

**UNITED STATES
DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION
Metal and Nonmetal Mine Safety and Health**

REPORT OF INVESTIGATION

**Surface Metal Facility
(Copper Ore)**

**Fatal Other Accident
March 19, 2009**

**Freeport McMoRan Reclamation Services
Contractor ID# P422**

at

**Freeport McMoRan Chino Mines Company
Ivanhoe Concentrator
Vanadium, Grant County, New Mexico
Mine ID No. 29-01882**

Investigator

**William D. O'Dell
Supervisory Mine Safety and Health Inspector**

**Originating Office
Mine Safety and Health Administration
South Central District
1100 Commerce Street, Room 462
Dallas, TX 75242-0499
Edward E. Lopez, District Manager**



OVERVIEW

On March 19, 2009, Jerry L. Mortenson, Scraper Operator, age 52, was injured when he exited the cab of the tractor he was using to pull a trailer scraper. Mortenson stepped from the tractor steps toward the rear of the tractor and heard his right knee pop. He had knee surgery on April 1, 2009 and was released the same day. Mortenson died on April 9, 2009.

The accident occurred because Mortenson injured his knee stepping from the tractor steps to the rear of the tractor. The Mine Safety and Health Administration (MSHA) conducted an investigation regarding chargeability of the accident as a mine-related fatality. Information was forwarded to MSHA's Fatality Review Committee (Committee). Based on the results of MSHA's investigation and a review of the available medical documentation, the Committee determined on January 26, 2010, that Mortenson's death should be charged to the mining industry.

The death certificate indicated Mortenson died of a pulmonary embolism. The Committee concluded that his death was due to complications of injuries received when he injured his knee at work on March 19, 2009.

GENERAL INFORMATION

Ivanhoe Concentrator (Ivanhoe), a copper ore processing facility, owned and operated by Freeport-McMoRan Chino Mines Company (Freeport), was located near Vanadium, Grant County, New Mexico. The principal operating official was Richard Mohr, General Manager. Total employment was 52 persons.

Copper ore was mined and crushed at another Freeport operation (Chino Mine) before being transported to Ivanhoe by belt conveyor for processing. Crushed rock was subjected to additional sizing and flotation to produce a copper concentrate that was shipped to an off-site smelter. Reject material from Ivanhoe was pumped about 10 miles to a group of tailings ponds. Both Chino and Ivanhoe had been in non-producing status since early 2009.

Freeport McMoRan Reclamation Services (Reclamation Services), an independent contractor, owned and operated by Freeport, was located near Hurley, Grant County, New Mexico. Reclamation Services performed reclamation services at the Ivanhoe tailings ponds. The principal operating official was Mitchel Umphreys, Superintendent. Total employment was 63 persons. Mortenson was an employee of Reclamation Services.

The last regular inspection at Ivanhoe was completed on October 23, 2008.

DESCRIPTION OF THE ACCIDENT

On the day of the accident, Jerry Mortenson reported to work at 5:30 a.m., his usual starting time. He attended a safety meeting at 6:00 a.m. then rode with other miners in a company van to his assigned work area at the #6 tailings pond. Mortenson operated a tractor pulling a trailer scraper to move material around the pond.

About 10:00 a.m., Mortenson parked his equipment at a designated spot near the #6 tailings pond to allow Brad Bloomfield, Lube Technician, to service them. Mortenson stepped out of the tractor cab to wash the windows. As he moved from the top of the tractor steps toward the back side of the tractor cab, his right knee popped so he stepped down to the ground. He asked Bloomfield to call Bradley Chafins, Supervisor, to report his knee injury.

Mortenson was taken to a local hospital at 10:45 a.m. and was released later that day but did not return to work. He had outpatient knee surgery on April 1, 2009, and was released the same day. On April 9, 2009, Mortenson complained of light headedness and chest pain. He was transported from his home to a local hospital where he was pronounced dead upon arrival at 11:40 p.m. The cause of death was listed as a pulmonary embolism.

INVESTIGATION OF THE ACCIDENT

Reclamation Services filed a 7000-1 Mine Accident, Injury and Illness Report on March 30, 2009. MSHA was notified of Mortenson's death by a telephone call from John Melfi, Senior Health and Safety Specialist, to MSHA's emergency hotline on April 10, 2009. A chargeability investigation was started on April 13, 2009.

