



Robert Fitch
May 13, 1957-January 29, 2009

**Changes that Families Need
and Employees Need!!!**

Dear Dr Michaels and Mr. Barab and OSHA Representatives:

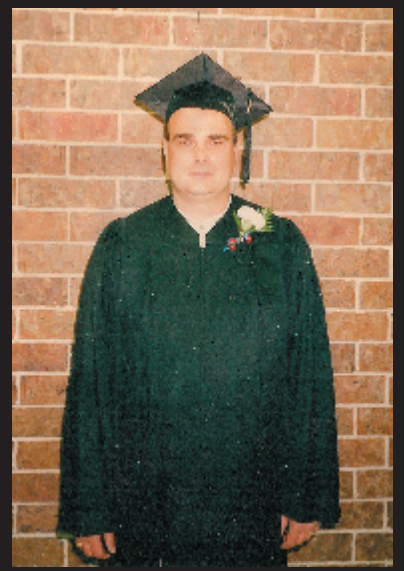
I want to start off by saying thank you very much for taking the time to listen to our story. My name is Tonya Ford and I am standing here in honor of my Uncle Robert Fitch or as I have called him Uncle Bobby and all of the families that have lost a loved one due to a work related fatality. He is not another name, another statistic, another causality, he was a Son, Brother, Father, Uncle and Friend and on January 29, 2009, a little over one year ago, his life was taken from us in a very harsh way, away that no man or women should ever die. The sad thing is his death could have been prevented.

Let me tell you a little about that day, January 29, 2009, my Uncle went to work for 32 years the same time, the same way. Meeting all his coworkers. That cold morning, my Uncle said his last words, when he announced at approximately 8:54 he was going to break over the walkie talkie. He stepped on the manlift, and within seconds something went wrong on that manlift and my Uncle fell. He fell 12.5ft lost his walkie talkie which hung on a bracket attached to the manlift, impacted the wall, bounced off and hit the opposite wall and fell straight down landing on the air duct knocking that down 19 ft where he then slid off and fell through the manhole and fell another 42 ft to his death impacting each wall. Nothing to stop him, nothing to grab onto. He lost his helmet, glasses, and his walkie talkie, and sadly he broke every bone in his body but, his pinkie. Every organ was severely damaged. We hoped at this point he was gone, however he laid there for a few minutes face down in his own blood and brain matter, until my Father who worked beside him for 32 years, noticed the manlift was running and knew something was wrong. He got on that manlift and when he was between the 3rd and 2nd floor he knew something was very wrong, he saw the air duct, the smear in the dust on the floor and the splatter of blood on the walls and manlift, and then he went through the next manhole looked down and saw my Uncle his brother in law laying face down with his head cracked open. He felt for a pulse, none was there and screamed the loudest he ever had to, for a co-worker to call 911.

911 was called, and he was taken to Bryan West, where he was declared dead. I have since heard from one of the firefighters on the scene that day, that, my Uncle's death was one of the worst things he has seen in over 8 years on the Lincoln Fire Department.

I never realized until a month later that there are no mandatory inspections on these devices locally or federally. I always walked into an elevator in a doctor's office and noticed the certificate posted right above the floor buttons, and naturally assumed that all mechanical devices that were used as a lifting device with a human being were inspected by a state licensed individual. However, I have since found out that, is not the case. At that point I figured that was okay we still have OSHA that has safety regulations that will guarantee the equipment be inspected and safe. I again was wrong. Many companies are protected by a Grandfather clause, since they bought the building before 1971 they were protected, they would not be fined for any accidents and or deaths caused by their belt operated manlifts. My understanding and please let me know if I am wrong: A company does not have to maintain and or upgrade any mechanical device or structure to their buildings if they are under the grandfather clause. Why would

1997-
Graduation, we were so proud of him!! As he was for me one month before.



they pay money out to protect their employees if they won't be fined for any accident and or deaths caused by those mechanical device or the structure of their company? Nothing protects their employees.

