

**Case 535. 65-year-old male shaker-board worker for an oil change business died when he was struck by a vehicle that swerved over a street curb while standing on the grass at the edge of a busy street.**

A 65-year-old male shaker-board worker for an oil change business died when he was struck by a vehicle that swerved over a street curb while he was standing on the grass at the edge of a busy street. The shaker board sign was 24 inches by 18 inches in size. The incident area was just south of the facility's entry driveway. It was a grass covered area with a patch of dirt at the edge of the street that showed evidence of the path he walked while by shaker boarding. The decedent would use the shaker board in an attempt to direct drivers to the oil change business. He would sometimes enter the roadway with the board, but also stay on the grass and flip/move the sign. The decedent did not wear a high visibility vest during these activities. It appears a distracted driver swerved and jumped a curb, striking the decedent and dragging him in the roadway for 50 feet. The driver then left the scene and was later apprehended by police.

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 employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to an employee in that an employee was exposed to the hazard of being struck by vehicular traffic in the right-of-way while performing shaker boarding duties for the establishment. On *Date*, 2019 an employee was fatally injured after being struck by a vehicle. The employee was not wearing a high visibility vest at time of accident. *(MIFACE removed the date of incident)*

Among other methods, one feasible and acceptable abatement method to correct this hazard is to ensure that employees are wearing proper high visibility/reflective garments when working in or near roadways, and ensure that employees are trained in the requirements of high visibility garments and the dangers of not wearing adequate personal protective equipment in accordance with Michigan Manual on Uniform Traffic Control Devices: Section 6D.03(04).

**Other-than-Serious:** 408.22139(1): ADM PART 11, RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES: 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.

There was no report of an employee fatality filed with MIOSHA within the required 8 hours for the *Date*, 2019 fatal workplace injury that occurred at the establishment. *(MIFACE removed the date of incident)*