

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 Hwy 75, P. O. Box 1600
Butner, NC 27509

Inspection Number: 1255973**Inspection Date(s):** 08/14/2017 - 08/16/2017**Issuance Date:** 02/09/2018**Inspection Site:**

Federal Correctional Complex
Old NC Hwy 75, P. O. Box 1600
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

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 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 OSHA Area Office at the address shown above. Please refer to the enclosed publication "Federal Employer Rights and Responsibilities Following an OSHA Inspection" which outlines the appeals procedure for this Notice and which should be read in conjunction with this form.

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 appeal, you must provide abatement certification to the Area Director of the OSHA office issuing the Notice and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the Notice indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must

be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A template abatement certification letter is enclosed with this Notice. In addition, where the Notice indicates that abatement documentation is required, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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 is implemented through 29 CFR 1960.8(b). If you are 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.”

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.

If you are considering a request for an informal conference to discuss any issues related to the Notice, you must take care to schedule it early enough to allow time to appeal after the informal conference should you decide to do so. Please keep in mind that a written letter of intent to appeal must be submitted by the Agency’s National OSH Manager to the OSHA Area Director within 15 business days of your receipt of the OSHA Notice to request that OSHA’s Regional Administrator review the case.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and notice activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this notice. You are encouraged to review the information concerning your establishment at 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 02/09/2018. 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 – FEDERAL AGENCIES

Inspection Number: 1255973

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

Inspection Site: Federal Correctional Complex, Old NC Hwy 75, P. O. Box 1600, Butner, NC 27509

Issuance Date: 02/09/2018

Employer Instruction: List the specific method of correction for each item on the enclosed notices 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.** Failure to submit a timely certification of corrective action may result in a notification to your agency DASHO.

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice 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.

Signature

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: 1255973
Inspection Date(s): 08/14/2017 -
08/16/2017
Issuance Date: 02/09/2018



Notice of Unsafe and Unhealthful Working Conditions

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

Inspection Site: Federal Correctional Complex, Old NC Hwy 75, P. O. Box 1600, Butner, NC 27509

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

29 CFR 1910.22(d)(1): The employer did not ensure that walking-working surfaces were inspected, regularly and as necessary, and maintained in a safe condition:

BOP FCC, FCI I Loading Dock: On or about 08/15/2017, the employer did not ensure forklift operators had a safe working surface to deliver food goods to the institution where the outside pavement approach area to the loading dock was uneven, full of holes, deep cracks and asphalt debris from a crumbling working surface.

ABATEMENT CERTIFICATION REQUIRED

Date by which Violation must be Abated: 03/15/2018

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

Inspection Number: 1255973
Inspection Date(s): 08/14/2017 -
08/16/2017
Issuance Date: 02/09/2018



Notice of Unsafe and Unhealthful Working Conditions

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

Inspection Site: Federal Correctional Complex, Old NC Hwy 75, P. O. Box 1600, Butner, NC 27509

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

29 CFR 1960.8(a): The Agency head did not furnish to each employee employment and a place of employment which was free from recognized hazards that caused, or were likely to cause, death or serious physical harm to employees, in that; employees were exposed to struck-by and crush-by hazards.

BOP FCC, Food Warehouse Bldg.: On or about August 16, and times thereto, Metal tiered storage racks were observed with multiple damaged legs which affect the strength of the structural component.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 03/15/2018



Notice of Unsafe and Unhealthful Working Conditions

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

Inspection Site: Federal Correctional Complex, Old NC Hwy 75, P. O. Box 1600, Butner, NC 27509

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

29 CFR 1960.30(a): The Agency did not ensure prompt abatement of unsafe and unhealthful conditions:

(a) Butner, NC FCC, FCI I Health Services: On or about 08/15/2017, the employer did not ensure prompt corrective action where visible mold and fungal was growth was identified in 2014 and two consultant reports recommended, at a minimum clean to clean all visible fungal growth, clean interior of air handlers on a maintenance schedule, and remove water from air handler and mechanical room floors, to conduct a visual inspection of the HVAC ductwork to identify potential fungal contamination. Employees complaints of health effects linked to mold exposure began prior to 2014 and continued to present.

(b) Butner, NC FCC, FCI I Health Services: On or about 08/15/2017, the employer did not ensure prompt corrective action where visible mold and fungal was growth was plainly visible and persistent roof leaks exist. Employees complaints of health effects linked to mold exposure began prior to 2014 and continued to present.

ABATEMENT CERTIFICATION REQUIRED

Date by which Violation must be Abated: 03/15/2018

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

Inspection Number: 1255973
Inspection Date(s): 08/14/2017 -
08/16/2017
Issuance Date: 02/09/2018



Notice of Unsafe and Unhealthful Working Conditions

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

Inspection Site: Federal Correctional Complex, Old NC Hwy 75, P. O. Box 1600, Butner, NC 27509

Notice 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.303(b)(1)(v): Safety of electrical equipment was not determined by considering heating effects under all conditions of use.

BOP FCC, Unicor Warehouse: On or about 08/15/2017, ceiling light fixtures that were suspended from and plugged into a 600 volt feed rail being used by inmates was not installed to prevent heating effects to the cords and cables.

Date by which Violation must be Abated: Corrected During Inspection

See Pages 1 through 3 of this Notice for information on employer and employee rights and responsibilities.

