

## U.S. Department of Labor

Occupational Safety and Health Administration  
4407 Bland Road Suite 210, Somerset Park  
Raleigh, NC 27609  
Phone: 919-790-8096 Fax: 919-790-8224



# Notice of Unsafe or Unhealthful Working Conditions

**To:**

U.S. Dept. of Justice-Bureau of Prisons  
Federal Correctional Complex  
Old NC Hwy 75  
P. O. Box 1600  
Butner NC 27509

**Inspection Site:**

Federal Correctional Complex  
Butner NC 27509

**Inspection Number:** 820422**Inspection Date(s):** 01/08/2013 - 01/15/2013**Issuance Date:** 01/30/2013

*The violation(s) described in this Notice is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below*

This Notice of Unsafe and Unhealthful Working Conditions (Notice) describes violations of the Occupational Safety and Health Act of 1970, the Executive Order 12196, and 29 CFR 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters. You must abate to the violations referred to in this Notice by the dates listed unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Notice you request an Informal Conference with the US Department of Labor Area Office at the address shown above.

**Posting** – The law requires that a copy of this Notice be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because the nature of the employer's operations, where it will be readily observable by all affected employees. This Notice must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Notification of Corrective Action** - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of OSHA office issuing the citation and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states the abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that

the violation was corrected during the inspection, no abatement certificate is required for that item.

**Program Responsibilities** - Section 19(a)(1) of the OSH Act requires the head of each Federal agency to comply with applicable occupational safety and health standards. The intent of this section and Executive Order 12196 implemented through 29 CFR 1960.8(b), if you cited for violations of applicable safety and health standards, you have also violated the program element 29 CFR 1960.8(b), which stipulates:

*“The head of each agency shall comply with the Occupational Safety and Health Administration standards applicable to the agency.”*

**All abatement verification documents must contain the following information:** **1)** Your name and address; **2)** the inspection number (found on the front page); **3)** the citation and citation item number(s) to which the submission relates; **4)** a statement that the information is accurate; **5)** the signature of the employer or employer's authorized representative; **6)** the date the hazard was corrected; **7)** a brief statement of how the hazard was corrected; and **8)** a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director within 15 working days after receipt of this Notice. As soon as the time, date, and place of the informal conference have been determined please complete the enclosed “Notice to Employees” and post it where the Notice is posted. During such an informal conference you may present any evidence or views you believe would support an adjustment to the Notice. In addition, bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 7 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [www.OSHA.gov](http://www.OSHA.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES

An informal conference has been scheduled with the Occupational Safety and Health Administration (OSHA) to discuss the Notice of Unsafe or Unhealthful Working Conditions (Notice) issued on 01/30/2013. The conference will be held by telephone or at the OSHA office located at 4407 Bland Road, Suite 210, Somerset Park, Raleigh, NC 27609 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 820422**

Company Name: U.S. Dept. of Justice-Bureau of Prisons

Inspection Site: Federal Correctional Complex, Butner NC 27509

Issuance Date: 01/30/2013

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 4407 Bland Road Suite 210, Somerset Park Raleigh NC 27609**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
**NAME OF COMPANY OFFICIAL**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**TITLE**

**NOTE: 29 USC 666.(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review.



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** U.S. Dept. of Justice-Bureau of Prisons  
**Inspection Site:** Federal Correctional Complex, Butner NC 27509

**Notice 1 Item 1**      Type of Violation: **Serious**

29 CFR 1910.141(a)(5): Enclosed workplace(s) were not so constructed, equipped, and maintained to prevent the entrance or harborage of rodents, insects, or other vermin. A continuing and effective extermination program was not instituted: LSCI:

Where field mice are found inside the building on a daily basis, the employer has not implemented an effective extermination program.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:    03/05/2013

**Notice 1 Item 2**      Type of Violation: **Serious**

29 CFR 1910.1030(d)(3)(iii): The employer did not ensure that appropriate personal protective equipment in the appropriate sizes was readily accessible at the worksite or issued to employees:

Medical Center: The employer did not ensure that nurses are being supplied with nitrile gloves in the proper sizes where a potential exposure to blood, feces and other potentially infectious materials exists.

**ABATEMENT CERTIFICATION REQUIRED**

Date by which Violation must be Abated:    02/26/2013



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** U.S. Dept. of Justice-Bureau of Prisons  
**Inspection Site:** Federal Correctional Complex, Butner NC 27509

**Notice 1 Item 3**      Type of Violation: **Serious**

29 CFR 1910.1030(g)(2)(ix)(C): The employer did not provide a training program to employees who have no prior experience in handling human pathogens. Initial work activities did not include the handling of infectious agents. A progression of work activities were not assigned as techniques are learned and proficiency is developed. The employer did not assure that employees participate in work activities involving infectious agents only after proficiency has been demonstrated:

Butner FCC: On or about 01/08/2013, the employer did not ensure non-medical employees such as, but not limited to secretaries and correctional officers received training and established proficiency regarding the proper collection and handling of regulated waste in the following instances:

- a. How to properly secure, collect and disposed of sharps containers and other regulated waste receptacles.
- b. How to properly operate an EZ-GO when collecting regulated waste receptacles.
- c. How to properly decontaminate transport vans used to move inmates to and from the Butner Correctional Complex.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:    03/05/2013

**Notice 2 Item 1**      Type of Violation: **Repeat**

29 CFR 1910.132(a): Protective equipment was not maintained in a sanitary and reliable condition:

Butner FCC: Personal Protective Equipment (Riot Gear) located in the C4 ready rooms throughout the complex are not being cleaned effectively after each use.