I knew nothing and understood nothing about OSHA prior to my Uncle's accident, and many other families are in the same shoes as we are. There is so much going through our minds after the death of our loved ones, on top of dealing with all the grief and pain. The last year I have been researching and researching the belt operated manlift to find out what it looks like, what could have gone wrong. I also have been researching other accidents on the OSHA Web site, which I have to admit is not the easiest site to maneuver.(I design sites for a living.) We as family members feel that it is a time to deal with our loss of our loved ones not to research who we call for the information regarding their deaths.



Bobby a proud Father, the day that he took his son to college in August, 2008.

Many of us who deal with loss as tragic as our's have many different stages of grief. One stage is wanting to know, wanting questions to be answered. The biggest question that comes to mind in situation such as this, What do families do if they don't have someone working at the company? How do they find things out. I have to admit that I have come back to this grief of wanting answers. I had no idea how to get my questions answered. So, I went to the Media and informed them that I was ready to speak on behalf of my family, however I needed their help. After all they owed us that, they informed their local viewers of the accident at ADM, while we were listening to the doctor inform us that he was dead, and that they had cleaned him up enough for us view him, however we were not able to touch him as he was consider evidence in the Lincoln Police Departments eyes. As word spread around the city of Lincoln of the accident, we were trying to acknowledge what happened that day, and why were we there crying over our loved one that laid in front of us with a white sheet covering his body from the neck down, gauze wrapped thickly around his head with blood seeping through the gauze and drying around his eyes, ears and mouth. The News Media owed us this. Before my interview they interviewed the local OSHA Office to find out the fines in which ADM would incur. As I sit there during my interview the number one question I was asked, how do you feel about the decision OSHA made regarding the accident at ADM? I have to admit I looked at him with disbelief and informed him I had not heard about the fines. While the cameras were rolling, I was told what OSHA investigations entailed. During the 10 o'clock news that night the rest of my family found out. ADM was fined nothing because they were Grandfathered in.....for the mechanical device that took my Uncle from us.

The past year has been a fight for me and my family to raise awareness of the dangers of belt operated manlifts. Today, I find that now we are being noticed as I received multiple emails of encouragement not to give up my fight, something needs to be done. I was glad for the encouragement however wondered why all off a sudden I was receiving all of these emails from people I never heard of. I turned on the news and heard of another work related accident. On January 30, 2010; 49 year old Tim Wilson died from fall off of manlift, in a Nebraska City Meat Packing plant. Exactly one year and one day after my Uncle's death nothing has changed.

I guess my fight to make a difference to make a change is far from close to be completed, however I sit here and put myself in the Wilson's Family shoes again, remember what we felt and how we felt and what we wanted. How could we help this family and make them feel better through this step in their life how will we give them closure?

Many families would like the opportunity to visit the place that their loved one last stood at, talked and laughed with their co-workers. A chance to say goodbye. We feel that families need the opportunity to view the scene of the accident to get more of an understanding of what went wrong that day. After all my Uncle and Dad and even Grandfather worked at ADM for many years, and yet we as a family had no understanding of the danger of his job.

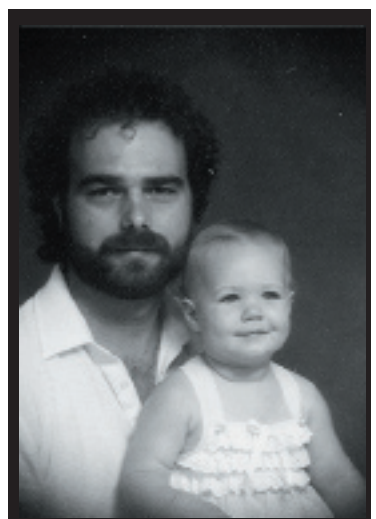
Also families should have opportunity for a representative of the individual that died in the work related accident to be apart of all discussions between OSHA and the company. You would be amazed how many times people come home and speak about what happened at work that day, good or bad. It would be a great opportunity for OSHA to understand and hear about the work environment in the eyes of the deceased. After all our loved ones can not be heard from heaven above, we stand here today because we are their voices.

