



JUL 09 2014


MEMORANDUM FOR MARVIN D. LICHTENFELS  
Acting Administrator for Metal and  
Nonmetal Mine Safety and Health

FROM:

JEFFREY A. DUNCAN   
Committee Chair  
Director for Educational Policy and Development


HEIDI W. STRASSLER   
Associate Solicitor for Mine Safety and Health

GEORGE M. FESAK   
Director of Technical Support

NANCY M. SAHAKIAN, M.D.   
Senior Program Management Consultant, Clinical Operations,  
Federal Occupational Health Service, United States Public  
Health Service

ANGELICA HACKNEY   
Chief, Office of Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

**Case No.:** 2013-M-29-

**Deceased:** 

**Date of Incident:** July 31, 2013  
(Body Discovered)

**Date of Death:** July 31, 2013 (Body  
Discovered)

**Operator:** Lafarge North America,  
Inc.

**Mine:** Seattle Plant

**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. Mr. [REDACTED] a 57 year old , was found dead in an ore car that had brought cement to the plant for reprocessing. The car had arrived at the mine site the previous day.

Both the death certificate and autopsy report indicated that the manner of death was natural and that the cause of death was Atherosclerotic Cardiovascular Disease . The toxicology screen was negative. Mr. [REDACTED] body was badly decomposed and covered in a cement-like powder. It was estimated that he died between 72 hours and 2 months before he was discovered. No signs of trauma or foul play were found.

The MSHA investigation determined that Mr. [REDACTED] was not an employee at the mine. The investigation also found that he was deceased before the ore car arrived at the mine property.

Based on the findings of the death certificate, the autopsy report and the MSHA investigation the committee members concluded that Mr. [REDACTED] was not authorized to be on the mine property and that his death was not caused by mining activities or mining equipment. It was also concluded that he did not die on mine property. The committee determined that his death should not be charged to the mining industry.

cc: Joseph A. Main  
Patricia W. Silvey  
Douglas L. Parker

bcc: Vanessa Stewart  
William W. West