

A **35 year old male** employee was **struck by** a vehicle while picking up litter in the median of I-26 near Blountville.

It was explained that the victim had been working as part of a crew with two other coworkers. It was further explained that since the employer was a contractor with TDOT they are required by contract to adhere to the requirements delineated in the Manual on Uniform Traffic Control Devices (MUTCD).

The crew had placed a road sign to warn motorists of their activity and had then pulled their work truck off into the median to pick up the litter. The truck was equipped with a strobe light.

After they had completed that section, the crew were getting back into the work truck to move to a different location when a motorist left the highway, crossed the shoulder, went into the median, and struck the victim. The motorist then went back onto the highway and fled the scene; the police arrested the driver a few hours later.

During interviews, it was stated that employees were wearing high visibility apparel and had been trained on when and how to place warning signs while working adjacent to highways.

The Kingsport Police Department (KPD) handled this incident as a vehicular homicide, as their investigation appeared to corroborate the version of events previously noted.

### **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.

**Based on the information obtained during the inspection, TOSHA determined that the employer did not violate safety standards regarding this incident; therefore, citations directly related to this incident are not recommended.**

### **Citation 1 Item 1**

**Type of Violation: Other-than-Serious**

**\$400**

**TDLWD Rule 0800-01-03-.03(27)(a):** The log of all work-related injuries and illnesses (OSHA Form 300), and/or the summary of work-related injuries and illnesses, (OSHA Form 300-A), and or the injury and illness incident report (OSHA Form 301) or equivalent forms were not maintained by the establishment:

In that the employer did not maintain the required injury and illness logs (OSHA Form 300) for 2017, 2018, and 2019.

**Citation 1 Item 2a**                      **Type of Violation: Other-than-Serious**                      **\$200**

**29 CFR 1910.1200(e)(1):** Employer had not developed or implemented a written hazard communication program included the requirements outlined in 29 CFR 1910.1200(e)(1)(i) and (e)(1)(ii):

In that three employees were exposed to chemical hazards while working with and around fuel, oil, and grease but the employer did not develop and maintain a written hazard communication program to limit employee exposure.

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

**29 CFR 1910.1200(g)(1):** Employers did not have a safety data sheet in the workplace for each hazardous chemical which they use:

In that three employees were exposed to chemical hazards while working with and around fuel, oil, and grease but the employer did not maintain safety data sheets for those chemicals.

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

**29 CFR 1910.1200(h)(1):** Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

In that three employees were exposed to chemical hazards while working with and around fuel, oil, and grease but the employer did not provide training for safe use of the chemicals.

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