



THE CITY OF AUGUSTA

WILLIAM R. BRIDGEO

January 12, 2015

Ms. Pamela D. Megathlin, Director
Bureau of Labor Standards
Workplace Safety and Health Division
45 State House Station
Augusta, ME 04333-0045

Dear Ms. Megathlin,

We received Request No. 306997 on December 24, 2014, related to a workplace inspection conducted by Ms. Tammy Gross in October 2014. The City of Augusta requests a discussion of the proposed penalties, as per the process described in your letter.

We appreciate the professionalism in which Ms. Gross and her staff member conducted the inspection and we welcome the feedback provided, both positive and constructive. Though we do disagree or have concerns with a few of the alleged violations cited in the report, we have elected not to appeal the violations, only the proposed penalties.

The City is committed to providing safe and healthy workplaces for our employees, preventing workplace injuries and illnesses, and meeting regulatory requirements. We are working expediently to correct the deficiencies identified. It is our understanding that we can appeal for an extension of the abatement deadline up until the deadline has passed. Many of the violations have already been addressed, and we will not request an extension unless we determine that the abatement cannot reasonably be completed by the deadline. Copies of the citations will be posted at the sites where the violations were observed as required.

Thank you for your consideration of this request. We look forward to meeting with your staff.

Sincerely,

William R. Bridgeo
City Manager



STATE OF MAINE
 DEPARTMENT OF LABOR
 BUREAU OF LABOR STANDARDS
 WORKPLACE SAFETY AND HEALTH DIVISION
 45 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0045

JEANNE S. PAQUETTE
 COMMISSIONER

PAUL R. LEPAGE
 GOVERNOR

PAMELA D. TAYLOR
 DIRECTOR

December 18, 2014

City of Augusta
 16 Cony Street
 Augusta, Maine 04330

rev'd
JA
 12/24/14
 Copy - Dept. Heads
 File
 HR

Request No. 306997

Dear William Bridgeo:

The Bureau of Labor Standards completed an inspection on 10/15/2014 and workplace conditions were found which violate Occupational Safety and Health rules. SEE: Title 26 MRSA Chapter 6; 29 CFR sections 1910 and 1926. The underlying condition(s) leading to each alleged violation is described in the enclosed citation document. A reference is also given to the appropriate standard to apply. That condition(s) must be corrected by the abatement date indicated, unless you request and receive approval for an extension of that abatement period. Any such request must be filed with this office **before** the original abatement date has passed.

The enclosed citation(s) **will** become a final order fifteen (15) business days from the day it is received, **unless** you file an appeal. You may appeal the violation, the abatement order, **and/or** the proposed penalty.

If you are interested in discussing the proposed penalty, please submit your request in writing to the Bureau of Labor Standards, Workplace Safety and Health Division. To ensure receipt, please send certified mail within the above-stated fifteen (15) business days. We will contact you to schedule the meeting. This discussion will only pertain to the penalty(s) and **not** the violation(s).

Any person aggrieved by this order may file an appeal within fifteen (15) days following receipt of this notice. The appeal must be submitted to the Director of the Bureau of Labor Standards at the address below. To ensure receipt, please send by certified mail. Specifically note which violation(s) and/or penalty is being appealed and the reason for your appeal.

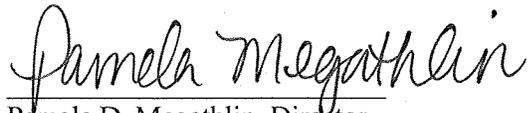
Any final order from the Director of the Bureau of Labor Standards will be stayed during the pendency of any discussion. At the conclusion of any such discussion the Director will, within ten (10) business days, issue a final order and penalty. The order and penalty amount assessed will become final fifteen (15) business days from the day it is issued, unless an appeal is filed.

The total amount of the proposed penalty for the citation(s) is \$ 7,000.00. Checks should be made payable to "Treasurer of the State of Maine" and sent to the Bureau of Labor Standards at the below address. Failure to correct a violation may result in additional penalties of not more than \$1,000.00 per violation, for each day that the violation continues.

A copy of the enclosed citation(s) must be clearly posted at each location referred to in this report.

Within ten (10) business days after the abatement date, the employer must certify to BLS (the agency) that each violation for which a citation was issued has been abated. (See attached sample abatement certification letter.)

The statutory authority for this order is established at Title 26 MRSA, sections 44, 44-A, 45, 46 and 565 et seq. Anyone having questions regarding the enclosed citation(s) may contact the Bureau of Labor Standards, Workplace Safety and Health Division at (207) 623-7923.



Pamela D. Megathlin, Director
Bureau of Labor Standards

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Location Inspected: City Hall
Inspection Number: 168815
Inspected By: Tammy Gross

******* Citation *******

On 10/15/14, an authorized agent of the Bureau of Labor Standards made an inspection at the above location. On the basis of the inspection, the Bureau has determined that the City of Augusta has violated the following rule or rules set by the State Board of Occupational Safety and Health pursuant to Title 26 MSRA, Section 565:

1. 29CFR1910.334(a)(3)(i):

A flexible cord used with grounding type equipment shall contain an equipment grounding conductor.

* Electrical supply and equipment cords designed with a ground pin shall be inspected for damaged or missing ground pins. The following extension cords and equipment cords ground pins were not in place during the inspection:

- Basement department wide storage room - ground pin missing on yellow extension cord.

DEADLINE FOR CORRECTION: 03/30/2015

2. 29CFR1910.305(j)(2)(iv):

A receptacle installed in a wet or damp location shall be suitable for the location.

* Second floor conference room - outlet next to sink was not GFCI protected.

DEADLINE FOR CORRECTION: 03/30/2015

3. 29CFR1910.305(g)(1)(iii):

Flexible cords and cables were used for purposes prohibited by subparagraphs (a) through (e) of this paragraph:

* Power strips in use shall not be plugged into another power strip.

- Spare desk in Clerk / Treasurer's Office - power strip used to power equipment was plugged into another power strip.

DEADLINE FOR CORRECTION: 03/30/2015

4. 29CFR1910.305(a)(2)(i)(b):

Temporary wiring may be used for a period not to exceed 90 days for Christmas decorative lighting, carnivals, and similar purposes.

*Extension cords shall not be used as a substitute for permanent wiring.

- Relocate the equipment that needs the extension cords or install an outlet to eliminate the use of an extension cords.

- Spare desk in Clerk / Treasurer's Office - extension cord used to power equipment.

DEADLINE FOR CORRECTION: 03/30/2015

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RIGHTS OF EMPLOYEES

Any employee or representative of employees who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the Bureau of Labor Standards at Station #45, Augusta, Maine 04333 within 15 working days of the issuance of this citation.

"No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act."

**THIS NOTICE MUST BE POSTED FOR 15 WORKING DAYS AT THE LOCATION
VIOLATION**

Pamela D. Megathlin

Date Issued: 12/18/2014

Pamela D. Megathlin, Director
Bureau of Labor Standards

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Location Inspected: Fire Department
Inspection Number: 168815
Inspected By: Tammy Gross

******* Citation *******

On 10/15/14, an authorized agent of the Bureau of Labor Standards made an inspection at the above location. On the basis of the inspection, the Bureau has determined that the City of Augusta has violated the following rule or rules set by the State Board of Occupational Safety and Health pursuant to Title 26 MSRA, Section 565:

1. 29CFR1910.1200(f)(6):

Workplace labeling. Except as provided in paragraphs (f)(7) and (f)(8) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with either:

- *Unlabeled container of chemical found in gear storage closet.
- Mechanics area - parts cleaning station need to label identifying contents.

DEADLINE FOR CORRECTION: 03/30/2015

2. 29CFR1910.303(b)(1):

Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

- * Damaged or frayed cords, unprotected battery terminals, etc.
- Basement work shop area - Makita 7 1/4" circular saw (Model: 5007NB S/N: 1086503 E 91.7) damaged cord insulation pulled away from cord restraint.
- Basement work shop area - Makita table saw (Model: 2078 S/N: 434798E) damaged cord.
- Mechanics area - Miller Millermatic 135 Wire Welder cord insulation pulled away from the plug.
- Unit 7 Shoreline pigtail - when tested with a Woodhead 1751 tester showed reverse polarity. Abated at the time of inspection.
- * Damaged extension cord found during inspection.
- Leaf blower extension cord - insulation pulled away from plug.

DEADLINE FOR CORRECTION: 03/30/2015

3. 29CFR1910.305(b)(1):

Conductors entering boxes, cabinets, or fittings shall also be protected from abrasion, and openings through which conductors enter shall be effectively closed. Unused openings in cabinets, boxes, and fittings shall be effectively closed.

* All electrical panels and junction boxes need to have all unused openings plugged to prevent accidental contact.

- Hose tower closet breaker panel - open knockout.
- Basement water room - three open knockouts in junction boxes.

DEADLINE FOR CORRECTION: 03/30/2015

4. 29CFR1910.132(d)(1):

The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE).

* The employer must perform a written task-specific hazard assessment for duties performed by employees to determine what Personal Protective Equipment (PPE) they are expected to wear. Examples of tasks and associated hazards requiring PPE assessments but not limited to are:

Fire Dept.: structure fires, vehicle fires, wild land fires, CO calls, using air/power tools (jaws/spreaders), for blood/bodily fluids, motor vehicle accidents, ice/water rescue, traffic control, chemical handling, etc.

