

**Case 538. 46-year-old male painter died when he fell approximately 30 feet from a 32- to 36-foot aluminum extension ladder to concrete.**

A 46-year-old male painter died when he fell approximately 30 feet from a 32-to 36-foot aluminum extension ladder to concrete. The firm for whom the decedent worked had been contracted by the owner of a log home to power wash the logs and place a clear coat on the logs to protect their finish. The foreman, project manager and the decedent were working at the site. The foreman, prior to leaving the site for a few minutes, told the decedent and project manager to wait for his return to proceed. While the foreman was gone, the decedent wanted to continue to work, so he set the ladder. The ladder feet were on concrete and the top of the ladder was at the top of the fascia. A small clear coat bubble was located. While the decedent ascended the ladder the project manager held the base of the ladder. The project manager let go of the ladder and stepped back several feet to point out the bad spot. The decedent overreached to his right, past the side rail (his belly button was also past the side rail). The left foot of the ladder came off the ground and the ladder spun 180 degrees. The decedent fell approximately 30 feet to the concrete. Emergency response was summoned. The decedent was transported to a local hospital where he died later that day.

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

**Serious:** 408.1011(a): ACT 154, MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT - An employer shall furnish to each employee, employment and a place of employment that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee.

The employer did not furnish to each employee, employment and a place of employment, which was free from recognized hazards that were causing or were likely to cause death or serious physical harm to the employee. Employee was on an extension ladder approximately 30 feet up. Employee overreached/leaned trying to fix a pain bubble causing the ladder to spin 180 degrees and the employee fell causing fatal injuries.

Among others, one feasible and acceptable method to correct this violation is to follow basic ladder safety rules of three-point contact which are published by the American Ladder Institute.

**Other-than-Serious:** 408.22139(1): ADM PART 11, RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES - Fatalities. Within 8 hours after the death of any 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.

A work-related fatality was not reported by the employer to MIOSHA within the required time frame.