

CAYMAN ISLANDS GOVERNMENT

**DEPARTMENT OF
ENVIRONMENTAL HEALTH (DEH)**



GUIDELINES FOR THE OPERATION

OF:

TOURIST ACCOMMODATION PROPERTIES

(HOTELS, CONDOMINIUMS & GUESTHOUSES)

Revised May 2013

1.0. LAYOUT, DESIGN AND CONSTRUCTION

- 1.1. The layout, design, construction and size of the food preparation areas shall allow for good food hygiene practices and of such to prevent cross contamination.
- 1.2. An adequate number of wash hand basins/sinks suitably designed and located shall be provided in the food preparation area for the washing of hands.
- 1.3. Hand basins/sinks shall be provided with hot and cold potable running water. Provisions shall be made for the cleaning, sanitizing and hygienic drying of hands.
- 1.4. Mechanical airflow from a contaminated source to the food preparation area or any other area must be avoided.
- 1.5. The heat and fume extraction units shall be designed to enable the filters and other parts requiring cleaning to be easily accessible.
- 1.6. Food preparation areas shall be provided with adequate lighting and ventilation in accordance with the SBCCI or Cayman Islands Building Code.
- 1.7. Floors and floor covering in food preparation areas, food storage, toilets and refuse storage areas shall be of non-absorbent material and facilitate easy cleaning.

2.0. FOODS & RAW MATERIAL RECEIVAL/STORAGE

- 2.1. All foods intended for delivery to and from a restaurant shall be transported in well maintained, appropriate and clean vehicles to ensure food safety.
- 2.2. All highly perishable foods shall be kept at appropriate temperatures of 40 °F or below in order to prevent deterioration while in transit, and shall be transferred to the appropriate storage as early as possible after delivery.
- 2.3. Only wholesome food items shall be received and used in the preparation of foods.
- 2.4. All foods shall be clearly labelled to avoid misrepresentation and shall also display a 'use by' date.
- 2.5. No unlabelled, dented, damaged, rusted food containers/packages shall be received or processed in the establishment.
- 2.6. Upon receipt of the wholesome food items, the same shall be stored at the appropriate temperatures in the designated storage areas.
- 2.7. While in storage food items shall be so arranged for easy rotation. i.e. first in first out.
- 2.8. There shall be adequate chilled and cold storage compartments equipped with non-corrosive racks for storage of food items. The units shall be equipped with functional non-mercury thermometers.

2.9. Adequate storage for dry goods shall be provided. The storage areas shall be kept clean and orderly.

2.10. All food items shall be stored not less than 12 inches off the floor, preferably on pallets.

3.0. FOOD PREPARATION AREAS

3.1. Floor surfaces of the food preparation areas shall be constructed of non-slip, impervious material that can be easily cleaned.

3.2. The wall surfaces of the food preparation and dishwashing areas shall be constructed of smooth impervious materials that are resistant to wear and tear. Walls shall be white or light coloured to enable light reflection and sanitation.

3.3. The food preparation areas shall be free of crevices and maintained in a good condition at all times.

3.4. The walls and floor junctions and corners shall be coved/rounded with radii sufficient to facilitate cleaning and promote good sanitation.

3.5. An ample supply of hot and cold water under suitable pressure shall be available.

3.6. All fixtures, cupboards, appliances, equipment and utensils shall be free of damage and shall be maintained in good repair at all times.

3.7. The food contact surfaces of all equipment, appliances and utensils shall be non-toxic, impervious and non-corrosive.

3.8. The food preparation areas shall be equipped with wash sinks for utensils and meats.

3.9. The utensils sink shall be comprised of three compartments for washing, rinsing and sanitizing. The meats and vegetable sinks shall each have two compartments for washing and rinsing.

3.10. All sinks shall have a supply of potable hot and cold water. The minimum temperature of the hot water shall be 110 °F.

3.11. A separate wash sink shall be provided in the food preparation area for the washing of hands only. It shall be supplied with hot and cold running water, antibacterial liquid soap and hand drying disposable towels.

3.12. Separate cutting boards for dairy products, produce and meats shall be provided to reduce the potential for cross- contamination.