EMS: for blood/bodily fluids, sharp objects at vehicle accidents, airborne biohazards, noise hazards, exposure to traffic, chemical handling, etc.

- Current PPE hazard assessment is a quick reference guide that identifies the task and the PPE needed to be worn but does not identify the hazards associated with the tasks.
- Not complete.

DEADLINE FOR CORRECTION: 03/30/2015

5. 29CFR1910.134(f):

PENALTY \$1000.00

Fit testing. This paragraph requires that, before an employee may be required to use any respirator with a negative or positive pressure tight-fitting facepiece, the employee must be fit tested with the same make, model, style, and size of respirator that will be used. This paragraph specifies the kinds of fit tests allowed, the procedures for conducting them, and how the results of the fit tests must be used.

* Employees that are required to wear the N-95 respirators for TB protection must be fit tested for that respirator.

- Fit testing for N95 respiratory protection was not complete at the time of inspection.

DEADLINE FOR CORRECTION: 03/30/2015

6. 29CFR1910.134(g)(1)(i)(A):

The employer permitted respirators with tight-fitting facepieces to be worn by employees who have facial hair that comes between the sealing surface of the facepiece and the face or that interferes with valve function.

* The employer shall not allow the use of a tight fitting face piece where facial hair will come in contact with the face piece seal.

- **Penalty combined with 29 CFR 1910.134(f).**

DEADLINE FOR CORRECTION: 03/30/2015

7. 12-179CMR Ch.7:

SECTION I. APPARATUS DRIVER OPERATING PROCEDURES AND POLICIES:

-All Maine Fire Departments must establish Standard Operating Procedures or Policies (SOPs) for all fire apparatus drivers that, at a minimum, include the following:

- A. All apparatus drivers must possess a valid driver's license.
- B. The Fire Department shall have written SOPs/Policy for:
 - 1. Apparatus driver selection.
 - 2. Annual review of each apparatus driver's motor vehicle driving history from the Department of Motor Vehicles by the Chief.
 - 3. Emergency vehicle response.
 - 4. Use of seatbelts.
 - 5. Backing the apparatus.
 - 6. Apparatus maintenance.
- C. Each emergency fire apparatus must have a proper State of Maine motor vehicle inspection.

SECTION II. APPARATUS DRIVER TRAINING REQUIREMENTS: All Maine Fire Departments must establish training programs for all fire apparatus drivers that, at a minimum, include the following:

- A. A review of all applicable Maine Title 29-A motor vehicle laws.
- B. Apparatus drivers must complete an Emergency Vehicle Operations Course (EVOC), or attend Commercial Driver License (CDL) training or other training that meets National Fire Protection Association (NFPA) 1002 training for drivers.
- C. Apparatus drivers must have a general knowledge of the specific vehicle(s), equipment and their proper operation.
- D. Apparatus drivers' skills must be evaluated on each vehicle they will drive using a skills evaluation form such as: Bureau of Labor Standards (BLS), Volunteer Fireman Insurances Services (VFIS), Maine Municipal Association (MMA) or other.
- E. Apparatus drivers' skills must be assessed every 3 years.

SECTION III. APPARATUS DRIVER APPROVAL:

-Apparatus drivers must be approved by the Chief.

SECTION IV. APPARATUS DRIVER TRAINING RECORDS:

-Individual apparatus driver training records must be maintained for duration of the individual's employment plus 6 years.

* Need to add the following elements to the driver's SOP: driver selection, DMV checks and vehicle maintenance.

- The fire chief need to sign off on all operator clearance forms. The deputy chief is currently signing off on driver clearance forms.
- The department has not completed the following components of 12-179CMR Chapter 7:
- Engine 2 and Ladder 1 did not have a valid State of Maine inspection stickers.
- Driver skills evaluations - operators need to cleared on all apparatus they will be tasked to operate. Currently operators are not being cleared on Engine 3 and Engine 1.

DEADLINE FOR CORRECTION: 03/30/2015

8. 29CFR1910.213(c)(1):

Circular hand-fed rip saw(s) were not guarded by an automatically adjusting hood which completely enclosed that portion of the saw above the table and above the material being cut:

* Hand-fed table saws shall be guarded by a hood which shall completely enclose that portion of the saw above the table and that portion of the saw above the material being cut.

- Basement work shop area - Makita table saw (Model: 2078 S/N: 434798E) - missing hood guard.

- Ridgid table saw (Model: TS2400-1 S/N: U072060861) - missing hood guard.

DEADLINE FOR CORRECTION: 03/30/2015

RIGHTS OF EMPLOYEES

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"No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act."

**THIS NOTICE MUST BE POSTED FOR 15 WORKING DAYS AT THE LOCATION
VIOLATION**

Pamela D. Megathlin

Date Issued: 12/18/2014

Pamela D. Megathlin, Director
Bureau of Labor Standards

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Location Inspected: Hatch Hill
Inspection Number: 168815
Inspected By: Tammy Gross

******* Citation *******

On 10/15/14, an authorized agent of the Bureau of Labor Standards made an inspection at the above location. On the basis of the inspection, the Bureau has determined that the City of Augusta has violated the following rule or rules set by the State Board of Occupational Safety and Health pursuant to Title 26 MSRA, Section 565:

1. 29CFR1910.110(b)(6)(vi):

Readily ignitable material such as weeds and long dry grass shall be removed within 10 feet of any container.

* Universal Waste building - vegetation growing under and around propane tank.

DEADLINE FOR CORRECTION: 03/30/2015

2. 29CFR1910.36(h)(3):

The outdoor exit route must be reasonably straight and have smooth, solid, substantially level walkways.

* Compactor Building rear exit - large ruts in mud were part of the discharge route. Part of the discharge route travels in the same path as large earth moving equipment stored in the compactor building. A discharge route the same width as the door shall be maintained.

DEADLINE FOR CORRECTION: 03/30/2015

3. 29CFR1910.23(c)(1):

Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides.

* A railing and toe board shall be in place where openings in a floor or platform expose employees or objects to a fall of 4 feet or greater.

- Roll-off containers for recycled material sorting - railings currently in place on one side are not adequate protection for the nine foot fall to the ground below. Railing measures 26 3/4" in height and there are several areas where protection is non-existent.

DEADLINE FOR CORRECTION: 03/30/2015

4. 29CFR1910.23(c)(3):

Standard railing(s) and toeboard(s) were not provided on open-sided floor(s), walkway(s), platform(s), or runway(s), adjacent to or above dangerous equipment:

* Pump pits for Leachate Pond - With pump pit covers open and manhole covers removed, employees use a sampling device (dip cup on a long handle) to collect samples of leachate for testing. No railings are in place during this activity. A fall into the pit or manholes would be approximately 15 feet.

DEADLINE FOR CORRECTION: 03/30/2015

5. 29CFR1910.1200(j)(1):

Employers shall train employees regarding the new label elements and safety data sheets format by December 1, 2013.

* Globally Harmonized System (GHS) training not complete.

DEADLINE FOR CORRECTION: 03/30/2015

6. 29CFR1910.1200(b)(4)(i):

Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

*Compactor Building - unable to identify contents two 55-gallon drums due to worn / damaged labels.

DEADLINE FOR CORRECTION: 03/30/2015

7. 29CFR1910.1030(h)(1)(ii)(B):

A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability of receive vaccination as required by paragraph (f)(2).

* Documentation of the Hepatitis shot series or signed waivers of declination were not complete for all employees identified in employer's written Exposure Control plan.

- Penalty combined with Recreation Department 29 CFR 1910.1030(g)(2)(iv).

DEADLINE FOR CORRECTION: 03/30/2015

8. 29CFR1910.1030(g)(2)(iv):

Annual training for employees with occupational exposure was not provided within one year of their previous training:

* The annual training for employees who may be exposed to blood or other potentially infectious material was not completed. Training must be on the employer's own specific written plan.

- Annual training was not complete for all employees.

- Penalty combined with Recreation Department 29 CFR 1910.1030(g)(2)(iv).

DEADLINE FOR CORRECTION: 03/30/2015

9. 29CFR1910.1030(c)(1)(iv):

The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

- * The employer shall annually review the written details of the Exposure Control plan and make changes, if necessary, prior to the annual training.
- Last annual review of the written program was September 2013.

DEADLINE FOR CORRECTION: 03/30/2015

10. 29CFR1910.303(b)(1)(ii):

Mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection thus provided.

- * Mechanical strength and durability for parts designed to enclose and protect other equipment.
- East pump station electrical breaker panel - exposed wires in panel.

DEADLINE FOR CORRECTION: 03/30/2015

11. 29CFR1910.212(a)(3)(ii): PENALTY \$1000.00

Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

- * The point of operation on a piece of machinery shall be guarded by a fixed or removable shield to prevent contact with moving parts.
- Recycling Building vertical baler - the magnetic safety switch was bypassed by placing a magnet over the safety switch allowing the baler to operate with the door (guard) in the up position. Safety switches shall not be bypassed.
- A ramp with high sides is placed in front of the baler allowing bulk loading of plastic jugs into the baler. There was a gap between the baler and the high sides of the ramp approximately 4 inches on the operators side (front right side of the baler) and the opposite side of the baler (front left side of the baler) in which an employee could place their hands in the point of operation.

DEADLINE FOR CORRECTION: 03/30/2015

12. 29CFR1910.178(q)(7):

Industrial trucks shall be examined before being placed in service, and shall not be placed in service if the examination shows any condition adversely affecting the safety of the vehicle. Such examination shall be made at least daily. Where industrial trucks are used on a round-the-clock basis, they shall be examined after each shift. Defects when found shall be immediately reported and corrected.

