

**Case 306. 64-year-old tree cutter died when the oak tree branch he was cutting had an uncontrolled fall, knocking the decedent upside down and then crushing him between the branch and the main trunk of the tree.**

A 64-year-old male tree cutter died when the oak tree branch he was cutting had an uncontrolled fall, knocking the decedent upside down and then crushing him between the branch and the main trunk of the tree. The decedent was a member of a four-person crew felling the oak tree in a residential yard. The oak tree had three forks with two near vertical branches and one branch at approximately 20-degrees from vertical. He climbed the tree using spurs and an appropriate saddle and tied off to the 20-degree branch approximately 35 feet above ground. The crown had been removed from one of the near vertical branches leaving an approximate 20-foot section. The deceased positioned himself between the branch he was tied off to and the one he was planning to cut. The decedent was turned to the right approximately 135 degrees making his cut in the 14-inch branch at approximately chest high. The rope secured to the branch being cut was improperly placed as well as improperly attached to the rear bumper of the owner's car. The ground man was instructed to keep tension on the rope. As the decedent finished the cut, the ground man, who was inexperienced, pulled the top section of the branch. Instead of falling away from the decedent, the branch fell toward him, causing him to be knocked from the branch where he was positioned. The branch crushed him against the tree and then fell to the ground. His coworkers attempted rescue by placing a ladder against the tree, but could not reach him. The decedent was positioned upside down until emergency response arrived. The decedent was transported to a local hospital where he was declared dead.

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

**SERIOUS: PERSONAL PROTECTIVE EQUIPMENT, PART 33**

- **RULE 3308(1)**

There was no assessment of the workplace to determine if hazards that necessitated the use of personal protective equipment were present, or were likely to be present.

(Inadequate assessment, climber using safety belt, lanyard, spikes, leather boots, but not identified to wear head or face protection)

- **RULE 3312(1)**

Each affected employee did not use appropriate eye and/or face protection as prescribed in rule 3311 of Part 33 where a hazard existed due to flying objects or particles, harmful contacts, exposures, molten metal, liquid chemicals, acids or caustic liquids, chemical gasses or vapors, glare, injurious radiation, or electrical flash.

(No eye/face protection provided or used by any of the four employees performing tree trimming operation)

**SERIOUS: TREE TRIMMING AND REMOVAL, PART 53**

- RULE 5311(a):

Provide training to each new employee regarding the requirements of this standard, the job hazards, and safeguards before starting his assigned job. A job briefing shall be conducted before any tree job involving unusual hazards is begun:

(No training or job briefing)

- RULE 5311(b):

Using unguarded, defective, or otherwise unsafe tool or equipment was not prohibited:

(Employer directed employee to use vehicle rear bumper to tie off limb being cut, car vehicle bumper not a safe tool)

- RULE 5335(a):

The limbs or branched to be connected shall be brought to position by a block and tackle, hand winch, or come-along:

(Improper cabling of limb being cut)

- RULE 5313(2):

Head protection was not provided and used during any operation covered by Part 53:

(No head protection)

- RULE 5313(6):

When an employee was exposed to vehicular traffic, and orange colored jacket or vest (reflectorized at nighttime) was not provided, at no expense to the employee, and used by the employee:

(No vests provided or used by employees exposed to vehicular traffic)

- RULE 5315:

A means such as, but not limited to, a barrier or traffic control director was not used to prevent injury where the fall of a limb or tree created a hazard for an employee, pedestrian, or vehicular traffic:

(No barriers or traffic control director used to protect employee, pedestrian, or vehicular traffic)

**OTHER THAN SERIOUS:** MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT, ACT 154, P.A. 1974, as amended, section 14j:

- Signs, that advised employees of the information and rights available to them regarding hazard communication under section 14 of the act, were not posted throughout the workplace:

(No Right to Know poster, hazard communication)

- Signs, that advised employees of the information and rights available to them regarding hazard communication under section 14 of the act, were not posted throughout the workplace:

(No MIOSHA poster to inform employees of rights)

**OTHER THAN SERIOUS:** HAZARD COMMUNICATION, PART 92, 1910.1200(g)(1):

- The employer did not have a material safety data sheet for each hazardous chemical which they used:

(Employer did not have material safety data sheets for each hazardous chemical used)