

Struck by boom of excavator – Inspection #1097921

A **59 year old male** employee was fatally injured when he was struck by the boom of an excavator. On the day of the accident, the victim was walking through the scrap yard, talking with, and checking on employees working in the yard. The excavator operator was loading pieces of wood into a roll off dumpster using a John Deere 330 LC Excavator. He was sweeping smaller pieces of wood into a pile, and as he swung the boom from right to left, he struck the victim with the boom of the excavator. The victim had walked within the radius of the excavator, and into the swing path of the boom. By the time the operator saw the victim he was unable to stop the boom before it struck him. During the investigation it was determined, no barricading was used during this operation such as caution tape, cones, or flagging, and at the time of the accident it was raining, causing the windshield of the excavator to be foggy, and limiting the operator’s vision as he was picking up, and loading the wood. In addition, the victim was not wearing a hard hat, and a reflective vest which was required by company policy when walking in the scrap yard. The victim died at the scene.

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

TCA 50-3-105(1)	Each employer did not furnish to each of its employees 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 an employee entered the swing radius of a Deere 330LC excavator without the operator’s knowledge exposing the employee to a struck-by hazards. One feasible and acceptable abatement to correct this hazard would be to barricade the swing radius to warn and prevent employee entrance, as suggested in the Associated of Equipment Manufacturers (AEM) Hydraulic excavators Safety manual for Operating and Maintenance Personnel.
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Citation 1 Item 2

29 CFR 1910.212(a)(1)	One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazard such as those created by pint of operation, ingoing nip points, rotating parts, flying chips and sparks. In that machines in the metal recycling facility were not adequately guarded to prevent employees from having their fingers/hands in the danger zone during the operating cycle in two instances. The guard on the Lipton Hydraulic Alligator Shear was damaged and the pin holding the guard in place was broken, and the 18-inch Jet Vertical Bandsaw was missing an adjustable guard.
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Citation 1 Item 3a

29 CFR 1910.305(b)(1)(ii)	Unused openings in cabinets, boxes, and fittings were not effectively closed. In that employees were exposed to electrical hazards from unused openings in the electrical panel on the southeast side of the facility.
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Citation 1 Item 3b

29 CFR 1910.305(b)(2)(i)	In completed installations, each outlet box did not have a cover, faceplate, or fixture canopy. In that a 120-volt electrical outlets in the tool room used to power battery chargers was missing its cover exposing employees to an electrical hazard.
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Citation 2 Item 1

TDLWD Rule 0800-01-03-.05(1)(a)1	Within eight (8) hours after the death of an employee as a result of a work related incident, the employer did not report the fatality to TOSHA. In that the employer did not report a work related fatality of an employee within 8 hours of learning of the incident.
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Citation 2 Item 2

29 CFR 1910.22(a)(1)	All places of employment, passageways, storerooms, as service rooms were not kept clean and orderly and in a sanitary condition. In that employees were exposed to slip/trip hazards due to areas in the facility not being kept clean and orderly.
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Citation 2 Item 3

29 CFR 1910.157(e)(2)	Portable extinguishers or hose used in lieu thereof under paragraph (d)(3) of this section were not visually inspected monthly. In that monthly inspections were not being performed on portable fire extinguishers.
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Citation 2 Item 4a

29 CFR 1910.1200(e)(1)	Employers did not develop, implement, and maintain at each workplace, a written hazard communication program. In that the employer did not maintain a written hazardous communication program for hazardous chemicals, such as diesel, antifreeze and coolant, hydraulic fluid, and motor oil that was being used in the facility.
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Citation 2 Item 4b

29 CFR 1910.1200(g)(1)	Employers did not have a safety data sheet in the workplace for each hazardous chemical they use. In that the employer did not have safety data sheets (SDS) for hazardous chemicals being used by employees at the facility, such as diesel, antifreeze and coolant, hydraulic fluid, and motor oil.
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Citation 2 Item 4c

29 CFR 1910.1200(h)(1)	The employer did not provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area. In that the employer did not train employees about the hazardous chemicals they were working with, such as diesel, antifreeze and coolant, hydraulic fluid, and motor oil.
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Photo 1 of 2 – This photo shows the Deere excavator the operator was using at the time of the accident.

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Photo 2 of 2 – This photo shows the area where the excavator was being operated (red square). The wood pile (red arrow) on the right was being loaded into a roll off dumpster (red circle) on the left. There was not type of barricading being used to keep employees clear of the boom's swing radius.