* Powered industrial trucks must be inspected at regular intervals for any condition adversely affecting the safety of the vehicle following the manufacturer's recommendations.

- Daily inspections were not complete at the time of inspection.

DEADLINE FOR CORRECTION: 03/30/2015

13. 29CFR1910.178(l)(4)(iii): PENALTY \$1000.00

An evaluation of each powered industrial truck operator's performance shall be conducted at least once every three years.

* Employer did not evaluate the performance and competency of the powered industrial truck operator every three years by hands-on visual testing to assure safe performance.

DEADLINE FOR CORRECTION: 03/30/2015

14. 29CFR1910.178(l)(1)(i):

Safe Operation: The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l).

* The required training for powered industrial trucks was not completed for all operators.
- Training was not complete at the time of inspection.

Abated - training was schedule for and completed on October 29, 2014.

- **Penalty combined with 29 CFR 1910.178(l)(4)(iii).**

DEADLINE FOR CORRECTION: 03/30/2015

15. 29CFR1910.147(c)(7)(iv):

The employer had not certified that employee training had been accomplished and kept up to date.

* The training for energy control (lockout/ tag out) was not completed. Training must involve a review of the employer's own written equipment specific energy isolation procedures.

- Penalty combined with Public Works 29 CFR 1910.147(c)(7)(iv).

DEADLINE FOR CORRECTION: 03/30/2015

16. 29CFR1910.147(c)(4)(i):

Procedures shall be developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section.

* The employer must develop written, task specific, lockout/tag out procedures per equipment type. Equipment and machinery requiring equipment specific procedures are, but not limited to:

- Vertical plastics bailer and horizontal card board compactor.

- Penalty combined with Public Works 29 CFR 1910.147(c)(7)(iv).

DEADLINE FOR CORRECTION: 03/30/2015

17. 29CFR1910.132(f)(1):

Training. The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least when and what PPE is necessary.

* Training on the employer's own written Personal Protection Equipment (PPE) assessment, was not complete for all staff.

DEADLINE FOR CORRECTION: 03/30/2015

18. 29CFR1910.132(d)(1):

The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE).

* The employer must perform a written task-specific hazard assessment for duties performed by employees to determine what Personal Protective Equipment (PPE) they are expected to wear. Examples of tasks and associated hazards requiring PPE assessments but not limited to are:

Transfer Station: protection from broken glass or sharp metal, protection from chemical or unknown substance spills (used batteries, fluorescent lights), protection from noise hazards, operating glass crushing equipment, etc.

- Not complete.

DEADLINE FOR CORRECTION: 03/30/2015

19. 29CFR1910.132(a):

Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever, it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

* Roll-off containers for recycled material sorting - wooden covers are placed on top of the roll-off containers to help with keeping the elements out and to evenly load the container. Employees walk on the covers to grab a rope to open different sections, to put the covers back in place, shovel snow and to place a tarp over the newspaper container. When employees perform these tasks they are in proximity of the edge of the container and could fall 9 feet to the ground or 8 ½ feet inside the container. The employer must provide a place free of hazards, fall protection, guardrails or other barriers could aid in protecting employees from falls at dangerous height when employees perform specific job tasks.

DEADLINE FOR CORRECTION: 03/30/2015

20. 29CFR1910.110(d)(10):

Precautions were not taken to prevent damage to LP gas system(s) from vehicular traffic:

- * The LP tanks must be protected from vehicular damage.
- Universal Waste building - propane tank next to roadway needs barricades to prevent vehicular damage.

DEADLINE FOR CORRECTION: 03/30/2015

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RIGHTS OF EMPLOYEES

Any employee or representative of employees who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the Bureau of Labor Standards at Station #45, Augusta, Maine 04333 within 15 working days of the issuance of this citation.

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**THIS NOTICE MUST BE POSTED FOR 15 WORKING DAYS AT THE LOCATION
VIOLATION**

Pamela D. Megathlin

Date Issued: 12/18/2014

Pamela D. Megathlin, Director
Bureau of Labor Standards

Enf_rpt.doc

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Location Inspected: Lithgow Library
Inspection Number: 168815
Inspected By: Tammy Gross

******* Citation *******

On 10/15/14, an authorized agent of the Bureau of Labor Standards made an inspection at the above location. On the basis of the inspection, the Bureau has determined that the City of Augusta has violated the following rule or rules set by the State Board of Occupational Safety and Health pursuant to Title 26 MSRA, Section 565:

1. 29CFR1910.303(g)(1)(i):

Working clearances. Except as required or permitted elsewhere in this subpart, the dimension of the working space in the direction of access to live parts operating at 600 volts or less and likely to require examination, adjustment, servicing or maintenance while alive may not be less than indicated in Table S-1. In addition to the dimensions shown in Table S-1, workspace may not be less than 30 inches wide in front of the electric equipment. Distances shall be measured from the live parts if they are exposed or from the enclosure front or opening if the live parts are enclosed. Concrete, brick, or tile walls are considered to be grounded. Working space isn't required in back of assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts such as fuses or switches on the back and where all connections are accessible from locations other than the back.

- * All electrical panels and disconnects need a clear work space of 36 inches.
- Basement LBG breaker panel - panel blocked by stored items.

DEADLINE FOR CORRECTION: 03/30/2015

2. 29CFR1910.305(a)(2)(i)(b):

Temporary wiring may be used for a period not to exceed 90 days for Christmas decorative lighting, carnivals, and similar purposes.

- *Extension cords shall not be used as a substitute for permanent wiring.
- Relocate the equipment that needs the extension cords or install an outlet to eliminate the use of an extension cords.
- Basement children's area near circulation desk - use of an extension cord to power a stereo.

DEADLINE FOR CORRECTION: 03/30/2015

3. 29CFR1910.303(b)(1)(ii):

Mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection thus provided.

* Mechanical strength and durability for parts designed to enclose and protect other equipment.

- Basement LBG breaker panel - opening at the bottom of the panel.

DEADLINE FOR CORRECTION: 03/30/2015

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RIGHTS OF EMPLOYEES

Any employee or representative of employees who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the Bureau of Labor Standards at Station #45, Augusta, Maine 04333 within 15 working days of the issuance of this citation.

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**THIS NOTICE MUST BE POSTED FOR 15 WORKING DAYS AT THE LOCATION
VIOLATION**

Pamela D. Megathlin

Date Issued: 12/18/2014

Pamela D. Megathlin, Director
Bureau of Labor Standards

Enf_rpt.doc

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Location Inspected: Old Fort Western
Inspection Number: 168815
Inspected By: Tammy Gross

******* Citation *******

On 10/15/14, an authorized agent of the Bureau of Labor Standards made an inspection at the above location. On the basis of the inspection, the Bureau has determined that the City of Augusta has violated the following rule or rules set by the State Board of Occupational Safety and Health pursuant to Title 26 MSRA, Section 565:

1. 29CFR1910.303(g)(2)(ii):

Enclosures or guards for electric equipment in locations where it would be exposed to physical damage were not arranged and of a strength to prevent such damage to the equipment:

- * All exposed light bulbs 8 feet or less from a working surface, or where tools/equipment could make contact, must be protected by guards.
- Basement - need bulb guards for light fixtures.
- Museum Store - closet under stairs light fixture needs a bulb guard.

DEADLINE FOR CORRECTION: 03/30/2015

2. 29CFR1910.334(a)(2)(ii):

If there is a defect or evidence of damage that might expose an employee to injury, the defective or damaged item shall be removed from service, and no employee may use it until repairs and tests necessary to render the equipment safe have been made.

- * Damaged equipment and / or extension cords shall be removed from service until repaired and tested safe.
- Central and south attic space - orange extension cord was found damaged.
- Central and south attic space - Makita bench saw cord was found damaged.

DEADLINE FOR CORRECTION: 03/30/2015

3. 29CFR1910.213(c)(1):

Circular hand-fed rip saw(s) were not guarded by an automatically adjusting hood which completely enclosed that portion of the saw above the table and above the material being cut:

* Hand-fed table saws shall be guarded by a hood which shall completely enclose that portion of the saw above the table and that portion of the saw above the material being cut.

- Central and south attic space - Delta 10 inch bench saw missing blade guard.

DEADLINE FOR CORRECTION: 03/30/2015

4. 29CFR1910.305(a)(2)(i)(b):

Temporary wiring may be used for a period not to exceed 90 days for Christmas decorative lighting, carnivals, and similar purposes.

*Extension cords shall not be used as a substitute for permanent wiring.

- Relocate the equipment that needs the extension cords or install an outlet to eliminate the use of an extension cords.

- Museum Store - using an extension cord to power freezer and fan.

DEADLINE FOR CORRECTION: 03/30/2015

RIGHTS OF EMPLOYEES

Any employee or representative of employees who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the Bureau of Labor Standards at Station #45, Augusta, Maine 04333 within 15 working days of the issuance of this citation.

"No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act."

