

U.S. Department of Labor

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Reply to the Attention of: SOL: JSA:tms
SOL# 10-34991



July 6, 2010

Honorable Irving Sommer
Occupational Safety and Health Review Commission
One Lafayette Centre
1120 20th Street, N.W., Rm. 990
Washington, D.C. 20036-3419

Subject: Secretary of Labor v. U.S. Postal Service
OSHRC Docket No. 10-1102

Dear Judge Sommer:

Enclosed for filing is the Secretary's Complaint in the above-entitled matter.

We have served the Respondent with a copy of the Complaint on this date.

Sincerely,

Michael D. Felsen
Regional Solicitor

A handwritten signature in blue ink, appearing to read "Joseph S. Ackerstein", written over a horizontal line.

Joseph S. Ackerstein
Senior Trial Attorney

Enclosure

cc: Judge Dennis L. Phillips

Working for America's Workforce

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,
United States Department of Labor,

Complainant,

v.

U.S. POSTAL SERVICE,

Respondent.

DOCKET NO. 10-1102

REGION I

INSPECTION NO. 312343775

COMPLAINT

Inspection has disclosed that at the times and in the manner stated in Inspection No. 312343775 and the related Citations, the specified standards promulgated under section 5(a)(2) of the Occupational Safety and Health Act of 1970 (84 Stat. 1590, 29 USC 651, et seq.) (the "OSH Act") have been violated. It is, therefore, averred and charged that:

I.

Jurisdiction of this action is conferred upon the Occupational Safety and Health Review Commission by section 10(c) of the OSH Act.

II.

Respondent, the United States Postal Service ("USPS"), is an independent establishment of the executive branch of the Government of the United States, and is engaged in the operation of a postal service business. In 1998, by virtue of the Postal Employees Safety Enhancement Act, the OSH Act became applicable to USPS in the same manner as to any other employer. Pub. L. No. 105-241, 112 Stat. 1572-1573 (1998); *see also* 29 U.S.C. § 652(5).

III.

During the course of business activities, USPS and its employees are engaged in receiving, handling, and otherwise working on and with goods and materials that are moving or have moved across state lines in interstate commerce. USPS at all times hereinafter mentioned employed employees in said business. By virtue of these activities, USPS is an employer engaged in a business affecting commerce within the meaning of section 3(5) of the OSH Act.

INSPECTION NO. 312343775 AND RELATED CITATIONS FOR VIOLATIONS OF THE ELECTRICAL SAFETY-RELATED WORK PRACTICES STANDARDS.

IV.

USPS has offices and worksites nationwide. Inspection No. 312343775 relates to USPS's Processing and Distribution Center located at 24 Corliss Street, Providence, Rhode Island (the "Providence Center").

V.

Following Inspection No. 312343775 of the Providence Center conducted by an authorized representative of Complainant between November 2, 2009, and April 28, 2010, on April 29, 2010, Complainant issued to USPS the following two Citations and Notification of Proposed Penalty: (1) Serious Citation 1, Items 1 through 4 (attached as Exhibit A); and (2) Willful Citation 2, Items 1 through 8 (attached as Exhibit B) (referred to collectively herein as the "Providence Center Citations"). The Providence Center Citations allege violations of 29 C.F.R. § 1910.147 and violations of numerous provisions of 29 C.F.R. §§ 1910.331-335, which govern electrical safety-related work practices.

VI.

The Providence Center Citations identify the specific standards Complainant alleges were violated, describe the violations, specify the abatement date proposed for the violations, and set forth the penalties for the violations.

VII.

At or about the time of the inspection of the Providence Center, USPS violated each of the standards set out in the Providence Center Citations at the time, location, and in the manner described therein.

VIII.

The violations alleged in Providence Center Citation 1 (Exhibit A) constitute serious violations within the meaning of section 17(b) and 17(k) of the OSH Act in that there was a substantial probability that death or serious physical harm could result from the conditions that existed and USPS knew, or with the exercise of reasonable diligence could have known, of the presence of the violations.

IX.

The violations alleged in Providence Center Citation 2 (Exhibit B) constitute willful violations within the meaning of section 17(a) of the OSH Act, and the violations are serious violations within the meaning of the sections 17(b) and 17(k) of the OSH Act in that there was substantial probability that death or serious physical harm could result from the conditions that existed and USPS knew, or with the exercise of reasonable diligence could have known, of the presence of the violations.

