

5 Fall—Insp # 1745860 Certified Maintenance Service Inc

A 67-year-old male employee was assisting coworkers in removing large furniture from an office space in preparation for stripping and waxing the floor. After removal of the furniture, stripper was applied to the floor, by the employees other than the victim. These employees waited for the stripper to complete its contact time in accordance with the chemical's directions. During this time, the victim re-entered the area and slipped on the wet floor, striking his head. The victim was transported to the hospital where he was admitted and succumbed to his injuries 16 days later.

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

\$1750

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

In that employees are exposed to 13 Plus Stripper, a corrosive chemical, when applying it to the floor and the employer did not enforce the use of protective equipment.

Citation 1 Item 2

Type of Violation: Serious

\$1400

29 CFR 1910.151(b): There was neither an infirmary, clinic, or hospital used for the treatment of all injured employees in near proximity to the workplace nor a person or persons adequately trained to render first aid.

In that an adequately trained person was not available to render first aid in the event an employee is injured and the closest medical center is Newport Medical Center, which is approximately a 20 minute drive from the I-40 West Rest Area Mile Marker 425 location.

Citation 1 Item 3

Type of Violation: Serious

\$2450

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use.

In that employees are exposed to chemicals such as: 13 Plus Stripper, Bright Solutions Pink & Mild, and Bright Solutions Fresh & Brite which are category 1 corrosives and the path to the eye wash station was not free of obstructions that inhibited its immediate use; as it was located in the janitor closet behind a locked door.

Citation 2 Item 1

Type of Violation: Other-than-Serious

\$700

TDLWD Rule 0800-01-03-.05(1)(a)2: Within twenty-four (24) hours after the in-patient hospitalization of one or more employees or an employee's amputation or an employee's loss

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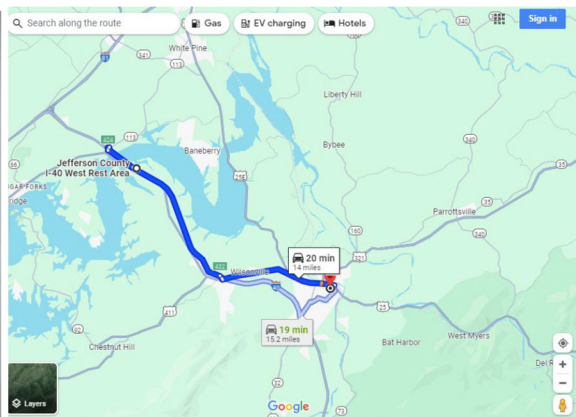
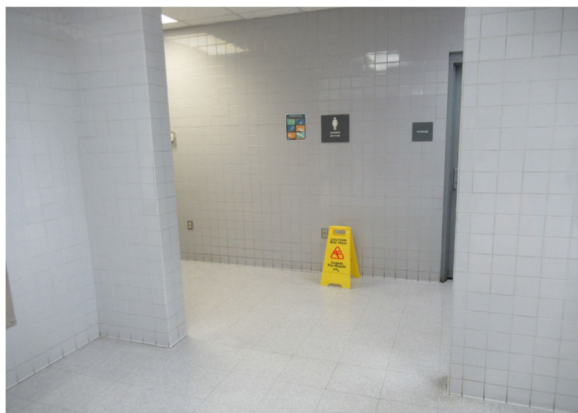
of an eye, as a result of a work-related incident, the employer did not report the in-patient hospitalization, amputation, or loss of an eye to TOSHA.

In that Certified Maintenance Service Inc failed to report the hospitalization of one employee due to a head injury resulting from a fall that occurred on April 17, 2024, to TOSHA until May 03, 2024 when the employee succumbed to his injuries.

Citation 2 Item 2 **Type of Violation: Other-than-Serious** **\$350**

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.

In that a written Hazard Communication Program had not been developed and implemented for the chemicals the employees are exposed to such as but not limited to: 13 Plus Stripper, Bright Solutions Pink & Mild, and Bright Solutions Fresh & Brite.



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