

INCIDENT FACTS

REPORT #:

22MI005

REPORT DATE:

March 12, 2024

INCIDENT DATE:

January 16, 2022

WORKER:

38-year-old

INDUSTRY:

Dairy Cattle and Milk
Production

OCCUPATION:

Head Milker

EVENT TYPE:

Struck by



Front view of loader with
bucket elevated.

Head Milker Struck by Wheel Loader at Night

SUMMARY

A 38-year-old head milker crossing a driveway at night was killed by a wheel loader. The 38-year-old head milker was from Mexico and his primary language was Spanish. He worked for his employer, a dairy farm, for 15 years. The dairy farm had been purchased by a new owner a few years earlier.

On the day of the incident, the head milker was last observed operating a tractor approximately 20 minutes prior to the incident by the loader operator. At the same time, the loader operator was transporting loads of waste feed from the waste feed barn to the waste feed bunker with a Komatsu WA270-8 Wheel Loader. The Komatsu WA270-8 Wheel Loader is considered a mid-sized wheel loader by Komatsu. It is 4-wheel drive and equipped with a 6-cylinder, water cooled, 149 horsepower engine. The operating weight is 28,208–29,079 pounds and has a top speed of 23.6 miles per hour. A 12' by 6' bucket attachment was being used to transport the waste feed. The loader was equipped with 6 active lights, 4 forward facing and 2 rear facing. The loader was purchased in 2020 and was documented to be in good condition at the time of the incident.

The head milker's shift started at 5:30 am that day and the incident occurred at approximately 6:45 pm. The weather at the time of the incident was approximately 28 degrees Fahrenheit and the head milker was wearing brown coveralls, a brown coat, ball cap, earmuff style headphones, and boots. The head milker was working alone, and the likely scenario is that he was crossing the driveway (not frequently traveled during non-daylight hours by pedestrians) with the red can of fuel to refill the heaters in the barn for the night. With the bucket full, the loader operator transporting loads of waste feed, was traveling with the bucket raised approximately 3 feet off the ground. With the bucket raised, the four forward facing lights were obscured by the bucket providing limited light in front of the loader. After dropping off his load and making his return trip to the waste feed barn, the loader operator noticed the head milker lying in the driveway. The loader operator was not aware they had struck anyone. Once the loader operator parked and discovered that the head milker was severely injured, he contacted the farm manager. The farm manager's wife called 911. Dispatch was notified and EMS was on scene with the victim 12 minutes later. The head milker was pronounced dead at the scene.



Komatsu Wheel Loader involved in the
incident.



Side view of loader with bucket elevated
showing lights obscured.

REQUIREMENTS

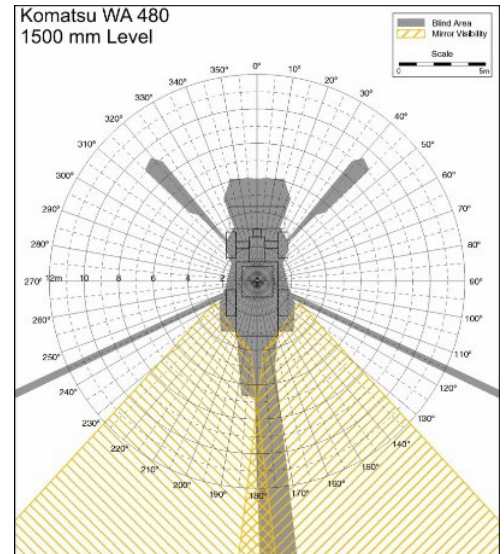
Employers must:

- Employers must ensure that each tractor (wheel loader) operator is informed of the operating practices of Appendix A in Agricultural Operations Standards Part 51. Agricultural Tractors. See [R 408.45101 Agricultural Tractors](#)

RECOMMENDATIONS

MIFACE investigators concluded that, to help prevent similar occurrences, employers should:

- Develop and implement a formal training program for loader operators.
- Ensure operators and pedestrians required to work in areas of machine/pedestrian traffic are aware of machine blind spots.
- Consider mounting additional lighting on loaders for use during non-daylight hours if lighting is obscured by attachments.
- Ensure all areas where equipment traffic and pedestrian travel occur are well-lit and pedestrian pathways are well defined.
- Provide appropriate high visibility garments to workers and require their use when working non-daylight hours.
 - Considered battery powered lighted options such as vests, hats, and/or head lamps if there are areas of shared machine/pedestrian traffic during non-daylight hours.
- Restrict the use of devices that limit the ability of workers to be fully aware of their surroundings.



NIOSH Construction Equipment Visibility Chart, Komatsu WA 480, 1500 mm level

CITATIONS

MIOSHA General Industry Safety and Health Division issued the following serious citation at the conclusion of its investigation.

- Serious: 1928.51(d): AG PART 51, AGRICULTURAL TRACTORS [REF 408.45101]
 - Every employee who operates an agricultural tractor shall be informed of the operating practices contained in Appendix A of this part and of any other practices dictated by the work environment. Such information shall be provided at the time of initial assignment and at least annually thereafter.
 - The employer did not ensure that every employee who operated the Komatsu WA270 tractor, was informed of the operating practices of Appendix A and any other practices dictated by the work environment. The operator did not adequately watch where they were going, nor had a clear view of the roadway while transporting waste feed. On January 16, 2022, an employee sustained fatal injuries from being struck by the tractor.