3.13. Non-mercury thermometers shall be provided for the monitoring of food temperatures during preparation and storage.

3.14. There shall be separate preparation work surfaces for raw and cooked foods to prevent cross contamination.

3.15. All cooked foods shall be stored in covered containers and maintained at a temperature of 140 °F or above or cooled rapidly and kept in designated refrigerated compartments at a temperature of 40 °F or below.

- 3.16. Equipment and /or utensils such as meat slicers, grinders, trays, trolleys and can openers shall be cleaned and sanitized after each use and at the end of each day's activities.
- 3.17. Deep fryers shall be thoroughly emptied and cleaned and the oil replaced at a minimum of twice per week or more frequently as needed.
- 3.18. Personnel not involved in food preparation shall avoid entering the food preparation areas.
- 3.19. Dishwashers shall be cleaned and sanitized at the end of each day's activities. Water shall be changed for each wash cycle. The water temperature for the wash cycle shall be no less than 180 °F and the rinse wash cycle temperature shall be at least 110 °F.
- 3.20. Non-food contact surfaces of equipment exposed to splash or spills requiring frequent cleaning shall be of a corrosion resistant, non-absorbent and smooth material.
- 3.21. Drainboards, utensil racks and tables used to store soiled/used or clean utensils shall be provided with sufficient space to hold the items that might accumulate during the hours of operation.
- 3.22. All sinks shall be cleaned and sanitized daily or more often as needed.
- 3.23. A separate area shall be provided for the storage of cleaning material and equipment.
- 3.24. A slop sink shall be provided for the sanitary cleaning of mops.
A covered container shall be provided for the storage of soiled aprons, coats and other linen
- 3.25. Garbage shall be kept in non-porous covered containers with plastic liners and shall be emptied when filled. At the end of the day the containers shall be thoroughly washed and sanitized.

4.0. DINING AREA

- 4.1. The floor, walls and ceiling of this area shall be kept clean and maintained in good repair.
- 4.2. There shall be adequate ventilation provided in the dining area in accordance with the SBCCI code.
- 4.3. Furniture shall be constructed of non-toxic material and be maintained in good repair.
- 4.4. All table covering and linen shall be clean and maintained in good condition.
- 4.5. Cold food display cabinets shall be kept at 40 °F or below and equipped with sneeze guards.
- 4.6. Hot food display cabinets and /or steam heaters shall be covered and the food maintained at 140 °F or above.

5.0. FOOD HANDLERS

- 5.1. The proprietor of a food establishment shall ensure that food handlers are supervised and trained in food hygiene practices commensurate with their work activities.
- 5.2. All foods that are handled, stored, packaged, displayed, transported and served shall be protected from contamination.
- 5.3. All food handlers shall observe the rules of good personal hygiene.

6.0. PERSONAL HYGIENE

- 6.1. All persons working in food preparation and handling shall maintain a high standard of personal hygiene and cleanliness and shall wear clean and appropriate clothing.
- 6.2. Any person known or suspected of having an infectious disease or condition such as infected wounds, skin infections, sores or diarrhoea shall not be engaged in the preparation or handling of foods until certified to do so by the Medical Officer of Health or a certified medical practitioner.
- 6.3. No person shall be permitted to smoke in the food preparation areas.
- 6.4. Food handlers shall wash their hands after using the washroom and before commencing food preparation.
- 6.5. Hair restraints/guards, aprons and or coats shall be worn when handling food. Hair, fingernails and hands shall be kept clean at all times. Disposable gloves are encouraged to be used in the food preparation process.
- 6.6. Employees shall not wear jewellery on their arms or hands while preparing foods. *(This does not apply to a plain ring such as a wedding band.)*

7.0. WORKERS HEALTH AND SAFETY

- 7.1. Clear instructions for the use of chemicals, equipment and appliances including Materials Safety Data Sheet (MSDS) shall be readily available to employees.
- 7.2. Chemical storage and disposal shall be in accordance with the manufacturers' instructions.
- 7.3. Employees shall be provided with adequate and appropriate protective eye goggles and or protective clothing to reduce the exposure to unsafe, toxic or harmful substances when using products that may cause harm or injury.
- 7.4. Staff room facilities shall be provided for the employees to change clothing and to eat and rest.
- 7.5. Rooms shall be lighted and ventilated according to SBCCI code. They shall be kept in a clean and sanitary manner at all times.
- 7.6. Records of all accident and injuries to employees shall be kept on a file by the employer and be readily available to the Environmental Health Officer for review.

