

Legal Brief

Three Mile Mine Flyrock Fatality Incident — Death of Bobby Messer

July 16, 2007

I. Matter

Incident: Mine blasting operation resulted in flyrock traveling approximately 1,586 feet (483 metres), striking and killing a mechanic and damaging his truck.

Date of Incident: July 16, 2007

Location: Three Mile Mine, Pike County, Kentucky, United States

Victim: Bobby Messer, mechanic

Nature of Matter: Mining blast incident involving long-distance flyrock migration, fatal injury to a third party, and property damage.

II. Overview

On July 16, 2007, a blasting operation at the Three Mile Mine in Pike County, Kentucky resulted in flyrock traveling a significant distance beyond the intended blast area.

The flyrock traveled approximately:

1,586 feet (483 metres)

and struck Bobby Messer, a mechanic who was standing outside the immediate blast area. The impact resulted in his death. Flyrock debris also damaged his truck.

The incident represents a severe mining blasting failure because uncontrolled blast-generated fragments traveled nearly half a kilometre and caused a fatality outside the expected blast zone.

The event raises significant legal and regulatory issues concerning blast design, exclusion-zone adequacy, public and worker protection, mine safety compliance, and responsibility for preventing foreseeable flyrock hazards.

III. Material Facts

A. Mining Blasting Activity

The incident occurred during blasting operations at the Three Mile Mine.

Mining blasts involve the controlled use of explosives to fracture rock and facilitate extraction. Because flyrock can travel significant distances, mine operators are expected to establish and maintain effective blast safety controls.

During the July 16, 2007 blast, rock fragments were projected beyond the intended controlled area.

B. Flyrock Travel Distance

The reported flyrock travel distance was:

1,586 feet (483 metres)

This distance is significant because it demonstrates that blast-generated fragments traveled far beyond the immediate work zone.

The available information does not specify:

- the size or weight of the flyrock fragments;
 - explosive quantities used;
 - blast design parameters;
 - stemming conditions;
 - geological conditions;
 - the established blast exclusion zone.
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C. Fatality and Property Damage

The flyrock struck:

Bobby Messer

who was a mechanic located approximately 1,586 feet from the blast.

The impact resulted in:

- fatal injury to Mr. Messer;
- damage to his truck.

The available information does not specify:

- Mr. Messer's employment relationship with the mine;
 - whether he was considered a mine employee, contractor, or third party;
 - the exact circumstances of his location during the blast;
 - the nature or extent of the truck damage.
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IV. Potential Legal Issues

Issue 1: Failure to Prevent Fatal Flyrock Exposure

A central legal issue would be whether the mine operator and blasting personnel adequately protected individuals from the foreseeable risk of flyrock.

An investigation would likely examine whether:

- the blast danger zone was properly established;
 - all personnel were cleared from the area;
 - warnings were provided;
 - the location of workers and contractors was adequately controlled;
 - blast procedures complied with mining safety requirements.
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V. Potential Negligence Analysis

1. Duty of Care

A mine operator conducting blasting operations generally owes duties of care to:

- employees;
- mechanics and maintenance personnel;
- contractors;
- visitors;
- other persons who may be present near mine operations.

Because flyrock is a known hazard of blasting, reasonable precautions are required to prevent exposure to foreseeable impact areas.

2. Standard of Care

The standard of care would likely be assessed against accepted mining blasting practices and applicable safety regulations.

Relevant factors may include:

- blast design;
 - explosive loading;
 - burden and spacing;
 - stemming adequacy;
 - drilling accuracy;
 - initiation sequence;
 - geological conditions;
 - blast clearance procedures;
 - personnel accountability systems.
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3. Potential Breach

A breach could potentially be alleged if evidence showed that reasonable measures were not taken to prevent flyrock from reaching Mr. Messer.

Potential contributing factors could include:

- inadequate blast design;
- insufficient exclusion-zone distance;
- failure to clear personnel from the blast area;
- inadequate communication or warnings;
- improper supervision;

- failure to account for the presence of workers or contractors.
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4. Causation and Damages

A legal claim would examine whether the mine blast directly caused Mr. Messer's death and property damage.

Potential claims or consequences could include:

- wrongful death claims;
 - workers' compensation proceedings;
 - personal injury claims;
 - compensation for property damage;
 - regulatory penalties.
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VI. Regulatory Considerations

A regulatory investigation would likely examine compliance with applicable federal mine safety requirements, including Mine Safety and Health Administration (MSHA) blasting regulations.

Areas of review could include:

Blast Area Protection

Including:

- evacuation procedures;
- blast clearance distances;
- warning systems;
- security of the blast area;
- personnel tracking.

Blast Design and Execution

Including:

- blast plans;
- explosive loading records;

- drilling patterns;
- stemming procedures;
- initiation systems;
- geological assessments.

Incident Investigation

Including:

- flyrock trajectory analysis;
 - reconstruction of the blast event;
 - review of mine procedures;
 - corrective actions.
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VII. Potential Parties of Interest

Depending on the facts and investigation findings, potentially responsible parties could include:

- Three Mile Mine owner or operator;
- blasting contractor;
- licensed blasting personnel;
- mine supervisors;
- personnel responsible for blast planning and clearance procedures.

Responsibility would depend on operational control, regulatory duties, and evidence regarding the circumstances of the blast.

VIII. Potential Defences

Possible defences could include:

- Mr. Messer was outside the area identified as the blast danger zone;
- the blast complied with applicable safety procedures;
- unexpected geological conditions contributed to flyrock;
- reasonable precautions were taken.

The strength of any defence would depend on technical evidence, mine records, and regulatory findings.

IX. Legal Significance

The Three Mile Mine incident is significant because it involved:

1. **A fatal flyrock strike**
2. **Flyrock travel of approximately 1,586 feet (483 metres)**
3. **Damage to a vehicle located near the victim**
4. **A failure affecting an individual outside the immediate blast area**

Fatal flyrock incidents are among the most serious consequences of blasting operations because they demonstrate that uncontrolled fragments can travel significant distances and cause irreversible harm.

X. Conclusion

The July 16, 2007 Three Mile Mine blasting incident involved flyrock traveling approximately 1,586 feet (483 metres), striking and killing mechanic Bobby Messer, and damaging his truck.

The incident raises significant legal issues concerning:

- blast design and containment;
- adequacy of exclusion zones;
- mine safety procedures;
- protection of workers and contractors;
- wrongful death and regulatory liability.

A complete legal assessment would require additional information, including:

- official MSHA investigation reports;
- mine ownership and operator details;
- blast records;
- witness statements;
- enforcement actions;
- compensation claims;
- any civil or administrative proceedings.

Based on the available facts, the Three Mile Mine incident represents a catastrophic mining flyrock event involving long-distance rock projection, fatal injury, and serious failures in blast hazard control.