

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



JAN 27 2014

MEMORANDUM FOR NEAL H. MERRIFIELD
Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2012-M-34 [REDACTED] Deceased: [REDACTED]
Date of Incident: October 10, 2012 Date of Death: October 10, 2012
Operator: Thiele Kaolin Company Mine: Main Processing Plant
Contractor: Prim Industrial
Contractors, 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 55 year old contract painter, was spraying paint coal tar inside a tank when a co-worker noticed that the spray unit was not running. He went to investigate and [REDACTED] was found unresponsive on the floor beside some inside scaffolding. [REDACTED] was transported to a local hospital where he was pronounced dead shortly thereafter.

The death certificate indicated that the manner of death was natural. The death certificate and the autopsy report both indicated that the cause of death was atherosclerotic and hypertensive cardiovascular disease. The toxicological screen was negative for drugs as well as ethyl alcohol and high and low molecular weight volatile compounds.

The assistance of MSHA's Technical Support Physical and Toxic Agents Division was requested. Their investigation inferred that exposures to hazardous components in the coal tar compound while spraying inside the tank would not have exceeded MSHA's permissible exposure limits.

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

cc: Joseph A. Main
Patricia W. Silvey