X.

The Providence Center Citations set forth the penalties proposed for the violations alleged therein. Considering, as required by section 17(j) of the OSH Act, the gravity of the violations, the size of USPS's business, USPS's history of previous violations, and USPS's lack of good faith, the proposed penalties are appropriate.

XI.

The abatement dates set forth in the Providence Center Citations represent the earliest practicable time within which USPS could reasonably be expected to abate the violations.

XII.

On May 18, 2010, USPS filed with a representative of the Secretary of Labor a notification of intent to contest the Providence Center Citations and proposed penalties. Pursuant to section 10(c) of the OSH Act, this notification was duly transmitted to the Occupational Safety and Health Review Commission.

ALLEGATIONS OF A USPS ENTERPRISE-WIDE POLICY OF KNOWING FAILURE TO
COMPLY WITH THE ELECTRICAL SAFETY-RELATED WORK PRACTICES
STANDARDS AT PROCESSING AND DISTRIBUTION CENTERS NATIONWIDE.

XIII.

In addition to the Providence Center, USPS operates approximately 350 similar Processing and Distribution Centers across the United States. All of these Processing and Distribution Centers are controlled by USPS's National Office in Washington, D.C., and, under direction from USPS's National Office, employ similarly deficient electrical safety-related work practices. Further, all of these locations use identical or similar equipment governed by the electrical safety-related work practices standards under 29 C.F.R. §§ 1910.331-335, including package parcel sorters, carrier sequence bar code sorters, and delivery bar code sorters.

XIV.

For many years USPS has known of its enterprise-wide failure to comply with OSHA's electrical safety-related work practices standards. Over the last ten years, at least eight USPS employees have sustained injuries in electrical arc flash/blast accidents. And, between 1999 and 2009, Complainant issued twenty-nine citations against USPS for violations of the electrical safety-related work practices standards, 29 C.F.R. §§ 1910.331-335 (including one violation that caused a fatality). All citations were forwarded to USPS's Manager of OSHA Coordination at USPS's National Office in Washington, D.C.

XV.

Between 2004 and late 2009, USPS failed to institute necessary protective measures for its employees, even though it was aware of ongoing electrical safety problems. In 2004, USPS assembled a team of employees to develop a Management Maintenance Order (MMO) and Management Instruction (MI), the objective of which was to achieve USPS compliance nationwide with OSHA standards governing electrical safety-related work practices under 29 C.F.R. §§ 1910.331-335. The authoring team finished drafting the documents in 2006; however, USPS did not release or implement the MI until December 24, 2009, and did not release or implement the MMO until February 1, 2010.

XVI.

On March 6, 2006, the USPS National Office issued a memorandum to all USPS District Managers and Senior Plant Managers acknowledging "concern regarding safe electrical work practices," and informing the managers that USPS was working to "revise existing postal policy concerning safe electrical work practice." The March 6, 2006 memorandum failed to provide information on interim protective measures for employees, and instructed District Managers and

Senior Plant Managers not to “expend funds on any NFPA [National Fire Protection Association] 70E training or consulting activities.”

XVII.

The MMO and MI, both of which are applicable to all USPS Processing and Distribution Centers, and both of which were not released until approximately three years after they were drafted, fail in significant respects to ensure compliance with the requirements of the electrical safety-related work practices standards, 29 C.F.R. §§ 1910.331-335.

XVIII.

Beginning in October 2009, Complainant undertook several dozen inspections—not all of them yet completed—of USPS Processing and Distribution Centers across the country. Apart from the Providence Center Citations, Complainant issued the following citations to additional USPS Processing and Distribution Centers for the same or similar violations of the electrical safety-related work practices standards, 29 C.F.R. §§ 1910.331-335:

- Citation issued on January 27, 2010 (Inspection No. 311517171), to the USPS facility at 1165 Second Avenue, Des Moines, Iowa, for violations of electrical safety-related work practices standards 29 C.F.R. § 1910.333(c)(2) and 1910.333(a)(1).
- Citation issued on March 19, 2010 (Inspection No. 312554124), to the USPS facility at 300 Packerland Drive, Green Bay, Wisconsin, for a violation of electrical safety-related work practices standard 29 C.F.R. § 1910.332(b)(1).
- Citation issued on April 30, 2010 (Inspection No. 313414344), to the USPS facility at 7755 East 56th Avenue, Denver, Colorado, for violations of electrical safety-related work practices standards 29 C.F.R. §§ 1910.332(b)(1), 1910.333(a)(2), 1910.335(a)(1)(i), 1910.335(a)(1)(v), and 1910.335(b)(1).

