

13 Drowning – Inspection #1161820

A **28 year old male** employee was fatally injured when he drown while operating a Caterpillar D5K2 LGP dozer. On the day of the accident, the victim was operating the dozer while “finish dressing” between the parking lot and retention pond at a newly constructed 1.5 million square-foot automotive tire warehouse and distribution center. Finish dressing consists of driving the dozer back and forth with the bucket in a raised position, usually in parallel lines, using the tracks to prepare the ground for seeding or for laying sod. It was determined during the investigation that the victim was operating the dozer in reverse, and proceeded in a straight line from the parking lot to where it entered the retention pond. The victim was found the next day in the cab of the submerged dozer. The county medical examiner determined the cause of death to be accidental drowning. The victim was trained and authorized to operate the dozer by the employer and his performance had been evaluated. The investigation did not uncover information to conclude why the victim, a strong swimmer, apparently competent, skilled and experienced operator, backed the dozer into the retention pond and why the ignition key was in the “off” position. There were no witnesses to the event.

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

29 CFR 1910.1200(e)(1)	The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 DFR 1910.1200(f), (g), and (h) will be met: (Construction Reference: 1926.59). In that the employer did not have a written Hazard Communication program for the materials being used by the employees, such as diesel fuel that contains naphthalene.
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Citation 1 Item 2

29 CFR 1910.1200(h)(1)	Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area: (Construction Reference: 1926.59). In that the employer did not provide the employees with information and training for the materials being used by employees, such as diesel fuel that contains naphthalene.
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Photo 1 of 1 – View of the retention pond