

PERRP* Accident Investigation

Miami County Highway Department
March 2013

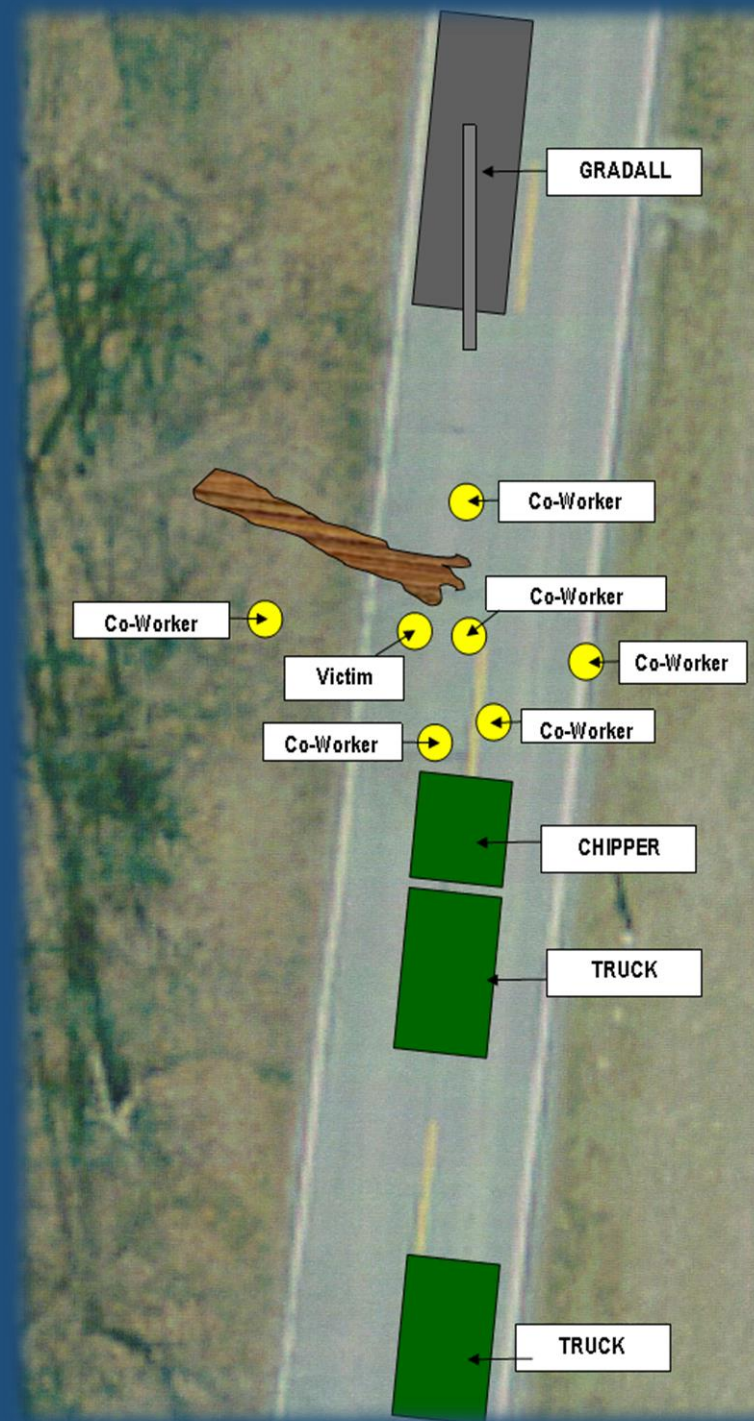
*Public Employment Risk Reduction Program

Presented By:
Paul Huelskamp PE,PS,
Miami County Engineer



Accident Scenario

- Tuesday, March 19, 2013
- 10:20 AM
- Troy-Sidney Road (2,200 ADT)
- Road was closed
- 27 Degrees, Sunny, 20 mph Winds
- Two work crews were cutting down dead and/or overhanging trees adjacent to the road right-of-way.
- The 52 year old victim had over 26 years of county experience and was considered to be the best chain saw operator on staff.



Accident Synopsis

The employee was de-limbing and bucking a downed tree that had fallen across the ditch line and whose upper section was resting on the road pavement.

After releasing tension on a supporting limb, the main log rolled toward the employee, causing a 5 ft broken limb section to pivot up and strike him in the forehead.

The force of the impact knocked the employee unconscious, after which he fell directly backward and hit the back of his head on the pavement.

Although immediate first aid was administered by trained EMTs on the scene, the impact with the pavement proved fatal to the employee.





