

The OSHA Files – Why Thomas C. Owens Died

By Dr. Bridgette Hester

Guidelines in use in 1987 are not the same as today's, but this fatality could have been avoided by adhering to the guidelines in use at that time.

This installment of the OSHA Files series explores what happened to Thomas C. Owens in the summer of 1987. My hope is that you will find the information in this series useful as a learning tool with your crews to help to identify the failures in the fatality and to encourage them to ask questions about what they can do to make their workplace safer.

Much of the information comes from the file OSHA sent me in response to a Freedom of Information Act request. OSHA redacted some of the file contents. Other information (such as surviving family) was obtained with a search I conducted. The following are my words unless indicated by the citation (OSHA, 2005).

Summary of Events

According to the citation notations in the file, it appears that on July 27, 1987, Owens had been “working at a private residence when his safety belt broke and he fell 40 feet.” (OSHA, 1995).

The Incident

Owens had been working on private property, dismantling a tower, on July 27, 1987. The owner sent him to 2415 Riley St., Orangeburg, South Carolina, to disassemble a 40-foot tower antenna. Owens was not listed on [the owner's] Social Security record and was not considered a full-time employee, but an employee-employer relationship was established due to [the owner's] hiring, paying wages and issuing equipment to Owens. Owens was near the top of the tower, starting disassembly, when the lanyard belt, which wrapped around the tower support and his waist, broke. Owens fell to the ground (approximately 35 feet) and died as a result of head trauma. The key factor in the accident was the condition of the safety belt and lanyard.

It should also be noted that:

- The belt in question was manufactured in 1958; the belt, made of single-ply leather, was 29 years old. The

belt had been taken out of service and repaired after it had broken once, and then it was placed back into service, and the inspector noted the belt was “dry rotted.” A spokesman for the belt manufacturer stated that a safety belt should be taken out of service after 10 years (OSHA, 1987).

- The file noted there was also another employee who refused to be interviewed (the reason was not noted).
- According to the file, [the owner] stated he was unaware of the requirement to report the worker's fatal fall within the time frame established in the first citation.
- There was no written safety and health program on file with the employer, and safety and health information was communicated to the employees through on-the-job training — such as it was. Furthermore, safety meetings were held “as needed.” The communication with employees and the enforcement of safety and health procedures was documented as “average.”

Author's Commentary

As far as OSHA reports are concerned, especially one this old, the report was succinct and clearly written. The circumstances are straightforward. I chose this report to review because of the many phone calls I have received regarding inadequate personal protective equipment (PPE) and the hesitation on the part of some climbers to voice their concerns or file complaints with OSHA. I have also received calls from climbers with questions about their status as an employee.

It is shameful that an employer would use a piece of PPE that clearly should have been taken out of service. Never mind that the belt was 29 years old, which is reason enough to take the belt out of service, it was dry-rotted and had been repaired and placed back in service. I understand an employer's desire to make the dollar stretch, but there is no excuse for the risk taken by this employer. I wonder now how many employers choose to cut corners

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Thomas C. Owens: July 27, 1987

Pertinent Information:

Inspection Number: 105421739
Date of Incident: July 27, 1987, 9:30 a.m.
Location: 2415 Riley St., Orangeburg, SC 29115
Gender: Male
Age: 29
Family: The author has contacted Owens' family and received no response. If you know the family or could provide further information please email the author.
Cause of Death: Fall (OSHA, 1987)
Toxicology: Not indicated
Training: According to file, unknown, no certifications provided in file
Time on Job: Not noted in file
Company Years in Business: Established in 1969 (according to research)
Total Number Employees: Two (according to research)
Reported to OSHA: July 30, 1987
Others Injured: N/A
Height of Tower: 40-foot tower under disassembly (OSHA, 1987)
Height at Fall: Approximately 35 feet to 40 feet
Tower: TV tower – whether self-supporting or guyed is not noted in file
Tower Condition: Nothing was noted in the file
Operation: TV tower repairs (OSHA, 1987)
Free Climbing Reported? No
Fine Reduction: No
Case Closed-
Last Closing Conference: Oct. 8, 1987

Citation:

Type of Violation: Other **Proposed Penalty: \$0**
 SCRR Article 1, 71-3.08*: Failed to report, either orally or in writing, within forty-eight (48) hours the occurrence of an employment accident which is fatal to one or more employees or which results in the hospitalization of five (5) or more employees.

Type of Violation: Serious **Proposed Penalty: \$800**
 29 CFR 1926.28(a): The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates the need for using such equipment to reduce the hazards to the employees.

**The code used for this citation can no longer be found, but it is the number on the OSHA 1987 report.*

TOTAL FINES PROPOSED: \$800

TOTAL FINES PAID: \$480

and use equipment that is clearly not safe. Granted, it may not be to the extent described in this particular OSHA report, but how many employers take unnecessary risks? How many employees are too afraid to say anything for fear of losing their jobs? Safety is more important than getting the job done. No employer, no job and no deadline is worth using unsafe, shoddy, unserviceable PPE.

Employers need to quit cutting corners, buy the proper equipment, and take out of service the PPE that is clearly unusable, and climbers need to be vocal about their safety and quit performing jobs using unsafe PPE. There are other employers. There are good companies that will provide the proper gear. You have to take personal responsibility for your own safety. Your staying alive is paramount to your paycheck.

I would pray that no employer today is using equipment like that described in this report from 28 years ago, but I often wonder. It is a terrifying thought.

Employers also should take note of the employment status mentioned in the file. Specifically, the part that reads, "Owens was not listed on [the owner's] Social Security record and was not considered a full-time employee, but an employee-employer relationship was established due to [the owner's] hiring, paying wages, and issuing equipment to Owens."

When reading the file and seeing the notes, it struck me almost immediately that it appeared as though the employer was trying to skirt this issue with the investigator and worked to convince the investigator that Owens wasn't an employee, when clearly he was. Mind you, I am inferring intent or attitude in this instance. This is just my opinion, but why would you say such things unless you are deliberately trying to avoid the citation? If the employer-employee relationship can be established, then an employer is not going to escape responsibility. It is also the climber's responsibility to obtain copies of employment contracts (especially if you are a 1099 employee), hiring paperwork, hours and check stubs and keep them on file at home or with loved ones in case an issue were to ever arise in an accident or a fatality.

Bridgette Hester, Ph.D., is a family and workplace strategist. She is the founder and president of the Hubble Foundation, which is dedicated to promoting the safety of tower workers, site crews and all workers at heights. Her email address is bridgette@hubblefoundation.org.

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