

A 42 year old male employee was fatally injured when the forklift he was operating went off the road and down an embankment turning over and crushing him.

On the day of the incident the victim was assigned the task of moving dunnage to the lumber pile within an area called the boneyard. The terminal foreman stated that cleaning up around the yard was a typical task and done when normal duties were slow. During the course of the afternoon, the foreman tried to locate the victim but was unable to do so until a loader driver radioed that he saw him wrecked. The victim was found crushed under the cab of the frame of the forklift.

Investigation of the scene revealed that the victim was operating a Nissan forklift on a gravel surface roadway with a 10 % slope. He was descending from north to south towards a storage lot. It is presumed that the employee lost control of the forklift traveled over an embankment with a 30% slope coming to rest with the forklift on its right side on top of a pile of tractor-trailer hoods stored on the lot.

It is unknown what actually happened; however, one theory is that the counterweight of the forklift became partially disconnected while traveling down the hill. If the counterweight did break loose, it could have fallen onto the rear steer tires and locked their rotation. Skid marks were found on the gravel road showing that the fork lift headed off the embankment about half way down the gravel road. The skid marks were determined (through measurements) to be from the rear tires of the lift. The bolt that secured the counterweight was identified on the scene within inches of the counterweight; the bolt was broken. There were no other marks in the surface of the road (i.e. oil/hydraulic fluids, pot holes, etc.) to indicate that the victim had to inadvertently swerve off the hill. In addition, the forklift had been used continuously two days prior to move scrap metal with no issues.

The employer's own accident investigation report indicated that the brakes were intact and working, steering was intact and working, and no outstanding maintenance write-ups were present for the equipment. The rear steer wheels were free and rolled in either direction when attempted. In addition, it was determined that the seatbelt was inoperable. Employee interviews revealed that seatbelts were not always worn during forklift operations.

There were no violations determined except for the lack of seatbelt use; a citation was recommended.

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 \$5400

TCA 50-3-105(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees:

In that the Nissan Yard forklift Unit 45005 #9L111, was not equipped with a functioning seat belt exposing employees to struck by hazards in the event of an accident.

Citation 1 Item 2 Type of Violation: Serious \$2400

29 CFR 1910.178(1)(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 (1):

In that forklift operators had not received adequate training in the safe operation of the forklifts on site.

Citation 1 Item 3 Type of Violation: Serious \$1750

29 CFR 1910.178(1)(4)(iii): An evaluation of each powered industrial truck operator's performance was not conducted at least once every three years:

In that a current evaluation had not been conducted for employees who operate forklifts.

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

29 CFR 1910.178(n)(8): Under all travel conditions the truck was not operated at a speed that would permit it to be brought to a stop in a safe manner.

In that the Nissan Yard fork lift Unit 45005 #9L111 was unable to come to a stop in a safe manner while descending a 10% slope gravel road without a load exposing the employee to struck-by and caught in between hazards.

Citation 1 Item 5 Type of Violation: Serious \$5400

29 CFR 1910.178(q)(1): Any power-operated industrial truck not in safe operating condition was not taken out of service, and/or repairs were not made by authorized personnel:

18 crushed by forklift rollover--Inspection #1437079 Burkhart Enterprises Inc

In that the Nissan Yard forklift Unit 45005 #9L111 was not taken out of service for an inoperable seatbelt after multiple preventive and emergency repairs had been completed on the same unit.

Citation 1 Item 6 Type of Violation: Serious \$5400

29 CFR 1910.178(q)(7): Industrial trucks were being placed in services after the examination showed condition(s) adversely affecting the safety of the vehicle:

In that the Nissan forklift Unit 45005 #9L111 was placed in service after undocumented daily inspections and routine/emergency maintenance identified conditions such as an inoperable seatbelt.

Citation 2 Item 1 Type of Violation: Other-than-Serious \$125

29 CFR 1910.178(a)(6): The employer did not ensure that all nameplates and markings were in place:

In that Nissan forklift Unit 45005 #9L1 11 did not have a data plate attached.

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

29 CFR 1910.178(1)(6): The employer did not certify that each operator has been trained and evaluated as required by this paragraph (1):

In that forklift training had not been certified for one employee identified as a forklift operator.

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