

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: 1256000
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: 1256000

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.

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

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

29 CFR 1910.332(b)(1): Employees were not trained in and familiar with the safety-related work practices required by 1910.331 through 1910.335 that pertained to their respective job assignments:

Outside Landscape, Panel Number C-EP-29-1BUT: On or about August 15, 2017, an inmate was not trained and familiar with electrical safe work practices.

Date by which Violation must be Abated: Corrected During Inspection

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

29 CFR 1910.333(a)(1): Live parts to which an employee was exposed were not de-energized before the employee worked on or near them:

Outside Landscape, Panel Number C-EP-29-1BUT: On or about August 14, 2017, employees were exposed to live electrical equipment operating at 208v-277v.

Date by which Violation must be Abated: Corrected During Inspection



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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 1960.8(a): The Agency head did not furnish to each employee, employment and a place of employment free from recognized hazards that caused, or were likely to cause death or serious physical harm; employees were exposed to crushing hazards.

Facility Grounds: Employees cutting grass with an Exmark Lazer 60" zero turn lawnmower on slopes up to and greater than 15 degrees were not restrained (seatbelted) and protected in case the mower tipped or rolled over.

Among feasible methods of abatement to correct this hazard are:

1. Direct a qualified person to evaluate the terrain and slope conditions to determine where potential hazards exist, and to implement alternate landscaping procedures (such as weed whacking instead of mowing) or the use of specific equipment (such as a high slope mower).
2. Purchase and install a retrofit package of ROPs and seatbelts as offered by the mower manufacturer. Require employees to use the seatbelts and enforce that policy.
3. Provide training to all inmate employees on proper and safe mowing procedures, including safe speeds and distances, and use of landscaping equipment, including the manufacturer's parameters and prohibition, prior to assignment and at the beginning of each mowing season. Enforce such safe operating procedures.
4. Include information (hazards, limitations, etc.) from the equipment manufacturer's operators manual and other relevant references in the initial Job Orientation (IJO) information. Require both supervisor and inmate employee to review the IJO together prior to the start of any job assignment.
5. Operate mowers according to the operator's manual, and only operate those designed for sloped areas on slopes. Ensure those mowers have means of restraint and protection from rollovers.

Date by which Violation must be Abated:

Corrected During Inspection

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

29 CFR 1960.59(a): The Agency did not provide appropriate safety and health training for employees:

Federal Correctional Complex: On or about August 14, 2017, employer did not ensure employees were trained on fall hazards, and in the safe operation of working on energized live parts.

Date by which Violation must be Abated: Corrected During Inspection

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

29 CFR 1910.28(b)(1)(i): Employees on a walking-working surface with an unprotected side or edge that was 4 feet (1.2 m) or more above a lower level was protected from a fall to the lower level.

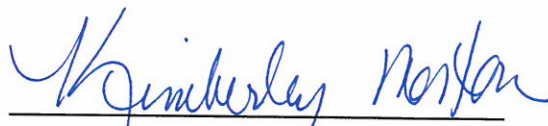
Unicor Warehouse: On or about August 14, 2017, and times there to, employees working from a mezzanine were exposed to a lower level fall hazard of approximately 9.4 ft., in that; no means of fall protection was in use while performing HVAC maintenance.

The U.S. Department of Justice was previously cited a violation of this occupational safety and health standard 29 CFR 1910.23(c)(1), which is contained in OSHA inspection number 1006685, Notice 2 Item 1 and was affirmed as a final order date on April 13, 2015, and was abated.

The U.S. Department of Justice was previously cited a violation of this occupational safety and health standard 29 CFR 1910.23(c)(1), which is contained in OSHA inspection number 1052820, Notice 2 Item 1 and was affirmed as a final order date on June 23, 2015, and was abated.

The U.S. Department of Justice was previously cited a violation of this occupational safety and health standard 29 CFR 1910.23(c)(1), which is contained in OSHA inspection number #913211, Notice 01 Item 1 and was affirmed as a final order date on October 16, 2013, and was abated.

Date by which Violation must be Abated: Corrected During Inspection



Kimberley Morton
Area Director