

Company Fined in Worker Death

A tree removal company has been fined nearly \$20,000 in Massachusetts after a worker was killed by a falling tree. The Occupational Safety and Health Administration (OSHA) cited Buzzell Tree Service, and Maurice Buzzell, for several serious violations including failure to provide protective equipment and failure to provide appropriate training. Jon LaVigueur, 22, was killed when an 82-foot (25 meter) pine toppled over and landed on him.

KINGSTON: OSHA fines tree removal company after worker's death

**By James A. Kimble
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KINGSTON — Federal safety regulators have fined an East Kingston tree removal company \$19,250, six months after a 22-year-old employee was killed by a falling tree.

The U.S. Department of Labor said Maurice Buzzell, doing business as Buzzell Tree Service, committed seven serious violations that likely played a factor in the death of Jon LaVigueur, 22, of Kingston.

Two other lesser violations cited the company for workplace safety hazards.

Workers were cutting an 82-foot pine tree Aug. 7 outside a home on 15th Street in Kingston when LaVigueur was killed.

One worker used a chain saw to cut into the trunk while LaVigueur and three others began pulling the rope tied to the tree, according to witnesses.

The tree fell toward the men, striking a fleeing LaVigueur in the back. He was a day short of his 23rd birthday.

The two most costly fines, at \$7,000 each, were handed down after federal investigators concluded the crew was not wearing safety helmets and that the workers were positioned so the tree was being pulled toward them.

Safety regulators said Buzzell knew or should have known of the hazards at his work site. Federal citations said he operated the work site with either intentional disregard or indifference to employee safety. The citations addressed work practices and a lack of training and protective equipment for the workers.

Investigators from the Occupational Safety and Health Administration claims Buzzell failed to:

Assess the work area to see if there were hazards that would require workers to wear protective equipment.

Make sure each employee wore foot protection such as heavy-duty logging boots.

Provide first-aid kits at work sites where trees were being cut.

Start chain saws on the ground.

Make sure brakes were engaged on the chain saw when it was started.

Buzzell, of East Kingston, did not return a phone call seeking comment.

A criminal investigation is being conducted.

Yesterday, Rockingham County Attorney James Reams said he could not comment on an open investigation. In August, Kingston police said they began investigating the matter with the help of county prosecutors and state police.

OSHA officials served the citations to Buzzell personally on Feb. 11. As of yesterday, he had not responded to any of the complaints.

Ted Fitzgerald, an OSHA spokesman, said yesterday that Buzzell had 15 business days to notify federal authorities if he will contest the findings or try to settle the case.

If he contests the charges, an independent OSHA review commission would hold a hearing on the matter, Fitzgerald said.