**THIS NOTICE MUST BE POSTED FOR 15 WORKING DAYS AT THE LOCATION
VIOLATION**

Pamela D. Megathlin

Date Issued: 12/18/2014

Pamela D. Megathlin, Director
Bureau of Labor Standards

Location Inspected: Parks, Cemeteries, Trees and Landscape
Inspection Number: 168815
Inspected By: Tammy Gross

******* Citation *******

On 10/15/14, an authorized agent of the Bureau of Labor Standards made an inspection at the above location. On the basis of the inspection, the Bureau has determined that the City of Augusta has violated the following rule or rules set by the State Board of Occupational Safety and Health pursuant to Title 26 MSRA, Section 565:

1. 29CFR1910.303(g)(2)(ii):

Enclosures or guards for electric equipment in locations where it would be exposed to physical damage were not arranged and of a strength to prevent such damage to the equipment:

- * All exposed light bulbs 8 feet or less from a working surface, or where tools/equipment could make contact, must be protected by guards.
- Cement Building - burial room light fixture needs bulb guards.

DEADLINE FOR CORRECTION: 03/30/2015

2. 29CFR1910.147(c)(7)(iv):

The employer had not certified that employee training had been accomplished and kept up to date.

- * The training for energy control (lockout/ tag out) was not completed. Training must involve a review of the employer's own written equipment specific energy isolation procedures.
- Not complete.

- Penalty combined with Public Works 29 CFR 1910.147(c)(7)(iv).

DEADLINE FOR CORRECTION: 03/30/2015

3. 29CFR1910.132(f)(1):

Training. The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least when and what PPE is necessary.

* Training on the employer's own written Personal Protection Equipment (PPE) assessment, was not complete for all staff.

DEADLINE FOR CORRECTION: 03/30/2015

4. 29CFR1910.132(d)(1):

The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE).

* The employer must perform a written task-specific hazard assessment for duties performed by employees to determine what Personal Protective Equipment (PPE) they are expected to wear. Examples of tasks and associated hazards requiring PPE assessments but not limited to are:

Parks: operating grounds maintenance equipment, work in and around the roadway, cutting torches, chemical handling, blood/bodily fluid exposure, using wood working power and hand tools, protection from equipment or portable tool noise, working at elevated heights, etc.

- Not complete.

DEADLINE FOR CORRECTION: 03/30/2015

5. 29CFR1910.67(c)(2)(ii):

Only trained persons shall operate an aerial lift.

* Training was not complete for all employees that would use the bucket truck.

DEADLINE FOR CORRECTION: 03/30/2015

6. 29CFR1910.305(b)(2)(i):

All pull boxes, junction boxes, and fittings shall be provided with covers identified for the purpose. If metal covers are used, they shall be grounded. In completed installations, each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

* All outlets and light switches shall have suitable covers to prevent accidental contact with energized conductors.

- Cement Building - burial room outlet needs a cover.

DEADLINE FOR CORRECTION: 03/30/2015

7. 29CFR1910.1030(h)(1)(ii)(B):

A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability of receive vaccination as required by paragraph (f)(2).

* Documentation of the Hepatitis shot series or signed waivers of declination were not complete for all employees identified in employer's written Exposure Control plan.

- **Penalty combined with Recreation Department 29 CFR 1910.1030(h)(1)(ii)(b).**

DEADLINE FOR CORRECTION: 03/30/2015

8. 29CFR1910.1030(g)(2)(iv):

Annual training for employees with occupational exposure was not provided within one year of their previous training:

* The annual training for employees who may be exposed to blood or other potentially infectious material was not completed. Training must be on the employer's own specific written plan.

- Not complete.

- **Penalty combined with Recreation Department 29 CFR 1910.1030(g)(2)(iv).**

DEADLINE FOR CORRECTION: 03/30/2015

9. 29CFR1910.1030(c)(1)(iv):

The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

* The employer shall annually review the written details of the Exposure Control plan and make changes, if necessary, prior to the annual training.

- Need to add what to do if exposed.

DEADLINE FOR CORRECTION: 03/30/2015

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RIGHTS OF EMPLOYEES

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“No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act.”

**THIS NOTICE MUST BE POSTED FOR 15 WORKING DAYS AT THE LOCATION
VIOLATION**

Pamela D. Megathlin

Date Issued: 12/18/2014

Pamela D. Megathlin, Director
Bureau of Labor Standards

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Location Inspected: Police Department
Inspection Number: 168815
Inspected By: Tammy Gross

******* Citation *******

On 10/15/14, an authorized agent of the Bureau of Labor Standards made an inspection at the above location. On the basis of the inspection, the Bureau has determined that the City of Augusta has violated the following rule or rules set by the State Board of Occupational Safety and Health pursuant to Title 26 MSRA, Section 565:

1. 29CFR1910.134(e)(1):

The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before employees were fit tested or required to use the respirator in the workplace.

* Medical evaluations were not complete for all employees who wear respirators.

- Penalty combined with Fire Department 29 CFR 1910.134(f).

DEADLINE FOR CORRECTION: 03/30/2015

2. 29CFR1910.22(d)(1):

Floor loading protection. In every building or other structure, or part thereof, used for mercantile, business, industrial, or storage purposes, the loads approved by the building official shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building or his duly authorized agent, in a conspicuous place in each space to which they relate. Such plates shall not be removed or defaced but, if lost, removed, or defaced, shall be replaced by the owner or his agent.

* Areas used for storage or above working spaces shall have a load rating calculated and posted on the structure.

- Mezzanine in garage / storage - not load rated.

DEADLINE FOR CORRECTION: 03/30/2015

3. 29CFR1910.120(q)(8)(i):

PENALTY \$1000.00

Those employees who are trained in accordance with paragraph (q)(6) of this section shall receive annual refresher training of sufficient content and duration to maintain their competencies, or shall demonstrate competency in those areas at least yearly.

* The annual refresher training on the appropriate level of Haz-Mat response was not complete for all members.

DEADLINE FOR CORRECTION: 03/30/2015

4. 29CFR1910.132(f)(1):

Training. The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least when and what PPE is necessary.

* Training on the employer's own written Personal Protection Equipment (PPE) assessment, was not complete for all staff.

- Personal protective equipment training was an online PPE training only.

DEADLINE FOR CORRECTION: 03/30/2015

5. 29CFR1910.305(b)(2)(i):

All pull boxes, junction boxes, and fittings shall be provided with covers identified for the purpose. If metal covers are used, they shall be grounded. In completed installations, each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

* All outlets and light switches shall have suitable covers to prevent accidental contact with energized conductors.

- 1st floor break room - switch plate cover missing for motion detector light sensor.

DEADLINE FOR CORRECTION: 03/30/2015

6. 29CFR1910.305(g)(1)(iii):

Flexible cords and cables were used for purposes prohibited by subparagraphs (a) through (e) of this paragraph:

- * Power strips in use shall not be plugged into another power strip.
- 2nd floor training room - power strip plugged into another power strip.

DEADLINE FOR CORRECTION: 03/30/2015

7. 29CFR1910.305(g)(2)(iii):

Flexible cords were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws:

- * Strain relief devices are needed to support wires and cables entering or exiting electrical hardware.
- Maintenance area in Sally Port garage - Black and Decker drill and Milwaukee drill cord restraints were damaged.

DEADLINE FOR CORRECTION: 03/30/2015

8. 29CFR1910.305(j)(2)(iv):

A receptacle installed in a wet or damp location shall be suitable for the location.

- * Sally Port - bay outlet need to be GFCI protected. Sally port is used to clean and vacuum cruisers out of the elements in inclement weather.

DEADLINE FOR CORRECTION: 03/30/2015

9. 29CFR1910.334(a)(3)(i):

A flexible cord used with grounding type equipment shall contain an equipment grounding conductor.

- * Electrical supply and equipment cords designed with a ground pin shall be inspected for damaged or missing ground pins. The following extension cords and equipment cords ground pins were not in place during the inspection:
 - Workout Room on 1st floor - orange extension cord for floor machine was missing a ground pin.

DEADLINE FOR CORRECTION: 03/30/2015

10. 29CFR1910.1030(g)(1)(i)(A):

Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material; and other containers used to store, transport or ship blood or other potentially infectious materials, except as provided in paragraph (g)(1)(i)(E), (F) and (G).

* Sally Port Evidence Storage - temporary evidence refrigerator needs a biohazard label.

DEADLINE FOR CORRECTION: 03/30/2015

11. 29CFR1910.1030(g)(2)(iv):

Annual training for employees with occupational exposure was not provided within one year of their previous training:

* The annual training for employees who may be exposed to blood or other potentially infectious material was not completed. Training must be on the employer's own specific written plan.

- New employees have online training (MMA) for bloodborne pathogens; the employer shall review the employer's written program as part of initial and annual training.

- Penalty combined with Recreation Department 29 CFR 1910.1030(g)(2)(iv).

DEADLINE FOR CORRECTION: 03/30/2015

12. 29CFR1926.21(b)(2):

The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

* Training on Work-Zone setup and flagging was not complete for all members.

- The department contracts services for traffic control on construction projects.

Employees performing such tasks shall have Manual on Uniform Traffic Control Devices (MUTCD) training to control traffic in the roadway on construction jobs.

- Penalty combined with Public Works Department 29 CFR 1926.21(b)(2).

DEADLINE FOR CORRECTION: 03/30/2015

13. 29CFR1910.305(b)(1):

Conductors entering boxes, cabinets, or fittings shall also be protected from abrasion, and openings through which conductors enter shall be effectively closed. Unused openings in cabinets, boxes, and fittings shall be effectively closed.

* All electrical panels and junction boxes need to have all unused openings plugged to prevent accidental contact.

