

15. Struck by truck

An **83-year-old** truck driver was killed when a semi-tractor backed over him. The victim was not working that day, but he came to the truck-and-trailer repair shop to pick up his pay check. The truck shop consisted of three bays and the trailer shop consisted of four bays. At the time of the incident there was a white semi-tractor sitting outside bay #1 of the truck shop, a red one outside bay #2, and two semis outside bay #3. The red one did not have a trailer attached to it. Video surveillance evidence showed that the victim exited the truck shop through bay #3 after picking up his check and took a diagonal path between the back of the red semi sitting outside bay #2 and the blue semi sitting outside bay #3. He stopped when he got to a shaded area created by the blue semi and examined something he removed from his pocket, presumably his pay check. This placed him almost in the center of the back of the red semi outside bay #2. At that time a co-worker began backing up the red semi to get it out of bay #2. The co-worker looked in his side mirrors (because the truck was equipped with a sleeper compartment, there was no rear-view mirror) to make sure nothing was behind him and saw nothing. However, as he backed up, he felt something so he hit the brakes of the truck. Looking in his mirror, he saw something behind the truck but could not tell what it was. He exited the truck and saw the victim under the rear wheels of the truck. When the truck was removed from the victim, no pulse could be detected.

Citations as Originally Issued

A complete inspection was conducted of the facility. Thus, some of the items cited may not directly relate to the fatality.

Citation 1

Item 1 T.C.A. 50-3-105(1)	The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that there were no measures in place to prevent employees (mechanics and truck drivers) from being exposed to vehicular traffic created by moving semi-tractors and trailers in reverse in and out of the work bays and around the yard.
Item 2 1910.23(a)(8)	Floor hole(s) into which persons could accidentally walk were not guarded by standard railings with standard toeboards on all exposed sides or by floor hole covers of standard strength and construction.
Item 3a 1910.106(g)(3)(iv)(D)	Class I flammable liquid (diesel fuel) dispensing unit(s) were not mounted on a concrete island or protected against collision damage by suitable means
Item 3b 1910.106(g)(8)	There was smoking or open flames in areas used for fueling, servicing fuel systems for internal combustion engines, or receiving or dispensing of flammable or combustible liquids.
Item 4 1910.125(f)(3)	A cover that is closed by an approved automatic device for automatic fire extinguishing was not installed on a dip tank.
Item 5a 1910.132(d)(1)	The employer did not assess the workplace to determine if hazards were present, or likely to be present, which necessitate the use of personal protective equipment.

Item 5b 1910.132(f)(1)	The employer did not provide training to each employee required to use personal protective equipment (PPE) that covered when PPE is necessary, what PPE is necessary, how to don, doff, adjust and wear PPE, the limitations of PPE, and the proper care, maintenance, useful life and disposal of PPE.
Item 5c 1910.133(a)(1)	Protective face equipment was not required where there was a probability of injury that could be prevented by such equipment.
Item 6 1910.151(c)	Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use.
Item 7a 1910.177(c)(1)	The employer did not provide a program to train all employees who service rim wheels in the hazards involved and the safety procedures to follow while servicing rim wheels.
Item 7b 1910.177(c)(3)	The employer did not evaluate each employee's ability to service rim wheels safely.
Item 7c 1910.177(d)(3)(iii)	A rim wheel restraining device or barrier was not visually inspected prior to each day's use and after any separation of rim wheel components or sudden release of contained air.
Item 7d 1910.177(d)(5)	Current charts (rim manuals) containing instructions for the type of wheels being serviced were not available in the service area.
Item 7e 1910.177(g)	The employer did not establish a safe operating procedure for servicing single piece rim wheels which contained, at a minimum, the elements listed in 29 CFR 1910.177(g)(1) through (12).
Item 8a 1910.1200(e)(1)	The employer did not develop, implement, and/or maintain in the workplace a written hazard communication program.
Item 8b 1910.1200(f)(5)(i)	The employer did not ensure that each container of hazardous chemical in the workplace was labeled, tagged or marked with the identity of the hazardous chemicals contained therein.
Item 8c 1910.1200(f)(5)(ii)	The employer did not ensure that each container of hazardous chemical in the workplace was labeled, tagged or marked with the appropriate hazard warnings.
Item 8d 1910.1200(g)(1)	The employer did not have a material safety data sheet in the workplace for each hazardous chemical used.
Item 8e 1910.1200(h)(1)	Employees were not provided information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area.
Item 8f TDLWD Rule 0800-01-09-.06(2)	The employer did not ensure that work areas in which non-containerized hazardous chemicals are generated or produced as a result of the process or operation taking place in such work area contain a sign or placard identifying the hazardous chemicals and appropriate hazard warnings.

