

12 Over exposure to methylene chloride - Inspection #1229753

A 21 year old male employee was fatally injured when he was over-exposed by methylene chloride while stripping a bathtub in an apartment home. The employee was working to refinish a bathtub while using a chemical stripper in a closed bathroom with no additional ventilation. The owner had attempted to contact the employee at 12:48pm via text message but did not get a response. When the employees gathered at the on-site garage approximately 4:00pm they realized that no one had been in contact with the victim all day. The owner and two other employees proceeded to the location where the victim was working. When the owner entered the bathroom of the apartment home, the victim was found slumped over bathtub. The victim was wearing a half-mask tight fitting respirator. The victim was transported to the hospital where he was pronounced dead. TOSHA's investigation alleges that the victim was exposed to airborne methylene chloride concentrations in excess of the permissible exposure limit. The employer did not implement feasible engineering controls to eliminate the health hazards of methylene chloride concentrations in the work area nor was proper respiratory protection used.

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 1a

29 CFR 1910.134(e)(1)	The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace
	The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace.

Citation 1 Item 1b

29 CFR 1910.134(f)(2)	The employer did not ensure that an employee using a tight-fitting respirator was fit tested prior to initial use of the respirator, whenever a different respirator face piece was used, and at least annually thereafter.
	The employer did not ensure employees were fit tested prior to initial use of a respirator in the workplace.

Citation 1 Item 1c

29 CFR 1910.1052(c)(1)	The employer did not ensure that no employee(s) was exposed to an airborne concentration of methylene chloride in excess of twenty-five parts per million as an 8-hour TWA.
	The employer did not ensure an employee was not exposed to an airborne concentration of methylene chloride (MC) in excess of twenty-five parts per million (25 ppm) as an 8-hour TWA when using chemical stripper containing MC to refinish a bathtub.

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Citation 1 Item 1d

29 CFR 1910.1052(d)(1)(i)	<p>Where methylene chloride was present in the workplace, the employer did not determine each employee's exposure.</p> <p>The employer did not air sample for employee exposure to methylene chloride (MC) during use of a chemical stripper containing MC.</p>
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Citation 1 Item 1e

29 CFR 1910.1052(d)(2)	<p>The employer did not perform initial monitoring to determine each employee's exposure to methylene chloride.</p> <p>The employer did not perform initial monitoring to determine employee exposure to methylene chloride (MC) during use of a chemical stripper containing MC.</p>
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Citation 1 Item 1f

29 CFR 1910.1052(f)(1)	<p>The employer did not institute and maintain the effectiveness of engineering controls and work practices to reduce employee exposure to or below the permissible exposure limits.</p> <p>The employer did not institute effective engineering controls and work practices to reduce employee exposure to methylene chloride concentrations below the permissible exposure limits.</p>
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Citation 1 Item 1g

29 CFR 1910.1052(g)(2)(i)	<p>The employer did not implement a respiratory protection program in accordance with 29 CFR 1910.134 (b) through (m) (except (d)(1)(iii)), which covers each employee required by 29 CFR 1910.1052 to use a respirator.</p> <p>The employer had not established and implemented a written respiratory protection program with worksite specific procedures when respirators were required to be worn in the workplace.</p>
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Citation 1 Item 1h

29 CFR 1910.1052(g)(3)(i)	<p>The employer did not select and provide to employees, the appropriate atmosphere supplying respirator specified in 29 CFR 1910.134(d)(3)(i)(A) and selected or used half masks.</p> <p>The employer permitted an employee to utilize a half-mask respirator when working with methylene chloride.</p>
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Citation 1 Item 1i

29 CFR 1910.1052(l)(1)	<p>The employer did not provide information and training for each affected employee prior to or at the time of initial assignment to a job involving potential exposure to methylene chloride.</p> <p>The employer did not provide information and training on methylene chloride (MC) when the employee's job involved using MC.</p>
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Citation 1 Item 1j

29 CFR 1910.1052(l)(3)(ii)	<p>Where an employee(s) exposed to airborne concentrations of methylene chloride exceeded or can reasonably be expected to exceed the action level the employer did not inform each affected employee of the quantity, location, manner of use, release, storage, and/or specific operations that could result in exposure to methylene chloride particularly noting where exposures may be above the 8-hour time weighted average permissible exposure limit or the short term exposure limit.</p> <p>The employer did not provide employees exposed to airborne concentrations of methylene chloride that exceeded or can reasonably be expected to exceed the action level with effective training.</p>
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Citation 1 Item 1k

29 CFR 1910.1200(e)(1)	<p>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.</p> <p>The employer had not developed, implemented, and maintained a written hazard communication program which at least described how criteria for labels and other forms of warning, safety data sheets, and employee information and training would be met.</p>
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Citation 1 Item 1l

29 CFR 1910.1200(h)(1)	<p>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</p> <p>The employer did not provide employees with 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</p>
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Citation 2 Item 1

TDLWD Rule 0800-01-03-.05(l)(a)l	<p>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.</p> <p>The employer did not report a fatality of an employee within eight hours</p>
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Photo 1 of 1: View of the bathroom where employee was re-finishing the bathtub using a chemical stripper containing methylene chloride. The victim was found inside the bathroom with both the laundry room and hallway doors closed.