

A **27 year old male** employee **fell 11' 9"** from second floor to the ground as he was applying weatherproofing paper to the exterior side of a wall he had just framed, prior to erection. The construction crew was framing the second floor of a residential home.

On the date of the incident, the construction of a residential home was at the stage of framing the second floor. Walls had not been completely erected which left unprotected edges on the northeast corner of the second floor above the garage. The victim was on the second floor installing a weather proofing material to a wall frame that was constructed on the floor of the second floor and had not been erected yet. The frame was at the edge of the northeast corner of the second floor. According to employee interviews, as he took a step back, he misjudged his proximity to the edge and fell from the second floor approximately 11ft 9in to the ground. Employee interviews revealed that the victim was not utilizing any form of fall protection while working on the second floor.

According to the owner, his crew did possess fall protection gear, but it was then located in a different work van that was in the shop for maintenance. Further questioning revealed that he and his crew lacked an overall safety culture and was not involved in any safety planning for the future of his company moving forward. There was no proof that fall protection training or safety training was conducted with his employees and there was no one certified in first aid on site.

The fatality was not reported until 2 days after the incident.

**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**

**\$1,200**

**29 CFR 1926.50(c):** A person who has a valid certificate of first-aid training was not available at the work-site to render first-aid:

In that there was not a person or persons adequately trained to render first aid treatment to injured employees and the nearest treatment facility was Blount Memorial Hospital which was 22 miles away.

**Citation 1 Item 2**

**Type of Violation: Serious**

**\$5,400**

**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,



**Citation 1 Item 6**      **Type of Violation: Serious**      **\$1,050**

**29 CFR 1926.1060(a):** The employer did not provide a training program for each employee using ladders and stairways, as necessary. The program shall enable each employee to recognize hazards related to ladders and stairways, and shall train each employee in the procedures to be followed to minimize these hazards.

In that a training program was not provided so that employees could recognize ladder deficiencies and avoid hazards.

**Citation 2 Item 1**      **Type of Violation: Other-than-Serious**      **\$1,500**

**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 did not report an employee death within 8 hours. The employee fatality occurred as a result of injury from a fall at 9:30 am on 08/12/2020. The death was reported to TOSHA at 4:10 pm on 08/14/2020.

**Citation 2 Item 2**      **Type of Violation: Other-than-Serious**      **\$0**

**29 CFR 1926.404(b)(1)(iii)(C):** A cord set, attachment cap, plug or receptacle of cord sets, or any equipment connected by cord and plug, that was found damaged or defective was used before it was repaired.

In that two circular saws, used to cut wood for framing, were found to have electrical cords with damaged insulation.

- A) Makita 120V 7 1/4 inch blade
- B) DeWalt 120V 7 1/4 inch blade

**Citation 2 Item 3**      **Type of Violation: Other-than-Serious**      **\$0**

**29 CFR 1926.404(f)(6):** The path to ground from circuits, equipment, or enclosures was not permanent and continuous:

In that an extension cord used to supply 120V power to two circular saws, a Makita 120V 7 1/4 inch blade circular saw and a DeWalt 120V 7 1/4 inch blade circular saw was found to have the ground wire disconnected from the plug.

**Citation 2 Item 4**    **Type of Violation: Other-than-Serious**                      **\$0**

**29 CFR 1926.405(g)(2)(iv):** Flexible cords were not connected to devices and fittings so that strain relief is provided to prevent pull from being directly transmitted to joints or terminal screws:

In that a gray extension cord used to supply 120V power to two circular saws was found to not have adequate strain relief and exposed employees to electrical shock hazards.





26 Fall from second floor—Insp#1488550 Ruben Escorza-Dimas

