

FACE INVESTIGATION

SUBJECT: Amish Carpenter Dies after Falling from Scaffold

SUMMARY: A 45 year-old carpenter (the victim) fell from a mobile scaffold while installing trusses at a town hall. The victim was self-employed and subcontracted by a construction company (contractor). The victim and his employee, his sixteen-year-old son, were standing on a plank on the top of a scaffold when a skid steer loader with a boom hit the scaffold. While the son was able to hold onto a truss and stay with the scaffold, the victim was unable to hold onto the truss that he momentarily grasped. He fell to the floor, hitting his head. EMS was notified and the victim was transported via ambulance to a nearby hospital where he was pronounced dead on arrival.

The FACE investigator concluded that to help prevent similar occurrences, employers should:

- **Ensure that at a minimum, OSHA standards are met for all employees whenever scaffolding is used. When using a mobile scaffold, each employee should be protected by a personal fall arrest system or guardrail.**
- **Ensure that employees are trained in hazard recognition and the avoidance of unsafe conditions by providing appropriate training in the safe operation of all machinery and equipment, including skid steer loaders.**
- **Include provisions for safety in contracts for subcontracted work.**
- **Ensure compliance with the OSHA multi-employer work site regulations when contractors are employing subcontractors.**
- **Contact respective area U.S. Department of Labor Occupational Safety and Health Administration (OSHA) offices for guidance in protecting workers of all ages. Employers should also contact the U.S. Department of Labor, Employment Standards Administration Wage and Hour Division and the State agency responsible for child labor for guidance in complying with child labor laws which prohibit certain types of work by workers less than 18-years-old. Employers can also find assistance in their area through their state OSHA Consultation Program.**

INTRODUCTION:

On December 10, 2003, a 45 year-old male carpenter was pronounced dead from injuries he received when he fell off a mobile scaffold after the scaffold was struck by a bobcat loader. The Wisconsin FACE field investigator learned of the incident through the death certificate on February 10, 2004. The FACE investigator reviewed the death certificate and the coroner, OSHA and sheriff reports. Because this victim was self-employed there were no employer contacts to interview.

INVESTIGATION:

The city contracted the sole owner of a construction company (contractor) to complete work on the city hall. The contractor was a member of an Amish church and subcontracted with the carpenter (victim) who belonged to the same church. The victim was hired to frame, sheet rock and finish the trim on a city hall. The victim in turn, hired his 16-year old son to help him. It is not clear who hired the other workers at the site.

The day of the incident the carpenter and his son were standing on a mobile scaffold. The wheels were not locked. They had placed one plank on the top of the scaffold with no guardrails. Neither worker was equipped with fall protection. The contractor was using a boom on a bobcat skid loader to place trusses on the roof.

The weather temperature was in the low teens with wind gusts up to 25 miles an hour. The floor of the building was smooth concrete and was covered with a sheet of ice from a sleet storm the previous day. When the contractor moved the truss, his bobcat slid on the ice and bumped into the scaffold. The victim fell from the top of the scaffold and grabbed onto a truss above him. He was unable to maintain his grip and fell approximately 11 feet to the floor and hit his head. His son, who was on the scaffold with him was able to grab onto another truss and was not injured.

In addition to the above-mentioned workers, there were three other workers in the area. One of the co-workers was standing on a truss about 5-10 feet from the victim when he fell. This co-worker saw the scaffolding move and saw the victim lose his balance, fall sideways to the concrete, and hit his head. The victim was unconscious and while this co-worker held the victim's head in an effort to suppress the bleeding from the nose and mouth, EMS was notified. One of the other witnesses, a 15-year old, heard a crashing noise, looked down and saw the victim on the ground. A third witness turned when he saw the bobcat coming to a stop, heard the first co-worker groan and saw blood on the ground. EMS transported the victim to the hospital where he was pronounced dead on arrival.

CAUSE OF DEATH: The cause of death was multiple traumatic injuries due to a fall.

