

U.S. Department of Labor

Occupational Safety and Health Administration
1301 Clay Street
Suite 1080N
Oakland, CA 94612
Phone: 510-637-3800 Fax: 510-637-3846



Notice of Unsafe or Unhealthful Working Conditions

To:
FEDERAL CORRECTIONAL INSTITUTION
DUBLIN
5701 8TH STREET, CAMP PARKS
Dublin, CA 94568

Inspection Number: 1117152
Inspection Date(s): 01/12/2016 - 04/20/2016
Issuance Date: 04/29/2016

Inspection Site:
FEDERAL CORRECTIONAL INSTITUTION
DUBLIN
5701 8TH STREET, CAMP PARKS
Dublin, CA 94568

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 04/29/2016. The conference will be held by telephone or at the OSHA office located at 1301 Clay Street, Suite 1080N, Oakland, CA 94612 on _____ at _____ . Employees and/or representatives of employees have a right to attend an informal conference.

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Inspection Site: FCI DUBLIN 5701 8TH STREET, CAMP PARKS, Dublin, CA 94568

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

29 CFR 1910.132(f)(1)(iii): Employee(s) required to use PPE by this section were not trained to know how to don, doff, adjust, and wear PPE:

Throughout FCI Dublin - The employer did not communicate to correctional officers the proper way to adjust ballistic vests to ensure a proper fit.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 05/25/2016

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

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

29 CFR 1910.132(a): Protective equipment was not maintained in a sanitary and reliable condition:

Throughout FCI Dublin: The ballistic vests provided by the employer were not available to employees in the necessary sizes and were not kept in sanitary condition.

FCI Dublin was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1910.132 (a) which was contained in OSHA inspection number 1064234, notice number 1, item number 1 and was affirmed as a final order on 8/11/15, with respect to a workplace located at 5701 8th Street, Dublin, CA 94568.

Formalize the ballistic vest cleaning schedule, provide information to employees about the vest cleaning schedule and their responsibility to ensure the success of the program, inform employees who in charge of the cleaning program, who to communicate with if there are issues, and evaluate the program periodically to ensure it is working properly. Have a qualified person fit employees with vests to ensure proper fit. If standard vest sizes do not fit an employee other options include purchasing from a different vendor or ordering a custom made vest.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 05/25/2016

A handwritten signature in black ink, appearing to read "David Shiraishi".

David Shiraishi

Area Director

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