

Case 392. 61-year-old farmer/greenhouse owner died when he and the unsecured produce box raised by a tractor/forklift fell approximately seven feet to a concrete floor.

A 61-year-old male farmer/greenhouse co-owner died when he and the unsecured produce box raised by a tractor/forklift fell approximately seven feet to a concrete floor. The decedent and three other employees were installing new metal brackets and associated steel hardware for a conveyor inside an enclosed steel-framed greenhouse under construction. Two old farm tractors had been converted to “fork trucks”. The decedent was elevated approximately 7-feet while standing inside a plastic container approximately 48-inches by 40-inches wide and 31-inches deep. The container had sleeves underneath to capture the forks and restrict side to side and upward tipping, but the container was turned 90-degrees opposite to the sleeves and resting on top of the forks without any restraint system. The decedent was working to anchor the trolley system from the ceiling to the south wall. Another employee was positioned to the north of the decedent and was elevated by the second tractor/forklift in a platform. A third coworker climbed a ladder near the decedent to give him some sheet metal screws. He descended the ladder and then witnessed the decedent leaning toward his coworker trying to reach some tools. As he was leaning over the container, the container shifted off the tractor/forklift forks, causing the basket and the decedent to fall to the cement floor. The decedent sustained a fatal head injury.

MIOSHA Construction Safety and Health Division issued the following Serious citations and Regulatory Notice to the firm at the conclusion of their investigation:

SERIOUS: General Rules, CS Part 1, 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.

Employer has no accident prevention policy established for workers involved with construction activities. Employees unable to access plan to verify safe work process and procedures are used.

SERIOUS: Scaffolds and Scaffold Platforms, CS Part 12:

- 408.41243(1): The scaffold platform shall be attached to the forks by enclosed sleeves and shall be secured against the back of the forks with a mechanical device so that the platform cannot tip or slip.

(Temporary platform used to lift and support employee working approximately 7 feet above ground was not secured to forklift. Employee exposed to fall when platform disengages from forklift forks).

- 408.41243(6): A trained operator shall remain at the operator station of a lift truck to control the lift truck while an employee is elevated. The lift truck control or controls shall

be in neutral and the parking brake set. The operator of the lift truck scaffold platform shall be able to see the elevated platform at all times.

No trained operator at the controls of forklift used to lift personnel during construction activities. No identification of improper safety issues with platform prior to employee being lifted off ground.

- 408.41245: An employer shall ensure that an employee has been trained before the employees assignment as an operator of a rough terrain forklift truck that is used to elevate employees. An employee shall be trained in all of the following areas:
 - (a) The capabilities of the equipment and its attachments.
 - (b) The purpose, use, and limitations of the controls.
 - (c) How to make daily checks.

No training provided to operators of forklifts prior to allowing employees to be elevated in platforms supported by the forks. Employees exposed to fall hazards from inadequate training related to forklift usage during construction activities.

REGULATORY NOTICE: ADM Part 11, Recording and Reporting of Occupational Injuries and Illnesses, 408.22129(4):

You must enter each recordable injury or illness on the MIOSHA 300 log and 301 incident report within 7 calendar days of receiving information that a recordable injury or illness has occurred.

Recordable injury/fatality was not recorded on employers 300 log within 7 days.