

A **58 year old male employee** was **struck in the abdomen by a bulldozer** while cleaning up the area around a building about to go through renovations. He was hospitalized but succumbed to his injuries three days later.

The victim and the other employees had been on site two days, clearing an area of the property which the company owner intended to use as a parking area for large vehicles and trailers stored on the property. Work was nearly finished for the day and employees were beginning to put away materials and equipment into a large metal barn. An employee was operating a 2008 Komatsu D61EX-15E0 Crawler Dozer with a 116 inch long, 53-inch-tall blade, clearing a mound of dirt approximately five feet from the west side front of the barn. He was told by the company foreman to stop the dozer so that employees could begin to move equipment into the barn. The operator began to move the dozer backwards, facing in the direction of travel, to allow room for employees to access the front side opening of the barn. At the same time, the victim moved a wheelbarrow into the barn and then tried to slip through the gap between the blade on the dozer and the front wall of the barn. Two other employees, one of whom was a foreman, were also close to the machine's blade as they were moving equipment into the barn.

The dozer operator claimed he noticed a red truck in the path of the dozer, and to avoid striking the truck, he moved the dozer forward again, and in doing so turned the dozer and the blade moved to the left striking the victim. It was determined that the operator of the dozer was not facing in the direction of travel and had also not sounded his horn when he moved the dozer forward, thus striking and pinning the victim to the side of the barn. Both the horn and the backup alarm on the dozer were tested and determined to be functional.

The blade lacerated the victim's abdomen and pushed him into the side of the barn. The operator claimed he noticed that the victim was pinned and then moved the dozer forward to free the trapped employee. Once the dozer was moved forward, he got off the dozer and noticed other employees were calling 9-1-1.

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 **Type of Violation:** **Serious** **\$1200**

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury:

In that the employer did not ensure that the employees who were working near a 2008 Komatsu D61EX-15E0 Crawler Dozer, serial number B45217, had received adequate training to be able to

recognize potential hazards associated with the job, and be able to protect themselves from such hazards, including being struck by the equipment or crushed between objects.

Citation 1 Item 2 Type of Violation: Serious \$1050

29 CFR 1926.50(c): In the absence of an infirmary, clinic, hospital, or physician that is reasonably accessible in terms of time and distance to the worksite, which is available for the treatment of injured employees, a person who has a valid certificate in first-aid training from the U.S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence, was not available at the worksite to render first aid.

In that there were no first aid trained and certified persons on site and the nearest medical facility, TriStar Hendersonville Hospital, was located 6.1 miles (approximately 11 minutes) away from the work site.

Citation 1 Item 3 Type of Violation: Serious \$4800

29 CFR 1926.602(a)(9)(i): Bidirectional machine(s) equipped with an operable horn, distinguishable from the surrounding noise level, were not operated as needed when the machine was moving in either direction:

In that an employee operating a 2008 Komatsu D61EX-15E0 Crawler Dozer, serial number B45217, failed to sound the horn when he moved the machine forward and was not facing the direction of travel, resulting in fatal injuries to an employee working in close proximity to the dozer.

Citation 2 Item 1 Type of Violation: Other-Than- Serious \$300

TDLWD Rule 0800-01-03-.03(27)(a): The log of all work-related injuries and illnesses (OSHA Form 300), and/or the summary of work-related injuries and illnesses (OSHA Form 300-A), and/or the injury and illness incident report (OSHA Form 301) or equivalent forms were not maintained by the establishment:

In that the employer was not maintaining OSHA 300 logs

Citation 2 Item 2a Type of Violation: Other-Than- Serious \$1500

TDLWD Rule 0800-01-03-.05(1)(a)1: Within eight (8) hours after the death of any employee as a result of a work-related incident, the employer did not report the fatality to the TOSHA Division of the Tennessee Department of Labor and Workforce Development:

In that the employer did not report to TOSHA an employee fatality that occurred on July 31, 2022.

Citation 2 Item 2b Type of Violation: Other-Than- Serious \$0

Struck By Bulldozer—Insp # 1625931 R.E.C.S. Inc.

TDLWD Rule 0800-01-03-.05(1)(a)2: Within twenty-four (24) hours after the in-patient hospitalization of one or more employees or an employee's amputation or an employee's loss of an eye as a result of a work-related incident, the employer did not report the in-patient hospitalization, amputation, or loss of an eye to TOSHA:

In that the employer did not report to TOSHA an in-patient hospitalization of one employee that occurred on July 28, 2022, within 24 hours of learning of the incident.



The red truck was where the trailer is, and the red truck was approximately 20 feet behind its location in this picture.