

Case 80. 37-year-old male landscaper was killed when the zero-turn radius riding lawnmower he was operating went over a sea wall and landed on top of him in the water.

On May 7, 2004, a 37-year old male landscaper was part of a two-man crew conducting lawn care activities at a lakefront home. The victim was operating a zero-turn radius Kubota riding lawnmower that weighed approximately 1550 pounds. The victim began mowing at the northern edge of the property traveling down a shallow slope from west to east towards the lakefront. At the lake, he turned to the south and climbed a hill approximately 20 feet in height, which took him a short distance away from the water and along a rock garden. Measurements taken by MIOSHA showed an angle of 23 degrees downhill or east and west with a cross slope angle of 15 degrees north and south. As the victim began to move away from the edge of the rock garden, it appears that he had trouble slowing the mower ground speed on the long, damp grass. He continued towards the lake and the front wheels of the mower struck the sea wall. The sea wall rose about 5-6 inches above the level of the sod. The mower proceeded over the sea wall and tipped forward into the water, which was approximately two feet deep. As the mower went over the sea wall, it flipped over throwing the victim into the water. The mower landed on top of him, pinning him under water. The homeowner witnessed the incident, called 911, called to the victim's coworker and also called the lawn care company. His coworker entered the water and tried to lift the mower but could not. Another nearby crew came to assist and together they were able to lift the mower and pull the victim from the water. Emergency personnel took the victim to a local hospital where he was declared dead.

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

Serious:

POWERED GROUNDSKEEPING EQUIPMENT, PART 54, RULE 5411(a).
Provide training to an operator of powered groundskeeping and related equipment regarding the operating procedures, hazards, and safeguards to the assigned job.

Operators are not trained to determine angles of sloped surfaces and properly evaluate appropriate mowing procedures, methods, and equipment capabilities.

Other:

RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES, PART OSH 11, RULE 1111(1).
Maintain a log of recordable occupational injuries and illness, as prescribed in subrules (2)(3), for each establishment to be kept current within 7 working days of receipt of information that a recordable case has occurred.

Other:

RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES, PART OSH 11, RULE 1139(1).

Report orally, work-related fatalities or hospitalization of 3 or more employees as described in rule 408.22110 within 8 hours to the Michigan Department of Labor and Economic Growth, Michigan Occupational Safety and Health Administration.

Employer failed to report the death of an employee to the Michigan Department of Labor and Economic Growth, Michigan Occupational Safety and Health Administration within 8 hours.