



## Department of Energy

Washington, DC 20585

July 29, 2025

Mr. Timothy J. Regan  
President and Chief Executive Officer  
The Whiting-Turner Contracting Company  
300 East Joppa Road  
Baltimore, Maryland 21286

WEL-2025-05

Dear Mr. Regan:

The Office of Enforcement has completed an investigation into a July 14, 2023, incident, when a worker was seriously injured by a telehandler truss boom attachment during a material handling activity at the Oak Ridge National Laboratory's Translational Research Capability (TRC) project construction site. UT-Battelle, LLC (UT-Battelle) reported the incident into the U.S. Department of Energy (DOE) Noncompliance Tracking System under NTS-SC-OSO-UTB-X10CENTRAL-2023-0010794, dated November 14, 2023. The injured worker was an employee of Engert, LLC (Engert), a subcontractor to The Whiting-Turner Contracting Company (Whiting-Turner). Whiting-Turner was the general contractor to UT-Battelle for the TRC construction project.

The injury occurred when an unsecured 585-pound truss boom attachment (jib) fell from the forks of a telehandler and struck the worker, who was positioned on the roof to receive a load of three carbon steel pipes, each weighing approximately 200 pounds. As the telehandler operator tilted the forks downward to deliver the load, the load shifted, causing the jib to slide off the forks, striking and pinning the worker. The worker's right ankle and pelvis were fractured, leading to 188 days away from work.

Based on this investigation, the Office of Enforcement identified concerns with Whiting-Turner's implementation of 10 Code of Federal Regulations Part 851, *Worker Safety and Health Program* requirements. Specifically, Whiting-Turner did not provide Engert with adequate safety oversight and supervision on the TRC construction project. For example:

- Whiting-Turner did not effectively manage the activity hazard analysis (AHA) process and ensure Engert developed an adequate AHA for the material handling activities. Specifically, Engert did not identify the hazards nor define the necessary controls for the use of the telehandler and jib. Whiting-Turner was required to coordinate, review, and approve Engert's AHA documents and submit them to UT-Battelle for approval before the commencement of work. UT-Battelle and Whiting-Turner had disagreed for over a year about effective management of the AHA review and approval process before the event. However, despite knowledge of UT-Battelle's

concerns, Whiting-Turner did not take appropriate action to effectively address the issue. As a result, neither Whiting-Turner nor UT-Battelle reviewed and approved Engert's pre-task plan and AHA, "Mechanical, Piping, and Ductwork," before the material handling work began on July 14, 2023.

- Whiting-Turner did not confirm that Engert workers were adequately trained and qualified. Specifically, Whiting-Turner did not verify that Engert trained the telehandler operator to use the jib in accordance with manufacturer instructions. Additionally, Whiting-Turner did not verify that Engert trained and qualified the workers who rigged the jib and pipes and the signal person who directed the lift. In fact, the workers were not properly trained or qualified to perform the material handling activity. As a result, the jib was not secured to the telehandler, and the telehandler was not operated in manner consistent with the manufacturer's instructions and safe practice.

The Office of Enforcement acknowledges that Whiting-Turner promptly notified UT-Battelle and cooperated in the investigation and development of a causal analysis and corrective action plan. The Office of Enforcement also recognizes Whiting-Turner's transparency, participation in the investigation, and actions to revise safety programs and strengthen leadership presence and safety oversight at the job site. The Office of Enforcement has concluded that the corrective actions appear to address the underlying causes and should be effective in preventing recurrence.

The Office of Enforcement has elected to issue this Enforcement Letter to convey concerns with the July 14, 2023, material handling incident and worker injury. Issuance of this Enforcement Letter reflects DOE's decision to not pursue further enforcement activity against Whiting-Turner at this time.

This letter imposes no requirements on Whiting-Turner, 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,



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

cc: Stephen Irving, Peckar & Abramson, P.C.  
Trey Wheeler, SC-OSO