Initial Accident Investigation

- **County Sheriff** took immediate control of the scene: conducted interviews and completed investigation.
- **Engineer's Office** conducted initial investigation, contacted PERRP within eight hours of the accident, and completed BWC paperwork.
- **PERPP** interacted with our office via phone/email/fax in the days following the accident, then set up an opening conference for March 27, 2013.

Public Employment Risk Reduction Program (PERRP)

A branch of the **Ohio Bureau of Worker's Compensation**, responsible for:

- *Identifying workplace hazards in public agencies and reducing those hazards through safety and health programs.*
- *Developing and enforcing mandatory job safety and health standards (primarily OSHA and ANSI standards).*
- *Providing assistance, training and other support programs to help public employers and workers understand their rights and responsibilities.*



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OPENING CONFERENCE:

- Compliance Investigators explained the nature of the investigation
- Requested interviews of employees and management
- Described the citation process
- Outlined the process by which we would respond to citations

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INFORMATION GATHERING PHASE (THREE WEEK SPAN):

- Compliance Investigators performed inspection of the jobsite
- Conducted individual interviews in our Highway Department conference room
- Reviewed training records and policy documents

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CLOSING CONFERENCE (August 1, 2013):

- Three months after the onsite investigation, PERRP scheduled a Closing Conference to cover potential citations related to the accident
- We were informed that **twelve citations** would be forthcoming, to be issued via mail by the end of August
- The rationale for each citation was summarized, with reference to the applicable OSHA Standard
- We received the formal citations 4 weeks later, on August 28, 2013




Citations

Formal Citations Include:

- The OSHA Standard alleged to have been violated;
- Compliance Investigator findings leading to the citation;
- Abatement Date (mandatory deadline to achieve compliance).

STATE OF OHIO
Public Employment Risk Reduction Program
Division of Safety and Hygiene
Ohio Bureau of Workers' Compensation



CITATION

Policy Number: [REDACTED]
Employer Name: [REDACTED]
Inspection Location: [REDACTED]

Report Number: [REDACTED]
Inspection Dates: [REDACTED]
Issuance Date: [REDACTED]

Citation Number	Abatement Date
1	1/30/2011

Condition
29 CFR 1910.146(k)(2)(ii): The employer did not ensure that affected employees assigned to perform rescue duties successfully completed the training required to establish proficiency as an authorized entrant, as provided by paragraphs (g) and (h) of this section.

Findings
a. On [REDACTED] and at times prior thereto, [REDACTED] could not substantiate that employees assigned to perform permit required confined space rescue duties had established proficiency in their assigned duties.
b. Employer training records for affected employees assigned to perform rescue operations did not contain information demonstrating an evaluation of employee competency to perform assigned permit required confined space rescue duties.

Abatement Note: One method of compliance would be to follow the guidelines provided in 29 CFR 1910.146 Non-Mandatory Appendix F — Rescue Team or Rescue Service Evaluation Criteria. An additional method of compliance would be to conduct an evaluation based upon the criteria established in the following standards from the National Fire Protection Association (NFPA): NFPA 1006-2008, Standard for Technical Rescuer Professional Qualifications and NFPA 1670-2009, Standard on Operations and Training for Technical Search and Rescue Incidents.

Abatement Verification is required by OAC 4167-13-01

See Fatality Report No. 87585100 and attached Violation Notice for information on employer and employee rights and responsibilities.

Citations

Page 1 of 1

Citation Categories

The twelve citations fell into two broad categories:

- **PERSONAL PROTECTIVE EQUIPMENT**
- **TRAINING**

Ten citations cited 29 CFR 1910.266 (**OSHA Logging Standard**) as the basis for non-compliance

Two citations cited 29 CFR 1910.1030 (**OSHA Bloodborne Pathogen Standard**) as the basis for non-compliance

Citations were to be posted until violations were corrected, or for three working days, whichever was longer

Hazard Abatement

- Each citation included an abatement date
- A formal **Abatement Verification Report** for each Citation was required to be submitted to PERRP no later than 14 calendar days after the stated abatement deadline
- The report outlined the steps taken by our organization to achieve compliance
- PERRP required the completed abatement reports to be posted for at least six calendar days in a location visible to affected employees

Ohio Bureau of Workers' Compensation

Abatement Verification Report
Public Employment Risk Reduction Program

13430 Yarmouth Drive
Pickerington, Ohio 43147
614-644-2245 or 800-671-6856
Fax: 614-644-3313
www.ohiodbw.com

As required by rule 4167-13-01 of the Ohio Administrative Code, the following abatement verification report is hereby submitted in reference to a citation issued in a Public Employment Risk Reduction Program visit report.

