

## FACE INVESTIGATION

### SUBJECT: Hispanic Painter Dies after Falling from a New House Roof

**SUMMARY:** A 43 year-old Hispanic painter (the victim) fell from a roof while painting the exterior of a two-story home under construction. The victim was employed by a painting company that was contracted to paint the house. The company had worked at the site for two days prior to the incident, but the victim was not scheduled to work there on that day. When the victim showed up at the jobsite, the employee in charge allowed him to begin work. He was assigned to do ground-level painting and cleanup, while co-workers were painting the second story portions. The victim apparently climbed a ladder to a first story rooftop to paint the lower part of a second-story dormer. The victim was wearing worn, smooth-soled athletic shoes and was not wearing any fall protection equipment. He either slipped or tripped and fell from the roof, landing on the ground (Figure 1).



**Area where Victim Fell from Roof**

**Location of Victim**

A co-worker heard a yell, then turned to see the victim falling and hit the ground. The co-worker called for help, then called for EMS services. EMS responders transported the victim to the hospital, where he was pronounced dead.

**Figure 1. View of Scene**

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

- **develop, implement, and enforce a fall protection plan that protects workers against potential fall hazards and, at minimum, meets OSHA standards for fall protection.**
- **routinely have a competent person conduct hazard analysis of the work site and of employees tasks and develop safety and health programs and training to address identified hazards.**
- **provide training to workers who might be exposed to fall hazards.**

- **ensure that all workers who are part of a multilingual workforce comprehend training instructions in safe work procedures for all tasks to which they are assigned.**
- **enforce safety and health regulations and company policies by periodically performing scheduled and unscheduled inspections of employee work practices.**

#### **INTRODUCTION:**

On July 18, 2003, a 43-year-old male painter was pronounced dead of injuries he received when he fell from a roof of a house under construction. The Wisconsin FACE field investigator learned of the incident through the death certificate on August 1, 2003. The FACE investigator reviewed the death certificate and the coroner and sheriff reports. The employer was located out-of-state and was not available for interview.

#### **INVESTIGATION:**

The painting company had worked at the site for two days prior to the incident, but the victim was not scheduled to work there on that day. Two other employees (co-worker #1 and co-worker #2) usually were assigned to paint the higher levels, while the victim would be assigned ground floor jobs. The crew's usual foreman was off work during the week of the incident, so co-worker #1 was designated to be in charge. All of the crew members were Hispanic and spoke Spanish; the crew foreman and co-worker #1 also spoke English. When the victim showed up at the jobsite on the day of the incident, co-worker #1 allowed him to begin work. While the painters were working at the site, an employee of another subcontractor (worker #3) was working on the septic system for the house.

A 25-foot extension ladder extended from the ground to the edge of a sloping roof, about 20 feet above the ground. The painters used this ladder to access the wood shingle rooftop, where they could stand to paint the lower portion of a second story dormer.

The victim apparently climbed the ladder and went onto the rooftop to paint the lower part of the dormer. At the time of the incident, co-workers # 1 and 2 were working on another side of the building and worker #3 was working on the ground on the same side of the building as the victim. The victim was wearing worn, smooth-soled athletic shoes and was not wearing any fall protection equipment. He either slipped or tripped and fell from the roof, landing on the ground. Worker # 3 heard a yell, then turned to see the victim falling and hit the ground. Worker #3 called for help, then called for EMS services. EMS responders transported the victim to the hospital, where he was pronounced dead.

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

#### **RECOMMENDATIONS/DISCUSSION**

**Recommendation #1: Employers should develop, implement, and enforce a fall protection plan that protects workers against potential fall hazards and, at minimum, meets OSHA standards for fall protection.**

Discussion: In this case, the work location was a residential construction site and a sloping

rooftop was used as a working surface to paint a second-story dormer. The employer did not have a written safety and health program and did not require employees to use a fall protection system when working at elevations.

Employers should develop, implement and enforce a written safety and health program that contains a fall protection plan that meets OSHA requirements for fall protection in residential and/or commercial construction. OSHA's fall protection standard requires employees engaged in residential construction activity at elevations to be protected by fall protection. Subpart M, Section 1926.501(b)(1) states:

*Unprotected sides and edges.* Each employee on a walking/working surface (horizontal and vertical surface) with an unprotected side or edge which is 6 feet or more above a lower level shall be protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems.

**Recommendation #2: Employers should routinely have a competent person conduct hazard analysis of the work site and of employees tasks and develop safety and health programs and training to address identified hazards.**

Discussion: A hazard analysis is a way of focusing on work site and job tasks to identify hazards to which employees might be exposed. Hazard analyses should be performed at each work location prior to the beginning of each work shift and throughout the project, to identify potential and known hazards. Employers should have a competent person conduct these hazard analyses with employee's assistance.

A painting job work site hazard analysis should include, but not be limited to, inspection of scaffolds, ladders and other fall-related safety hazards. When potential hazards have been identified, the employer must promptly develop, implement and enforce corrective measures to eliminate these hazards. In this case, the hazard of an employee working from a sloped roof without fall protection, should be incorporated into the company's safety and health program and training.

**Recommendation #3: Employers should provide training to workers who might be exposed to fall hazards.**

Discussion: Whenever employees are preparing to perform new tasks, employers should provide them with the training they need to perform the job safely. According to 29 CFR 1926.503(a)(1), employers are required to provide a training program for each employee who might be exposed to fall hazards. The program must enable each employee to recognize the hazards of falling and train each employee in the procedures to be followed in order to minimize these hazards. In this incident, the victim and his co-workers were assigned to paint a second story of a house without the benefit of training in how to recognize and avoid fall hazards. Employers should refer to OSHA regulation CFR 1926.503 (a) for specific training requirements. If training cannot be provided prior to the start of work, the work should be delayed until the training can be provided or until a trained crew is available.

**Recommendation #4: Employers should ensure that all workers who are part of a multilingual workforce comprehend training instructions in safe work procedures for all tasks to which they are assigned.**

Discussion: Employers should design, implement, and enforce a multi-language safety training program. The safety training program should be developed at the literacy level that corresponds with the literacy level of the company's workforce. The safety-training program should also be developed in the employee's primary language. The employer may need to consider providing special safety training to workers with low literacy to meet their safety responsibilities. In this case, the safety training should include, but not be limited to, how to properly use fall protection and when to use fall protection when working on a sloped roof surface.

**Recommendation #5: Employers should enforce safety and health regulations and company policies by periodically performing scheduled and unscheduled inspections of employee work practices.**

Discussion: Employers must ensure that all employees have a safe work environment and that the employees follow safety and health standards and company policies. Employers should periodically monitor employees work practices. This can be accomplished by the employer routinely conducting scheduled and unscheduled work site inspections and addressing any reported or observed unsafe practices.