- 7.7. Staff shall not be subjected to exposure to noise that may cause injury or annoyance without the appropriate noise protective equipment.
- 7.8. Basic training in safety procedures commensurate to the work activities employees are engaged in shall be provided. Essential staff and management shall also be trained in First Aid and CPR techniques.
- 7.9. Clearly visible emergency telephone numbers shall be posted in locations on the premises at all times.
- 7.10. All work areas shall be designed to include protection of workers health and safety. Where appropriate, an eyewash station shall be provided in a suitable location.

8.0 STAFF CHANGE ROOM FACILITIES

- 8.1. Separate change rooms and sanitary facilities shall be provided for both males and females.
- 8.2. Staff change rooms shall be designed and constructed in accordance with the SBCCI and or the Cayman Islands Building Code.
- 8.3. Hand washing facilities shall be equipped with potable hot and cold running water, soap, and disposable paper towels or hot air dryers.
- 8.4. Personal clothing shall only be stored in designated changing room lockers.
- 8.5. Staff rooms shall be kept in a clean, sanitary and orderly manner.
- 8.6. A suitable refuse/garbage receptacle with a plastic liner on the inside shall be provided and emptied daily.

9.0. WATER SUPPLY AND QUALITY

- 9.1. A reliable source of potable water shall be provided at the establishment.
- 9.2. Cisterns shall be constructed of durable, non-corrosive, non-porous material, have tight fitting lids and be screened to prevent the ingress of insects and other foreign matter.
- 9.3. All properties using rainwater (cisterns), as a water source shall have the water quality tested/analysed for the parameters and at a frequency approved by the Department and the results made available to the Department upon request.

10.0 SANITARY FACILITIES

- 10.1. Toilet facilities shall be provided in accordance with the SBCCI and or the Cayman Islands Building Code.
- 10.2. The lavatory sink shall be provided with a potable supply of hot and cold running water, hand sanitizer, paper towels and a refuse/garbage bin.

- 10.3. Covered receptacles with plastic liners shall be provided for waste products and these containers shall be emptied and sanitized daily.
- 10.4. The walls and ceiling of toilet facilities shall be smooth and easy to clean and the floors shall be non-skid, non-porous and easily cleanable.
- 10.5. Toilet facilities shall be kept in good repair and maintained in a sanitary manner.
- 10.6. Toilet facilities shall be adequately lit and ventilated.

11.0 LIQUID WASTE DISPOSAL

- 11.1. All wastewater from the laundry, kitchen and bathrooms shall be directed through an approved plumbing, sewage treatment and disposal system.
- 11.2. Commercial kitchens shall be provided with grease interceptors in accordance with 801.4 of the SBCCI Plumbing Code.
- 11.3. Wastewater from premises shall not be allowed to discharge into or onto the ground, pond, lake or sea in a manner so as to constitute a public health nuisance.
- 11.4. Sewage plants shall be adequately maintained.
- 11.5. Provision shall be made for the disposal of storm water.

12.0 SOLID WASTE STORAGE

- 12.1. Food wastes and other refuse shall not be allowed to accumulate in food rooms.
- 12.2. All containers used for the storage of wastes awaiting collection and removal from the premises shall have a lid, be constructed of a durable material and easy to clean and sanitize.
- 12.3. Refuse storage areas/rooms shall be designed and managed in such a way as to enable them to be kept clean and free from vermin.
- 12.4. The garbage/refuse storage facility shall be located in accordance with Department of Environmental Health guidelines.
- 12.5. Garbage shall be kept in non-porous covered containers with plastic liners and shall be emptied when filled. At the end of the day the containers shall be thoroughly washed and sanitized.

13.0. BUILDING EXTERIOR AND GROUNDS

- 13.1. The exterior of the building(s) shall be free of cracks, discoloration, peeling paint, termite infestation, moulds and mildew or any other condition that detracts from the appearance of the building.
- 13.2. Roof and roof gutters shall be free of leaks, debris and be in good repair.
- 13.3. Steps/walkways/stairways shall be kept free of all obstructions, be of non-slip/skid finished and well lit at all times.
- 13.4. Steps/walkways/stairways shall be constructed in accordance with the SBCCI and Cayman Islands Building Code and the integrity of such construction shall be maintained in a state of good repair.
- 13.5. Steps/walkways/stairways shall be of an even grade with a minimum width of thirty (30) inches.
- 13.6. Steps/walkways/stairways shall be accessible to the physically handicapped persons.

