



Department of Energy
Washington, DC 20585

July 30, 2025

Mr. Devin Deathridge
President
East Tennessee Mechanical Contractors, Inc.
109 North Bertrand Street
Knoxville, Tennessee 37917

WEL-2025-02

Dear Mr. Deathridge:

The Office of Enforcement has completed an investigation into an August 11, 2023, event that resulted in a subcontractor's injury on the Oak Ridge Reservation (ORR) in Tennessee. At the time, East Tennessee Mechanical Contractors, Inc. (ETMC) had subcontracted the Davey Tree Expert Company, doing business as Cortese Tree Specialists (Davey), to remove hazardous trees on the ORR. During tree removal operations, a Davey chainsaw operator made several cuts from ground level to a 57-foot-long decayed tree limb. After the final cut, a portion of the limb broke apart and struck the worker. The injured worker was hospitalized and later succumbed to their injuries on August 18, 2023.

Based on this investigation, the Office of Enforcement identified concerns with how ETMC executed the task order for the removal of hazardous trees in accordance with applicable law, as required by Title 10 Code of Federal Regulations (C.F.R.) Part 851, *Worker Safety and Health Program* requirements. Specifically, ETMC did not properly document the flow down of its *Environment, Safety & Health Program/851 Worker Safety & Health Plan* (WSHP) to Davey, nor did ETMC require Davey to develop a separate WSHP approved by the Department of Energy (DOE) prior to beginning work. Additionally, ETMC did not complete or require Davey to complete an activity-level hazard analysis or to conduct a pre-job safety briefing with all workers before removing the tree limb, contrary to the WSHP requirements. These actions were not in accordance with Part 851, which applies to subcontractors by operation of law, regardless of whether the requirements are explicitly written into the WSHP. Part 851 further requires contractors¹ to ensure that work is performed in accordance with all applicable requirements of Part 851 and the worker safety and health program for that workplace.

The Office of Enforcement has elected to issue this Enforcement Letter to convey concerns with ETMC's implementation of Part 851 worker safety and health regulatory

¹Title 10 C.F.R. § 851.3(a) defines contractor as any entity, including affiliated entities, such as a parent corporation, under contract with DOE, or a subcontractor at any tier, that has responsibilities for performing work at a DOE site in furtherance of a DOE mission.

requirements. Issuance of this Enforcement Letter reflects DOE's decision not to pursue further enforcement activity against ETMC at this time.

This letter imposes no requirements on ETMC, and no response is required. If you have any questions, please contact me at (301) 903-7707, or your staff may contact Ms. Shannon Holman, Director, Office of Worker Safety and Health Enforcement, at (301) 903-0100.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin M. Keeler". The signature is fluid and cursive, with the first name "Robin" and last name "Keeler" being more prominent than the middle initial "M".

Robin M. Keeler
Acting Director
Office of Enforcement
Office of Enterprise Assessments

cc: Mark Deathridge, East Tennessee Mechanical Contractors, Inc.
Trey Wheeler, SC-OSO