

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:**DENNIS RAYMOND *Dennis Raymond*
Acting Chief, Program Policy Evaluation OfficeHEIDI W. STRASSLER *H.W. Strassler*
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Acting Director of Technical SupportNANCY M. SAHAKIAN, M.D.
Senior Program Management Consultant, Clinical Operations,
Federal Occupational Health Service, United States Public
Health Service *Nancy M. Sahakian***SUBJECT:** Fatality Review Committee Decision on Chargeability**Case No.:** 2010-M-31 [REDACTED]**Deceased:** [REDACTED]**Date of Incident:** August 19, 2010**Date of Death:** August 19, 2010**Operator:** Certainteed Gypsum and
Ceiling Manufacturing, Inc.**Mine:** BPB Manufacturing Surface
Mine and Pit**Contractor:** Riley Construction Co.,
Inc.**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 65 year old contractor dozer operator, was spreading dirt with his bulldozer when he backed the equipment over 700 ft through a wooded area, down a slope and into a pond. A co-worker retrieved his body from the cab that was completely submerged under water. He began CPR until emergency response workers arrived. He was transported to a local hospital where he was pronounced dead. [REDACTED] had been sweating during the morning safety meeting and complained about shoulder pain.

The death certificate indicated that the death was accidental and due to drowning with arteriosclerotic cardiovascular disease as a significant condition. The autopsy report indicates an 80-90% narrowing of one coronary artery and 75% narrowing of another. Microscopic examination of the heart revealed an acute myocardial infarction thought to be 3-4 days old. There was pulmonary congestion and fluid in the sphenoid sinuses consistent with drowning. The physician conducting the autopsy thought the most likely course of events was an acute cardiac event causing loss of consciousness and then drowning. A toxicology screen was negative.

Based on the findings of the death certificate and the autopsy report the committee members concluded that [REDACTED] died from natural causes and that his death should not be charged to the mining industry.

cc: Joseph A. Main
Gregory R. Wagner, M.D.
Patricia W. Silvey