

25 Struck by ATV – Inspection #1253259

A **58 year old male** employee was fatally injured when the ATV he was utilizing overturned, striking him in the head and pinning him beneath. The victim was performing minor maintenance activities at the residence of the company owner when the incident occurred. The victim was working alone and there were no witnesses. It is unknown if the victim was actively operating the ATV or mistakenly parked the ATV on sloped ground, neglected to set the parking brake, and subsequently tried to prevent the ATV from rolling down the hill. Nevertheless, the ATV overturned striking the victim's head and came to rest on his torso and midsection area of his body. TOSHA's investigation determined that the employer did not provide training or PPE assessment for the operation of the ATV prior to allowing employees to operate. In addition, the employer did not report the fatality to TOSHA within 8 hours of the incident occurring.

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

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| TCA 50-3-105(1) | <p>The employer did not furnish employment, and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees.</p> <p>In that one employee was exposed to tipping and struck-by hazards while operating an ATV without having been trained on the operation or given a copy of the owner's manual.</p> |
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Citation 1 Item 2

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| 29 CFR 1910.132(d)(1)(i) | <p>The employer did not select and have each employee use the type of PPE that would protect them from identified hazards.</p> <p>In that where ATV operation hazards existed, employees were not required to wear PPE such as a helmet and seat belt.</p> |
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Citation 2 Item 1

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| TDLWD Rule 0800-01-03-.05(1)(a)1 | <p>Within eight hours after the death of any employee as a result of work-related incident, the employer did not report a fatality to the TOSHA office.</p> <p>In that an employee was fatally injured at 12:00 pm on August 3, 2017 and it was not reported to TOSHA until 1:33pm on August 4, 2017.</p> |
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Photo 1 of 1 – The photo is a view of the Kawasaki Mule ATV that the employee was utilizing prior to being fatally injured.