

## U.S. Department of Labor

Occupational Safety and Health Administration  
4849 North Mesa  
Suite 200  
El Paso, TX 79912  
Phone: 915-534-6251 Fax: 915-534-6259



# Notice of Unsafe or Unhealthful Working Conditions

**To:**  
Federal Correctional Institution La Tuna  
P.O. Box 1000  
Anthony, NM 88021

**Inspection Number:** 922932  
**Inspection Date(s):** 07/25/2013 - 07/25/2013  
**Issuance Date:** 01/09/2014

**Inspection Site:**  
8500 DONIPHAN ROAD  
Anthony, TX 79821

*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](http://www.OSHA.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET – FEDERAL AGENCIES**

**Inspection Number:** 922932

Agency Name: Federal Correctional Institution La Tuna  
Inspection Site: 8500 DONIPHAN ROAD, Anthony, TX 79821  
Issuance Date: 01/09/2014

**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, 4849 North Mesa, Suite 200, El Paso, TX 79912.** Failure to submit a timely certification of corrective action may result in a notification to your agency DASHO.

Notice Number 922932 and Item Number 1 was corrected on 9/18/2013  
By (Method of Abatement): Sun City Analytical Inc. and Environmental Reconditioning.

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]  
\_\_\_\_\_  
**Signature**  
[Title]  
\_\_\_\_\_  
**Title**

1-21-14  
\_\_\_\_\_  
**Date**

**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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Occupational Safety and Health Administration

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**Company Name:** Federal Correctional Institution La Tuna  
**Inspection Site:** 8500 DONIPHAN ROAD, Anthony, TX 79821


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

29 CFR 1910.1001(d)(2)(i): The employer did not perform initial monitoring of employees who were, or could reasonably be expected to be exposed to asbestos airborne concentrations at or above the action level and/or excursion limits:

On or about July 22, 2013, and at times prior thereto, the employer did not perform initial monitoring for employees who were reasonably expected to be exposed to asbestos airborne concentrations at or above TWA permissible exposure limit and or excursion limit. This condition exposed employees to health hazards.

Perform initial monitoring of employees when it is reasonably expected to expose employees to asbestos airborne concentrations at or above TWA permissible exposure limit and or excursion limit.

Date by which Violation must be Abated: 01/22/2014

  
**Joann J. Figueroa**  
Area Director