

10. Struck by Tree

A 40-year-old county employee died while cutting a tree that was hanging over a county road. The victim and two co-workers were assigned to clear trees, brush and debris caused by a recent flood from a county road. The crew spotted the tree hanging over the road and determined that it needed to be cut down. The procedure was to cut into the tree on one side and then knock it down using a backhoe. Because the tree was growing on the right-of-way and water from the flood was up to the edge of the road, the victim climbed into the front-end bucket of a backhoe to perform the cut on the tree. He raised the bucket about four feet in the air and began operating a chain saw to make a single cut into the side of the leaning tree. As the tree came off the stump, it sprang back and struck the victim, knocking him out of the bucket and into the water. CPR was performed until the ambulance arrived, but the victim could not be revived.

Notice of Unsafe or Unhealthful Working Conditions

Violation 1

Item 1 T.C.A. 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 in that adequate precautions were not taken to protect employees felling a tree.
Item 2 1910.38(b)	A written "Emergency Action Plan" as required by 1910.157(a) was not available to employees.
Item 3 1910.132(d)(1)(i)	When the employer had assessed the workplace hazards and determined that hazards were present, the employer did not select and/or use the types of personal protective equipment that would protect the affected employees from the hazards identifies, i.e. hard hat, hearing protection, face protection, chaps
Item 4 1910.135(a)(1)	The employer did not ensure that each affected employee wears a protective helmet when working in areas where there is a potential for injury to the head from falling objects.
Item 5 1910.136(a)	The employer did not ensure that each affected employee used protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole.
Item 6 1910.151(b)	There was neither an infirmary, clinic, nor 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.
Item 7 1910.451(c)(2)(iii)	Unstable objects were used as working platform.

Violation 2

Item 1 1910.132(d)(2)	The employer did not verify that the required workplace hazard assessment had been performed through a written certification that identified the workplace evaluated, the person certifying that the evaluation had been performed, the date of the hazard assessment, and a statement identifying the document as a certification of the hazard assessment.
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Item 2 1910.132(f)(4)

The employer did not verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date of the training, and that identifies the subject of the certification.



