

**#12: Struck By – Inspection #317782662**

A **38 year old male** employee was struck by a tree at a logging worksite. The victim was working with another employee and the first tree cut for the day was a large yellow poplar tree. It became lodged in a hackberry tree as it fell. The employees did not move the required two tree lengths away from the lodged danger tree. The victim and the other employee moved east, lateral to the lodged tree, approximately 54 feet and waited approximately 20 minutes to see if the tree would dislodge itself. They decided to leave the area and as they began to move away from the yellow poplar, it dislodged and fell. Simultaneously, a locust tree fell on the victim, striking him across the shoulder blades and upper back.

**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 1910.266(h)(1)(vi)	Each danger tree, including lodged trees and snags, was not felled or removed using mechanical or other techniques that would minimize employee exposure before work commenced in the area of the danger tree and, if the danger tree was not felled or removed, it was not marked and work was conducted within two tree lengths of the danger tree: In that two employees continued to work within 54 feet of a greater than 100 foot tall, lodged, danger tree while logging at the work site.
Item 2a 1910.266(i)(3)(iii)	At a minimum, training did not consist of the recognition of safety and health hazards associated with the employee's specific work tasks, including the use of measures and work practices to prevent or control those hazards: In that five employee were working at the logging job site and had not received appropriate training to recognize the hazards associated with danger trees or the appropriate safety precautions necessary to protect themselves.

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Item 2b 1910.266(i)(3)(vi)	At a minimum, training did not consist of the requirements of the 29 CFR 1910.266 standards: In that five employees were working at the logging job site and had not received the required training on the requirements of the standards associated with the appropriate safety procedures and precautions necessary to protect themselves.
Item 2c 1910.266(i)(10)(i)	The employer did not verify compliance with paragraph (i) of this section by preparing a written certification record: In that five employees were working at the logging job site and did not have written certification that they had received the appropriate training to recognize the hazards associated with logging hazards, such as danger trees, or the appropriate safety precautions necessary to protect themselves.
Item 3a 1910.266(d)(1)(iv)	The employer did not provide, at no cost to the employee, and assure that each employee who operated a chain saw wore leg protection constructed with cut-resistant material, such as ballistic nylon: In that five employees were felling trees with chain saws at the logging job site and did not have the appropriate leg covering, such as chaps, necessary to protect themselves.
Item 3b 1910.266(d)(1)(v)	The employer did not assure that each employee wore foot protection, such as heavy-duty logging boots that were waterproof or water repellent, to cover and provide support to the ankle: In that one employee was felling trees with chain saws at the logging job site and was wearing tennis shoes instead of appropriate foot protection, such as cut resistant boots, necessary to protect himself.

**Citation 2**

Item 1 0800-01-03-.05(1)(a)	The employer did not, within eight (8) hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related incident, orally report the fatality/multiple hospitalization by telephone or in person to the Area Office of TOSHA, Tennessee Department of Labor and Workforce Development, that was nearest to the site of the incident: In that the employer did not report the work related fatality of an employee at the logging worksite within 8 hours.
Item 2 1910.266(i)(7)(i)	The employer did not assure that each employee, including supervisors, had received first-aid and CPR training: In that five employees were working at the logging job site and four of them were not trained in first aid and CPR.

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Item 3a 1910.1200(e)(1)	The employer did not develop, implement, and maintain at each workplace, a written hazard communication program which at least described how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training were met: In that the employer did not develop and maintain a written hazard communication program that described how employees were trained, how safety data sheets were maintained, and how hazardous chemicals were labeled while the employees were required to work with hazardous chemicals, such as gasoline, diesel, and oil used at the job site.
Item 3b 1910.1200(g)(8)	The employer did not have workplace copies of the required safety data sheet for each hazardous chemical used: In that the employer did not maintain safety data sheets for hazardous chemicals such as gasoline, diesel, or oil used at the work site.
Item 3c 1910.1200(h)(1)	The employer did not provide employees with effective information and training on the 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 been trained on was introduced into their work area: In that the employer did not train the employees on hazards associated with chemicals that they used, such as gasoline, diesel, or oil.

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Photo 1 of 1: Locust tree that struck the victim