

Case 399. 42-year-old excavator operator was struck by a falling tree and died from complications of blunt head trauma.

A 42-year-old male excavator operator died from complications of blunt head trauma. The decedent was operating a Caterpillar Model 320L excavator. His employer was subcontracted to perform underground utility installation. At the time of the incident, the decedent was assigned to assist another contractor with moving/setting pond liner material. The decedent and two other workers (Worker 1 and Worker 2) were in the process of moving 500-pound rolls of pond lining material. The two workers and the decedent had installed a nylon sling on the roll and hooked it to an open hook on the excavator bucket. The decedent rotated the cab to align the cab with the tracks and after driving forward for approximately 10 feet, Worker 1 and Worker 2 observed the bucket to slam down to the ground. The two workers were unable to see the decedent at this time. Running to the excavator, Worker 1 saw the decedent slumped forward in the cab over the controls. Worker 1 then jumped onto the moving excavator on the driver's side and attempted to move the decedent from the controls. Worker 3, who was employed by the same firm as the decedent, jumped onto the passenger side track and while attempting rescue, his clothing became caught and he was knocked to the ground. Worker 3 sustained a broken leg. The excavator continued to move forward as Worker 1 kept getting knocked off of the tracks and getting back on. After approximately 100 feet, the excavator encountered sand piles causing it to slew to the right and enter a pond covered in 4-6-inch ice. Other workers at the site called for emergency assistance. Worker 1 was able to break the cab windshield. Another site worker used a rough terrain forklift with a wooden pallet on the forks to provide access for emergency response personnel to provide assistance to Worker 1 and the decedent. After being retrieved from the cab, the decedent was transported to a local hospital where he died several hours later. Worker 3 was also taken to the hospital for surgery to repair his broken leg.

MIOSHA Construction Safety and Health Division issued the following Other-than-Serious citations to the company at the conclusion of their investigation:

Other Than Serious:

- 408.22139(1):ADM Part 11, Recording and Reporting of Occupational Injury and Illnesses
Within 8 hours after the death of an employee from a work-related incident, you must report the fatality by telephone to the MIOSHA toll-free central telephone number: 1-800-858-0397.

No notification of death.

- 408.22139(2): ADM Part 11, Recording and Reporting of Occupational Injury and Illnesses

Within 24 hours after the inpatient hospitalization of 1 or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident, you must report the inpatient hospitalization, amputation or loss of an eye to MIOSHA.

Employer failed to notify MIOSHA on the hospitalization of an employee.