

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 41-04706	9. Union No
a) City Havana		b) County Hidalgo	c) State TX	
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 5 years 0 Weeks 0 Days	b) Experience at the Mine 0 Years 0 Weeks 5 Days	c) Experience at the Activity at the Time of the Accident 1 Years 0 Weeks 0 Days		d) Experience with Contractor 0 Years 0 Weeks 0 Days
25. Autopsy Performed No				
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				