Citation 2

Item 1 1910.24(f))	The treads of fixed stairs were not reasonably slip-resistant with a nonslip finish on nosings.
Item 1b 1910.24(h)	Handrail(s) were not provided on at least one side of closed industrial stairway(s).
Item 2a 1910.147(c)(4)(ii)	The energy control procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy.
Item 2b 1910.147(c)(7)(i)	The employer did not provide training to ensure that the purpose and function of the energy control program was understood by authorized employees.
Item 3 1910.151(b)	In the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, a person or persons were not adequately trained to render first aid. Adequate first-aid supplies were not readily available.
Item 4a 1910.157(e)(3)	Portable fire extinguishers were not subjected to an annual maintenance check.
Item 4b 1910.157(g)(2)	The educational program to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient state fire fighting was not provided to all employees upon initial employment and at least annually thereafter.
Item 5 1910.178(a)(4)	Modifications or additions which affect capacity and safe operation of powered industrial trucks were performed by the employer without the manufacturer's prior written approval.
Item 6a 1910.178(a)(6)	Nameplates or markings for powered industrial trucks were not maintained in a legible condition.
Item 6b 1910.178(l)(2)(ii)	Training did not consist of a combination of formal instruction (e.g., lecture, discussion, interactive computer learning, video tape, written material), practical training (demonstrations performed by the trainer and practical exercises performed by the trainee), and evaluation of the operator's performance in the workplace.
Item 6c 1910.178(l)(4)(iii)	An evaluation of each powered industrial truck operator's performance had not been conducted at least every three (3) years.
Item 6d 1910.178(p)(1)	Powered industrial truck(s) with defect(s) or in any way unsafe had not been withdrawn from service until restored to safe operating condition.
Item 6e 1910.178(q)(7)	Industrial trucks were not examined before being placed in service.
Item 7 1910.184(i)(9)(iv)	Synthetic web sling(s) with broken or worn stitches were not immediately removed from service.

Item 8 1910.253(b)(4)(iii)	Oxygen cylinders in storage were not separated from fuel gas cylinders or combustible materials (especially oil or grease) a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least 5 feet (1.5 m) high having a fire resistance rating of at least one-half hour.
Item 9a 1910.303(b)(2)	Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling-romex wire with male plug end was used to make the power cord for a pump at a diesel tank: powerstrips were plugged into extension cords instead of directly into a receptacle.
Item 9b 1910.304(g)(5)	The path to ground from circuits, equipment, and enclosures was not permanent, continuous, and effective.
Item 9c 1910.305(g)(1)(iv)	Flexible cords and cables were used for purposes prohibited.- Extension cords and powerstrips were used as means of permanent power supply
Item 9d 1910.305(j)(2)(v)	A receptacle installed outdoors in a location protected from the weather or in other damp locations did not have an enclosure for the receptacle that was weatherproof.

Description	The orange markings on the ground were made by the THP. The orange markings indicated where the semi stopped after running over the employee. The semi-tractors in the photo are in the same position as they were the day of the accident, per interviews. Red arrow is pointing to Bay#1, blue arrow to Bay#2, black arrow to Bay#3. Video surveillance showed the employee walk out of Bay#3 down, crossed over between the black semi and row of tires where he walked behind the red semi that was sitting outside Bay#2 and stopped where the green arrow is pointing.
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Confidential Materials?
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