

**Case38: 31-year-old man died after being struck by a falling tree while attempting to get out of the way of the falling tree.**

On May 22, 2003, a 31-year-old man died after being struck by a falling white oak tree while attempting to get out of the way of the falling tree. The man was part of a three-member tree-removal crew working at a private residence. The firm was hired to for tree removal, including a 35-45 foot high white oak tree. Prior to the incident, the crew had de-limbed the tree and the top had been cut off in preparation for felling. A rope was tied from the white oak to a second tree about 25 feet away, to assist with the felling. One coworker was using a saw to cut through the trunk of the tree and the victim and the third worker were instructed to assist with the felling by pulling on the rope attached from the white oak to the second tree. Pulling on the rope directed the tree's fall to an open area, but would also fall towards them. They were instructed to move to the left as the tree fell to avoid being hit by the falling tree. As the tree fell, the victim and the third coworker attempted to move to the left, however, the victim bumped into his coworker and began running in the opposite direction, placing him beneath the path of the falling tree. The victim was struck on the head and back by the top portion of the tree, crushing his torso and lacerating the back of his head. After striking the victim, the tree fell to the side of the victim and came to rest on the ground, approximately one foot from the victim. The victim was pronounced dead at the scene of the accident. The victim was not wearing a hard hat or safety glasses at the time of the accident.

MIOSHA issued the following "Serious" and "Other" citations to the employer:

Serious:

1. The employer did not assess personal protective equipment for employees performing tree trimming, removal and stump grinding. (Personal Protective Equipment, Part 33, Rule 3308(1))
2. Employer failed to enforce the use of certified eye protection for employees during tree removal operations. (Personal Protective Equipment, Part 33, Rule 3312(1))
3. Employer failed to enforce the use of hard hats for employees felling tree. (Personal Protective Equipment, Part 33, Rule 3370(1))
4. The employer did not require enough undercut (about 1/3 diameter) during tree removal operations (Tree Trimming and Removal, Part 53, Rule 5336(3))
5. There was inadequate back cut during tree removal operations. MIOSHA requires about 2 inches back cut hinge wood. (Tree Trimming and Removal, Part 53, Rule 5336(4))
6. There was inadequate training of employees, employer failed to instruct employees on the tree trimming standard including distance of employees from felling operations. (Tree Trimming and Removal, Part 53, Rule 5311(a))
7. There was inadequate clearance for employee holding ropes being cut by feller. (Tree Trimming and Removal, Part 53, Rule 5336(5)).

Other:

1. The employer failed to report the death to the Michigan Department of Consumer and Industry Services, Bureau of Safety and Regulation within 8 hours of the death. (Recording and Reporting of Occupational Injuries and Illnesses, Part OSH 11, Rule 1117(1))