

A 65 year old male employee was struck on the thigh when the tongue of a trailer fell off the hitch during connection. He received lacerations to his left leg and was treated and released at the hospital, however, died about a month later due to a blood clot.

The victim had parked an empty Flatbed Trailer in a cul-de-sac located approximately .25 miles from the work site (a private residence) as the homeowner's association would not allow an empty trailer to be parked in the gated community where the work was occurring. The trailer was 25 feet long (from the tongue of the jack) and 8 feet 4 inches wide. Earlier that morning, the victim had dropped off an excavator at the work site, and then he parked the empty trailer in the cul-de-sac so it would be accessible at the end of the day. The victim was operating a Kenworth T800 Tri-Axle Dump Truck.

At approximately 3:30 PM, the victim left the job site on Azalea Lane with the intention of taking the empty trailer back to the workshop. He attempted to back up the dump truck to connect the trailer. He was working alone at this time. While jacking the trailer to raise it, the victim apparently set the tongue of the trailer onto the hitch after jacking it up, but it did not totally reach the hitch; it merely sat on the edge of it. The victim was apparently trying to align the trailer to the hitch when the trailer fell; since the jack had already been retracted, the tongue of the trailer lacerated the victim's left thigh. The victim had most likely retracted the jack because he was going to get back into the dump truck to "bump" it onto the trailer, which would couple the dump truck to the trailer and lock it in place.

According to the victim's spouse, the victim said he was not familiar with the trailer, claiming it was not the trailer he normally used. She also confirmed that the victim stated he was lacerated by the tongue of the trailer, as he was standing between the trailer and the dump truck.

Crew interviews indicated that connecting to a trailer was something they did every day as part of routine duties but confirmed that the company had no set procedure on how to do it; nor an evaluation process to ensure it was done correctly. Since the accident, employees stated the company now advocates to use two employees in any trailer-connecting activities, where one employee can work as a spotter. Interviewed employees affirmed that coupling a trailer to a vehicle could be a dangerous task due to the size and weight of the heavy machinery involved.

**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**

**\$4000**

**29 CFR 1926.21(b)(2):** The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury:

In that the employer did not ensure that the employees who were working with heavy material handling equipment, such as dump trucks and trailers, had received adequate training to be able to recognize potential hazards associated with the job and be able to protect themselves from such hazards, including being struck by the equipment.

**Citation 1 Item 2**

**Type of Violation: Serious**

**\$1000**

**29 CFR 1926.50(c):** In the absence of an infirmary, clinic, hospital, or physician that is reasonably accessible in terms of time and distance to the worksite, which is available for the treatment of injured employees, a person who has a valid certificate in first-aid training from the U.S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence, was not available at the worksite to render first aid.

In that there were no first aid trained and certified persons on site, and the nearest medical facility, Williamson Medical Center, was located 6.8 miles (approximately 15 minutes) away from the work site.

**Citation 2 Item 1**

**Type of Violation: Other-than-Serious**

**\$400**

**TDLWD Rule 0800-01-03-.03(27)(a):** The log of all work-related injuries and illnesses (OSHA Form 300), and/or the summary of work-related injuries and illnesses (OSHA Form 300-A), and/or the injury and illness incident report (OSHA Form 301) or equivalent forms were not maintained by the establishment:

In that the employer was not maintaining OSHA 300 logs.

**Citation 2 Item 2 a**

**Type of Violation: Other-than-Serious**

**\$100**

**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 CFR 1910.1200(f), (g), and (h) will be met: [As adopted by reference in 29 CFR 1926.59]

In that a written Hazard Communication Program had not been developed and implemented for the chemicals the employees were exposed to, such as but not limited to chlorine, Jack's Magic - The Purple Stuff, Soda Ash, sodium bicarbonate, citric acid, copper algacide, phosphate remover, calcium hypochlorite, aqua salt, and muriatic acid.

**Citation 2 Item 2 b**

**Type of Violation: Other-than-Serious**

**\$0**

**29 CFR 1910.1200(g)(8):** The employer did not maintain in the workplace copies of the required safety data sheets for each hazardous chemical and did not ensure that they were readily accessible during each work shift to employees when they were in their work area(s): [As adopted by reference in 29 CFR 1926.59]

In that the employer was not maintaining safety data sheets for chemicals the employees used, such as but not limited to chlorine, Jack's Magic - The Purple Stuff, Soda Ash, sodium bicarbonate, citric acid, copper algaecide, phosphate remover, calcium hypochlorite, aqua salt, and muriatic acid.

**Citation 2 Item 2 c**

**Type of Violation: Other-than-Serious**

**\$0**

**29 CFR 1910.1200(h)(1):** Employees were not provided adequate 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: As adopted by reference in 29 CFR 1926.59]:

In that information and training had not been provided to the employees regarding the chemicals they were exposed to, such as but not limited to chlorine, Jack's Magic - The Purple Stuff, Soda Ash, sodium bicarbonate, citric acid, copper algaecide, phosphate remover, calcium hypochlorite, aqua salt, and muriatic acid.



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