

**CASE 2. 58-year old male died after falling into 8 feet of water while performing maintenance on marina dock.**

On April 12, 2002, a 58-year old male performing maintenance on a dock at a marina drowned after falling into 8 feet of water. The victim was retightening a 6'x6' post attached to the dock that is used to secure the boat at the dock. It appears that the victim was kneeling or laying on the dock removing the post's outside lag screws when he fell into the 51-degree water. The victim could not swim and he was not wearing a flotation device. The dock did not have a ladder or other escape pathway from the water to the dock.

MIOSHA issued the following serious and "other" citations to the employer:

**Serious:**

1. The employer did not furnish to each employee employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm in that the employer failed to provide employees working at the docs with a life vest in the event they fall into the water and provide proper means to gain access from the water to the docks; the employer did not protect employees for the hazard of falling into the water and drowning. (Act 154 PA of 1974, Sec. 11(a))
2. The employer failed to provide proper training for employees exposed to the hazard of falling into the water and of being able to self-rescue. (General Provisions, Part 1, Rule 11(a))

**Other:**

1. The employer failed to report the work-related death in the allotted 8-hour time period. (Recording and Reporting of Occupational Injuries and Illnesses, Part OSH 11, Rule 1139(1))
2. The employer did not have the MIOSHA Notice (poster) posted in a central and conspicuous location. (Inspections and investigations, Citations and Proposed Penalties, Part 13, Rule 1311(1))
3. The employer failed to perform an assessment of personal protective equipment for employees. (Personal Protective Equipment, Part 33, Rule 3308(1))