

A **28 year old male** employee fell from a 16' ladder while he was working to prepare the exterior of a house to be painted. The ladder slid out from under the victim and he fell approximately 14-15 ft to the concrete slab below. The work site had been active for several months as part of a backyard remodel and home extension.

Employees had been on site for approximately 3 days before the incident occurred. During the three days on site, the employees had repainted portions of the interior of the home and on the day of the incident had begun preparing the exterior of home for painting. On the day of the incident three employees were working to cover the windows and parts of the home with Sherwin Williams Painter's Plastic in order to begin painting the exterior of the home. All three employees were working on the front of the home near the front door, on the front porch. The porch measured approximately 40 feet long by 8 feet wide and approximately 17 feet high. The floor of the front porch was poured, painted concrete. Because the floor's surface was painted, it was very slick.

The victim was working to cover the ceiling of the porch with painter's plastic, securing it in place with painter's tape. To reach the ceiling, he was working near the top of a 16 foot extension ladder that was propped against the front of the home and leaning against the crown molding of the front doorway. The ladder used on the day of the incident was only the top half of a total extension ladder and did not have cleats in place to support the ladder while in use. The employer did not know where the bottom section of the ladder was located. The ladder was also covered in paint, so no identifying marks or labels were visible. While reaching to secure the plastic to the ceiling, the ladder slid out from under him causing him to fall 16 feet to the concrete floor below.

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** **\$1,200**

29 CFR 1926.50(c): A person who has a valid certificate in first-aid training was not available at the worksite to render first-aid.

In that no employees present at the work site were trained in first aid and the nearest medical treatment center available, UT Medical Center, was located approximately 7.2 miles away, with a travel time of approximately

Citation 1 Item 2 **Type of Violation: Serious** **\$4,000**

29 CFR 1926.1053(b)(4): Ladders were used for purposes other than the purposes for which they were designed.

In that only the top half of an incomplete aluminum extension ladder was used without cleats in place, causing the ladder to slide resulting in a fatality.

Citation 1 Item 3 **Type of Violation: Serious** **\$4,000**

29 CFR 1926.1053(b)(7): Ladder(s) that were unsecured or not provided with slip-resistant feet were used on slippery surfaces.

In that an aluminum extension ladder that was not equipped with slip-resistant feet was used on a slick, painted concrete floor without being secured in place resulting in a fatality.

Citation 1 Item 4 **Type of Violation: Serious** **\$1,200**

29 CFR 1926.1053(b)(15): Ladders were not inspected by a competent person for visible defects on a periodic basis and after an occurrence that could affect their safe use.

In that inspections were not performed on the ladders before use, resulting in the top half of an Incomplete aluminum extension ladder was placed into service resulting in a fatality.

Citation 1 Item 5 **Type of Violation: Serious** **\$1,200**

29 CFR 1926.1060(a)(1)(iii): The employer did not ensure that each employee using ladders and stairways had been trained by a competent person in the proper construction, use, placement, and care in handling of all stairways and ladders.

In that the employer did not provide the employees with training on the recognition and avoidance of the hazards associated with working on the top section an extension ladder that was not secured and was positioned on a slippery painted surface and a fatality resulted

Citation 2 Item 1 **Type of Violation: Other-than-Serious** **\$1,500**

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.

In that a workplace fatality that occurred 08/14/20 was not reported to TN OSHA until 08/17/20 which was not within 8 hours after the employer learned of the fatality

Citation 2 Item 2a **Type of Violation: Other-than-Serious** **\$150**

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 the employer did not develop and maintain a written hazard communication program for the substances that were regularly used on site such as: LOXON Extra White Self-Cleaning Acrylic Coating and Super Paint Exterior Acrylic Latex Paint and Primer

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

29 CFR 1910.1200(g)(8): The employer did not maintain in the workplace copies of the required safety data sheets for each hazardous chemical.

In that the employer did not maintain copies of the SDS for the substances used on site such as: LOXON Extra White Self-Cleaning Acrylic Coating and Super Paint Exterior Acrylic Latex Paint and Primer.

Citation 2 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 the employer did not provided the employees with hazardous communication training on the hazardous substances used on site such as: LOXON Extra White Self-Cleaning Acrylic Coating and Super Paint Exterior Acrylic Latex Paint and Primer.

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