In closing, I would like to share a happy moment that I had with my Uncle. Thanksgiving 2008, my Uncle arrived early at my house, and I cherish that moment for the rest of my life. He sat at my table and I looked at him and said, " Uncle Bobby I pass your work every morning at 7:30am when I go to work on the highway, and I wave as I pass, do you see me?"



Bobby was a son, a brother to four siblings, Father to two children, Uncle to 23 nieces and nephews and a Great Uncle to 15 great nieces and nephews.

Will you wave back to me?" He looked at me and started to laugh he goes I can't see you, but then he stopped and looked at me very seriously and from across the table he looked me straight in the eye and said, "Yes, I will wave good morning to you every morning. At 7:30." Every morning I still pass ADM and wave and know that he is waving back to me."



He was someone that had a heart of gold and would do anything for you. His family was his life.

Why I am here to make sure this doesn't happen to any one else!!!

Please know the pictures below are very graphic and were given to me from OSHA..



My father found my Uncle laying in a pool of blood and brain matter.



This is the manhole in which my Uncle fell through.



The worn down wooden step on the belt operated man lift.



This the blood that dripped from my Uncle when he was being put on the stretcher to be transported to the hospital.



Important information and facts regarding manlifts:

OSHA's regulations on Manlifts-

http://www.osha.gov/pls/oshaweb/owadisp.show_document?ptable=STANDARDS&p_id=9733

You will find everything from the width of the belt, to the size of the whole in the ground that they must go through to get to the next floor. Again, it is just an opening which is about 6 inches wide and then he was in the wide open.

Example of the manlift:

<http://www.humphrey-manlift.com/about.asp>

This is an example of a moving belt manlift which is very similar to what my Uncles looked like that he fell from you will notice once they go through the floors then they are in the wide open.

Here is a copy of inspections that should be done monthly:

<http://apps.leg.wa.gov/WAC/default.aspx?cite=296-96-11078>

It doesn't say the inspector should have a license to inspect the manlift. Actual pictures not of the exact manlift that my Uncle fell from but, one similar (this manlift is not in a grain elevator so the walls appear closer in this picture however, in a grain mill they are so far you can't even touch them if you tried)

<http://www.firefightingnews.com/article-US.cfm?articleID=16782>

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Other Deaths I have found when doing research

<http://www.firefightingnews.com/article-US.cfm?articleID=16782>

<http://www.cdc.gov/niosh/face/stateface/ok/04ok058.html> (the image in this one actually is against the wall which is not what it is like here in Lincoln)

<http://www.adn.com/money/industries/mining/story/489194.html>

<http://search.rr.com/search?q=Lincoln%20Journal%20Star-Manlift%20deaths&source=web&safe=high&lr=null&start=1&num=10&channelId=unknown&clientId=aol-rr> (page 7, Nebraska Man)

<http://anchorage.injuryboard.com/wrongful-death/no-justice-for-victims-of-nome-manlift-fatality.aspx?googleid=245372>

Articles about my Uncle

<http://www.journalstar.com/articles/2009/01/30/news/local/doc4983277fa17b4650962506.txt>

<http://thepumphandle.wordpress.com/2009/04/29/workers-memorial-day-in-words-and-pictures/>

<http://thepumphandle.wordpress.com/2009/04/28/workers-memorial-day-putting-faces-on-statistics/>

