

U.S. Department of Labor

Occupational Safety and Health Administration
606 N. Carancahua, Suite 700
Corpus Christi, TX 78401
Phone: 361-888-3420 Fax: 361-888-3424



Notice of Unsafe or Unhealthy Working Conditions

To:

Department of Justice - Federal Bureau of Prisons/ FCI
Three Rivers
1700 Hwy 72 West
Three Rivers, TX 78071

Inspection Number: 1102542**Inspection Date(s):** 10/28/2015 - 11/03/2015**Issuance Date:** 03/31/2016**Inspection Site:**

1700 Hwy 72 West
Three Rivers, TX 78071

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 Unhealthy 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 03/31/2016. The conference will be held by telephone or at the OSHA office located at 606 N. Carancahua, Suite 700, Corpus Christi, TX 78401 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: 1102542
Agency Name: Department of Justice - Federal Bureau of Prisons/ FCI Three Rivers
Inspection Site: 1700 Hwy 72 West, Three Rivers, TX 78071
Issuance Date: 03/31/2016

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, 606 N. Carancahua, Suite 700, Corpus Christi, TX 78401.** 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.



Notice of Unsafe and Unhealthful Working Conditions

Company Name: Department of Justice - Federal Bureau of Prisons/ FCI Three Rivers
Inspection Site: 1700 Hwy 72 West, Three Rivers, TX 78071

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.138(a): The employer did not select and require employee(s) to use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasion; punctures; chemical burns; thermal burns; and harmful temperature extremes.

Notice 1, Item 1, 29 CFR 1910.138(a) as required by 29CFR 1960.8(b):

On or about October 28, 2015, and times prior there to, at this facility, the employer did not select and require employees to use puncture resistant gloves while conducting pat down and cell search operations with their hands where the employees can experience puncture wounds from potentially contaminated hidden sharps, such as, but not limited to, knives, razorblades, and tattoo needles.

The employer was cited for a violation of the same standard and the same hazard on January 7, 2015, Inspection 986811, with a settlement date of January 21, 2015.

The employer was cited for a violation of the same standard and the same hazard on July 18, 2014, Inspection 962553, with a settlement date of August 8, 2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 04/21/2016



Notice of Unsafe and Unhealthful Working Conditions

Company Name: Department of Justice - Federal Bureau of Prisons/ FCI Three Rivers
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Notice 1 Item 1b Type of Violation: **Repeat**

29 CFR 1910.138(b): The employer did not base selection of appropriate hand protection on an evaluation of the performance characteristics of the hand protection relative to the tasks to be performed, conditions present, duration of use, and the hazards and potential hazards identified:

Notice 1, Item 1, 29 CFR 1910.138(a) as required by 29CFR 1960.8(b):

On or about October 28, 2015, and times prior there to, at this facility, the employer did not base the selection of hand PPE on the hazards identified in that employees were provided non-puncture resistant gloves to use during pat down and cell search operations, where employees are exposed to puncture wounds from potentially contaminated hidden sharps, such as, but not limited to knives, razorblades, and tattoo needles.

The employer was cited for a violation of the same standard and the same hazard on July 18, 2014, Inspection 962553, with a settlement date of August 8, 2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 04/21/2016

A handwritten signature in blue ink, appearing to read "Travis G. Clark", written over a horizontal line.

Travis G. Clark
Area Director