- Citation issued on May 5, 2010 (Inspection No. 312600356), to the USPS facility at 6801 W. 73rd Street, Bedford Park, Illinois, for violations of electrical safety-related work practices standards 29 C.F.R. §§ 1910.332(b)(1), 1910.333(a)(2), 1910.335(a)(1)(i), 1910.335(a)(1)(iv), and 1910.335(a)(1)(v).
- Citation issued on May 24, 2010 (Inspection No. 313862294), to the USPS facility at 5335 E. La Palma Avenue, Anaheim, California, for a violation of electrical safety-related work practices standard 29 C.F.R. § 1910.332(b)(2).
- Citation issued on May 24, 2010 (Inspection No. 313862302), to the USPS facility at 1001 E. Sunset Road, Las Vegas, Nevada, for a violation of electrical safety-related work practices standard 29 C.F.R. § 1910.332(b)(2).
- Citation issued on May 24, 2010 (Inspection No. 313862286), to the USPS facility at 5555 Bandini Blvd., Bell, California, for a violation of electrical safety-related work practices standard 29 C.F.R. § 1910.332(b)(2).
- Citation issued on May 27, 2010 (Inspection No. 312805302), to the USPS facility at 4900 Speaker Road, Kansas City, Kansas, for violations of electrical safety-related work practices standards 29 C.F.R. §§ 1910.333(b)(2)(iii)(A) and 1910.335(b)(1).
- Citation issued on June 3, 2010 (Inspection No. 312493620), to the USPS facility at 1900 Byberry Road, Philadelphia, Pennsylvania, for violations of electrical safety-related work practices standards 29 C.F.R §§ 1910.332(b)(1), 1910.332(c), 1910.333(a)(2), 1910.335(a)(1)(i), 1910.335(a)(1)(v), 1910.335(a)(2)(i).
- Citation issued on June 3, 2010 (Inspection No. 312493661), to the USPS facility at 7500 Lindberg Blvd., Philadelphia, Pennsylvania, for violations of electrical safety-related

work practices standards 29 C.F.R. §§ 1910.332(b)(1), 1910.332(c), 1910.333(a)(2), 1910.335(a)(1)(i), 1910.335(a)(1)(v), and 1910.335(a)(2)(i).

- Citation issued on June 7, 2010 (Inspection No. 313027930), to the USPS facility at 8101 Bluebonnet Blvd., Baton Rouge, Louisiana, for a violation of electrical safety-related work practices standard 29 C.F.R. §§ 1910.335(a)(1)(i).
- Citation issued on June 8, 2010 (Inspection No. 312636939), to the USPS facility at 1001 California Avenue, Pittsburgh, Pennsylvania, for violations of electrical safety-related work practices standards 29 C.F.R. §§ 1910.332(b)(1), 1910.332(c), 1910.333(a)(1), 1910.333(a)(2), 1910.335(a)(1)(i), 1910.335(a)(1)(v), 1910.335(a)(1)(iv), 1910.335(a)(2)(i), and 1910.335(b)(1).
- Citation issued on June 16, 2010 (Inspection No. 312391709), to the USPS facility at 715 N.W. Hoyt Street, Portland, Oregon, for violations of electrical safety-related work practices standards 29 C.F.R. §§ 1920.333(b)(2) and 1910.335(a)(1)(i).
- Citation issued on June 25, 2010 (Inspection No. 313993453), to the USPS facility at 79 Postal Service Way, Scarborough, Maine, for violations of electrical safety-related work practices standards 29 C.F.R. §§ 1910.332(b)(1), 1910.332(c), 1910.334(c)(1), 1910.333(b)(2), 1910.335(a)(1)(i), 1910.335(a)(1)(iv), 1910.335(a)(1)(v), and 1910.335(b)(1).
- Citation issued on June 25, 2010 (Inspection No. 313177537), to the USPS facility at 3165 Lexington Avenue South, Eagan, Minnesota, for violations of electrical safety-related work practices standards 29 C.F.R. §§ 1910.332(b)(1), 1910.333(a)(1), 1910.333(a)(2), 1910.335(a)(1)(i), 1910.335(a)(1)(iv), 1910.335(a)(1)(v), 1910.335(a)(2)(ii), and 1910.333(b)(2)(i).

