

## U.S. Department of Labor

Occupational Safety and Health Administration  
17625 El Camino Real  
Suite 400  
Houston, TX 77058  
Phone: 281-286-0583 Fax: 281-286-6352



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# Notice of Unsafe or Unhealthy Working Conditions

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**To:**  
Federal Correctional Complex, Beaumont  
5980 Knauth Road  
Beaumont, TX 77705

**Inspection Number:** 777461  
**Inspection Date(s):** 12/03/2012 - 04/22/2013  
**Issuance Date:** 05/22/2013

**Inspection Site:**  
5980 Knauth Road  
Beaumont, TX 77705

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

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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](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 05/22/2013. The conference will be held by telephone or at the OSHA office located at 17625 El Camino Real, Suite 400, Houston, TX 77058 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:** 777461

Agency Name: Federal Correctional Complex, Beaumont

Inspection Site: 5980 Knauth Road, Beaumont, TX 77705

Issuance Date: 05/22/2013

**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, 17625 El Camino Real, Suite 400, Houston, TX 77058.** 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): \_\_\_\_\_

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

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

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

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

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

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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:** 777461  
**Inspection Date(s):** 12/03/2012 -  
04/22/2013  
**Issuance Date:** 05/22/2013



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** Federal Correctional Complex, Beaumont  
**Inspection Site:** 5980 Knauth Road, Beaumont, TX 77705

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

29 CFR 1910.38(e): 29 CFR 1910.38(e): The employer did not train employees to assist in a safe and orderly evacuation of other employees:

a) At the worksite and on December 3, 2012 and at times prior to, the employer failed to train employees in assisting other employees on how to safely evacuate a building, in that scheduled fire drills were not conducted.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:    05/26/2013

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

**Inspection Number:** 777461  
**Inspection Date(s):** 12/03/2012 -  
04/22/2013  
**Issuance Date:** 05/22/2013



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** Federal Correctional Complex, Beaumont  
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**Notice 1 Item 2**      Type of Violation: **Serious**

29 CFR 1910.37(a)(4): Safeguard(s) designed to protect employees during an emergency (e.g., sprinkler systems, alarm systems, fire doors, exit lighting), were not in proper working order at all times:

a) At the worksite and on December 3, 2012, and at times prior to, the employer did not ensure that safeguards, such as but not limited to smoke evacuations systems, designed to protect employees during emergencies, were in proper working order at all times.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 08/21/2013

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

Inspection Number: 777461  
Inspection Date(s): 12/03/2012 -  
04/22/2013  
Issuance Date: 05/22/2013



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** Federal Correctional Complex, Beaumont  
**Inspection Site:** 5980 Knauth Road, Beaumont, TX 77705

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

29 CFR 1910.36(b)(1): At least two exits routes were not available to permit prompt evacuation of employees during an emergency:

a) At the Federal Correctional Complex in Beaumont, Texas, and in facilities such as, but not limited to, the Low Security Unit, there is only one exit route available for evacuation of the building, thereby exposing employees to fire and smoke hazards.

ABATEMENT NOTE: OSHA will deem an employer demonstrating compliance with the exit-route provisions of NFPA 101, Life Safety Code, 2009 edition, or the exit-route provisions of the International Fire Code, 2009 edition, to be in compliance with the corresponding requirements in 1910.34, 1910.36, and 1910.37 (incorporated by reference, see section 1910.6).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 05/28/2013

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

Inspection Number: 777461  
Inspection Date(s): 12/03/2012 -  
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**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** Federal Correctional Complex, Beaumont  
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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 4a** Type of Violation: **Serious**

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

a) On December 3, 2012 and at times prior to, the employer failed to provide a medical evaluation to employees who are required to use respirators in the workplace.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 06/22/2013



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

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04/22/2013  
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**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** Federal Correctional Complex, Beaumont  
**Inspection Site:** 5980 Knauth Road, Beaumont, TX 77705

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

29 CFR 1910.134(f)(2): The employer did not ensure that an employee using a tight-fitting respirator is fit tested prior to initial use, whenever a different respirator facepiece (size, style, make or model) is used, and at least annually thereafter:

a) On December 3, 2012 and at times prior to, the employer failed to provide fit testing to employees who are required to use tight-fitting respirators in the workplace.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 06/22/2013

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

Inspection Number: 777461  
Inspection Date(s): 12/03/2012 -  
04/22/2013  
Issuance Date: 05/22/2013



**Notice of Unsafe and Unhealthful Working Conditions**

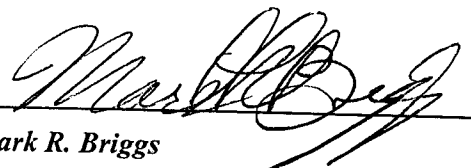
**Company Name:** Federal Correctional Complex, Beaumont  
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**Notice 2 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1904.39(a): The employer did not orally report the death of an employee or the in-patient hospitalization of three or more employees because of a work-related incident:

a) At the worksite and on March 13, 2013, the employer failed to report the work-related fatality of an employee.

Date by which Violation must be Abated: 05/24/2013

  
**Mark R. Briggs**  
Area Director