Employer Name: _____
Employer Address: _____
Visit Number: _____ Citation Number: _____ Corrective Action Date: _____

Corrective Action on this item has been completed: (Check one)
☐ Yes ☐ No

Description of Corrective Action Taken: (Attach any appropriate documentary evidence that will clearly substantiate hazard correction. [e.g., photographs, invoices, training records, etc.])

Reason Corrective Action has not been completed: (If applicable) [NOTE: If the employer has initially stated that a particular citation item has not been abated, and later the employer abates the condition, the employer must submit to the superintendent abatement verification within fourteen calendar days after abatement.]

Signature of Employer's Authorized Representative _____ Date of Signature _____

Each employer shall submit to the administrator an abatement report with respect to each citation item, and do so within fourteen calendar days after the abatement date for the citation item. This document must be submitted by first-class mail, postage prepaid, facsimile transmission, or hand delivery, the date of submission is the date when the document is received by the administrator. A copy of each document required to be submitted to the administrator shall be posted, at the time of submission, at or near each place the violation(s) described in the citation occurred. False statements knowingly and willfully made in any document required by this rule are subject to the willful failure to comply provisions.

Ref. OAC 4167-13-01
This form is provided for the assistance of any employer required to submit documentation required by this rule. This form is not intended to constitute the exclusive means by which abatement verification may be submitted to the Public Employment Risk Reduction Program.

This form may be copied as necessary.

Citations 1-3

- **#1 Citation:** Stated that our hard hats were worn beyond the manufacturer's suggested service life of 5 years.
- **Abatement:** Purchased new hard hats for all employees.
- **#2 Citation:** Stated we had not provided cut-resistant leg protection for employees operating a chain saw.
- **Abatement:** Purchased additional Kevlar safety chaps for employees.
- **#3 Citation:** Stated that each employee must wear foot protection, such as heavy-duty logging boots, that are water repellant, support the ankle, and protect the foot from penetration by a chain saw.
- **Abatement:** Purchased a variety of sizes of Husqvarna cut-resistant chain saw boots for use by employees using chain saws.



Citations 4 & 5

- **#4 Citation:** Stated that our hard hats did not incorporate appropriate face protection to employees who operated a chain saw or chipper.
- **Abatement:** Purchased logging helmets with face shields and ear muffs for each highway worker.
- **#5 Citation:** Stated that we had not provided First Aid kits for employee use that complied with the OSHA Logging Standard (our existing kits were missing 2 large gauze pads; one triangular bandage; a blanket; resuscitation equipment; and a splint).
- **Abatement:** Purchased 3 first aid kits that complied with OHSA 1910.266 and placed them in service vehicles used in wood cutting activities.



Citations 6-9

- **#6 Citation:** Stated that an **undercut** was not made properly in each tree being felled.
- **#7 Citation:** Stated that a **back cut** was not made in each tree that was felled that left sufficient hinge wood to hold the tree to the stump during most of its fall so that the hinge was able to guide the tree's fall in the intended direction.
- **#8 Citation:** Stated that a back cut was not made **above the level of a horizontal face cut** in each tree that was felled in order to provide an adequate platform to prevent kickback.
- **#9 Citation:** Stated that employees were not provided with training in the recognition, prevention and control of safety and health hazards in tree felling operations.
- **Abatement for 6 thru 9:** Contracted with Ohio Operating Engineers to provide two days of chainsaw operation safety training for all employees.



Chain Saw & Bucket Truck Safety



I.U.O.E. Local #18
Apprenticeship and Training



Citations 10-12

- **#10 Citation:** Stated that we did not assure that employees received first-aid training that met 29 CFR 1910.266.
- **Abatement:** All highway workers and supervisors were trained in American Heart Association Heart Saver first aid complying with the requirements of the OSHA Logging Standard.
- **#11 Citation:** Stated that we did not prepare an exposure determination for employee(s) with occupational exposure to blood borne pathogens.
- **Abatement:** An Exposure Control Plan for Blood Borne Pathogens was developed and adopted in October 2013.
- **#12 Citation:** Stated that universal precautions were not observed to prevent contact with blood or other potentially infectious materials.
- **Abatement:** Training was conducted in October 2013 for all staff, covering our Exposure Control Plan for Blood Borne Pathogens, including the necessity for universal precautions.

Conclusion

- At the Closing Conference, PERRP representatives offered their future services regarding training, consultation, and referral.
- After we submitted our Abatement Verification Forms, we received no further communication about the accident / investigation from PERRP.

