

25 Struck by falling tree limb – Inspection #1185048

A **70 year old male** employee was fatally injured when he was struck by a falling tree limb during brush removal. There were no witnesses to the incident. Physical evidence and interviews imply that the victim was using a tractor to push tree limbs and debris from a path before trying to push over a standing tree with the front bucket of a tractor. The victim likely moved vines that were supporting a tree causing a limb to break and fall. The victim was fatally struck in the head and torso by the falling limb. During the investigation, it was determined that a hazard assessment was not conducted prior to the operation, appropriate personal protective equipment was not provided, and training was not provided for safe vegetation removal.

Violation(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.

Violation 1 Item 1

29 CFR 1910.132(d)(1)	The employer did not assess the workplace to determine if hazards were present, or likely to be present, which necessitate the use of personal protective equipment. On 10/12/16, the employer had failed to conduct a workplace assessment to adequately identify the precautions and personal protective equipment (PPE) required for employees who operated a backhoe tractor to clear fallen tree limbs and debris.
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Violation 1 Item 2

29 CFR 1910.266(d)(1)(vi)	The employer did not provide, at no cost to the employee, and/or assure that each employee who worked in an area where there was potential for head injury from falling of flying objects wore had protection meeting the requirements of subpart I of Part 1910. On 10/12/16, the employer did not ensure that employees exposed to falling or flying objects wore hard hats during tree and vegetation removal operations.
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Violation 1 Item 3

29 CFR 1910.266(d)(1)(vii)(A)	The employer did not provide, at no cost to the employee, and ensure that each employee wear eye protection meeting the requirements of subpart I of Part 1910 where there was potential for eye injury due to falling or flying objects. On 10/12/16, the employer provided but did not ensure that each employee exposed to an eye injury due to falling or flying objects were wearing eye protection.
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Violation 1 Item 4

29 CFR 1910.266(d)(2)(i)	The employer did not provide first-aid kits at each work site where trees were being cut, at each active landing, and/or on each employee transport vehicle. On 10/12/16, first aid kits were not provided at the work site where trees were being cut or on each employee transport vehicle.
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Violation 1 Item 5

29 CFR 1910.266(f)(3)(i)	Each tractor, skidder, swing yarder, log stacker, log loader and mechanical felling device, such as tree shears or feller-buncher, placed into initial service after February 9, 1995, was not equipped with falling object protective structure (FOPS) and/or rollover protective structure (ROPS). On 10/12/16, the KUBOTA M70 tractor being used to fell trees was not equipped with a falling object protective structure.
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Violation 1 Item 6

29 CFR 1910.266(h)(1)(vi)	Each danger tree, including lodged trees and snags, was not felled or removed using mechanical or other techniques to minimize employee exposure before work is commenced in the area of the danger tree. On 10/12/16, a lodged or snagged tree was not felled or removed before work began in the area.
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Violation 1 Item 7

29 CFR 1910.266(i)(1)	The employer did not provide training for each employee, including supervisors, at no cost to the employee. On 10/12/16, the employer had not provided annual refresher training to an employee who was exposed to hazardous chemicals such as carbon monoxide (CO) and gasoline fuel.
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Violation 1 Item 8

TDLWD Rule 0800-01-09-.07	Employees were not provided annual refresher training and information as specified in TDLWD Rule 0800-01-09-.07 on hazardous chemicals in their work area. On 10/12/16, the employer had not provided annual refresher training to an employee who was exposed to hazardous chemicals such as carbon monoxide (CO) and gasoline fuel.
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Photo 1 of 1 – Location of back-hoe tractor when victim was fatally struck by a tree limb.