

Case 387. 40-year-old labor/operator for a site preparation contractor died when he was struck by a JCB 214e Series 4 backhoe loader bucket when the backhoe loader slid down the bank of an excavation.

A 40-year-old male labor/operator for a site preparation contractor died when he was struck by a JCB 214e Series 4 backhoe loader bucket when the backhoe loader slid down the bank of an excavation. The firm had been contracted to construct bio swales between parking lots. Approximately 2,000 feet of bio swale construction had been completed using a front end loader to drop the stones utilized for the bio swale base. The front end loader was taken out of service for maintenance and a backhoe loader was used to drop the stone. The decedent and two coworkers, one of whom was the backhoe loader driver were continuing the construction of a bio swale. The bio swale had been excavated and the fabric lain within the excavation. The backhoe loader driver drove to the edge of the excavation and dropped a load of stone. While attempting to back away from the edge, the front tires slid down the bank of the excavation. The decedent was leveling the stone in the path of the sliding backhoe loader. The backhoe loader operator yelled to him, but the decedent was unable to react in time. The bucket of the backhoe loader struck him and came to rest on the opposite edge of the excavation. The front axle of the backhoe loader pinned the decedent. Emergency response was called. While emergency response was enroute, coworkers attached a chain to the tractor and a nearby bulldozer to minimize further movement of the backhoe loader.

MIOSHA Construction Safety and Health Division issued the following Serious citations to the employer at the conclusion of its investigation:

SERIOUS: GENERAL RULES, CS PART 1, RULE 408.40114(1):

An employer shall develop, maintain, and coordinate with employees an accident prevention program, a copy of which shall be available at the worksite.

- Instance A) Qualified person is working in the area where other employees are near/under the load. Employees have been coordinating the dropping of 21AA stone into bio swales while being exposed to hazards associated with that work. Approximately 2000 feet of stone and drain tubing have been installed up to the time of the accident.
- Instance B) No instruction provided to employees on safe work practices for installing stone into bio swales. Employees exposed to overhead danger while dropping stone from the bucket of tractor. Employees also exposed to hazards while working directly below where the tractor is entering the slope of the bio swale.

SERIOUS: EXCAVATION, TRENCHING AND SHORING, CS PART 9, RULE 408.40944(4):

An employee shall not be permitted to work on sloped or benched excavations at levels above another employee, except when an employee at the lower level is protected from the hazard of falling, rolling or sliding material or equipment.

The employee who is in the bottom of the excavation is exposed to overhead danger while stone is being dropped from the bucket of the backhoe located at the top of the excavation. The employee was killed when the backhoe rolled or drove into the excavation on top of him. Employees engaged in the installation of 12-inch drainage pipe and stone into the excavation for a bio swale.