

Case 446. 39-year-old carpenter fell approximately 36 feet from a roof to the base of an egress basement window well.

A 39-year-old male carpenter fell approximately 36 feet from a roof to the base of an egress basement window well. Based on the location the decedent was found, it was surmised that the decedent was working on a third floor dormer as the roof of the dormer was not complete. A coworker who had been working nearby indicated that when he left the roof to perform another task, the decedent was taking measurements for a trim board. The decedent was not wearing fall protection. The incident was not witnessed. Other workers on the site heard him moan in pain. Upon investigation, the workers found him in the window well which was positioned directly under the dormer on the roof. Based on evidence at the scene, the decedent fell 26 feet from the roof and struck the foundation window well wall, and then continued to fall 10 feet to the base of the window well. Emergency response was called and the decedent died in the hospital's emergency room.

MIOSHA Construction Safety and Health Division issued the following Serious, Willful-Serious and Other-than-Serious violations 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 work site.

Instance A) The employer did not develop an accident prevention program. The accident prevention program that was presented was from sister company *name (MIFACE removed the name of the sister company)*.

Instance B) The employer did not coordinate the accident prevention program with employees.

SERIOUS: FALL PROTECTION REF 408.44502, CS PART 45, RULE 1926.503(a)(1): The employer shall provide a training program for each employee who might be exposed to fall hazards. The program shall enable each employee to recognize the hazards of falling and shall train each employee in the procedures to be followed in order to minimize these hazards.

No fall protection program provided to employees to enable them to recognize the hazards of falling and how to best protect against them.

WILLFUL-SERIOUS: FALL PROTECTION REF 408.44502, CS PART 45, RULE 1926.501(b)(13): Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels shall be protected by guardrail systems, safety net system, or personal fall arrest system unless another provision in paragraph (b) of this section provides for an alternative fall protection measure. Exception: When the employer can demonstrate that it is infeasible or creates a greater hazard to use these systems, the employer shall develop and implement a fall protection plan which meets the requirements of paragraph (k) of 1926.502.

Instance A) Carpenters on a 12/12 pitch roof adjacent to the roof edge without fall protection exposed to a 36-foot fall.

Instance B) Carpenters using walkway on third floor exposed to falling through 22-1/2 inch wall openings, 10 feet to the second floor below.

Instance C) Carpenters working at the northwest end of the second floor exposed to falling through the wall opening, 14 feet to the ground below.

Instances D & E) Carpenters working at the west side of the second floor exposed to falling over the partially protected edge, 14 feet to the ground below.

Instances F-I) Carpenters working in the bonus room exposed to falling over the unprotected edges, 15 feet to the ground below.

Instances J & K) Carpenters using the front porch walkway exposed to falling through the holes 12 feet 4 inches to the ground below.

OTHER-THAN-SERIOUS: RECORDING AND REPORTING OF OCCUPATIONAL INJURIES & ILLNESSES, ADM PART 11, 408.22139(1): Fatalities. Within 8 hours after the death of any employee from a work-related incident, you must report the fatality by telephone to the MIOSHA toll-free telephone number: 1-800-858-0397.

The company did not report the fatality to MIOSHA.