

A 50 year old male employee was fatally injured when he fell 11' to the ground from a 10:12 pitch roof while in the process of roofing (installing felt paper) a single family home.

Garrett Builders Inc. was the general contractor for the residential construction site and had subcontracted the framing work to A & P Framing Construction. A & P subcontracted some additional roofing work, such as the felt paper, to Lorenzo Garcia. The victim was in the process of cutting material from a roll of felt paper at the South West corner of house when he fell. The owner and an employee of A & P were on the roof with the victim when he fell. The victim was not wearing fall protection at the time of the fall.

It was determined that the victim had been wearing a fall harness earlier in the day as the contractor over the framing provided and required them to wear fall protection. There were anchors for each employee installed according to the manufacturers requirements printed on the butterfly rafter anchor, harnesses for each employee, and lifeline/ropes provided for each employee. Through interviews it was confirmed that nails were driven into every designated screw/nail slot on the anchor. However, the victim took the personal fall arrest system off when the owner of the framing company, A& P Framing Construction, left the job site. It was determined the employee took the harness off to exit the roof for lunch but continued to work, cutting felt paper, upon request from his own employer.

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

\$1200

29 CFR 1926.50(c): In the absence of an infirmary, clinic, hospital, or physician, that was not reasonable accessible in terms of time and distance to the worksite, which was not available for the treatment of injured employees.

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A person who has a valid certificate in first-aid training was not available at the worksite to render first-aid:

In that no first-aid/CPR trained person was present at the job site located 5.5 miles away from Cumberland Medical Center.

Citation 1 Item 2 Type of Violation: Serious \$4000

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 no fall protection of any kind was used at the time an employee fell 11' from the edge of the roof resulting in fatal injuries.

Citation 1 Item 3 Type of Violation: Serious \$1200

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 no fall protection training was provided to an employee that was fatally injured when he fell 11' off the edge of a roof due to the lack of fall protection.

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

TDLWD Rule 0800-01-03-.05(1)(a)l: 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 a fatality that occurred on 10/15/2019.

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