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** U.S. Dept. of Justice-Bureau of Prisons  
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Notice Citation 02, Item 002, 29 CFR 1910.132(a) as required by 29 CFR 1960.8(b): The employer did not ensure riot gear was cleaned and sanitary after each use. The employer was cited for a violation of the same standard on 03/03/2010, Inspection # 313858417, 08/16/2010 of final order/settlement, and was abated by cleaning equipment regularly.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 03/05/2013

**Notice 2 Item 2** Type of Violation: **Repeat**

29 CFR 1910.1030(d)(4)(iii)(A)(1): Contaminated sharps were not discarded immediately or as soon as feasible in containers that are described in sections (i) through (iv) of this section:

General Population Housing Unit: On or about January 08, 2013 and times prior to, disposable razors are discarded in the "Hot Trash" during the one for one exchange of old to new razors and the regular open trash.

Notice Citation 01, Item 002, 29 CFR 1910.1030(d)(4)(iii)(A)(1) as required by 29 CFR 1960.8(b): The employer did not ensure disposable razors were not being discarded in sharps containers. The employer was cited for a violation of the same standard on 05/06/2011, Inspection # 312926017, 06/08/2011 of final order/settlement, and was abated by discarding razors into sharps containers.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 03/05/2013



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** U.S. Dept. of Justice-Bureau of Prisons  
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**Notice 2 Item 3**      Type of Violation: **Repeat**

29 CFR 1910.1030(g)(2)(vii)(G): The bloodborne pathogens training program did not contain information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment:

Butner FMC and LSCI: On or about 01/08/2013, the employer did not ensure correctional officers received specific training on the proper removal decontamination procedures of uniforms following an exposure incident.

Notice Citation 02, Item 004, 29 CFR 1910.1030(g)(2)(vii)(G) as required by 29 CFR 1960.8(b): The employer did not ensure bloodborne specific removal and decontamination training was given to correctional officers. The employer was cited for a violation of the same standard on 03/03/2010, Inspection # 313858417, 08/16/2010 of final order/settlement, and was abated by provided additional training.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:    03/05/2013

**Notice 3 Item 1**      Type of Violation: **Other-than-Serious**

29 CFR 1904.8(a): The employer did not record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (as defined by 29 CFR 1910.1030) as a privacy case (see the requirements for privacy cases in paragraphs 1904.29(b)(6) through 1904.29(b)(9)):

Butner FCC: It was determined through a review of the 2012 OSHA Injury/Illness log that (4) sharps injury cases were not recorded as privacy cases within the last 6 months.



**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 820422  
**Inspection Date(s):** 01/08/2013 -  
01/15/2013  
**Issuance Date:** 01/30/2013



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** U.S. Dept. of Justice-Bureau of Prisons  
**Inspection Site:** Federal Correctional Complex, Butner NC 27509

Date by which Violation must be Abated: Corrected During Inspection

A handwritten signature in cursive script, reading "Kimberley Morton", is written over a horizontal line. The signature is fluid and somewhat stylized.

**Kimberley Morton**

Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
4407 Bland Road Suite 210, Somerset Park  
Raleigh, NC 27609  
Phone: 919-790-8096 Fax: 919-790-8224



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## Notice of Unsafe or Unhealthy Working Conditions

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**To:**  
U.S. Dept. of Justice-Bureau of Prisons  
Federal Correctional Complex  
Old NC Hwy 75  
P. O. Box 1600  
Butner NC 27509

**Inspection Number:** 820743  
**Inspection Date(s):** 01/08/2013 - 01/08/2013  
**Issuance Date:** 01/30/2013

**Inspection Site:**  
Federal Correctional Complex  
P.O. Box 1599  
Butner NC 27509

*The violation(s) described in this Notice is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below*

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**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 820743**

Company Name: U.S. Dept. of Justice-Bureau of Prisons

Inspection Site: Federal Correctional Complex

P.O. Box 1599 Butner NC 27509

Issuance Date: 01/30/2013

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 4407 Bland Road Suite 210, Somerset Park Raleigh NC 27609**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

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Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
**NAME OF COMPANY OFFICIAL**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**TITLE**

**NOTE: 29 USC 666.(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 820743  
Inspection Date(s): 01/08/2013 -  
01/08/2013  
Issuance Date: 01/30/2013



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** U.S. Dept of Justice-Bureau of Prisons  
**Inspection Site:** Federal Correctional Complex  
P.O. Box 1599 Butner NC 27509

**Notice 1 Item 1**      Type of Violation: **Serious**

29 CFR 1910.305(b)(2): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

Nurse Station 5B: A 110v junction conduit box had a 3/8 inch diameter knockout opening. Employees were exposed to live wires.

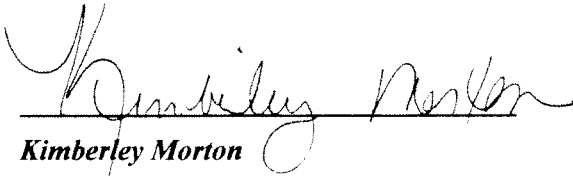
Date by which Violation must be Abated:    Corrected During Inspection

**Notice 1 Item 2**      Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

Nurse Station 5B: Electrical power tap was being used in lieu of fixed wiring to provide electrical power to a refrigerator.

Date by which Violation must be Abated:    Corrected During Inspection

  
\_\_\_\_\_  
**Kimberley Morton**  
Area Director