

A 20 year old employee was crushed when the lawn mower he was using rolled down an embankment. The employee was mowing a residential yard with a John Deere zero turn riding lawn mower.

On the day of the incident three employees were working to mow and trim a residential yard. The property was positioned on a ridge that overlooked the town and was on an incline. On the west end of the property was a wooded area with a steep embankment at the tree line. The property sloped down the hill away from the house leading to the tree line and wooded area located to the south and west sides of the property.

Starting in the backyard, near the pool located close to the center of the property, the yard had an approximate slope of 28-degrees. The closer the yard got to the tree line on the west side of the property the slope became more shallow. The slope changed from approximately 28-degrees to 25-degrees to 22-degrees and to approximately 21-degrees at the tree line.

Once at the tree line, there was a steep embankment. The embankment led to a dry creek bed/ditch for water runoff from the road in front of the house. The embankment had a linear distance of approximately 20-feet and varied in slope. At the top of the embankment, near the start of the yard the slope measured approximately 38-degrees. Going down the embankment the slope became more shallow from 38-degrees to approximately 35-degrees before leveling out near the base.

The weather in the days prior to the incident had been rainy, leaving the grass and ground damp and slick.

The victim was operating a riding lawn mower mowing along the tree line on the west side of the property directly next to the tree line and near the edge of the embankment. It was at this time that the lawn mower slid or was driven off the edge, causing the lawn mower to flip and roll over, fatally injuring the victim. The roll over protection on the mower was not being used.

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

TCA 50-3-105(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees.

Mower Rollover—Insp # 1686168 Hectors Lawn Service, LLC

In that the John Deere Z930M riding lawn mower was operated without the use of its rollover protection system while on an incline and near the edge of an embankment, which resulted in a rollover and an employee fatality.

Citation 1 Item 2 **Type of Violation: Serious** **\$1200**

29 CFR 1910.151(b): There was neither an infirmary, clinic, or hospital used for the treatment of all injured employees in near proximity to the workplace nor a person or persons adequately trained to render first aid.

In that employees were exposed to aggravation of injuries due to delayed response for emergency medical care due to no employees were trained in first aid and the closest available medical facility was Erlanger Primary Care - Marion County, located approximately 2.7 miles away with a travel time of approximately 7 minutes.

Citation 2 Item 1 **Type of Violation: Other-than-Serious** **\$1500**

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 failed to report an employee fatality within 8 hours of learning of the event. The incident occurred on 07/07/23 at approximately 2:00pm and it was not reported to TOSHA until the inspections opening conference on 07/14/23 at approximately 9:00am.



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