RECOMMENDATIONS/DISCUSSION

- **Recommendation #1: Ensure that at a minimum, OSHA standards are met for all employees whenever scaffolding is used. When using a mobile scaffold, each employee should be protected by a personal fall arrest system or guardrail.**

Discussion: While OSHA requirements (CFR 1926.451) do not apply to self-employed individuals, the standards should be used as guidelines. If the standards established by OSHA would have been followed, the mobile scaffold would have had the wheels locked and the victim would have had the scaffold fully planked with guardrail requirements or a personal fall arrest system that met the requirements of CFR1926.502 (d). Had this employee been protected by a personal fall arrest system or a guardrail, this worker may not have fallen.

Recommendation #2: Ensure that employees are trained in hazard recognition and the avoidance of unsafe conditions by providing appropriate training in the safe operation of all machinery and equipment, including skid steer loaders.

Discussion: If employees are assigned to operate machinery/equipment, the training needs to be adequate to allow for safe operation. It would be prudent and is often required for employers to maintain a written or computerized record of employee training experience.

Training requirements are found in the specific sub-parts of the Code of Federal Regulations (CFR). The requirement for employees to be trained to recognize and avoid unsafe work conditions is found in 29 CFR 1926.21 (a) (2). Specific training standards and rules for skid-steer loaders, like the one involved in this incident, are not included. However, the standard for Powered Industrial Trucks (29 CFR 1910.178) contains elements common to standardized safety training for a wide range of industrial vehicles. This standard requires demonstrated operator proficiency and may serve as a good training guideline to follow where formal standards are not yet available. These common safety elements include:

1. Operating instructions, warnings, and precautions for the types of truck the operator will be authorized to operate.
2. Differences between the truck and automobiles.
3. Truck controls and instrumentation: where they are located what they do, and how they work.
4. Engine or motor operation.
5. Steering and maneuvering.
6. Visibility (including restrictions due to loading).
7. Fork and attachment adaptation, operation, and use limitations.
8. Truck capacity.
9. Truck stability.
10. Any inspection and maintenance that the operator will be required to perform.
11. Refueling and /or charging and recharging batteries.
12. Operating limitations.
13. Any other instructions, warnings, or precautions listed in the operator's manual for the types of industrial truck that the employee is being trained to operate.

The manufacturer's operator's manual may serve as an adequate training resource. Additionally, some manufacturers and equipment dealers will provide trainers who can come on site to provide professional instruction to employee operators.

Employees should be given training to recognize the hazards associated with skid-steer operation, specifically performance hazards such as driving conditions and the hazard of operating it in the near vicinity of other workers.

Recommendation #3: Include provisions for safety in contracts for subcontracted work.

Discussion: Employers must ensure that all employees have a safe work environment and that the employees follow safety and health standards. Employers should include in their contracts for sub-contractors a provision dealing with meeting OSHA requirements for health and safety and OSHA's required written programs.

Recommendation #4: Ensure compliance with the OSHA multi-employer work site regulations when contractors are employing subcontractors.

Discussion: It is important to know the roles and obligations on multi-employer work sites. The multi-employer citation policy (CPL 2-0.124) defines each employer's role when subcontractors are involved at a site.

Recommendation #5: Contact respective area U.S. Department of Labor Occupational Safety and Health Administration (OSHA) offices for guidance in protecting workers of all ages. Employers should also contact the U.S. Department of Labor, Employment Standards Administration Wage and Hour Division and the State agency responsible for child labor for guidance in complying with child labor laws which prohibit certain types of work by workers less than 18-years-old. Employers can also find assistance in their area through their state OSHA Consultation Program.

Discussion: One of the workers was on the scaffold with the victim. He was 16-years old. Another worker was noted to be 15 years old. Before employers hire workers less than 18-years-old, they should consult the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division for information on the type of work youths are allowed or not allowed to perform under the Fair Labor Standards Act (FLSA). Information on the FLSA can be obtained by visiting the DOL ESA website at http://www.dol.gov/dol/esa/public/whd_org.htm.⁵ These employment standards are listed and explained in WH-13306 and summarized in DOL Fact Sheet No. 43. Federal and State child labor departments can be located by using the telephone directory government pages.

When employers have questions regarding protecting the safety and health of their workers, they should contact their area OSHA office or their state OSHA Consultation Program for information. Offices can be located by using telephone directory blue pages or by visiting the OSHA website at <http://www.osha.gov>.