

Case 505. 64-year-old farm hand died when she was struck/pinned by dairy cows and/or a bull while moving them from a penned area.

A 64-year-old female farm hand died when she was struck/pinned by dairy cows and/or a bull while moving them from a penned area. The penned area had a roof and walls open to the outdoors. On one side of the pen, a curtain/canvas had been placed; it had not yet been rolled up and was in the down position. On the side of the pen where the curtain was located, there were stalls in which the cows could lay down. The farm owner was working outside of the pen, on the opposite side of the curtain, approximately 25-30 feet away. The decedent was moving the animals so she could scrape manure from the pen floor. The owner heard the animals rushing/moving forcefully and went to the pen to determine what was causing the commotion. The owner found the decedent laying face down in one of the stalls located near the pen opening. The sequence of events was unknown; it was thought she was struck/pinned by a cow or the bull.

MIOSHA General Industry Safety and Health Division issued the following Other-than-Serious citations at the conclusion of its investigation.

OTHER THAN SERIOUS: 408.22139(1): ADM PART 11, RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES

Basic requirement. Within 8 hours after the death of any employee from a work-related incident or the inpatient hospitalization of 3 or more employees as a result of a work-related incident, you must orally report the fatality/multiple hospitalization by telephone or in person to the Michigan Department of Consumer and Industry Services, Bureau of Safety and Regulation, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan, phone 1-800-858-0397.

A fatality was not reported within 8 hours of occurrence after an employee was fatally injured while working in the penned in area behind the barn

OTHER THAN SERIOUS: 408.22311(1): ADM PART 13, INSPECTIONS AND INVESTIGATIONS, CITATIONS, AND PROPOSED PENALTIES:

Each employer shall post a notice to be furnished by the department, informing employees of the protections and obligations provided for in the act, and informing them that, for assistance and information, including copies of the act and of specific safety and health standards, employees may contact the department. The notice shall be posed by the employer in each establishment in a conspicuous place where notices to employees are customarily posted. Each employer shall take steps to insure that the notice is readable and is not altered or defaced.

There was no posting in the workplace informing employees of their obligations and protections under the MIOSHA Act.

OTHER THAN SERIOUS: 408.1014j: ACT 154, MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT:

An employer subject to the standard incorporated by reference in section 14a and to sections 14b and 141 shall post signs throughout the workplace advising employees of all the following:

- (a) The location of the safety data sheets for the hazardous chemicals produced or used in the workplace and the name of the person from whom to obtain the sheets.
- (b) That the employer is prohibited from discharging or discriminating against an employee who exercises the rights regarding information about hazardous chemicals in the workplace afforded by the standard incorporated by reference in section 14a and by sections 14b to 141.
- (c) That, as an alternative to requesting the employer for a safety data sheet for a hazardous chemical in the workplace, the employee may obtain a copy of the safety data sheet from the department of licensing and regulatory affairs that has the responsibility of responding to such requests.

There was no Right To Know posting in the workplace informing employees of the location of information on Hazardous Materials in the workplace.

MIOSHA General Industry Safety and Health Division issued the following Safety and Health Recommendation to the employer at the conclusion of its investigation.

Safety and Health Recommendation

Discuss with and train employees on the following cattle related safety information published by Federal OSHA:

Cattle Handling Safety

Dairy bulls account for numerous farm related fatalities and injuries.

- Avoid quick movements or loud noises. Cattle have close to 360-degree panoramic vision. A quick movement behind cattle may “spook” them. They also have sensitive hearing and can detect sounds that human ears cannot hear.
- Be patient; never prod an animal when it has nowhere to go.
- Move slowly and deliberately around livestock; gently touch animals rather than shoving or bumping them. Don’t shout.
- Always have an escape route when working with animals in close quarters. Alleys and chutes should be wide enough to allow animals to pass, but not wide enough to let them turn around.
- Most animals tend to be aggressive when protecting their young; be extra careful around cows with newborn calves.
- Bulls of breeding age are very dangerous. Use special facilities for them and practice extreme caution when handling them. Separate them out from groups before working extensively in a pen with other cattle. Never trust them or assume they are tame.
- Keep young children away from animal handling areas.