

Case 22. 21-year old crew leader killed when a rough terrain forklift he was driving turned over backwards and landed on him.

On January 20, 2003, a 21-year old crew leader was killed when a Care-Lift Zoom Boom rough terrain forklift, Model zb-5044-44, he was driving turned over backwards and landed on him. He and another worker were going to pick up a load of slate from a storage area at the top of a steeply inclined driveway. The other worker was walking alongside the forklift. As they approached the top of the driveway, the forklift was blocked from making a left turn by a car parked in its way. The victim raised the forks of the forklift to their maximum height to clear the top of the car. There was still a steep rise of approximately 30 degrees to negotiate. As he started to move in that direction, the forklift turned over backwards and fell to the left where it came to rest. The victim was caught under the frame. There was no seatbelt on the forklift. He died of multiple injuries.

MIOSHA issued the following three Serious and one Other violations to the employer:

Serious:

1. Employer did not call the MIOSHA office within 8 hours of the death of an employee. (ADMINISTRATIVE RULE R408.22139, REPORTING TO MIOSHA, Rule 1139(1))
2. No seat belt being worn or installed on the rough terrain forklift (CARE-LIFT ZOOM BOOM). The employee was exposed to being crushed while operating the forklift on an up-hill grade. (MOBILE EQUIPMENT, PART, 13, RULE R408.41301 REF OSHA 1926.602(a)(2)(i))
3. Not ensuring that 3 employees were trained in accordance with the MIOSHA Standard PART 13 (POWERED INDUSTRIAL TRUCK OPERATOR TRAINING). (MOBILE EQUIPMENT, PART 13, RULE R408.41301 REF OSHA 1926.602(D)(II);1910.178(1))

Other:

1. No written certification for the 3 employees allowed to operate a rough terrain forklift at the jobsite. (MOBILE EQUIPMENT, PART 13, RULE R408.41301 REF OSHA 1926.602(D)(6);1910.178(1))