

A **41 year old male** employee was exposed to **COVID-19** while working security over inmates within the facility as a correctional officer. He oversaw the day to day movement and instruction of inmates and was the main employee working with the COVID positive inmate on the South side 3rd floor.

The fatality occurred on April 21, 2020; however, was not reported to TOSHA until January 22, 2021. There had been several reported COVID-19 cases within the Shelby County Sheriff's Department from both employees and inmates who had tested positive. Two of the six employees working with the victim tested positive as well as the inmate he had direct contact with while in the correctional facility. The victim appears to have contracted COVID-19 from that inmate according to Shelby County Sheriff's Department.

The employer was following CDC guidelines such as requiring masks, social distancing, and disinfecting. The Sheriff's Department had policies and procedures in place regarding COVID-19 prior to the fatality; however, several deficiencies in the respirator, hazard communication, and bloodborne pathogen programs were identified. Also, this fatality was not reported within eight hours as required. The employer appeared to be following guidelines as much as possible based on the CDC guidance early in the pandemic.

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.

Violation 1 Item 1

Type of Violation: Serious

\$0

29 CFR 1910.1030(c)(1)(i): The employer having employee(s) with occupational exposure did not establish a written Exposure Control Plan designed to eliminate or minimize employee exposure:

On January 22, 2021, the employer had not developed a written Exposure Control Plan detailing all required elements for the Sheriff's Department. Employees are exposed to blood and OPIM (Other Potentially Infectious Material) while performing their job duties.

Violation 1 Item 2

Type of Violation: Serious

\$0

29 CFR 1910.1030(g)(2)(iv): Annual training for employees with occupational exposure was not provided within one year of their previous training:

On January 22, 2021, the employer did not ensure that employees with occupational exposure had received annual training on Bloodborne Pathogens. The last documented training was in 2017.

Violation 1 Item 3 **Type of Violation: Serious** **\$0**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

On January 22, 2021, the employer had not developed, implemented, or maintained a written Hazard Communication Program. The employees are exposed to BIOVEX, Pura, #10 QUAT, RAZOR CITRUS BREEZE III, and other chemicals.

Violation 1 Item 4 **Type of Violation: Serious** **\$0**

29 CFR 1910.1200(f)(6)(ii): Except as provided in 29 CFR 1910.1200(f)(7) and 29 CFR 1910.1200(f)(8), the employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals and which, in conjunction with the other information immediately available to employees under the hazard communication program, would provide employees with the specific information regarding the physical and health hazards of the hazardous chemical:

On January 22, 2021, the employer did not ensure that the VICTORY and SOLO containers used for sanitation and cleaning were labeled with the identity and hazard warning. QUAT #10 was used in the containers.

Violation 1 Item 5 **Type of Violation: Serious** **\$0**

29 CFR 1910.1200(h)(1): Employees were not provided information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

On January 22, 2021, the employer had not provided initial Hazard Communication training to the employee exposed to BIOVEX, Pura, #10 QUAT, RAZOR CITRUS BREEZE III, and other chemicals.

Violation 2 Item 1 **Type of Violation: Other-than-Serious** **\$0**

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 TOSHA:

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The employer did not notify TOSHA of a work-related fatality within eight hours. The work-related fatality occurred on April 21, 2020 and was not reported to TOSHA until January 22, 2021.