

## **2 Struck by ATV – Inspection #1201559**

A **68 year old male** employee was fatally injured while operating an all-terrain vehicle (ATV). On the day of the incident the victim, a Timber Buyer, was alone driving his personal ATV through a track of timber marking boundary lines so the Timber Cutters would not cut trees on the adjacent property. The victim failed to return home from work and was subsequently located at the base of an embankment with the ATV on top of him. The local Medical Examiner's report and the Sheriff's Office investigation determined that the victim lost control of his ATV driving down a steep embankment (approximately 75 feet), possibly due to the fact that the brakes were inoperable, hitting his head on the handle bars, then on the rocks at the bottom of the ravine. The ATV landed on top of him. The victim was not wearing a helmet.

### **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**

TCA 50-3-105(1)	<p><b>Each employer did not furnish to each of its employees conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to its employees.</b></p> <p>In that an employee was fatally injured when he lost control of an ATV/4-wheeler that did not have operable brakes while flagging/marketing boundary lines on a steep piece of property. Among other methods, feasible and acceptable means of abatement would be to: a) Have equipment such as an ATI/4-wheeler inspected daily before being placed in service by a qualified person. b) Have equipment such as an ATV/4-sheeler found to be in need of repair, defective or in any way unsafe taken out of service until restored back to safe operating condition.</p>
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### Citation 1 Item 2

29 CFR 1910.132(d)(1)(i)	<p><b>Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment.</b></p> <p>In that the employee fatally injured was not wearing a helmet while operating an ATV/4-wheeler to flag/mark boundary lines and the use of a helmet while operating the ATV was not enforced.</p>
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### Citation 2 Item 1

29 CFR 1910.147(c)(4)(ii)	<p><b>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, including, but not limited to items (a) through (d) of this section.</b></p> <p>In that machine specific procedures had not been developed for lockout/tag-out for employees performing service/maintenance of equipment.</p>
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### Citation 2 Item 2

29 CFR 1910.157(c)(1)	<p><b>Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries.</b></p> <p>In that a fire extinguisher located in the gang saw area, was not mounted and its location was not identified.</p>
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### Citation 2 Item 3

29 CFR 1910.178(l)(1)(ii)	<p><b>Prior to permitting an employee to operate a powered industrial truck (except for training purposes), the employer did not ensure that each operator had successfully completed the training required by paragraph (l).</b></p> <p>In that and employee was allowed to operate the forklift without having completed forklift training and without having been evaluated.</p>
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**Citation 2 Item 4**

29 CFR 1910.178(l)(4)(iii)	<p><b>An evaluation for each powered industrial truck operator's performance had not been conducted at least once every 3 years.</b></p> <p>In that an evaluation of operator's performance of the employee that operate the forklift was not conducted.</p>
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**Citation 2 Item 5**

29 CFR 1910.178(l)(6)	<p><b>The employer did not certify that each operator had been trained and evaluated.</b></p> <p>In that forklift evaluations had not been certified for the employee designated to operate the powered industrial truck at the facility.</p>
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**Citation 2 Item 6a**

29 CFR 1910.1200(e)(1)	<p><b>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 CFR 191.1200(f), (g), and (h) will be met.</b></p> <p>In that a written Hazard Communication program had not been developed and implemented for chemicals employees are exposed to such as but not limited to: diesel, gasoline, propane, carbon monoxide, oil, and wood dust.</p>
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**Citation 2 Item 6b**

29 CFR 1910.1200(g)(8)	<p><b>The employer did not ensure that safety data sheets were readily accessible to the employees in their work area during each shift for chemicals used.</b></p> <p>In that safety data sheets were not available for review for chemicals such as but not limited to: diesel, gasoline, oil, propane, carbon monoxide and work dust.</p>
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**Citation 2 Item 6c**

29 CFR 1910.1200(h)(1)	<p><b>Employees were not provided effective information and training on hazardous chemicals or materials in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area.</b></p> <p>In that: a) Information and training had not been provided initially to employees exposed to chemicals at the site, such as but not limited to: diesel, gasoline, propane, carbon monoxide, hydraulic oil, and wood dust. b) Information and training concerning the new GHS label elements and safety data sheets (SDS) format as of December 1, 2013 had not been provided.</p>
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**Citation 2 Item 6d**

TDLWD Rule 0800-01-09-.07	<p><b>Employees were not provided annual refresher training and information as specified on hazardous chemicals in their work area.</b></p> <p>In that the annual hazard communication training had not been conducted with employees.</p>
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**No photos were not taken of the incident details or location.**