

# Grieving family seeks workplace safety

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## Grieving niece from Lincoln gets OSHA ear



Lincoln resident Tonya Ford, who went public recently with her concerns about workplace safety, has been invited to Washington and will speak ... [Read more](#)

Tonya Ford wants safer workplaces - and she's willing to go into grim detail to make her case.

And so, when she recounted for state lawmakers the January 2009 death of her 51-year-old uncle, known to his family as Bobby Fitch, she offered a diagram.

It displayed her understanding of his fall of some 70 feet at the Archer Daniels Midland grain-milling plant in southwest Lincoln in stages.

First it was 12.5 feet from a manlift to the point where he bounced off a wall and hit an air duct that collapsed under his weight. Then it was another 19 feet to a manhole that he slid through before plummeting the final 42 feet to the base of the manlift.

"We don't want this to occur to any other family," Ford said in an interview last week. "Especially with the holidays, it's hard. And we realize he could have been here."

Eleven months after the fact, Ford and other members of Fitch's family are convinced that his fall from a narrow, open platform - one that carries workers up and down in a largely vertical work setting - involved something other than his own carelessness.

"My father had worked there for over 30 years," said daughter Jessica Fritz, "and he knew how to run a manlift. He knew what could cause an accident and the safe route.

"So it just doesn't make any sense for how this happened and why it happened."

Relatives aren't satisfied with sympathy.

"He and I had a dream that he would walk me down the aisle," said Jessica, 25. "This is my father, so I will fight for as long as it takes."

A big family objective is for the federal Occupational Safety and Health Administration to cast aside an exemption from regulation for manlift designs put in place before 1974.

Another is that agricultural settings be added to enforcement of the Conveyance and Safety Act in Nebraska.

And "no" is not an answer they're prepared to accept.

"This is not about ADM," said Fitch's sister, Cindy Malley. "This is about the safety of all employees in the state of Nebraska, if not in the United States."

Ford's commitment extends to becoming the secretary of a two-year-old national organization called United Support & Memorial for Workplace Fatalities.

But it starts with what happened on Jan. 29, 2009.

She called it "amazing" that all manlifts, which typically have no surrounding cage, are not inspected in the same systematic way that elevators in hotels are inspected.

She noted that those elevators display evidence of annual inspections in visible places.

Bernard Halber, assistant director of the Nebraska OSHA office in Omaha, said that 1974 is a dividing point in regulation of manlifts in grain elevators, grain processing plants and other places where they are commonly used.

"That means that anything built before that date doesn't have to meet the design criteria that's spelled out in the standard," Halber said.

It doesn't mean that there was no ADM accountability for the accident, he added.

By his description, an initial fine of \$12,500 was reduced to \$2,500. "In exchange for negotiation with the OSHA, the company promised to replace the manlift with a different device."

The case is still open because of the equipment installation timetable, Halber said. "We already know what we expect to see from what they sent us. If there were something that would indicate that there's a problem, then there's the possibility of continued action."

In any case, "If we issued citations, we felt we had legal grounds to issue them."

A check of OSHA records suggests any pending citations for the ADM work site in Lincoln don't have anything to do with manlifts.

Meanwhile, ADM spokesman Roman Blahoski confirmed that the company is making some adjustments.

"The manlift where the incident occurred is not in use," said Blahoski. "A cage lift is being built to replace the manlift and will be in operation in coming weeks."

The new machinery includes metal sides and a door.

Speaking from ADM headquarters in Decatur, Ill., Blahoski said the company also plans to replace the other two manlifts in the plant.

Tammy Miser, president of the family support group and a Lexington, Ky., resident, lost her 33-year-old brother Shawn to a dust explosion in an Indiana factory in 2003.

Miser puts the number of people on her contact list at about 300, although she acknowledged that any number she might offer has its ups and downs - as do the people who have sought her out.

"Some of them lose their trust in anybody and everybody," she said, "and they don't know who to talk to."

Relatives of Bobby Fitch aren't to that point. And age, which often produces a shift from idealism to cynicism, doesn't seem to be a factor.

"I'm not saying they don't want safety," said Cindy Malley, 51, "but we think it should be the law."

"We need to remember it's people's lives," said Tonya Ford, 30, "and people getting injured and hurt. And things need to change."

And will they?

"My little voice, obviously, is not being heard," Ford said. "And you find out more and more about politics, which this is. It's all about money."

But she's not giving up.

Nor should she, said Miser, who predicts action by Congress soon on updated dust regulations.

A check with the Bureau of Labor Statistics shows that there were 5,071 workplace fatalities in the United States in 2008.

A visit to the Web site for the United Support & Memorial for Workplace Families turns up a slide show of images of workers killed in accidents across the United States.

Coal mines. Lumber yards. Construction sites.

Crushings. Suffocations. Long falls.

Eventually a picture of a smiling Bobby Fitch pops up, along with this tribute from his niece, Tonya Ford:

"In loving memory of my Uncle Bobby. He gave me the biggest lesson of all. Always love like there is no tomorrow."

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