

A **63 year old female** employee contracted **COVID-19** while working as a baker in the Kroger Bakery/Deli department. She routinely worked 2p-11p shift by herself baking goods for retail sale.

According to interviews, the victim would often come in contact another employee whose husband had become infected with the COVID-19 virus. The employee then became infected after her husband and tested positive on or about August 20, 2021.

The victim also became ill after being exposed to her co-worker; however, she continued to come into work according to employee interviews. Interviews indicated that the victim became ill at work and left work on August 26 which was her last day working. One employee interview revealed that she had asked the employee several times to seek medical attention prior to her leaving for the day.

The company no longer required temperature checks or symptom screenings for employees prior to allowing them to start their shift. Interviews indicated that employees should self-screen and make the determination on if they were well to report work. However, employee interviews suggested that employees may have come to work sick if they needed the money.

Management explained that the company did not have designated employees assigned to clean each department daily, but every associate in every department was responsible for cleaning their areas. Disinfectants approved by EPA for fighting the COVID-19 virus were available for employees; however, employees in the Deli/Bakery Area were unclear of the company's requirement to clean and disinfect highly touched surfaces.

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

\$2450

29 CFR 1910.141(a)(3)(i): Places of employment were not kept clean to the extent that the nature of the work allowed:

The employer did not ensure that high-touch surfaces in the Deli/Bakery Area including but not limited to door handles, handles/knobs on slicers, touch keypads, all sink handles, telephone keypad(s) were disinfected regularly to reduce the risk of COVID-19 infection.

Citation 1 Item 2a

Type of Violation: Serious

\$2450

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:

The employer did not provide employees with effective training on hazardous chemicals used in the workplace, such as Kayquat II Sanitizer, ECOLAB Chlorinated Spray, ECOLAB Multi-Purpose Disinfectant Cleaner, and ECOLAB Clean In Place Oven Cleaner.

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

TDLWD Rule 0800-01-09-.07: Employees were not provided annual refresher training and information as specified in TDLWD Rule 0800-01-09-.07 on hazardous chemicals in their work area:

The employer did not provide employees with annual refresher training on hazardous chemicals used in the workplace.

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms, service rooms, and walking working surfaces were not kept in a clean, orderly, and sanitary condition:

The back of the store near the Maintenance Shop and Chemical Storage Area were cluttered and congested with carts and boxes of product, which created tripping hazards.

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

29 CFR 1910.305(g)(1)(iv)(B): Flexible cords and/or cables were run through holes in walls, ceilings, or floors:

A black flexible cord was run through a hole in the wall in the Chemical Storage Area.

Citation 2 Item 3a **Type of Violation: Other-than- Serious** **\$700**

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:

The employer failed to maintain an OSHA 301 form or equivalent form for each employee who sustained a work-related injury/illness.

Citation 2 Item 3b **Type of Violation: Other-than- Serious** **\$0**

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TDLWD Rule 0800-01-03-.03(27)(b)2: An incident report (OSHA Form 301 or equivalent) for each work-related injury or illness, was not completed in detail as required by the rule.

The employer failed to document all information required on each OSHA 301 form for each injury/illness sustained in the workplace.



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