

A **41 year old male** employee **fell 12' to the floor** while working on an order picker to pull an order from the 3<sup>rd</sup> shelf of a racking system. This facility receives musical equipment that is stored on a racking system until an order is placed; the order is then picked and sent to the customer.

On the day of the accident, the victim was pulling an order from the southwest end of the AL aisle before the accident. He then made his way to the 3<sup>rd</sup> shelf of a racking system, located between the AM aisle-10-03-02 rack and the AM aisle-11-03-01 rack. At some point during this task, the victim fell from the platform of the order picker approximately 12 feet to the concrete floor below. The employer informed the CSHO that the employee scans a barcode on the rack of the exact location and that is how his approximate location was determined at the time of the accident.

The employer confirmed with the CSHO that the order picker's carriage was raised during the time of the accident. The body belt and lanyard was attached to the order picker. The CSHO was informed that the body belt was hanging in an open position, not latched. The employer believed the victim had not put it on while making the lift and/or pulling the order. It was determined that over the course of the victim's employment, he had been told to wear and utilize the fall protection system located on the order picker on several occasions.

Even though there is a disciplinary policy in place; the employer explained that there was never any additional disciplinary action taken, such as a write up or suspension, because he was a good worker. The victim had been employed with the company for approximately 5 years.

**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**      **\$4000**

**29 CFR 1910.28(b)(1)(i):** Except as provided elsewhere in this section **29 CFR 1910.28**, the employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the systems described in **29 CFR 1910.28(b)(1)(i):**

In that, employees were exposed to fall hazards while not being tied off during the operation of an order picker at heights up to 12 feet. One employee fell approximately 12 feet while pulling orders from a 3<sup>rd</sup> level racking system in the warehouse succumbing to his injuries.

Fall from order picker—Insp # 1575504 Pearl Corporation

**Citation 1 Item 2**      **Type of Violation:**                      **Serious**                                      **\$1200**

**29 CFR 1910.30(a)(3):** The employer did not provide employees training in at least the following topics; the procedures to minimize fall hazards; the correct procedures for installing, inspecting, operating, maintaining, and disassembling personal fall protection systems that the employee uses; and the correct use of personal fall protection systems and equipment:

In that fall protection training had not been conducted with an employee that utilizes an order picker to be elevated to pull orders.

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

**29 CFR 1910.140(d)(3):** The employer did not ensure that body belts are not used as part of a personal fall arrest system:

In that, employees had used a body belt as part of a personal fall arrest system while operating an order picker.

**Citation 1 Item 4a**      **Type of Violation:**                      **Serious**                                      **\$1600**

**29 CFR 1910.178(l)(1)(i):** The employer did not ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l):

In that an employee fatally injured while operating an order picker had not been evaluated on operator performance of the order picker.

**Citation 1 Item 4b**      **Type of Violation:**                      **Serious**                                      **\$0**

**29 CFR 1910.178(l)(4)(iii):** An evaluation of each powered industrial truck operator's performance was not being conducted at least once every three years:

In that an evaluation of operator performance, of those employees that operate the forklifts at the facility, had not been conducted since 2017.

**Citation 2 Item 1**      **Type of Violation:**      **Other-than-Serious**                                      **\$250**

**29 CFR 1910.178(l)(6):** The employer did not certify that each operator had been trained and evaluated as required by paragraph (l) through a certification that included the name of the operator, the date of the training, that date of evaluation, and the identity of the person(s) performing the training or evaluation:

In that forklift training and evaluations had not been certified for all employees designated to operate the order picker at the facility.

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**Citation 2 Item 2**    **Type of Violation: Other-than-Serious**                      **\$2000**

**TDLWD Rule 0800-01-03-.05(1)(a)1:** Within eight (8) hours after the death of any employee as a result of a work-related incident, the employer did not report the fatality to the TOSHA Division of the Tennessee Department of Labor and Workforce Development:  
In that an employee fatality occurring on 01/29/2022 was not reported to TOSHA, by the employer, until 01/31/2022.

**Citation 2 Item 3**    **Type of Violation: Other-than-Serious**                      **\$400**

**TDLWD Rule 0800-01-03-.05(1)(a)2:** Within twenty-four (24) hours after the in-patient hospitalization of one or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident, the employer did not report the in-patient hospitalization, amputation, or loss of an eye to TOSHA:

In that an employee in-patient hospitalization occurring on 1/20/2022 at 8:45 am was not reported to TOSHA until 01/26/2022.



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