

Fall from scaffold—Insp # 1625611 SCM Construction Inc.

A **42 year old male** employee **fell 5'7"** from a baker scaffold when one of its wheels fell in to a hole in the floor while it was being relocated. He succumbed to his injuries a week after the incident.

The employer was hired to install drywall and ceiling tiles at a future Smoothie King at a strip mall. The strip mall itself was built 5 years ago, but this particular space was unoccupied for 5 years. The exterior was complete, but the interior was just a shell with a gravel floor. The other spaces in the strip mall have been finished and in use for some time.

On the day of the incident, two employees were working together as a team to install metal studs along an exterior block wall. To accomplish this, the victim was working atop a baker scaffold. His coworker was working from floor level. When the victim (lead person) was working on the baker scaffold, the wheels were unlocked. Instead of dismounting the scaffold, pushing it to a new location, locking the wheels, and mounting it again, the victim would use a swinging motion on the baker scaffold to maneuver him and the scaffold to a new location down the wall. Unbeknownst to him, there was a porcelain floor drain situated along this wall; the scaffold's front left wheel fell approximately 5" down in the drain which caused the scaffold to tip. The investigation revealed that it was a common practice for the victim to leave the caster wheels in the unlocked position while he made a swinging or scooting motion while standing on the platform.

An interview of the plumbing contractor revealed that it is customary to cover the floor drains (including the subject 9"x 9" x 5" porcelain floor drain) with black tape. There are two reasons for the tape: one, to keep out trash and debris that could potentially clog the drain; two, to keep malodorous sewer gases contained because the drain is actively connected to the city sewer. It was explained that next, the concrete contractor would pour the slab. After the slab had cured, a polish was performed on the concrete. After the pour and the polish, the black tape was no longer black in color; it appeared gray like the rest of the slab. Therefore, the floor drains were not as noticeable.

The General Contractor confirmed that the slab was slightly overpoured and he showed the CSHO other areas in the store's floor that were also affected. Interviews revealed that the floor drain's location was essentially concealed because it looked like the rest of the slab due to the slight overpour and concrete dust from the polishing operations. When the employee scooted down the wall to a new location, the left-front wheel penetrated through the thin layer of concrete and black tape that covered the floor drain's opening. The baker scaffold's northwest corner tilted forward which likely caused the victim to lose his balance, fall backwards, and hit his head on the concrete.

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 \$1500

29 CFR 1926.100(a): Employees were not protected by protective helmets while working in areas where there was a possible danger of head injury from impact, or from falling or flying objects, or electrical shock and burns:

In that employees working at a jobsite to install metal studs to a block wall were not wearing protective helmets to safeguard against dropped tools and materials.

Citation 1 Item 2 Type of Violation: Serious \$4000

29 CFR 1926.452(w)(2): Scaffold casters and wheels were not locked with positive wheel and/or wheel and swivel locks, or equivalent means, to prevent movement of the scaffold while the scaffold was used in a stationary manner:

In that the caster wheel locks on a 5' 7" baker-style scaffold were not engaged to prevent movement while in use when installing metal studs to a block wall at a worksite.

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

29 CFR 1926.452(w)(6)(i): The surface on which the scaffold is being moved was not within 3 degrees of level, and free of pits, holes, and obstructions:

In that an employee working to install metal studs was riding a baker scaffold on a concrete surface that had a hole, a 9" x 9" x 5" porcelain floor drain.

Citation 1 Item 4 Type of Violation: Serious \$2000

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 had not been trained in the recognition of scaffold hazards by the employer.

Citation 2 Item 1 Type of Violation: Other-than-Serious \$500

TDLWD Rule 0800-01-03-.03(27)(a): The log of all work-related injuries and illnesses (OSHA Form 300), and/or the summary of work-related injuries and illnesses, (OSHA Form 300-A), and/or the injury and illness incident report (OSHA Form 301) or equivalent forms were not maintained by the establishment:

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In that the employer was not maintaining OSHA 300, 300A or 301 forms.

Citation 2 Item 2 **Type of Violation:** **Other-than-Serious** **\$500**

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, you must report the in-patient hospitalization, amputation, or loss of an eye to TOSHA:

In that an injury which occurred on 9-22-2022 and resulted in an in-patient hospitalization, was not reported to TOSHA until 9-29-2022.

Citation 2 Item 3a **Type of Violation:** **Other-than-Serious** **\$250**

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 from **29CFR1926.59**]:

In that the employer maintain a written hazard communication program addressing the chemicals in which employees are exposed on a commercial construction site such as but not limited to Loxon H1 and Metacaulk 1200.

Citation 2 Item 3b **Type of Violation:** **Other-than-Serious** **\$0**

29 CFR 1910.1200(g)(8): The employer did not ensure that safety data sheets were readily accessible to the employees in their work area during each shift for chemicals used [As adopted by reference **29CFR1926.59**]:

In that the employer did not maintain the required Safety Data Sheets at the jobsite for each hazardous chemical in which employees were exposed, including Loxon H1 and Metacaulk 1200.

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