

**UTV Rollover—Insp # 1692768 Unseen Pass Inc. dba off-road Gatlinburg**

**A 20 year old employee was fatally injured when the UTV he was operating left the road, rolled over, then struck a tree.**

A novice tour guide (the victim) was conducting a group tour alone, whereas typically two guides are required. During the tour, an incident occurred involving a child and the child’s mother. While stopped at a scenic point called “the view,” the child crawled back into a parked UTV and placed the vehicle into gear causing it to move forward. In an attempt to stop the moving vehicle, the child’s mother held on to it and was subsequently dragged across the ground. The vehicle rolled into the nearby brush and came to a stop. The child was uninjured, however, the mother sustained contusions and abrasions from the incident.

The victim contacted an experienced employee to notify him of the situation. The staff requested an ambulance and the experienced employee proceeded up to the mother and child’s location to assess the situation for himself. Once arriving to meet with the injured mother, the victim took the remaining tour members back down to disembark at base camp. The experienced employee left the mother and child and drove his UTV towards base camp to escort the ambulance to the scene.

At some point, his UTV left the road at high speed, rolled and was hurled approximately 9 feet into the air striking a tree. The vehicle came to rest upside down trapping the employee between the roll cage and ground. The vehicle was approximately 12 feet from the dirt trail laying in thick brush, which made it difficult to see the wreckage.

The employees were not required to wear seat belts while operating the UTVs which resulted in the employee being ejected from the seat. Employees were also not required to wear helmets while operating the UTVs.

**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    **\$4000****

**TCA 50-3-105(1):** The employer did not furnish to each of his employee’s conditions of employment and a place of employment free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees.

In that the employees were not trained on the proper safe use of the Utility Task Vehicles (UTV) according to the operators guide and were not required to wear seat belts while operating the vehicles.

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**Citation 1 Item 2**    **Type of Violation:    Serious**                                        **\$4000**

**29 CFR 1910.132(d)(1)(i):** The employer did not assess the workplace to determine if hazards were present, or likely to be present, and did not select and have each affected employee use the types of Personal Protective Equipment (PPE) that would protect the affected employee from the hazards identified in the workplace hazard assessment.

In that the employer did not select, provide, or require PPE (helmets) for three employees who operated Utility Task Vehicles (UTVs) on a daily basis.

**Citation 2 Item 1**    **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 Unseen Pass Inc. dba Off-road Gatlinburg had a fatality on August 18, 2023 at approximately 5:00 pm and was not reported to TOSHA until on August 21, 2023 at approximately 4:30 pm.

**Citation 2 Item 2 a**    **Type of Violation:    Other-than-Serious**                                        **\$150**

**29 CFR 1910.1200(e)(1):** The employer did not develop, implement and maintain at the workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g) and (h) of this section for labels and other forms of warning, material safety data sheets, and employee information and training will be met.

In that the employer did not create and maintain a written hazard communication program that was available to employees who were exposed to hazardous chemicals at the work site, such as unleaded gasoline, all-purpose detergent cleaners, and degreasers.

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

**29 CFR 1910.1200(g)(1):** The employer did not have a safety data sheet in the workplace for each hazardous chemical which they use.

In that three employees utilize gasoline, all-purpose detergents, and degreasers, chemicals for which the employer does not maintain safety data sheets on site.

**Citation 2 Item 2c**    **Type of Violation:    Other-than-Serious**                                        **\$0**

**29 CFR 1910.1200(h)(1):** The employer did not provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new physical or health hazard the employees had not previously been trained about was introduced into their work area.

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In that the employer did not train three employees on the hazards associated with working with chemicals used as part of the employees' daily activities; chemicals used include gasoline, all-purpose detergents, and degreasers.



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