

#### 4 Struck by tree—Insp # 1739406 Legacy Homes

A **46 year old male** employee was **struck by a tree** while clearing trees for a residential building lot during high winds. It was stated that the victim was struck and killed by a tree from an adjacent lot after the wind had blown it down.

TOSHA was notified by the media of a workplace fatality which had not been reported to TOSHA. Following notification, TOSHA conducted research on the incident and contacted officials from the Sheriff's Office for information. Eventually, it was determined that the general contractor involved was Legacy Homes of TN, LLC and the victim had worked for the company for 30 years as a laborer, undertaking various construction-related tasks.

An interview with an employee present at the scene who confirmed that he and the victim arrived at the residential lot around noon but were delayed in their work due to rain and storms in the area. Once the rain ceased, they resumed work with an excavator, pulling trees out of the ground to clear the site for building. It was explained that he operated the excavator and uprooted three trees during the course of the workday. As they were wrapping up for the day and preparing to leave the site, he was in the cab of the excavator and noticed a large tree from an adjacent lot crushing the victim and his personal truck; however, he informed the inspector that he did not actually witness the tree fall on the victim.

Upon seeing the victim trapped beneath the tree, he rushed to assist and called emergency services. The bodycam footage from Sheriff's Office deputies, who were first responders at the scene, depicted the victim trapped beneath the fallen tree, with parts of the tree also crushing the victim's truck.

These officials corroborated reports of strong winds and storms in the area on the day of the incident, as well as the preceding day. They also confirmed the witness's account of events, stating that the wind had most likely caused the tree to fall onto the victim, not work they were performing. The witness to the incident asserted that he had not maneuvered or contacted the tree with the excavator. He clarified that the fallen tree originated from an adjacent lot and was intended to be left undisturbed.

#### **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 1926.100(a):** Employees working in areas where there was a possible danger of head injury from impact, falling or flying objects, or from electrical shock and burns were not protected by protective helmets.

In that employees engaged in tree removal activities and exposed to falling trees and branches were not wearing protective hard hats.

**Citation 2 Item 1**

**Type of Violation: Other-than-Serious**

**\$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 fatality that occurred on April 3, 2024, to TOSHA.

**Citation 2 Item 2**

**Type of Violation: Other-than-Serious**

**\$0**

**29 CFR 1926.50(c):** In the absence of an infirmary, clinic, hospital, or physician that is reasonably accessible in terms of time and distance to the worksite, which is available for the treatment of injured employees, a person who has a valid certificate in first-aid training from the U.S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence, was not available at the worksite to render first aid.

In that there were no first aid-trained and certified persons on site, and the nearest medical facility, Maury Regional Urgent Care, located at 5421 Main St, Spring Hill, TN 3717, was 20.3 miles (approximately 29 minutes) from the work site.

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