OPEN AREAS/GROUNDS

- 13.7. Shall be clean, well maintained and shall not provide harbourage for rodents and insects.
- 13.8. Shall be free of obstructions likely to cause injury or harm to guests.
- 13.9. Surface and storm water shall be disposed of within the site boundary.
- 13.10. Trees shall be pruned so as not to constitute a nuisance.
- 13.11. Entry areas and parking areas shall be well lit and properly drained.
- 13.12. Access to sewage treatment systems and refuse storage areas shall be free from obstructions.
- 13.13. Derelict vehicles or other abandoned items shall not be stored on the property.

14.0. PEST CONTROL

- 14.1. All garbage shall be kept in leak proof, non-absorbent containers with plastic liners and kept covered with tight fitting lids. The containers shall be cleaned and sanitized daily.
- 14.2. All openings to the exterior of the food preparation/service areas shall be fly proof and the doors leading to and from these areas shall be self-closing.
- 14.3. Every property shall have an effective pest control programme in place for rodents, cockroaches, flies and ants.
- 14.4. Doors to food storage and preparation areas shall be equipped with metal tipped doors.
- 14.5. All overhanging trees shall be trimmed and maintained to prevent ingress of rodents and other vermin.

14.6. All left over food shall be disposed of daily.

15.0. LAUNDRY FACILITIES

15.1. All equipment and appliances shall be maintained in good repair, functional and free from corrosion.

15.2. Adequate provision shall be made for the sanitary storage of clean linen.

15.3. A minimum of 30 -foot candles of lighting shall be provided in the laundry.

15.4. Adequate ventilation shall be provided. Where necessary, heat extraction devices or air conditioning units shall be used.

15.5. Cleaning chemicals and agents shall be properly labelled and stored in original containers. They shall be stored in well-ventilated and secured rooms.

15.6. Wastewater from laundry rooms shall be connected to an approved sewage treatment and disposal system.

15.7. Adequate and appropriate refuse receptacles shall be provided.

16.0. INTERIOR OF ROOMS/APARTMENTS

16.1. Bathrooms located in the centre of buildings shall be provided with mechanical ventilation.

16.2. Walls shall be cleaned and in good repair.

16.3. Ceilings shall be cleaned and in good repair.

16.4. Floor and floor coverings shall be cleaned and in good repair.

16.5. Fixtures (bathtubs, showers, sinks, fans, lights, faucets etc.) shall be clean, free from corrosion, discoloration and in good repair.

16.6. Appliances (stoves, refrigerators, dishwashers, ovens, microwave ovens etc.) shall be clean, free from corrosion, discoloration and in good repair.

16.7. All mildew or mould growth on walls, as well as leaks on, ceilings, bathrooms, kitchen or closets shall be removed / repaired prior to occupancy.

16.8. No insects shall be allowed to infest bedding and bed linen.

16.9. Rooms shall be well ventilated and lighted whether by natural or artificial means.

16.10. All cracked or broken mirrors, glass panes, shall be repaired / substituted before occupancy.

16.11. All stains or grease marks in baths, wash basins, water closets or other sanitary appliances shall be cleaned and removed before occupancy.

16.12. All malfunctioning light fixtures and electrical outlets and fixtures shall be repaired before occupancy.

17.0 SWIMMING POOLS/SPAS/WHIRLPOOL BATHS

17.1. DESIGN AND CONSTRUCTION

17.1.1 The layout, design and construction of swimming pools, spas and whirlpool baths, e.g. Jacuzzis, shall be in accordance with the *Department of Environmental Health Guidelines on Swimming Pools and Spas*.

17.2 POOL SAFETY

17.2.1 The depth of the water in feet shall be plainly and conspicuously marked at or above the waterline on the vertical pool wall and on the top of the coping or edge of the deck or walk next to the pool. Depth markers shall have a minimum height of four inches (4"). Numbers shall be of contrasting colour to the background on which they are applied. The colour shall be of a permanent nature.

17.2.2 Depth markers on the vertical pool wall shall be positioned such that they can be read from the waterside.

17.2.3 Depth markers on the deck shall be within eighteen inches (18") of the water edge and be positioned such that they can be read while standing on the deck facing the water.