- Sally Port restroom - open knockout on electrical disconnect box.
- Boiler Room breaker panel - open slot.

DEADLINE FOR CORRECTION: 03/30/2015

14. 29CFR1910.134(f)(1):

The employer shall ensure that employees using a tight-fitting facepiece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT) as stated in this paragraph.

* All employees that will wear a tight fitting face piece shall be fit tested for that respirator. Fit-testing was not complete for all who wear an MSA Millennium gas mask.

- Penalty combined with Fire Department 29 CFR 1910.134(f).

DEADLINE FOR CORRECTION: 03/30/2015

15. 29CFR1910.134(k):

Training and information. This paragraph requires the employer to provide effective training to employees who are required to use respirators. The training must be comprehensive, understandable, and recur annually, and more often if necessary. This paragraph also requires the employer to provide the basic information on respirators in Appendix D of this section to employees who wear respirators when not required by this section or by the employer to do so.

* The required annual training on the employer's own written Respiratory Protection program was not complete for all members who wear a respirator.

- Penalty combined with Fire Department 29 CFR 1910.134(f).

DEADLINE FOR CORRECTION: 03/30/2015

16. 29CFR1910.134(c)(1):

In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions of this section:

- * The employer shall develop a written program for respirators that is specific to their workplace. There must be a qualified, designated program administrator overseeing the program. The following elements shall be included: Selection of respirator, limitations of the respirator, medical evaluation, fit testing, storage, maintenance/cleaning, training in respirator hazards and use, cartridge change out schedule (if appropriate), etc.
- Written program needs to be specific to the respiratory protection used by the tactical team (MSA Millennium gas mask); the written program only addresses the use of SCBA.

DEADLINE FOR CORRECTION: 03/30/2015

17. 29CFR1910.303(b)(1):

Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

- * The ground fault circuit interrupter (GFCI) outlet was not working properly when tested with a Woodhead 1751 tester.
- 1st floor break room - GFCI outlet near sink was not working properly.
- 2nd floor ladies locker room - GFCI outlet near sink was not working properly.

DEADLINE FOR CORRECTION: 03/30/2015

18. 29CFR1910.303(g)(1)(i):

Working clearances. Except as required or permitted elsewhere in this subpart, the dimension of the working space in the direction of access to live parts operating at 600 volts or less and likely to require examination, adjustment, servicing or maintenance while alive may not be less than indicated in Table S-1. In addition to the dimensions shown in Table S-1, workspace may not be less than 30 inches wide in front of the electric equipment. Distances shall be measured from the live parts if they are exposed or from the enclosure front or opening if the live parts are enclosed. Concrete, brick, or tile walls are considered to be grounded. Working space isn't required in back of assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts such as fuses or switches on the back and where all connections are accessible from locations other than the back.

* All electrical panels and disconnects need a clear work space of 36 inches.

- Garage / Storage - breaker panel blocked.
- 1st Floor Lt. Lully's office - breaker panel blocked.

DEADLINE FOR CORRECTION: 03/30/2015

19. 29CFR1910.305(a)(2)(i)(b):

Temporary wiring may be used for a period not to exceed 90 days for Christmas decorative lighting, carnivals, and similar purposes.

*Extension cords shall not be used as a substitute for permanent wiring.

- Relocate the equipment that needs the extension cords or install an outlet to eliminate the use of an extension cords.
- Workout Room on 1st floor - extension cord used to power a power strip for the stereo.
- 2nd floor training room - extension cord used to power a power strip for speakers.

DEADLINE FOR CORRECTION: 03/30/2015

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RIGHTS OF EMPLOYEES

Any employee or representative of employees who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the Bureau of Labor Standards at Station #45, Augusta, Maine 04333 within 15 working days of the issuance of this citation.

“No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act.”

**THIS NOTICE MUST BE POSTED FOR 15 WORKING DAYS AT THE LOCATION
VIOLATION**

Pamela D. Megathlin

Date Issued: 12/18/2014

Pamela D. Megathlin, Director
Bureau of Labor Standards

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Location Inspected: Public Works
Inspection Number: 168815
Inspected By: Tammy Gross

******* Citation *******

On 10/15/14, an authorized agent of the Bureau of Labor Standards made an inspection at the above location. On the basis of the inspection, the Bureau has determined that the City of Augusta has violated the following rule or rules set by the State Board of Occupational Safety and Health pursuant to Title 26 MSRA, Section 565:

1. 29CFR1910.1200(j)(1):

Employers shall train employees regarding the new label elements and safety data sheets format by December 1, 2013.

* Globally Harmonized System (GHS) training not complete.

DEADLINE FOR CORRECTION: 03/30/2015

2. 29CFR1926.21(b)(2): PENALTY \$1000.00

The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

* Training on Work-Zone setup and flagging was not complete for all members.

DEADLINE FOR CORRECTION: 03/30/2015

3. 29CFR1910.134(c)(1):

In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions of this section:

- * The employer shall develop a written program for respirators that is specific to their workplace. There must be a qualified, designated program administrator overseeing the program. The following elements shall be included: Selection of respirator, limitations of the respirator, medical evaluation, fit testing, storage, maintenance/cleaning, training in respirator hazards and use, cartridge change out schedule (if appropriate), etc.
- Current written program needs to be specific to the respiratory protection used by the public works employees; the written program only addresses the use of SCBA's.

DEADLINE FOR CORRECTION: 03/30/2015

4. 29CFR1910.1200(f)(6):

Workplace labeling. Except as provided in paragraphs (f)(7) and (f)(8) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with either:

- *Unlabeled container of chemical found: Smart Washer parts / brake washer (SW-23) needs a label of contents.

DEADLINE FOR CORRECTION: 03/30/2015

5. 29CFR1910.1030(h)(1)(ii)(B):

A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability of receive vaccination as required by paragraph (f)(2).

- * Documentation of the Hepatitis shot series or signed waivers of declination were not complete for all employees identified in employer's written Exposure Control plan.

- **Penalty combined with Recreation Department 29 CFR 1910.1030(g)(2)(iv).**

DEADLINE FOR CORRECTION: 03/30/2015

6. 29CFR1910.1030(g)(2)(iv):

Annual training for employees with occupational exposure was not provided within one year of their previous training:

* The annual training for employees who may be exposed to blood or other potentially infectious material was not completed. Training must be on the employer's own specific written plan.

- Penalty combined with Recreation Department 29 CFR 1910.1030(g)(2)(iv).

DEADLINE FOR CORRECTION: 03/30/2015

7. 29CFR1910.212(b):

Machine(s) designed for fixed location(s) were not securely anchored to prevent walking or moving:

* Machine not secured

- Bay 8 - drill press and grinder need to be secured.
- Bay 5 - grinder needs to be secured.
- Bay 1 - grinder needs to be secured.

DEADLINE FOR CORRECTION: 03/30/2015

8. 29CFR1910.212(a)(1):

Types of Machine Guarding. One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards, such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are - barrier guards, two-hand tripping devices, electronic safety devices, etc.

* Bay 4 - Joseph Beal & Co. drill press - guards need to extend around belt and pulley on back of machine.

DEADLINE FOR CORRECTION: 03/30/2015

9. 29CFR1910.147(c)(7)(iv):

PENALTY \$1000.00

The employer had not certified that employee training had been accomplished and kept up to date.

* The training for energy control (lockout/ tag out) was not completed. Training must involve a review of the employer's own written equipment specific energy isolation procedures.

DEADLINE FOR CORRECTION: 03/30/2015

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RIGHTS OF EMPLOYEES

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**THIS NOTICE MUST BE POSTED FOR 15 WORKING DAYS AT THE LOCATION
VIOLATION**

Pamela D. Megathlin

Date Issued: 12/18/2014

Pamela D. Megathlin, Director
Bureau of Labor Standards

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Location Inspected: Augusta State Airport
Inspection Number: 168815
Inspected By: Tammy Gross

******* Citation *******

On 10/15/14, an authorized agent of the Bureau of Labor Standards made an inspection at the above location. On the basis of the inspection, the Bureau has determined that the City of Augusta has violated the following rule or rules set by the State Board of Occupational Safety and Health pursuant to Title 26 MSRA, Section 565:

1. 29CFR1910.132(f)(1):

Training. The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least when and what PPE is necessary.

* Training on the employer's own written Personal Protection Equipment (PPE) assessment, was not complete for all staff.

DEADLINE FOR CORRECTION: 03/30/2015

2. 29CFR1910.147(c)(4)(i):

Procedures shall be developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section.

* The employer must develop written, task specific, lockout/tag out procedures per equipment type. Equipment and machinery requiring equipment specific procedures are, but not limited to;

- Dump trucks, Graders, Dozers, sweepers, loaders, snow blowers, beacons, etc.
- Equipment specific lockout / tagout procedures need to include all equipment. When equipment is added to the fleet or equipment is replaced, LO/TO equipment specific procedures shall be developed.
- Not complete.

- Penalty combined with Public Works 29 CFR 1910.147(c)(7)(iv).

DEADLINE FOR CORRECTION: 03/30/2015

3. 29CFR1910.147(c)(7)(iv):

The employer had not certified that employee training had been accomplished and kept up to date.

* The training for energy control (lockout/ tag out) was not completed. Training must involve a review of the employer's own written equipment specific energy isolation procedures.

- Not complete.

- Penalty combined with Public Works 29 CFR 1910.147(c)(7)(iv).