<http://www.kolnkgin.com/home/headlines/38746867.html>

<http://www.kolnkgin.com/home/headlines/42780997.html>

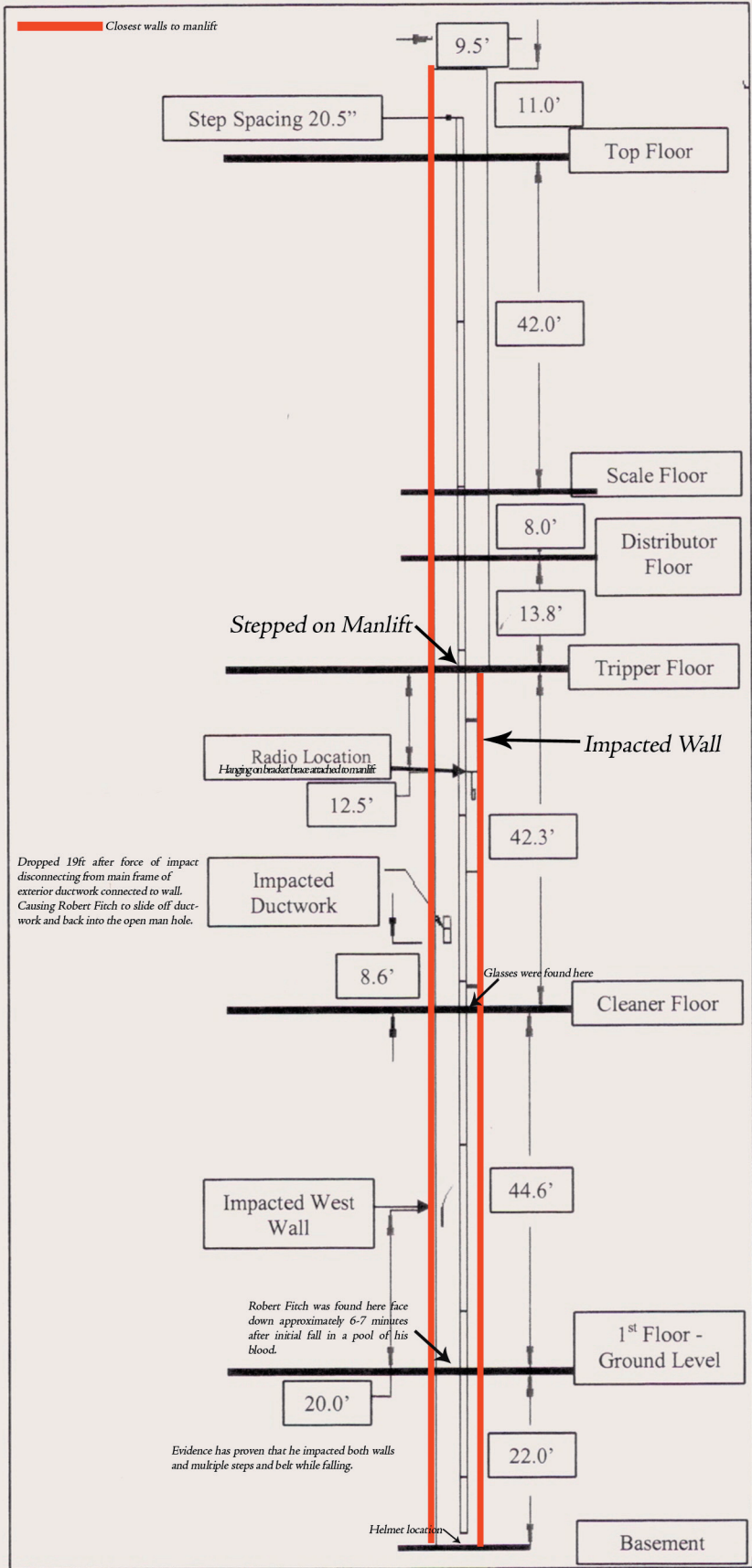
<http://www.kolnkgin.com/home/headlines/38606167.html>

