



OCT 24 2018

MEMORANDUM FOR EMILY K. HARGROVE  
Acting Deputy Administrator for Metal and Nonmetal  
Mine Safety and Health

FROM: KEVIN BURNS [REDACTED]  
Acting Committee Chair  
Acting Deputy Director for Educational Policy  
and Development

SUBJECT: Chargeability Review Decision

Case No.: 2018-M-18-[REDACTED]

Deceased: [REDACTED]

Date of Incident: August 29, 2018

Date of Death: August 29, 2018

Operator: Freeport-McMoRan Sierrita  
Ops.

Mine: Freeport-McMoRan Sierrita  
Ops.  
Mine ID 02-00144

Contractor: N/A

Autopsy Conducted: Yes

Death Certificate Certified: August  
30, 2018

Date of Autopsy: August 30, 2018

Death Certificate Received by  
MSHA: October 19, 2018

Decision: Not Chargeable

I reviewed the investigative report in the death of [REDACTED] and determined it should not be charged to the mining industry. Mr. [REDACTED], a 65 year-old equipment operator, was observed by a miner slumped over the steering wheel of the loader he was operating. Miners performed cardiopulmonary resuscitation, and applied an automated external defibrillator in attempts to revive Mr. [REDACTED]. Emergency response personnel arrived, continued resuscitative efforts, and transported Mr. [REDACTED] to a hospital emergency room. Treatment continued at the emergency room, but Mr. [REDACTED] could not be resuscitated and was pronounced dead.

The death certificate lists the manner of death as natural, and states the immediate cause of death as atherosclerotic coronary artery disease. The autopsy was used to complete the death certificate, and lists the same cause of death.

The MSHA investigation did not reveal any environmental or physical conditions that contributed to the death.

Based on the death certificate, autopsy, and MSHA's investigation, I determined that the death of Mr. [REDACTED] was not due to mine related work activities and should not be charged to the mining industry.

cc: Patricia W. Silvey  
David G. Zatezalo  
Wayne D. Palmer  
Lawrence Trainor