XX.

As described above, USPS's knowledge and actions demonstrate an enterprise-wide policy that has resulted in ongoing systemic violations at USPS Processing and Distribution Centers nationwide of the electrical safety-related work practices standards, 29 C.F.R. §§ 1910.331-335.

RELIEF REQUESTED

Under 29 U.S.C. § 659(c), the Commission is authorized to "issue an order . . . affirming, modifying, or vacating the Secretary's citation or proposed penalty or directing other appropriate relief" Based on this statutory grant of authority, Complainant respectfully requests that the Commission:

- (1) affirm the Providence Center Citations and proposed penalties; and
- (2) based on the evidence of USPS's enterprise-wide knowing failure to comply with the electrical safety-related work practices standards, 29 C.F.R. §§ 1910.331-335, direct other appropriate relief available under section 10(c) of the OSH Act, including:
 - entering an order of enterprise-wide abatement against USPS compelling USPS's compliance with the electrical safety-related work practices standards, 29 C.F.R. §§ 1910.331-335, at all USPS Processing and Distribution Centers;
 - directing USPS to conduct training required under 29 C.F.R. § 1910.332 at all USPS Processing and Distribution Centers;
 - directing USPS to provide all affected employees with PPE required under 29 C.F.R. § 1910.335;
 - directing USPS to immediately withdraw the MMO and MI and issue written instructions to all USPS Processing and Distribution Centers to ensure compliance with the

requirements of the electrical safety-related work practices standards, 29 C.F.R.

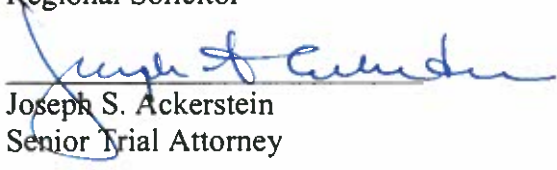
§§ 1910.331-335;

- directing USPS to conduct annual inspections for the next five years at each of its Processing and Distribution Centers to assess its compliance with the electrical safety-related work practices standards, 29 C.F.R. §§ 1910.331-335, and to annually provide Complainant with reports detailing the results of the inspections;
- based on the evidence provided at trial, such additional relief as appropriate under section 10(c) of the OSH Act.

M. Patricia Smith
Solicitor of Labor

Michael D. Felsen
Regional Solicitor

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Joseph S. Ackerstein
Senior Trial Attorney

U.S. Department of Labor
Attorneys for Complainant

DATE July 6, 2010



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

- a) Through out the Providence P&DC and Postal Location Throughout Rhode Island: Procedures were not developed, documented and utilized for all equipment, such as but not limited to, heating air conditioning and ventilation units, boiler room, water heaters and relocated mail processing equipment, when employees were engaged in activities, such as but not limited to, maintenance and servicing of this equipment.

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010
Proposed Penalty: \$ 7000.00

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(ii): The energy control procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, including, but not limited to items (a) through (d) of this section:

- a) Establishment: The energy control procedures' lists of authorized employees were not adequate in that each list did not list all current authorized employees who utilize the procedures to perform maintenance and servicing of equipment.

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010
Proposed Penalty: \$ 7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

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

Citation 1 Item 3a Type of Violation: Serious

29 CFR 1910.147(c)(7)(iii) (B): Additional retraining was not provided whenever a periodic inspection under 29 CFR 1910.147(c)(6) revealed that there were deviations from or inadequacies in the employee's knowledge or use of the energy control procedures:

- a) Delivery Bar Code Sorter, West Side Of Original Building: The employer failed to provide lockout/tagout retraining for the National Service Technician employee working at the Providence P&DC from Norman, OK. This employee was performing installation work on the Delivery Bar Code Sorter (DBCS) equipment and did not apply a lock and tag onto the group lockout device prior to beginning his work and was not retrained when this was observed by management.

ABATEMENT NOTE ONE:

Employee retraining shall be provided to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees. The training shall include the following:

- a) Each authorized employee shall receive retraining in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control when working under a group lockout device and working with the coordinator of that lockout device.