DEADLINE FOR CORRECTION: 03/30/2015

4. 29CFR1910.178(l)(4)(iii):

An evaluation of each powered industrial truck operator's performance shall be conducted at least once every three years.

* Employer did not evaluate the performance and competency of the powered industrial truck operator every three years by hands-on visual testing to assure safe performance.

- Not complete.

- Penalty combined with Hatch Hill 29 CFR 1910.178(l)(4)(iii).

DEADLINE FOR CORRECTION: 03/30/2014

5. 29CFR1910.178(a)(4):

Modifications and additions which affect capacity and safe operation shall not be performed by the customer or user without manufacturers prior written approval. Capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly.

* New SRE building - fork tip has been altered with hole.

DEADLINE FOR CORRECTION: 03/30/2014

6. 29CFR1910.178(q)(5):

All parts of any such industrial truck requiring replacement shall be replaced only by parts equivalent as to safety with those used in the original design.

* New SRE building - fork positioning and locking pin was not operational.

DEADLINE FOR CORRECTION: 03/30/2015

7. 29CFR1910.178(q)(7):

Industrial trucks shall be examined before being placed in service, and shall not be placed in service if the examination shows any condition adversely affecting the safety of the vehicle. Such examination shall be made at least daily. Where industrial trucks are used on a round-the-clock basis, they shall be examined after each shift. Defects when found shall be immediately reported and corrected.

* Powered industrial trucks must be inspected at regular intervals for any condition adversely affecting the safety of the vehicle following the manufacturer's recommendations.

- New SRE building - preoperational inspections were not complete.

* New SRE building - seatbelt was found damaged and tied up away from the seat. Seatbelts shall be worn when operating the fork truck.

DEADLINE FOR CORRECTION: 03/30/2014

8. 29CFR1910.179(b)(5):

The rated load of crane(s) was not plainly marked on each side of the crane:

* Support structures used for the hoist/crane(s) need to have the load rating calculated and posted to ensure the structure(s) will safely support the weight of the equipment.

- New SRE building sander rack - metal supports / frame were damaged.

DEADLINE FOR CORRECTION: 03/30/2015

9. 29CFR1910.36(g)(4):

Objects that project into the exit route must not reduce the width of the exit route to less than the minimum width requirements for exit routes.

* All exit doors and exit routes must be clear of stored materials that could diminish the width of the exit.

- New SRE building mezzanine - storage of pallets in west exit route.

DEADLINE FOR CORRECTION: 03/30/2015

10. 29CFR1910.36(h)(2):

The outdoor exit route must be covered if snow or ice is likely to accumulate along the route, unless the employer can demonstrate that any snow or ice accumulation will be removed before it presents a slipping hazard.

* New SRE building outside west corner of building - plow blades stored too close to the exit doors and discharge route.

- New SRE building office area - car was parked in front of door and in the discharge route.

DEADLINE FOR CORRECTION: 03/30/2015

11. 29CFR1910.37(a)(2):

Exit routes must be arranged so that employees will not have to travel toward a high hazard area, unless the path of travel is effectively shielded from the high hazard area by suitable partitions or other physical barriers.

* New SRE building mezzanine - 20 pound propane tank stored under east side stairs from mezzanine.

DEADLINE FOR CORRECTION: 03/30/2015

12. 29CFR1910.184(e)(3)(i):

Thorough periodic inspections of alloy steel chain slings in use were not made on a regular basis:

* Alloy Steel lifting chains need annual documented inspections to ensure the condition of the chain is suitable for safe lifting.

- New SRE building sander rack - lifting chains used to hang sander body's need to be inspected.

DEADLINE FOR CORRECTION: 03/30/2015

13. 29CFR1910.212(b):

Machine(s) designed for fixed location(s) were not securely anchored to prevent walking or moving:

* Machine not secured:

- New SRE building maintenance bay - drill press was not secured.

DEADLINE FOR CORRECTION: 03/30/2015

14. 29CFR1910.243(e)(1)(iii):

A shutoff device shall be provided to stop operation of the motor or engine. This device shall require manual and intentional reactivation to restart the motor or engine.

* The mower has an Operator Presence Control (OPC) System that was not operational at the time of inspection. The OPC insures that the blade comes to a complete stop within three seconds after the blade control is released.

- New SRE building - Exmark mower (Model:LHP4818KC S/N: 208690) OPC system appeared to be intact but was not operation at the time of the inspection and needs to be corrected.

DEADLINE FOR CORRECTION: 03/30/2015

15. 29CFR1910.244(a)(2)(vi)(a):

Jacks for constant or intermittent use at one locality, must be inspected at least once every 6 months.

* Hydraulic jacks need regular, documented inspections based on frequency of use.

- New SRE building maintenance bay - 22 ton, 3 ton and 10 ton - no current inspection of jacks.

DEADLINE FOR CORRECTION: 03/30/2014

16. 29CFR1910.303(b)(1):

Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

* Damaged or frayed cords, unprotected battery terminals, etc.

- New SRE building Bay F - yellow shop light damaged cord.

* The ground fault circuit interrupter (GFCI) outlet was not working properly when tested with a Woodhead 1751 tester.

- New SRE building Bay F center column - GFCI outlet was not working properly.

DEADLINE FOR CORRECTION: 03/30/2015

17. 29CFR1910.303(g)(1)(i):

Working clearances. Except as required or permitted elsewhere in this subpart, the dimension of the working space in the direction of access to live parts operating at 600 volts or less and likely to require examination, adjustment, servicing or maintenance while alive may not be less than indicated in Table S-1. In addition to the dimensions shown in Table S-1, workspace may not be less than 30 inches wide in front of the electric equipment. Distances shall be measured from the live parts if they are exposed or from the enclosure front or opening if the live parts are enclosed. Concrete, brick, or tile walls are considered to be grounded. Working space isn't required in back of assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts such as fuses or switches on the back and where all connections are accessible from locations other than the back.

- * All electrical panels and disconnects need a clear work space of 36 inches.
- Terminal 2nd floor storage room - two breaker panels were blocked.

DEADLINE FOR CORRECTION: 03/30/2015

18. OSH ACT of 1970 Section (5)(a)(1):

General Duty: Each employer shall furnish to each of his employees employment and place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.

- * New SRE building maintenance bay - jack stand was found with a threaded bolt replacing pin. Jack stands shall be used as recommended by manufacturer; if parts are lost or broken the repair and replacement shall be per manufacturer's recommendations.

DEADLINE FOR CORRECTION: 03/30/2015

19. 29CFR1910.1200(j)(1):

Employers shall train employees regarding the new label elements and safety data sheets format by December 1, 2013.

- * Global Harmonization training not complete.

DEADLINE FOR CORRECTION: 03/30/2015

20. 29CFR1910.1200(g)(8):

The employer shall maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access and other alternatives to maintaining paper copies of the safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)

* The safety data sheets (SDS) were not available for all chemicals used in the workplace.

DEADLINE FOR CORRECTION: 03/30/2015

21. 29CFR1910.1200(f)(6):

Workplace labeling. Except as provided in paragraphs (f)(7) and (f)(8) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with either:

*Unlabeled container of chemical(s) found in:

- New SRE building maintenance bay - parts cleaning station needs a label to identify the contents.

DEADLINE FOR CORRECTION: 03/30/2015

22. 29CFR1910.334(a)(3)(i):

A flexible cord used with grounding type equipment shall contain an equipment grounding conductor.

* Electrical supply and equipment cords designed with a ground pin shall be inspected for damaged or missing ground pins. The following extension cords and equipment cords ground pins were not in place during the inspection:

- New SRE building maintenance bay - orange extension cord missing ground pin.

DEADLINE FOR CORRECTION: 03/30/2015

23. 29CFR1910.305(g)(1)(iii):

Flexible cords and cables were used for purposes prohibited by subparagraphs (a) through (e) of this paragraph:

- * Power strips in use shall not be plugged into another power strip.
 - Terminal office area - Jane's desk power strip plugged into another power strip.
- Abated at the time of inspection.

DEADLINE FOR CORRECTION: 03/30/2015

24. 29CFR1910.305(b)(1):

Conductors entering boxes, cabinets, or fittings shall also be protected from abrasion, and openings through which conductors enter shall be effectively closed. Unused openings in cabinets, boxes, and fittings shall be effectively closed.

- * All electrical panels and junction boxes need to have all unused openings plugged to prevent accidental contact.
- Terminal boiler room - breaker panel D open knockout.

DEADLINE FOR CORRECTION: 03/30/2015

25. 29CFR1910.303(g)(2)(ii):

Enclosures or guards for electric equipment in locations where it would be exposed to physical damage were not arranged and of a strength to prevent such damage to the equipment:

- * All exposed light bulbs 8 feet or less from a working surface, or where tools/equipment could make contact, must be protected by guards.
- Old SRE building / cold storage - 4th bay there are 3 four foot florescent light fixtures that need bulb guards.

DEADLINE FOR CORRECTION: 03/30/2015

26. 29CFR1910.38(b):

Written and oral emergency action plans. An emergency action plan must be in writing, kept in the workplace, and available to employees for review. However, an employer with 10 or fewer employees may communicate the plan orally to employees.

* The facility needs an Emergency Action Plan (EAP) with documented training for all employees. The plan shall cover any emergency that could be reasonably expected. The plan should describe:

- Methods for notification of the emergency to all employees
- Methods for notification of the emergency to the proper emergency services
- List the evacuation routes and responsibilities
- List the procedures for accountability of employees after the evacuation
- Not complete.

