A 27 year old male employee fell 11'9" from second floor to the ground as he was applying weatherproofing paper to the exterior side of a wall he had just framed, prior to erection. The construction crew was framing the second floor of a residential home.

On the date of the incident, the construction of a residential home was at the stage of framing the second floor. Walls had not been completely erected which left unprotected edges on the northeast corner of the second floor above the garage. The victim was on the second floor installing a weather proofing material to a wall frame that was constructed on the floor of the second floor and had not been erected yet. The frame was at the edge of the northeast corner of the second floor. According to employee interviews, as he took a step back, he misjudged his proximity to the edge and fell from the second floor approximately 11ft 9in to the ground. Employee interviews revealed that the victim was not utilizing any form of fall protection while working on the second floor.

According to the owner, his crew did possess fall protection gear, but it was then located in a different work van that was in the shop for maintenance. Further questioning revealed that he and his crew lacked an overall safety culture and was not involved in any safety planning for the future of his company moving forward. There was no proof that fall protection training or safety training was conducted with his employees and there was no one certified in first aid on site.

The fatality was not reported until 2 days after the incident.

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 \$1,200

29 CFR 1926.50(c): A person who has a valid certificate of first-aid training was not available at the work-site to render first-aid:

In that there was not a person or persons adequately trained to render first aid treatment to injured employees and the nearest treatment facility was Blount Memorial Hospital which was 22 miles away.

Citation 1 Item 2 Type of Violation: Serious \$5,400

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system,

or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b):

In that employees were working at heights from 8 feet 10 inches to 27 feet 8 inches while installing vapor barrier material, framing and related work without fall protection on a residential construction site in the following instances:

- A) Employee installing vapor barrier to wall on second floor.
- B) Employees climbing the framing and trusses while framing and transporting materials to the roof.
- C) Employees exposed to an unguarded stairwell.
- D) Employee installing decking on the 6.5/12 pitch roof.
- E) Employees exposed to an unguarded window opening on the north side of the second floor.

Citation 1 Item 3 Type of Violation: Serious \$1,200

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards:

In that employees were working at heights ranging from 8 feet 10 inches to 27 feet 8 inches, that had not been provided with adequate fall protection training by their current employer which exposed them to fall hazards.

<u>Citation 1 Item 4</u> Type of Violation: Serious \$1,200

29 CFR 1926.1053(b)(15): Ladders were not inspected by a competent person for visible defects on a periodic basis and after an occurrence that could affect their safe use:

In that a 20ft Aluminum Werner Extension Ladder located on the north side of residential home with missing anti-slip feet and a dented rung was not being inspected periodically.

<u>Citation 1 Item 5</u> Type of Violation: Serious \$1,200

29 CFR 1926.1053(b)(16): Portable ladders with structural defects, such as, but not limited to, broken or missing rungs, cleats, or steps, broken or split rails, corroded components, or other faulty or defective components, were not either immediately marked in a manner that readily identifies them as defective, or tagged with "Do Not Use" or similar language, and were not withdrawn from service until repaired.

In that a 20foot Aluminum Werner Extension Ladder located on the north side of residential home was missing anti-slip feet and had a dented rung.

<u>Citation 1 Item 6</u> Type of Violation: Serious \$1,050

29 CFR 1926.1060(a): The employer did not provide a training program for each employee using ladders and stairways, as necessary. The program shall enable each employee to recognize hazards related to ladders and stairways, and shall train each employee in the procedures to be followed to minimize these hazards.

In that a training program was not provided so that employees could recognize ladder deficiencies and avoid hazards.

<u>Citation 2 Item 1</u> Type of Violation: Other-than-Serious \$1,500

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 an employee death within 8 hours. The employee fatality occurred as a result of injury from a fall at 9:30 am on 08/12/2020. The death was reported to TOSHA at 4:10 pm on 08/14/2020.

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

29 CFR 1926.404(b)(1)(iii)(C): A cord set, attachment cap, plug or receptacle of cord sets, or any equipment connected by cord and plug, that was found damaged or defective was used before it was repaired.

In that two circular saws, used to cut wood for framing, were found to have electrical cords with damaged insulation.

- A) Makita 120V 7 1/4 inch blade
- B) DeWalt 120V 7 1/4 inch blade

<u>Citation 2 Item 3</u> Type of Violation: Other-than-Serious \$0

29 CFR 1926.404(f)(6): The path to ground from circuits, equipment, or enclosures was not permanent and continuous:

In that an extension cord used to supply 120V power to two circular saws, a Makita 120V 7 1/4 inch blade circular saw and a DeWalt 120V 7 1/4 inch blade circular saw was found to have the ground wire disconnected from the plug.

<u>Citation 2 Item 4</u> Type of Violation: Other-than-Serious \$0

29 CFR 1926.405(g)(2)(iv): Flexible cords were not connected to devices and fittings so that strain relief is provided to prevent pull from being directly transmitted to joints or terminal screws:

In that a gray extension cord used to supply 120V power to two circular saws was found to not have adequate strain relief and exposed employees to electrical shock hazards.



