

INCIDENT FACTS

REPORT #:

71-223-2022

REPORT DATE:

July 13, 2022

INCIDENT DATE:

April 1, 2021

WORKER:

40 years old

INDUSTRY:

Other Noncitrus Fruit Farming

OCCUPATION:

Orchard Worker/ Operator

SCENE:

State Highway

EVENT TYPE:

Struck by



Manufacturer's warning label on ATV showing helmet requirement and public road use restriction.

[For a slideshow version, click here.](#)



This narrative was developed to alert employers and workers of a tragic incident and is based on preliminary data ONLY and does not represent final determinations regarding the nature of the incident or the cause of the injury. Developed by WA State Fatality Assessment and Control Evaluation (FACE) Program and the Division of Occupational Safety and Health (DOSH), WA State Dept. of Labor & Industries. The FACE Program is supported in part by a grant from the National Institute for Occupational Safety and Health (NIOSH grant# 5U60OH008487). For more information visit www.lni.wa.gov/safety-health/safety-research/ongoing-projects/work-related-fatalities-face.

Orchard Worker Driving Overloaded ATV Struck on Highway

SUMMARY

A 40-year-old orchard worker was driving a four-wheel drive all-terrain vehicle (ATV) when he was struck by a vehicle on a state highway. The incident occurred around 1:35 p.m. The worker was using the ATV to bring PVC pipe to an orchard where an irrigation line had to be repaired.

The worker had around six to twelve pieces of 12-foot long, half-inch wide pipe loaded evenly and in equal number on each side of him. The pipe was sticking out of the front and back of the ATV. He declined help from a co-worker driving another ATV to transport some of the overloaded pipe that made his vehicle unstable.



All-Terrain Vehicle (ATV) with damage from a collision with a horse trailer.

On the way to the orchard, the two workers drove on a gravel access road to an intersection with a paved state highway. The road had a slight decline where it met the highway. The worker with the pipe was in the lead. He tried turning right from the road onto the highway's southbound shoulder but lost balance and control from the momentum and pipe blocking his steering ability. He rolled across the centerline into the northbound lane where an oncoming passenger truck going the 60 mph speed limit struck the ATV with the left front side of a horse trailer it was towing. The worker was ejected from the ATV and died at the scene.

Following the incident, investigators found:

- The employer did not ensure that workers followed the ATV manufacturer's guidelines to not have any loads that were not secured to the vehicle's front and/or rear cargo racks.
- The employer did not provide helmets nor ensure that workers wore them per manufacturer's guidelines.
- The employer did not prohibit workers from driving ATV on highways and public roads, including shoulders, in accordance with state vehicle and traffic rules and vehicle manufacturer's guidelines.
- The employer did not ensure that workers were provided with proper hands-on ATV safety training.

REQUIREMENTS

- Employers must maintain conditions within the workplace that will not endanger the health, safety or welfare of employees. WAC 296-800-11005

RECOMMENDATIONS

FACE investigators concluded that to help prevent similar occurrences employers should:

- Provide DOT-compliant helmets and develop APP requirements and training for ATV, UTV, and other off-road vehicle operators to wear them during vehicle operation. WAC 296-307-10005, WAC 296-800-16055
- As part of their APP, do a job hazard analysis (JHA) of tasks involving farm vehicles and equipment that may pose risks. Workers should be involved in creating the JHA. WAC 296-800-16005
- Develop APP policy requirements and safety training for ATV, UTV, and other off-road vehicle operators to follow manufacturer's safety guidelines, including loading procedures, and state, county, and local vehicle and traffic laws and ordinances. [WAC 296-307-030\(1\)](http://WAC 296-307-030(1))

RESOURCES

- Authorized and prohibited uses for wheeled all-terrain vehicles. RCW 49.09.455
- Guide to ATV and UTV Laws in Washington State: <https://atvman.com/washington/>