

In that a **52 year old male** was **struck (backed over) by** a bull dozer while in the process of bringing fuel for the dozer. The victim had gotten out of his truck and was walking towards the dozer when the dozer operator started backing up.

The victim had only been working for about 2months; he was the only Parts Runner on site. Employees interviewed indicated that the Parts Runner is to stay in the fuel truck until the dozer operator has backed up to the fuel truck and the dozer is turned off. The Parts Runner will exit the truck and then begin fueling the equipment. It appears that the victim had not been trained on this topic or any other training regarding work zone safety or working around vehicles.

The dozer operator informed the CSHO that he saw Kevin pull up to the job site but did not see him exit his truck. He stated that he thought the victim was still in his truck when he began backing up the dozer. During the interview with Ruben, he stated the black grating on the back glass of the dozer affects his visibility. The CSHO observed that the D4 Dozer only had a rear-view mirror and there were no side mirrors. The CSHO learned the dozer came from the manufacturer without side mirrors. While on site with the Project Manager, the CSHO found that the backup camera in the D4 Dozer was inoperable.

Through police interviews, it was discovered that the victim was found to be laying closer to the right track of the dozer; therefore, it is believed the victim was standing behind the right track of the dozer when the accident happened. The victim's height was approximately 5'9". The height of the dozer frame to the ground was approximately 5'5". Without a functioning backup camera and the fact that the dozer did not come equipped with side mirrors; it is likely the dozer operator would not have been able to see the victim behind the dozer.

Between the impeded visibility of the dozer operator and the lack of training for the victim to ensure he stayed in the fuel truck; it was concluded that both contributed to the fatal accident.

**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):** Each employer shall furnish to each of its employee's conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to its employees:

In that the backup camera on the D4 Dozer, was not operable creating a struck by/crushing hazard when operating in reverse.

Among other methods, one feasible and acceptable abatement method to correct this hazard would be to report equipment deficiencies to maintenance personnel and remove equipment from operation until the deficiencies are resolved.

**Citation 1 Item 2      Type of Violation:                      Serious                      \$2000**

**29 CFR 1926.21(b)(2):** The employer did not instruct each employee in the recognition and avoidance of unsafe condition(s) and the regulation(s) applicable to his work environment to control or eliminate any hazard(s) or other exposure to illness or injury:

In that an employee, exposed to heavy equipment, had not received training regarding Work Zone Safety/Working Around Vehicles.

**Citation 1 Item 3      Type of Violation:                      Serious                      \$2000**

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

In that there was no one on-site trained to render First-Aid.

**Citation 2 Item 1a      Type of Violation:      Other-than-Serious                      \$125**

**29 CFR 1910.1200(e)(1):** Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following [as adopted by 29CFR 1926.59]:

In that a written hazard communication program has not been developed and implemented to address chemicals employees are exposed to such as but not limited to hydraulic fluid, Ultra Low Sulfur Fuel and DEF (Diesel Exhaust Fluid)

**Citation 2 Item 1b      Type of Violation:      Other-than-Serious                      \$0**

**29 CFR 1910.1200(h)(1):** Employees were not provided effective 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 29CFR 1926.59]:

In that employee(s) working with hydraulic fluid, Ultra Low Sulfur Fuel and DEF (Diesel Exhaust Fluid) were not provided initial hazard communication training.

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