

25 fall from elevation---Inspection #1316851 Just Hayes Construction

A **55 year old male** was fatally injured when he **fell** approximately 35' from a platform on a JLG all terrain fork lift while attempting to take photos of the framing job on a chimney located at a construction site for a residential home/hunting lodge.

The lift, along with a personnel basket, was provided by the owner of the newly constructed home (not this contractor). The personnel basket measured 4' square with mid and top rails. However, on the day of the incident, the JLG telehandler was equipped with a job made platform which was held onto the forks by a ratchet strap. The platform was constructed of wood and measured 12' long X 46" deep. It had top rails on three sides (left, right and back) that were measured to be 40 ¾" from the floor. There were no mid rails in place on the platform. It was determined that this platform was constructed and left at the site by the masonry contractor who was no longer on site.

One employee got in the lift and asked the operator to raise him up to the second level to retrieve some framing materials. The victim overheard this and jumped in the basket also so he could take some photos of the framing done around the chimney. The lift operator raised the basket and boomed the lift out to get closer to the building. In doing so, the lift jerked a few times knocking the victim off balance since he was snapping photos with his phone and not holding on to the basket. The victim fell between the top rail and the floor of the platform onto the framework of the JLG lift.

Citation(s) as Originally Issued

A complete inspection was conducted at the accident scene. Some of the items cited may not directly relate to the fatality.

Citation 1 Item 1

Type of Violation: Serious

\$1200

29 CFR 1910.178(l)(1)(ii) : Prior to permitting an employee to operate a powered industrial truck (except for training purposes), the employer did not ensure that each operator had successfully completed the training required by paragraph (l) :

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[as adopted by reference in 29CFR 19 26.602 (d)]

In that the employee operating the JLG telehandler, model# G 1 2-55A, serial# 0160032 1 90 had not been evaluated on his operating performance of the telehandler before being permitted to use the telehandler at the construction site.

Citation 1 Item 2 **Type of Violation: Serious** **\$900**

29 CFR 1926.50(c): A person who has a valid certificate of first-aid training was not available at the work-site to render first-aid:

In that no one at the jobsite had a valid certification in First Aid while employees were working at the site from November 2017 until May 2, 2018.

Citation 1 Item 3 **Type of Violation: Serious** **\$4000**

29 CFR 1926.451 (c)(2)(iv): Front-end loaders and similar pieces of equipment were used to support scaffold platforms when they were not specifically designed by the manufacturer for such use:

In that on May 17, 2018, the JLG telehandler model# GI 2-055A was being used to lift personnel on a job made platform that did not meet the manufacturers' design requirement, such as but not limited to, a complete guardrail system.

Citation 1 Item 4 **Type of Violation: Serious** **\$4000**

29 CFR 1926.451(g)(4)(i): Guardrail systems were not installed along open sides and ends of platforms:

In that the wooden job made platform being used at the construction site to elevate employees was not equipped with a complete guard rail system on all sides resulting in an employee falling from the platform on May 17, 2018, suffering fatal injuries. The platform was not equipped with:

- a) guardrail system on the front open side
- b) midrail on the left, right and back side

Citation 1 Item 5 **Type of Violation: Serious** **\$4000**

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29 CFR 1926.454(a): The employer did not have each employee who performs work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards:

In that employees working from the wooden job made platform lifted by the JLG telehandler, model# GI 2-55A, had not been trained in the recognition of scaffold hazards.

Citation 2 Item 1a Type of Violation: Other-than-Serious \$150

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

[as adopted by reference in 29 CFR 1926.59]

In that a written Hazardous Communications Program had not been developed and implemented to address chemicals employees are exposed to such as but not limited to wood dust

Citation 2 Item 1b Type of Violation: Other-than-Serious \$0

29 CFR 1910.1200(h) (1): Employees were not provided effective information and training on hazardous chemicals or materials in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

[as adopted by reference in 29CFR 1926.59]

In that employees working at the construction site located at 4161 Dyer Road, Hurricane Mills, TN, had not received information and training regarding the chemicals they are potentially exposed to such as, but not limited to, wood dust.

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The JLG telehandler model# G 12-055 A, serial# 0 160032190 shown below with the wooden job made platform attached to its forks with a rated strap was being used at the site to raise employees to allow them to work at elevated heights. This JLG and platform was being used when an employee was fatally injured at the worksite on May, 17, 2018 w1en he fell from the platform. The platform did not meet all criteria to be considered a JLG approved personnel work platform.



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This photo shows the area where the JLG was positioned at the time of the incident. The fatally injured employee was standing in the wooden job made platform, elevated by the JLG telehandler, near the chimney shown below, at the time of the incident. The employee was attempting to take photos of the framing in the area of the chimney when the incident occurred. The on site contractor stated the deck floor was 12 feet above ground level and the chimney was 26 feet above the floor of the deck. The estimated fall distance was approximately 35 feet.

