



MAR 03 2008

MEMORANDUM FOR FELIX A. QUINTANA

Administrator for Metal and  
Nonmetal Mine Safety and Health

FROM:

GEORGE M. FESAK *G m Fesak*  
Director, Program Evaluation and Information Resources  
Chairman, MSHA Fatality Review Committee

EDWARD P. CLAIR *Edward P. Clair*  
Associate Solicitor for Mine Safety and Health  
Member, MSHA Fatality Review Committee

JEFFREY A. DUNCAN *Jeffrey A. Duncan*  
Director, Educational Policy and Development  
Member, MSHA Fatality Review Committee

MARK E. SKILES *Mark E. Skiles*  
for Director, Technical Support  
Member, MSHA Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

[REDACTED]

Case No.: M-2007-41

Date of Incident: August 20, 2007

Date of Death: August 20, 2007

Operator: California Portland  
Cement Company

Mine: Colton Plant & Quarry

Decision: Not Chargeable

In a unanimous decision, the MSHA Fatality Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. According to the San Bernardino County Sheriff's Department Report, [REDACTED] and two other confederates were stealing copper ground wiring from the California Portland Cement Company's electric switching station. After making

approximately 30 wire cuts, [REDACTED] cut another ground wire approximately 15 feet above the ground. The ungrounded conductor energized, shocked [REDACTED], and caused him to fall to the ground. The Death Certificate indicates that the fall was the immediate cause of death with the electric shock being a significant contributing factor. Based on the Sheriff's Department report, the committee members concluded that [REDACTED] death should not be charged to the mining industry. [REDACTED] was not performing mining-related work and was not authorized to be on mine property at the time of the incident.

cc: Richard E. Stickler

John Pallasch

Robert M. Friend