17.2.4 Depth markers shall be slip resistant.

17.2.5 Depth markers shall be installed at the maximum and minimum water depths and at all points of slope change.

17.2.6 Depth markers shall be installed at intermediate increments of water depth not to exceed two feet (2'). They must be spaced at a distance of no greater than twenty-five feet (25') intervals.

17.2.7 Depth markers shall be arranged uniformly on both sides of the pool and at both ends of the pool.

17.2.8 Depth markers on irregularly shaped pools shall designate depths at major deviations in shape as well as conform to the foregoing articles.

17.2.9 The pipe system of a swimming pool shall not be shared with other units such as spas or whirlpool baths.

17.2.10 The filter system of every swimming pool shall be equipped with flow meters for re-circulation and backwash measurements, air-release valves on each filter shell top and pressure gauges on influent and effluent lines.

- 17.2.11 The main drain or a six inch (6”) black disk must be clearly visible from the pool/spa deck. The main drain cover must be in good condition with no cracked or broken elements. The maximum flow through the main drain must not exceed the maximum flow for the main drain cover.
- 17.2.12 Every swimming pool shall be provided with a United States Coast Guard approved life ring, eighteen inches (18”) in diameter, or a throwing buoy, to which has been attached a throwing rope with a ¼ inch diameter that is at least as long as two thirds of the maximum width of the pool.
- 17.2.13 Every swimming pool shall be provided with a life pole, or shepherd’s crook type of pole having blunted ends with a minimum length of twelve feet (12’). Safety equipment must be kept in good condition and kept in conspicuous and easily accessible area.
- 17.2.14 Lids to skimming units must be securely fixed to prevent unauthorised access.
- 17.2.15 Every swimming pool shall be provided with permanent steps at the shallow end of the pool.
- 17.2.16 Every swimming pool shall be provided with at least one (1) stepladder with handrails at the deep end of the pool.
- 17.2.17 Every swimming pool shall be provided with a minimum of a Red Cross standard sixteen-unit First Aid Kit or its equivalent.
- 17.2.18 Shower facilities shall be provided in the vicinity of the swimming pool.
- 17.2.19 Plants that do not require excessive amounts of organic fertilizers and or insecticides may be allowed on the pool deck, providing the deck design prohibits contamination of the pool from chemical spray and or runoff.
- 17.2.20 For all pools and spas a pressure gauge is required on the suction side and the pressure side of the pump.

17.3 WARNING SIGNS

- 17.3.1 Swimming pool **WARNING SIGNS** shall be conspicuously displayed so that pool users can easily read them. Signs shall display the following information:
- (i) **“WARNING ! NO LIFEGUARD ON DUTY”** with legible letters at least four inches (4”) high.
 - (ii) **“CHILDREN AND NON-SWIMMERS SHALL NOT USE THE POOL UNLESS ACCOMPANIED BY A RESPONSIBLE ADULT”** shall be stated in legible letters at least two inches (2”) high.
- 17.3.2 Warning signs indicating that the pool/spa is closed must be readily available.

17.3.3 Signs indicating pool opening times and that the use of the pool is prohibited at any other time must be placed in clearly visible locations.

17.3.4 Emergency contact locations and telephone numbers should be posted on Information Signs.

17.4 POOL TESTING

17.4.1 Every swimming pool shall be provided with a kit for measuring the following parameters:

- Chlorine, in the range of 0.5 and 5.0 ppm (mg/L) or other disinfectant levels as used.
- Total Chlorine
- pH, in the range between 6.8 to 8.2
- Total alkalinity
- Calcium hardness.

17.4.2 When chlorine is used, a free chlorine residual of at least 1 ppm (equiv. 1 mg/L) shall be maintained throughout the pool whenever it is opened. A maximum of 5ppm (equiv. 5mg/L) is allowable. Any variance on these limits must result in closure of the pool pending remedial treatment.

17.4.3 The swimming pool water shall be maintained in an alkaline state/condition as indicated at a pH of not less than 7.2 and not more than 8.2.

17.4.4 If for any reason the swimming pool is scheduled to be out of service/commission for any period exceeding three (3) days, it shall be emptied or treated to deter the breeding of mosquitoes. The health and safety of pool users must be ensured during this period. If the pool is emptied you must provide clear and conspicuous signage stating that the pool is out of service and, where possible, prohibit access to the pool area. Provision must be made to prevent persons from falling into the pool.

