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MEMORANDUM FOR FELIX A. QUINTANA

Administrator for Metal and  
Nonmetal Mine Safety and Health

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2008-07 [REDACTED]  
M-2008-08 [REDACTED]

Deceased: [REDACTED]  
[REDACTED]

Date of Incident: March 3, 2008

Date of Death: March 3, 2008

Operator: Broad River Quarries, L.L.C.

Mine: Broad River Quarries, L.L.C.

Decision: Not Chargeable

In a unanimous decision, the Fatality Review Committee has determined that the deaths of [REDACTED] should not be charged to the mining industry. MSHA's investigation revealed that [REDACTED] were fatally injured at the Broad River Quarries mine when they were run over by the left rear wheel of a retired loader they were attempting to start. Although they were not mine employees they were authorized to be on mine property. [REDACTED] was the previous owner of the mine and sold the mine to Broad River Quarries in July 2003. Under the terms of the sale, [REDACTED] was entitled to remove equipment he owned from mine property.

Based on a legal review conducted by the Associate Solicitor for Mine Safety and Health, the committee concluded that [REDACTED] were not performing mining related work. The salvage activities of the [REDACTED] were more directly related to their salvage business than to mining. Their salvage activities were intermittent and had been going on over a period of 5 years at no set schedule related in any way to extraction at the mine. Similarly, the loader involved in the accident had not been used for mining purposes for nearly 5 years. Accordingly, the review committee concluded that the deaths of [REDACTED] should not be charged to the mining industry because they were not performing mining related work activities and their deaths were not caused by mining activities or equipment.

cc: Richard E. Stickler  
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