

Case 42. 23-year-old painter died following inhalation of volatile paint products while working in a residential basement.

On July 9, 2003, a 23-year-old male painter was using an electric airless sprayer to paint a house basement that was being remodeled. Prior to spraying, he had masked the windows and placed plastic drop cloths over the hot water heater and furnace. He did not provide additional ventilation in the basement. He was not wearing a respirator. A respirator with organic vapor cartridges was found on dumpster just outside the side door entering the basement. He was applying a primer containing VM&P naphtha. He had sprayed two five-gallon pails; one pail remained. When a family member could not reach him over the phone, the family member went to the site. He found the victim on his back at the basement stairs. He removed the victim to fresh air, called 911 and began resuscitative efforts. The victim was declared dead at the scene. MIOSHA estimated VM&P naphtha solvent levels within the basement at 14,000 ppm. The victim was exposed to airborne concentrations of VM&P naphtha in excess of recognized exposure limits (eight-hour TWA and STEL exposure limits as listed in Part 301, Air contaminants standard). The environment also posed a threat of a fire or explosion because the airborne concentrations of VM&P naphtha were likely greater than 10% of the LEL for VM&P naphtha.

MIOSHA issued the following “Serious” citations to the employer:

1. The employer permitted an employee to be exposed to a contaminant or combination of contaminants in concentrations that were hazardous and injurious to the person’s health. (Air Contaminants for Construction, Part 601, Rule 3(2))
2. In lieu of either adequate ventilation or air monitoring data, the employer failed to provide and require the use of appropriate respiratory protection in an atmosphere resulting in the death of an employee. (Respiratory Protection, Part 451, 1910.134(a)(2))