DEADLINE FOR CORRECTION: 03/30/2015

27. 29CFR1910.23(c)(1):

Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides.

* A railing and toe board shall be in place where openings in a floor or platform expose employees or objects to a fall of 4 feet or greater.

- New SRE building mezzanine - gap in railing of 9" above east side stairs.

DEADLINE FOR CORRECTION: 03/30/2015

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RIGHTS OF EMPLOYEES

Any employee or representative of employees who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the Bureau of Labor Standards at Station #45, Augusta, Maine 04333 within 15 working days of the issuance of this citation.

“No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act.”

**THIS NOTICE MUST BE POSTED FOR 15 WORKING DAYS AT THE LOCATION
VIOLATION**

Pamela D. Megathlin

Date Issued: 12/18/2014

Pamela D. Megathlin, Director
Bureau of Labor Standards

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Location Inspected: Augusta Civic Center
Inspection Number: 168815
Inspected By: Tammy Gross

******* Citation *******

On 10/15/14, an authorized agent of the Bureau of Labor Standards made an inspection at the above location. On the basis of the inspection, the Bureau has determined that the City of Augusta has violated the following rule or rules set by the State Board of Occupational Safety and Health pursuant to Title 26 MSRA, Section 565:

1. 29CFR1910.1030(c)(1)(iv):

The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

* The employer shall annually review the written details of the Exposure Control plan and make changes, if necessary, prior to the annual training.

- Annual review of written program was not complete.
- Need to add a section explaining what procedures employees need to follow if they have an exposure.

DEADLINE FOR CORRECTION: 03/30/2015

2. 29CFR1910.335(a)(2)(i):

When working near exposed energized conductors or circuit parts, each employee shall use insulated tools or handling equipment if the tools or handling equipment might make contact with such conductors or parts. If the insulating capability of insulated tools or handling equipment is subject to damage, the insulating material shall be protected.

* Employees performing electrical tasks shall use properly insulated V rated tools to protect from potential electrical hazards.

- Not complete.

DEADLINE FOR CORRECTION: 03/30/2015

3. 29CFR1910.335(a)(1)(ii):

Protective equipment was not maintained in a safe, reliable condition and/or was not periodically inspected or tested:

- * Employees performing electrical tasks shall wear personal protective equipment (PPE) to protect from potential electrical hazards.
- Not complete.

DEADLINE FOR CORRECTION: 03/30/2015

4. 29CFR1910.305(g)(1)(iii):

Flexible cords and cables were used for purposes prohibited by subparagraphs (a) through (e) of this paragraph:

- * Power strips in use shall not be plugged into another power strip.
- Security Office - power strip plugged into another power strip to charge portable radios. Abated at the time of inspection.

DEADLINE FOR CORRECTION: 03/30/2015

5. 29CFR1910.305(b)(1)(ii):

Unused openings in cabinets, boxes, and fittings shall be effectively closed.

- * All electrical panels and junction boxes need to have all unused openings plugged to prevent accidental contact.
- 2nd floor holding kitchen - breaker panel #10324 had an open breaker slot #34.

DEADLINE FOR CORRECTION: 03/30/2015

6. 29CFR1910.305(a)(2)(i)(b):

Temporary wiring may be used for a period not to exceed 90 days for Christmas decorative lighting, carnivals, and similar purposes.

- * Extension cords shall not be used as a substitute for permanent wiring.
- Relocate the equipment that needs the extension cords or install an outlet to eliminate the use of an extension cords.
- ACP Bar storage - beverage cooler powered with extension cord.

DEADLINE FOR CORRECTION: 03/30/2015

7. 29CFR1910.303(g)(1)(i):

Working clearances. Except as required or permitted elsewhere in this subpart, the dimension of the working space in the direction of access to live parts operating at 600 volts or less and likely to require examination, adjustment, servicing or maintenance while alive may not be less than indicated in Table S-1. In addition to the dimensions shown in Table S-1, workspace may not be less than 30 inches wide in front of the electric equipment. Distances shall be measured from the live parts if they are exposed or from the enclosure front or opening if the live parts are enclosed. Concrete, brick, or tile walls are considered to be grounded. Working space isn't required in back of assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts such as fuses or switches on the back and where all connections are accessible from locations other than the back.

- * All electrical panels and disconnects need a clear work space of 36 inches.
- Foyer under stair storage closet - breaker panel blocked.

DEADLINE FOR CORRECTION: 03/30/2015

8. 29CFR1910.303(b)(2):

Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

- * Main auditorium / north wall - several 208 volt gang cords used as temporary power in exhibit areas during conferences were found to have improper junction boxes for the female plug. Junction boxes used are designed to be mounted on a wall.

DEADLINE FOR CORRECTION: 03/30/2015

9. 29CFR1910.303(b)(1)(ii):

Mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection thus provided.

- * Mechanical strength and durability for parts designed to enclose and protect other equipment.
- North wing 1st floor meeting room - multiple 208 volt outlets broken and conductors exposed.
- 2nd floor State Room - 208 volt outlet broken and conductors exposed.
- 2nd floor holding kitchen - 1/4" gap at bottom of breaker panel #10324.

DEADLINE FOR CORRECTION: 03/30/2015

10. 29CFR1910.303(b)(1):

Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

- * Damaged or frayed cords, unprotected battery terminals, etc.
- 2nd floor south bleacher storage - damaged cord on vacuum.
- 2nd floor State Room storage - damaged extension cord.
- Employee break room - damaged cord on emergency light. Abated at the time of inspection.
- Maintenance Shop - floor machine asset tag #07892 charging plug was damaged.

DEADLINE FOR CORRECTION: 03/30/2015

11. 29CFR1910.178(l)(1)(i):

Safe Operation: The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l).

- * The required training for powered industrial trucks was not completed for all operators.

- Penalty combined with Hatch Hill 29 CFR 1910.178(l)(4)(iii).

DEADLINE FOR CORRECTION: 03/30/2015

12. 29CFR1910.178(a)(4):

Modifications and additions which affect capacity and safe operation shall not be performed by the customer or user without manufacturer's prior written approval. Capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly.

- * Forks have been altered with holes used to attach a device to evenly pull out bleachers.
- no certification from the manufacture to ensure this is safe or allowed.

DEADLINE FOR CORRECTION: 03/30/2015

13. 29CFR1910.147(c)(7)(iv):

The employer had not certified that employee training had been accomplished and kept up to date.

* The training for energy control (lockout/ tag out) was not completed. Training must involve a review of the employer's own written equipment specific energy isolation procedures.

- Penalty combined with Public Works 29 CFR 1910.147(c)(7)(iv).

DEADLINE FOR CORRECTION: 03/30/2015

14. 29CFR1910.1030(h)(1)(ii)(B):

A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability of receive vaccination as required by paragraph (f)(2).

* Documentation of the Hepatitis shot series or signed waivers of declination were not complete for all employees identified in employer's written Exposure Control plan.

- Penalty combined with Recreation Department 29 CFR 1910.1030(g)(2)(iv).

DEADLINE FOR CORRECTION: 03/30/2015

15. 29CFR1910.37(a)(4):

Safeguards designed to protect employees during an emergency (e.g. sprinkler systems, alarm systems, fire doors, exit lighting) must be in proper working order at all times.

* All emergency lights or exit lights must be operational.

- Employee break room - emergency light was not operational. Abated at the time of inspection.

DEADLINE FOR CORRECTION: 03/30/2015

16. 29CFR1910.25(d)(1)(x):

Ladders shall be inspected frequently and those which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "Dangerous, Do Not Use."

* Damaged ladder(s) are to be removed from service until repairs per manufacture's specifications can be completed. If ladder is waiting for repairs the ladder shall be removed from service and tagged "Dangerous-Do Not Use".

- North Wing 1st floor - ladder #12 missing / damaged warning labels.

DEADLINE FOR CORRECTION: 03/30/2015

17. 29CFR1910.23(d)(1):

Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified in paragraphs (d)(1)(i) through (v) of this section, the width of the stair to be measured clear of all obstructions except handrails:

* Every flight of stairs having four or more risers shall be equipped with standard stair railings.

- Air lock area staircase to mezzanine storage areas - staircases are open on one side; both need a standard stair rail.

DEADLINE FOR CORRECTION: 03/30/2015

18. 29CFR1910.23(c)(1):

Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides.

* A railing and toe board shall be in place where openings in a floor or platform expose employees or objects to a fall of 4 feet or greater.

- Loading dock - section of loading dock approximately 3 feet wide was unprotected.

DEADLINE FOR CORRECTION: 03/30/2015

19. 29CFR1910.132(f)(1):

Training. The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least when and what PPE is necessary.

* Training on the employer's own written Personal Protection Equipment (PPE) assessment, was not complete for all staff.

DEADLINE FOR CORRECTION: 03/30/2015

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RIGHTS OF EMPLOYEES

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“No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act.”

**THIS NOTICE MUST BE POSTED FOR 15 WORKING DAYS AT THE LOCATION
VIOLATION**

Pamela D. Megathlin

Date Issued: 12/18/2014

Pamela D. Megathlin, Director
Bureau of Labor Standards

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Location Inspected: Recreation Department
Inspection Number: 168815
Inspected By: Tammy Gross

******* Citation *******

On 10/15/14, an authorized agent of the Bureau of Labor Standards made an inspection at the above location. On the basis of the inspection, the Bureau has determined that the City of Augusta has violated the following rule or rules set by the State Board of Occupational Safety and Health pursuant to Title 26 MSRA, Section 565:

1. 29CFR1910.305(g)(2)(iii):

Flexible cords were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws:

* Strain relief devices are needed to support wires and cables entering or exiting electrical hardware.

