

Case 75. 40-year-old male asphalt operator fell approximately 30 feet while conducting a painting operation.

On October 24, 2004, a 40-year-old male asphalt operator died as a result of a 30-foot fall while conducting a painting operation. The victim and his coworker were painting the exterior of two buildings owned by their employer. They had previously used a boom-supported aerial lift to access higher elevations. They were painting the buildings during their “off-hours.” They had almost completed the painting operation, except for one area that was inaccessible with the aerial lift. They spoke with their employer and it was decided that a crane with a workbasket would be rented so that they could finish the work. On a weekend before the crane arrived at the site, the employees returned and painted a conveyor and dryer frame that did not require additional lifting equipment. It began to rain, so they informed their employer that they would return the following day to complete this work if weather permitted. The next day they completed the painting they had started the previous day. The only area that remained to be painted was the area where they would have had to use the crane. The victim and his coworker, instead of waiting for the crane delivery, used a rope they had found on the worksite and a fall protection harness they had used with the aerial lift to paint this area. The rope had visual defects and had been exposed to the weather. They tied a knot in the rope and hooked the short end of the lanyard into the rope and the other end of the lanyard was hooked to the “D” ring of the safety harness. The victim put on the safety harness; they were using the safety harness as a boatswains chair. They wrapped the rope around a permanent guardrail system that was located approximately 40 feet above the ground. The victim climbed over the guardrail, and as his coworker slowly “let out” the rope, he painted the wall as he was lowered to the ground. They successfully completed one pass. The victim climbed a ladder to his coworker’s position to begin the process for a second pass. After he was lowered approximately 10 feet, the rope broke and he fell to the ground. As he fell, he struck his head on some piping and the building. His coworker above felt the rope go slack and looked over the guardrail. Seeing the victim on the ground, he called 911 and his employer. The victim was taken to a local hospital where he died approximately two weeks later from the injuries he sustained at the time of the fall.

MIOSHA issued the following Serious and Other citations to the employer:

Serious:

FALL PROTECTION, PART 45, RULE 4502, REF OSHA 1926.503(a)(1).

The employer shall provide a training program for each employee who might be exposed to fall hazards. The program shall enable each employee to recognize the hazards of falling and shall train each employee in the procedures to be followed in order to minimize these hazards.

No fall protection training for employees prior to expose to hall hazards.

Employees were painting the exterior of asphalt plant using a fall protection harness as a boatswains chair and rope used to support employee attached the back D-ring on the harness had visual defects, rope exposed to weather and other elements were rotted and deteriorating. Employee wrapped the rope around the

steel (permanent) guardrail system on top of the building and lowered the employee down the side of the structure. Up to approximately 40-foot fall.

Other:

AERIAL WORK PLATFORMS, PART 32, RULE 3207 (1).

An employer shall provide the operator of an aerial work platform with an aerial work platform permit.

No permits to operate an aerial work platform. Employees using a boom-supported aerial work platform in painting operations at company.

Other:

AERIAL WORK PLATFORMS, PART 32, RULE 3206.

An employer shall comply with all of the following requirements:

- (a) Each aerial work platform shall be inspected, maintained, repaired, and kept in proper working condition in accordance with the manufacturer's or owner's operating or maintenance and repair manual or manuals.
- (b) Any aerial work platform found not to be in a safe operating condition shall be removed from service until repaired. All repairs shall be made by an authorized person in accordance with the manufacturer's or owner's operating or maintenance and repair manual or manuals.
- (c) If the aerial work platform is rated and used as an insulated aerial device, the electrical insulating components shall be tested for compliance with the rating of the aerial work platform in accordance with ANSI standard A92.2-1979, Section 6. Such testing shall comply with all of the following provisions:
 - (i) The test shall be performed not less than annually.
 - (ii) Written, dated and signed test reports shall be made available by the employer for examination by a department of labor representative.
 - (iii) The insulated portion of an aerial device shall not be altered in any manner that might reduce its insulating value.
- (d) All danger, caution, and control markings and operational plates shall be legible and not obscured.

No identification on controls, warning and operational decals and plates not legible on boom-supported aerial work platform. Employees using aerial work platform in painting operations.