

Two male employees contracted **COVID -19** while working in a warehouse setting. The warehouse has multiple office spaces and a truck bay. The site is an appliance distribution center for Lowes Hardware Stores. The facility stores and distributes washer, dryers, refrigerators, ranges, and accessories from a variety of manufacturers.

On the day of the inspection, engineering and administrative controls to prevent COVID-19 transmission were in place in the facility. Controls included, but were not limited to, plexiglass barriers at each of the desk spaces in the main office, social distancing markers on the floors of the warehouse, hand sanitizer dispensers, air filtration devices, and signage around the facility. Employee desks in office areas were spaced six feet or more apart. Employees wore appropriate PPE, including masks in the proper fashion (over the nose and mouth). In addition, an in-house janitorial service provided daily disinfection of high-touch surfaces, and the employer had the facility's office spaces deep cleaned by contractors on Thursday and Friday evenings.

It was learned that the employer had discontinued employee temperature screening at the facility on May 28, 2021 and relied on employees to self-screen for COVID symptoms prior to coming to work and call out if they were symptomatic or feverish.

Employees of NFI Smyrna worked in three primary areas in the facility: the office areas, of which there were 2; the truck-loading area; and the warehouse itself. The TOSHA inspection found that the affected employees worked primarily in the truck loading area (as spotter-drivers), the warehouse (as pickers and in quality control) and the back office (as supervisors).

Based on interviews, photographs, and documents obtained during the inspection the following conclusions were drawn: between July 14th, 2021 and August 27, 2021 seven employees who worked in the warehouse tested positive for SARS-CoV-2, the virus that causes COVID-19. Two employees, died due to complications with a COVID-19 infection on August 12th, 2021 and August 27, 2021, respectively. Another employee, tested positive for the virus on July 25, 2021 and was hospitalized. Prior to the COVID-19 hospitalizations and fatalities, four additional employees, tested positive for COVID-19.

During the investigation, it was found that a second-shift "picker," had taken personal time to travel to Las Vegas around July 6th 2021 and returned to work on July 7th and left early on July 8th due to feeling symptomatic for COVID-19. He tested positive for COVID-19 on July 9th. The employer did not require him to test or quarantine following out-of-state travel, allowing him to return without a quarantine period which is likely to have resulted in community spread of the SARS COVID-19 virus in the workplace.

According to the CDC guidelines for contact tracing, individuals with COVID-19 are able to spread COVID-19 two days or more before developing symptoms. He was likely infectious on July 7th and 8th, while present at work. Both victims worked with and in close proximity of the

picker. There were no indications of positive exposures outside of work when contract tracing was conducted.

Although the employer followed certain CDC guidelines for preventing the spread of COVID-19 in the workplace and made an effort to ensure the safety of employees, the employer failed to fully implement some key CDC guidelines for preventing the spread of COVID-19 in the workplace; therefore, TOSHA has determined that the hospitalization and fatalities are work related.

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

\$5400

TCA 50-3-105(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees worked in close proximity to each other and were exposed to SARS-CoV-2, the virus that causes the Coronavirus Disease 2019 (COVID-19):

The employer did not develop and implement timely and effective measures to mitigate the spread of SARSCoV-2, the virus that causes Coronavirus Disease 2019 (COVID-19). Between July 9, 2021 and August 1, 2021 seven employees working in close proximity to each other tested positive for COVID-19.

Citation 2 Item 1

Type of Violation: Other-than-Serious

\$700

TDLWD Rule 0800-01-03-.03(27)(b)3: Each recordable injury or illness was not entered on the OSHA 300 Log and/or an incident report (OSHA Form 301 or equivalent) within seven (7) calendar days of receiving information that a recordable injury or illness has occurred:

Each recordable case of COVID-19 was not entered in the OSHA 300 Log within 7 calendar days of the employer receiving information that the recordable illness had occurred.

Citation 2 Item 2

Type of Violation: Other-than-Serious

\$3500

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 the TOSHA Division of the Tennessee Department of Labor and Workforce Development.

Covid-19—Insp # 1550966 National Freight. Inc.

The employer did not report two employee fatalities to the TOSHA Division of the Tennessee Department of Labor and Workforce Development. In August 2021, two employees passed away as a result of work-related confirmed cases of COVID-19.



