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MEMORANDUM FOR NEAL H. MERRIFIELD
Administrator for Metal and
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FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-M-19

Deceased:

Date of Incident: January 03, 2011

Date of Death: January 03, 2011

Operator: Cemex Construction
Materials Pacific, LLC.

Mine: Black Mountain Quarry

Contractor: Labor Finders

Decision: Not chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of _____ should not be charged to the mining industry. _____ a 38 year old contract laborer, was assigned to work at the bio-fuel area of the mine. He unlocked the loading station for a tanker truck containing 19% aqua ammonia and stood by the emergency shut off valve upwind from the truck. Ten minutes into the off-loading process, he complained to the truck driver of feeling cold and collapsed. CPR was administered by co-workers. He was in ventricular fibrillation when emergency medical services personnel arrived on the scene. He was transported to a local hospital where he was pronounced dead.

_____ had a history of cardiovascular problems. The autopsy report and death certificate indicated that the cause of death was atherosclerotic, hypertensive cardiovascular disease and that the manner of death was natural. Witnesses at the scene reported that the gas detection system did not alarm at the time of the incident and no ammonia gas odors were present. An inspection of the mine site did not reveal any contributory violations.

Based on the findings of the autopsy report, the death certificate and the MSHA investigation, the committee members concluded that _____ died from natural causes and that his death should not be charged to the mining industry.

cc: Joseph A. Main
Anthony C. Mayville