

AVOIDING TRAGEDY: LESSONS TO BE LEARNED FROM A FLYROCK FATALITY

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ABSTRACT

Reckless blasting can have tragic consequences: The death of an innocent traveler, the financial demise of a coal company, and even criminal prosecution.

In June 1993, a Tennessee coal mining company was blasting to loosen overburden at its surface mine. The mine was located immediately adjacent to the right-of-way of the northbound lane of Interstate 75. The approved permit included special precautions to be taken when blasting in the area closest to the interstate, including monitoring traffic so as to blast when the northbound lane was clear.

On June 4, 1993, the company detonated a blast in an area less than 300 feet from northbound interstate traffic, and failed to monitor traffic. This blast created a large amount of flyrock, some of which struck a car traveling north on Interstate 75. A 16-year old boy, a passenger in a car driven by his parents, was killed as a result of the flyrock impact.

The investigation by the federal Office of Surface Mining Reclamation and Enforcement identified causes of the fatality, including the company's failure to adhere to safe blasting practices and failure to implement safety measures required in the permit.

The U.S. Department of Justice prosecuted three individuals--the certified blaster, the day shift superintendent, and the mine manager for violations of 30 U.S.C. § 1268(e) and (f). The certified blaster and the superintendent pled guilty to a misdemeanor count of a willful and knowing violation of a permit. The mine manager was acquitted after a trial. The certified blaster was given a ten-month sentence and the superintendent was given an eight-month sentence. The company went out of business within four months of this blasting incident.

Blasters and regulators in the coal mine industry must give increased attention to blasting and oversight in order to prevent future tragedies. Recommendations are:

- a. Specify specific blasting plans when blasting in proximity to areas used by the public;
- b. Establish procedures to enable inspectors to monitor compliance with special blasting plans; and

c. Emphasize safe blasting techniques in blasting certification and the extent of liability of blasters and operators who fail to follow regulations or permit provisions.