- Wood shop in former girl's locker room - electrical drop down need strain relief device.

DEADLINE FOR CORRECTION: 03/30/2015

2. 29CFR1910.36(g)(4):

Objects that project into the exit route must not reduce the width of the exit route to less than the minimum width requirements for exit routes.

* All exit doors and exit routes must be clear of stored materials that could diminish the width of the exit.

- Gym exit to the right of the stage - recreation equipment stored in egress route from classroom.

DEADLINE FOR CORRECTION: 03/30/2015

3. 29CFR1910.132(d)(1):

The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE).

* The employer must perform a written task-specific hazard assessment for duties performed by employees to determine what Personal Protective Equipment (PPE) they are expected to wear. Examples of tasks and associated hazards requiring PPE assessments but not limited to are:

Rec councilors and coaches (paid): blood/bodily fluids and environmental exposure (sun / heat).

- Not complete.

DEADLINE FOR CORRECTION: 03/30/2015

4. 29CFR1910.132(f)(1):

Training. The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least when and what PPE is necessary.

* Training on the employer's own written Personal Protection Equipment (PPE) assessment, was not complete for all staff.

DEADLINE FOR CORRECTION: 03/30/2015

5. 29CFR1910.1030(h)(1)(ii)(B):

A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability of receive vaccination as required by paragraph (f)(2).

* Documentation of the Hepatitis shot series or signed waivers of declination were not complete for all employees identified in employer's written Exposure Control plan.

- **Penalty combined with 29 CFR 1910.1030(g)(2)(iv).**

DEADLINE FOR CORRECTION: 03/30/2015

6. 29CFR1910.1001(k)(6):

Waste, scrap, debris, bags, containers equipment, and clothing contaminated with asbestos, tremolite, anthophyllite, or actinolite consigned for disposal, were not collected and disposed of in sealed impermeable bags, or other closed, impermeable containers:

* Gym stage area storage unit #1 - asbestos wrapped pipe removed during the installation of new HVAC system was placed in a black trash bag and left in the storage unit. The asbestos waste was not properly packaged for disposal and did not have proper labeling to identify the asbestos.

- Asbestos waste must be properly disposed of by a licensed asbestos professional.

DEADLINE FOR CORRECTION: 03/30/2015

7. 29CFR1910.1030(c)(1)(iv):

The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

* The employer shall annually review the written details of the Exposure Control plan and make changes, if necessary, prior to the annual training.

- Not complete. Last review was September 2013.

DEADLINE FOR CORRECTION: 03/30/2015

8. 29CFR1910.1030(g)(2)(iv):

PENALTY \$1000.00

Annual training for employees with occupational exposure was not provided within one year of their previous training:

* The annual training for employees who may be exposed to blood or other potentially infectious material was not completed. Training must be on the employer's own specific written plan.

DEADLINE FOR CORRECTION: 03/30/2015

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RIGHTS OF EMPLOYEES

Any employee or representative of employees who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the Bureau of Labor Standards at Station #45, Augusta, Maine 04333 within 15 working days of the issuance of this citation.

“No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act.”

**THIS NOTICE MUST BE POSTED FOR 15 WORKING DAYS AT THE LOCATION
VIOLATION**

Pamela D. Megathlin

Date Issued: 12/18/2014

Pamela D. Megathlin, Director
Bureau of Labor Standards

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Location Inspected: Calmuet Pool
Inspection Number: 168815
Inspected By: Tammy Gross

******* Citation *******

On 10/15/14, an authorized agent of the Bureau of Labor Standards made an inspection at the above location. On the basis of the inspection, the Bureau has determined that the City of Augusta has violated the following rule or rules set by the State Board of Occupational Safety and Health pursuant to Title 26 MSRA, Section 565:

1. 29CFR1910.303(b)(2):

Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

* Pump Room - breaker panel had a screw with a washer pushed between the main breakers.

DEADLINE FOR CORRECTION: 03/30/2015

2. 29CFR1910.37(a)(4):

Safeguards designed to protect employees during an emergency (e.g. sprinkler systems, alarm systems, fire doors, exit lighting) must be in proper working order at all times.

* All emergency lights or exit lights must be operational.
- Bath House - three (3) emergency lights were not operational.

DEADLINE FOR CORRECTION: 03/30/2015

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RIGHTS OF EMPLOYEES

Any employee or representative of employees who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the Bureau of Labor Standards at Station #45, Augusta, Maine 04333 within 15 working days of the issuance of this citation.

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**THIS NOTICE MUST BE POSTED FOR 15 WORKING DAYS AT THE LOCATION
VIOLATION**

Pamela D. Megathlin

Date Issued: 12/18/2014

Pamela D. Megathlin, Director
Bureau of Labor Standards

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Location Inspected: Childcare
Inspection Number: 168815
Inspected By: Tammy Gross

******* Citation *******

On 10/15/14, an authorized agent of the Bureau of Labor Standards made an inspection at the above location. On the basis of the inspection, the Bureau has determined that the City of Augusta has violated the following rule or rules set by the State Board of Occupational Safety and Health pursuant to Title 26 MSRA, Section 565:

1. 29CFR1910.22(a)(1):

Place(s) of employment were not kept clean and orderly, or in a sanitary condition:

- * All walkways must be maintained to ensure a minimum of 28 inches clearance to facilitate safe egress.
- Basement child care storage room - stored equipment and supplies were impeding on walkway through room.

DEADLINE FOR CORRECTION: 03/30/2015

2. 29CFR1910.334(a)(3)(i):

A flexible cord used with grounding type equipment shall contain an equipment grounding conductor.

- * Electrical supply and equipment cords designed with a ground pin shall be inspected for damaged or missing ground pins. The following extension cords and equipment cords ground pins were not in place during the inspection:
- Basement child care storage - AV cart electrical cord was missing a ground pin. Abated at the time of inspection.

DEADLINE FOR CORRECTION: 03/30/2015

3. 29CFR1910.1030(c)(1)(iv):

The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

* The employer shall annually review the written details of the Exposure Control plan and make changes, if necessary, prior to the annual training.

- Not complete. Last review on program was 2004.

DEADLINE FOR CORRECTION: 03/30/2015

4. 29CFR1910.1030(g)(2)(iv):

Annual training for employees with occupational exposure was not provided within one year of their previous training:

* The annual training for employees who may be exposed to blood or other potentially infectious material was not completed. Training must be on the employer's own specific written plan.

- Not complete.

- Penalty combined with Recreation Department 29 CFR 1910.1030(g)(2)(iv).

DEADLINE FOR CORRECTION: 03/30/2015

5. 29CFR1910.1030(h)(1)(ii)(B):

A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability of receive vaccination as required by paragraph (f)(2).

* Documentation of the Hepatitis shot series or signed waivers of declination were not complete for all employees identified in employer's written Exposure Control plan.

- Penalty combined with Recreation Department 29 CFR 1910.1030(g)(2)(iv).

DEADLINE FOR CORRECTION: 03/30/2015

6. 29CFR1910.132(f)(1):

Training. The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least when and what PPE is necessary.

* Training on the employer's own written Personal Protection Equipment (PPE) assessment, was not complete for all staff.

DEADLINE FOR CORRECTION: 03/30/2015

7. 29CFR1910.132(d)(1):

The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE).

* The employer must perform a written task-specific hazard assessment for duties performed by employees to determine what Personal Protective Equipment (PPE) they are expected to wear. Examples of tasks and associated hazards requiring PPE assessments but not limited to are:
Childcare: blood/bodily fluids, helping with medications and environmental exposure (sun / heat).

DEADLINE FOR CORRECTION: 03/30/2015

8. 29CFR1910.38(f)(1):

Review of emergency action plan. An employer must review the emergency action plan with each employee covered by the plan: When the plan is developed or the employee is assigned initially to a job.

* The employer shall document that the facility(s) Emergency Action Plan has been reviewed with all employees.
- Not complete.

DEADLINE FOR CORRECTION: 03/30/2015

9. 29CFR1910.38(b):

Written and oral emergency action plans. An emergency action plan must be in writing, kept in the workplace, and available to employees for review. However, an employer with 10 or fewer employees may communicate the plan orally to employees.

* The facility needs an Emergency Action Plan (EAP) with documented training for all employees. The plan shall cover any emergency that could be reasonably expected. The plan should describe:

- Methods for notification of the emergency to all employees.
- Methods for notification of the emergency to the proper emergency services.
- List the evacuation routes and responsibilities.
- List the procedures for accountability of employees after the evacuation.
- Childcare facilities located throughout the city must have location specific emergency action plans.

DEADLINE FOR CORRECTION: 03/30/2015

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RIGHTS OF EMPLOYEES

Any employee or representative of employees who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the Bureau of Labor Standards at Station #45, Augusta, Maine 04333 within 15 working days of the issuance of this citation.

"No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act."

**THIS NOTICE MUST BE POSTED FOR 15 WORKING DAYS AT THE LOCATION
VIOLATION**

Pamela D. Megathlin

Date Issued: 12/18/2014

Pamela D. Megathlin, Director
Bureau of Labor Standards

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