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

Inspection Number: 1255973
Inspection Date(s): 08/14/2017 -
08/16/2017
Issuance Date: 02/09/2018



Notice of Unsafe and Unhealthful Working Conditions

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

Inspection Site: Federal Correctional Complex, Old NC Hwy 75, P. O. Box 1600, Butner, NC 27509

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

29 CFR 1910.334(a)(2)(ii): Defective or evidence of damage to cords that could have exposed an employee to injury was not removed from service:

Cadre A Housing Area: The outer insulation of the power cord to an electric buffer was damaged and separated. The exposed strands of bare copper wire posed an electrical shock hazard for employees.

The U.S. Department of Justice was previously cited a violation of this occupational safety and health standard in OSHA Inspection #1170381, with respect to a workplace in Pennington Gap, Virginia, which became a final order on March 10, 2017.

Date by which Violation must be Abated: Corrected During Inspection



Notice of Unsafe and Unhealthful Working Conditions

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

Inspection Site: Federal Correctional Complex, Old NC Hwy 75, P. O. Box 1600, Butner, NC 27509

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

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

Medical Center Cadre: A Belkin re-locatable power tap (power strip), designed and listed for use with high concentrations of low powered loads (such as computers, TVs, or other electronics) was instead used with high powered loads (a mini fridge and microwave) and mounted to an interior wall.

The U.S. Department of Justice was previously cited a violation of this occupational safety and health standard in OSHA Inspection number #1170381, with respect to a workplace in Pennington Gap, Virginia, which became a final order on March 10, 2017.

Removed surge protectors from area and plugged into wall outlet.

Date by which Violation must be Abated: Corrected During Inspection

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

Inspection Number: 1255973
Inspection Date(s): 08/14/2017 -
08/16/2017
Issuance Date: 02/09/2018



Notice of Unsafe and Unhealthful Working Conditions

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

Inspection Site: Federal Correctional Complex, Old NC Hwy 75, P. O. Box 1600, Butner, NC 27509

Notice 2 Item 3 Type of Violation: **Repeat**

29 CFR 1910.304(g)(5): The path to ground from circuits, equipment, and enclosures was not permanent, continuous, and effective:

Unicor Warehouse: Employees were using a pedestal fan that was missing a ground pin, exposing them to electrical shock hazards.

The U.S. Department of Justice was previously cited a violation of this occupational safety and health standard in OSHA Inspection number #1091841, with respect to a workplace in Fort Worth, Texas, which became a final order on November 16, 2015.

CORRECTED DURING INSPECTION

Date by which Violation must be Abated: Corrected During Inspection

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

Inspection Number: 1255973
Inspection Date(s): 08/14/2017 -
08/16/2017
Issuance Date: 02/09/2018



Notice of Unsafe and Unhealthful Working Conditions

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

Inspection Site: Federal Correctional Complex, Old NC Hwy 75, P. O. Box 1600, Butner, NC 27509

Notice 2 Item 4 Type of Violation: **Repeat**

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief was provided that would prevent pull from being directly transmitted to joints or terminal screws:

Unicor Warehouse: Failure to remove damaged pedestal fans from service. The power cord strain relief had pulled away from the end plug fitting, exposing internal conductors and creating an electrical shock hazard for employees.

The U.S. Department of Justice was previously cited a violation of this occupational safety and health standard in OSHA Inspection number #1170381, with respect to a workplace in Pennington Gap, Virginia, which became a final order on March 10, 2017.

ABATEMENT CERTIFICATION REQUIRED

Date by which Violation must be Abated: 03/15/2018

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

Inspection Number: 1255973
Inspection Date(s): 08/14/2017 -
08/16/2017
Issuance Date: 02/09/2018



Notice of Unsafe and Unhealthful Working Conditions

Company Name: U.S. Dept of Justice-Bureau of Prisons
Inspection Site: Federal Correctional Complex, Old NC Hwy 75, P. O. Box 1600, Butner, NC 27509

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

29 CFR 1910.28(b)(11)(ii): Each flight of stairs having at least 3 treads and at least 4 risers was not equipped with stair rail systems and handrails as required in Table D-2 of this standard:

BOP FCC, FCI I Health Services Bldg.: On or about 08/16/2017, the employer did not ensure that the exterior stairway to the basement mechanical room where the HVAC system is located was equipped with a mid-rail.

ABATEMENT CERTIFICATION REQUIRED

Date by which Violation must be Abated: 03/15/2018

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

Inspection Number: 1255973
Inspection Date(s): 08/14/2017 -
08/16/2017
Issuance Date: 02/09/2018



Notice of Unsafe and Unhealthful Working Conditions

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

Inspection Site: Federal Correctional Complex, Old NC Hwy 75, P. O. Box 1600, Butner, NC 27509

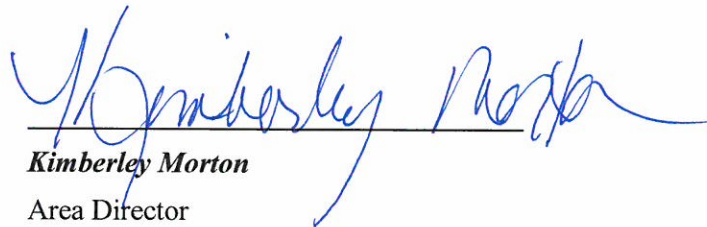
Notice 3 Item 2 Type of Violation: **Other-than-Serious**

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:

BOP FCC: Unicor Warehouse: On or about 8/15/2017, an extension cord that was physically affixed to a metal cage area using zip ties were being used in lieu of fixed wiring to power a small electrical floor fan.

ABATEMENT CERTIFICATION REQUIRED

Date by which Violation must be Abated: 03/08/2018



Kimberley Morton
Area Director