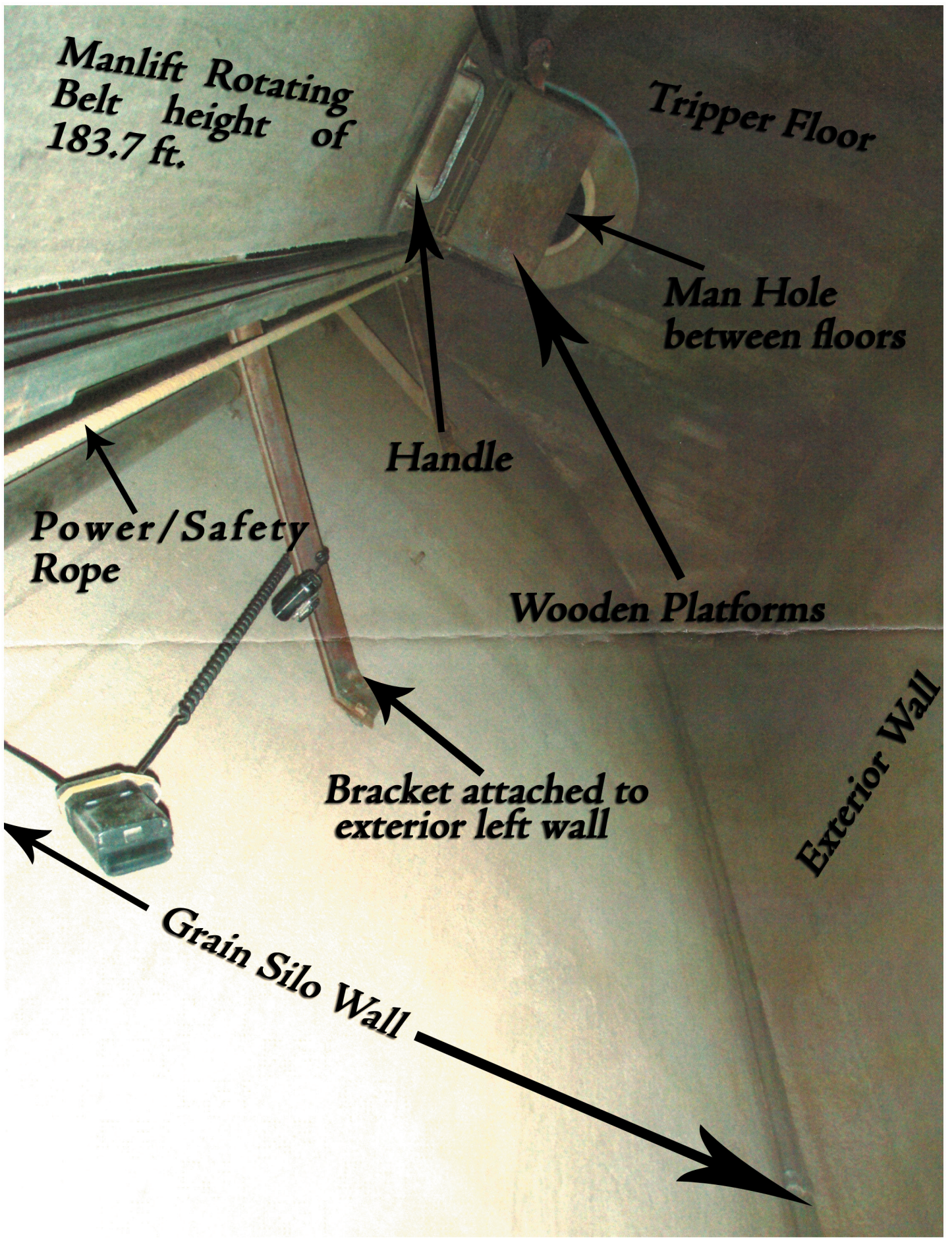
<http://www.kolnkgin.com/home/headlines/42718217.html>

<http://www.youtube.com/watch?v=RfhxqzsDUlk>



A Family is what we are and will always be, please don't let this happen to another family.





Manlift Rotating Belt height of 183.7 ft.

Tripper Floor

Man Hole between floors

Handle

Power/Safety Rope

Wooden Platforms

Bracket attached to exterior left wall

Grain Silo Wall

Exterior Wall