

Case 369. 48-year-old fire chief for a hunting club drowned when the small flat-bottom boat he was piloting capsized.

A 48-year-old fire chief for a hunting club drowned when the small flat-bottom boat he was piloting capsized. The boat had been modified by removing a section of flotation material from under the middle seat to allow for more storage of materials. The boat's beam width was 4.9 feet and the depth was 1.5 feet. The inside of the boat had been painted; the capacity plate had been overpainted. In a zippered mesh bag were Type II personal flotation devices (PFDs). The decedent and two employees boarded a 15-foot aluminum flat bottom boat equipped with a 20-HP outboard motor and boated to several campsites to winterize them. The decedent and his coworkers loaded the boat with the campsite gear (tents, cots and sleeping bags) and then started the trip home, traveling north. When they entered open water, the wind had picked up and waves began to pummel and go over the bow and sides of the boat. When this occurred, the decedent slowed the boat causing the bow to nose dive. He reversed the boat but this action did not correct the nose dive. The bow stayed underwater and water came over the stern. The boat completely filled with water, but did not sink. At this point, the decedent told his coworkers to get the life jackets on. His coworkers were able to swim to the approximately 100 yards to shore, but the decedent was overcome in the water. During reconstruction of the incident, it was determined that the boat had been overloaded and it exceeded its weight capacity of 829 pounds. At a minimum, with the camp gear, the three individuals and the motor, the boat was carrying approximately 1,190 pounds. A rescue boat found the decedent face down in the water with his life jacket on.

The MIOSHA General Industry Safety and Health Division issued the following Serious and Other-Than-Serious citations to the decedent's employer at the conclusion of its investigation.

SERIOUS: MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT, ACT 154, RULE 408.1011(a):

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.

On (*specific date*) 2014, three employees were exposed to a drowning hazard when traveling in a small flat-bottom boat on Mountain Lake. The weight capacity of the boat had been exceeded by 361 pounds. The boat capsized during less than favorable weather conditions. The employees traveling in the boat were not wearing a personal flotation device when the boat capsized. The employee operating the boat fell into the lake and drowned. (*MIFACE removed an identifying date from this citation*)

Methods of feasible abatement include:

1. Ensuring that employees are informed of the weight capacity of the boat, and that the weight capacity is not exceeded.
2. Ensuring that personal flotation devices are worn by all employees at all times while onboard a boat.
3. Providing employees with a boater safety course approved by the U.S. Coast Guard Auxiliary.
4. Ensuring that future operation of a boat on open water is done so during favorable weather conditions.

OTHER-THAN-SERIOUS: RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES, ADM PART 11

- RULE 408.22129(1):

You must use MIOSHA 300, 300-A and 301 forms, or equivalent forms, and shall complete the forms in the detail required by the forms and instructions contained in the forms for the purpose of recording recordable injuries and illnesses. The MIOSHA 300 form is called the log of work-related injuries and illnesses.

The MIOSHA 300 form was not completed for calendar years, 2010, 2011, 2012, 2013 and 2014.

- RULE 408.22139(1):

Within 8 hours after the death of any employee from a work-related incident or the inpatient hospitalization of 3 or more employees as a result of a work-related incident, you must orally report the fatality/multiple hospitalization by telephone or in person to the Michigan Occupational Safety and Health Administration, State Secondary Complex, 7150 Harris Drive, PO Box 30644, Lansing, Michigan 48909, phone 1-800-858-0397.

The employer failed to report the death of an employee, on (*specific date*) 2014, within the required 8-hour time limit. (*MIFACE removed an identifying date from this citation*)