17.4.5 A daily written maintenance record of all activities of the swimming pool shall be kept and made available for inspection at all times. It shall include the following:

- (i) Free chlorine residual
- (ii) Total Chlorine
- (iii) pH
- (iv) Total alkalinity
- (v) Calcium hardness
- (vi) Date and time tests are performed
- (vii) List and quantities of chemicals added
- (viii) Service dates of pumps, filters etc.
- (ix) Name or identification mark of the person carrying tests e.g. initials.

17.4.6 The pool must be tested on an annual basis and achieve a satisfactory microbiological test result by the Department of Environmental Health prior to recommendation of a licence for tourist accommodation.

17.5 CHEMICAL STORAGE/ PUMP ROOM

- 17.5.1 Chemicals for use in the swimming pool shall be stored and used in accordance with the manufacturer's guidelines.
- 17.5.2 A warning sign shall be affixed to the chemical store stating "DANGER – CHEMICAL STORAGE". The chemical store must be kept locked when not in use. There must be suitable and sufficient ventilation in the chemical store. It must be kept clean and in good order.
- 17.5.3 Personal protective equipment including chemical goggles, liquid impervious gloves and boots must be provided. These must be readily available to pool staff and kept clean and in good order.
- 17.5.4 Material safety data sheets (MSDS) on all pool chemicals must be readily available on site in case of emergency. A copy shall be available in the chemical store.
- 17.5.5 The pump room shall be locked at all times when not in use. The pump room shall not be used as a storage facility.

17.6 REQUIREMENTS FOR SPAS AND WHIRLPOOL BATHS

- 17.6.1 The plumbing system of spas and whirlpool baths shall be separate from swimming pools.
- 17.6.2 The following minimum design criteria must be met for each spa:
- (i) A filtration turnover rate of 30 minutes.
 - (ii) The maximum temperature of the water shall not exceed 104°F (40°C).
 - (iii) The pumping system serving a spa shall have a minimum of two suction orifices. The piping from the suction orifices shall be of the same diameter and the system designed so that neither one of the outlets can be cut out of the suction line by a valve or other means.
 - (iv) All suction orifices shall be equipped with anti-vortex plates.
 - (v) Depth markers shall be posted within eighteen inches (18") of the water's edge.
- 17.6.3 No protrusions, extensions, obstructions or means of entanglement in or adjacent to the facility that could cause a bather to become entrapped or injured are allowed.
- 17.6.4 An emergency shut-off switch must be located close to the spa to stop all circulation.
- 17.6.5 Fifteen-minute timer switches that activate blower pumps should be installed and should be located at a distance that would require the bather to exit the spa to restart the timer.
- 17.6.6 A safety sign indicating the following should be posted near the spa:
- All persons are required to take a cleansing shower before entering the spa.
 - Elderly persons and those suffering from heart disease, diabetes, high blood pressure, or using prescription medications should consult a physician before using a spa.

- No persons suffering from a communicable disease, transmissible in water, shall use the spa.
- Individuals under the influence of alcohol should not use the spa.
- No person should use the spa alone.
- Pregnant women should not use the spa.
- Persons should spend not more than 15 minutes in the spa.
- Children under 12 years old must have adult supervision

17.7 ADDITIONAL REQUIREMENTS FOR HOTELS

- 17.7.1 There must be a designated person responsible for the management of the swimming pool/spa facility. This person must have suitable and sufficient knowledge and/or training in pool/spa water management e.g. to the standard of Certified Pool-Spa Operator (CPO) as defined by the National Swimming Pool Foundation. Where the person responsible is not trained to CPO standard then the hotel must have a contract with a pool operating company with CPO trained staff to verify the management controls used to maintain the safety of the pool facility.
- 17.7.2 A written Emergency Response Plan is required for all swimming pool/spa facilities detailing the type of emergency covered, the layout of the facility, the available first aid equipment, procedures for notifying Emergency Response Agencies (e.g. Ambulance, etc) and the hotel chain of command for dealing with emergencies.
- 17.7.3 The hotel shall provide and maintain an accident-reporting book detailing all accidents involving the pool facility and the result of any investigation into the cause of the accident.