34. Accident Investigator													
First Name James		MI		Last Name Redwine									
35. MSHA Person Notified													
First Name Nick		MI		Last Name Gutierrez			Date/Time Notified 02/25/2023 10:08 AM						
36. Type of Report Initial		37. Name of Preparer			Date Prepared								
		Full Name James Redwine			02/27/2023								
38. Reason for Amendment													