

24. Equipment overturned

A **37-year-old** construction laborer died after a rough-terrain forklift overturned on a construction project. The company was constructing a garage addition at a residential site. The owner of the business, operating a telescoping forklift lifted the victim approximately 25 feet to a series of windows on the garage addition. The victim was standing on a 4-foot by 8-foot lift platform in place on the forks of the lift with the owner operating the controls. The victim was elevated up to remove plastic sheeting in place over the windows in the garage. Once the plastic sheeting was removed, the victim asked the owner to lift him as far up as possible. (The victim wanted to see how the forklift and platform would perform as a deer stand). Although the owner had refused a similar request earlier in the day, this time he complied. He backed the forklift away from the garage, set the parking brake and lifted the victim up as far as the boom would go and extended it all the way out so that the victim was approximately 35 feet above the ground. After holding that position for a few seconds, the owner began retracting the boom. When he did this, the front right wheel of the forklift began to rise off the ground and the forklift began slowly tilting to the left. The owner tried to tilt the forklift back to the right using the controls available to him, but he could not force the forklift to tilt back. As the forklift fell over, the victim rode the platform down to the ground. First-aid was begun immediately after the victim hit the ground, and emergency services arrived on the scene within minutes. The victim was taken to a local hospital where he was pronounced dead.

Citations as Originally Issued

A complete inspection was conducted of the worksite. Thus, some of the items cited may not directly relate to the fatality

Citation 1

Item 1a 1910.178(l)(1)(i)	The employer failed to ensure that each powered industrial truck operator was competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation required.
Item 1b 1910.178(n)(9)	Stunt driving and horseplay was permitted.
Item 2a 1926.451(g)(1)(vii)	For all scaffolds not otherwise specified, each employee was not protected by the use of personal fall arrest systems or guardrail systems meeting the OSHA requirements.
Item 2b 1926.454(a)	The employer failed to have each employee who performed 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, including the proper use of the scaffold and the proper handling of materials on the scaffold.
Item 1926.602(c)(1)(viii)(A)	Whenever the truck was equipped with vertical only, or vertical and horizontal controls elevatable with the lifting carriage or forks for lifting personnel, additional precautions, including use of a safety platform firmly secured to the lifting carriage and/or forks, were not taken for protection of personnel being elevated.
Item 3 1926.451(c)(2)(iv)	Front-end loaders and similar pieces of equipment were used to support scaffold platforms without having been specifically designed by the manufacturer for such use.