MSHA's accident investigator traveled to the mine, made a physical inspection of the accident scene, interviewed employees, and reviewed documents and work procedures relevant to the accident. MSHA conducted the investigation with the assistance of mine and contractor management and employees.

DISCUSSION

Location of the accident

The accident occurred at the top of the #6 tailings pond. The weather was warm and dry and was not considered to be a factor in the accident.

Tractor

The tractor involved in the accident was a John Deere model 9530. It had a factory installed ladder and platform to provide access to the left side of the tractor. The platform had a slip-resistant surface and measured 24.75 inches from front to rear and 18.75 inches from side to side. Both the ladder and platform were free of defects and properly secured at the time of investigation.

Training and Experience

Jerry Mortenson had 32 years of experience, including 17 years at this operation. He had received training in accordance with 30 CFR Part 48.

CONCLUSION

The accident occurred because Mortenson injured his knee stepping from the tractor steps to the rear of the tractor. The Mine Safety and Health Administration (MSHA) conducted an investigation regarding chargeability of the accident as a mine-related fatality. Information was forwarded to MSHA's Fatality Review Committee (Committee). Based on the results of MSHA's investigation and a review of the available medical documentation, the Committee determined on January 26, 2010, that Mortenson's death should be charged to the mining industry.

The death certificate indicated Mortenson died of a pulmonary embolism. The Committee concluded that his death was due to complications of injuries received when he injured his knee at work on March 19, 2009.

ENFORCEMENT ACTION

No enforcement action was taken as a result of the accident or subsequent investigation.

Approved: _____

Edward E. Lopez
District Manager

Date: _____

APPENDIX A

PERSONS PARTICIPATING IN THE INVESTIGATION

Freeport-McMoRan Chino Mines Company

Joseph Edwards	Senior Health and Safety Specialist
Lawrence Corte	Senior Counsel


Freeport McMoRan Reclamation Services

John Melfi	Senior Health and Safety Specialist
Kevin Leonard	Manager Health and Safety

Mine Safety and Health Administration

William D. O'Dell	Supervisory Mine Safety and Health Inspector
-------------------	--

APPENDIX B

Accident Investigation Data - Victim Information										U.S. Department of Labor		
Event Number: 1 0 5 5 5 3 4										Mine Safety and Health Administration		
Victim Information: 1												
1. Name of Injured/Ill Employee: <i>Jerry L. Mortenson</i>			2. Sex: <i>M</i>	3. Victim's Age: <i>52</i>		4. Degree of Injury: <i>01 Fatal</i>						
5. Date(MM/DD/YY) and Time(24 Hr.) Of Death: <i>a. Date: 04/09/2009 b. Time: 23:40</i>						6. Date and Time Started: <i>a. Date: 03/19/2009 b. Time: 5:30</i>						
7. Regular Job Title: <i>164 Tractor-trailer scraper operator</i>				8. Work Activity when Injured: <i>023 Stepping around side of tractor</i>				9. Was this work activity part of regular job? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
10. Experience			b. Regular			c. This			d. Total			
a. This			Job Title:			Mine:			Mining:			
Years Weeks Days			Years Weeks Days			Years Weeks Days			Years Weeks Days			
<i>4 0 0</i>			<i>4 0 0</i>			<i>17 0 0</i>			<i>32 26 0</i>			
11. What Directly Inflicted Injury or Illness? <i>002 Stepping from ladder to rear of tractor</i>						12. Nature of Injury or Illness: <i>330 knee injury</i>						
13. Training Deficiencies:												
Hazard:		New/Newly-Employed Experienced Miner:				Annual:		Task:				
14. Company of Employment: (If different from production operator) <i>Freeport McMoRan Reclamation Services</i>							Independent Contractor ID: (if applicable) <i>P422</i>					
15. On-site Emergency Medical Treatment:												
Not Applicable:		First-Aid:	CPR:	EMT:	Medical Professional:		None:		<input checked="" type="checkbox"/>			
16. Part 50 Document Control Number: (form 7000-1)						17. Union Affiliation of Victim: <i>9999 None (No Union Affiliation)</i>						