ABATEMENT NOTE TWO: Abatement Documentation is required per 29 CFR 1903.19, in form of written (i.e. policies, procedures photos and/or invoices) or other evidence this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010
Proposed Penalty: \$ 7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

Citation 1 Item 3b Type of Violation: **Serious**

29 CFR 1910.147(f)(3)(ii)(C): When more than one crew, craft, department, etc. was involved, in servicing and/or maintenance, the employer failed to assign overall job responsibility for coordinating affected workforces and ensuring continuity of protection (overall group lockout or tagout device control) to a designated authorized employee:

a) Delivery Bar Code Sorter, West Side of the Original Building: The employer failed to assign overall job responsibility for coordinating the authorized employees working on the installation of the Delivery Bar Code Sorter when more than one craft was under a group lockout device, allowing a National Service Technician to join the crafts without placing a lock onto the device and to begin work without checking.

ABATEMENT NOTE ONE:

Assign an employee overall responsibility prior to the start of work. Have all U.S. Postal employees going to another facility check in with the responsible employee who should assure that they have a lock and tag to put on the group lockout prior to beginning work.

ABATEMENT NOTE TWO: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

Citation 1 Item 3c Type of Violation: **Serious**

29 CFR 1910.147(f)(3)(ii)(D): A personal lockout or tagout device(s) was not affixed to the group lockout device, group lockbox or comparable mechanism when an authorized employee began work on the machine or equipment serviced and or maintained:

- a) Deliver Bar Code Sorter, West Side of Original Building: A personal lockout and tagout device was not affixed to the group lockout device when the National Service Technician began work on the Delivery Bar Code Sorter (DBSC).

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.147(e)(3)(ii): The lockout or tagout devices removal procedures did not document all reasonable efforts to contact the authorized employee to inform him/her that his/her lockout or tagout device has been removed:

- a) Throughout the Establishment: The employer did not take all reasonable steps to contact the authorized employee and did not document the steps taken prior to cutting off an authorized employee lock.

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

Citation 2 Item 1 Type of Violation: **Willful**

29 CFR 1910.147(c)(6)(i) (A): The periodic inspection of the energy control procedure was not performed by an authorized employee other than the one utilizing the energy control procedure being inspected:

a) Throughout the Providence P&DC: The Supervisors Maintenance Operations (SMO), were conducting the periodic inspections (observations) of the employees performing energy control procedures and were not authorized employees, as they were not adequately trained and had never performed energy control procedures themselves.

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010
Proposed Penalty: \$ 55000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

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

Citation 2 Item 2a Type of Violation: Willful

29 CFR 1910.332(b)(1): Employees were not trained in and familiar with the safety related work practices required by 29 CFR 1910.331 through 29 CFR 1910.335 that pertained to their respective job assignments:

a) Throughout the Providence P&DC: On or about November 6, 2009, when opening covers on equipment such as but not limited to, Delivery Bar Code Sorter (DBCS), the Automated Package Parcel Sorter (APPS), and Carrier Sequence Bar Code Sorter (CSBCS) the Electronic Technicians were exposed to live electrical parts 110 volts up to and including 480 volts and were not trained and familiar with safety-related work practices.

b) Throughout the Providence P & DC and Postal Facilities Throughout Rhode Island: Building Equipment Mechanics (BEM), and Field Operations Maintenance Mechanics were not trained and familiar with safety related work practices when performing troubleshooting maintenance, installation and repair on equipment 110 volts up to and including 480 volts.

c) Throughout the Providence P&DC: On or about November 6, 2009, when opening covers on equipment such as but not limited to, the Automated Package Parcel Sorter (APPS), Carrier Sequence Bar Code Sorter (CSBCS), and Delivery Bar code Sorter (DBCS) National Service Technicians were exposed to live electrical parts 110 volts up to and including 480 volts and were not trained and familiar with safety-related work practices.

d) Throughout the Providence P&DC and Postal Locations Throughout Rhode Island: On or about November 4, 2009, the two electricians were not adequately trained and familiar with safety-related work practices, in that, they did not understand what is considered live work and had not demonstrated the skills and knowledge required by the standard. They were performing work such as, but not limited to, installing a bus duct switch and installing the main feed for a Delivery Bar Code Sorter (DBSC) which exposed them to 110 volts up to and including 480 volts.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that these items have been corrected.

Date By Which Violation Must be Abated: 10/20/2010
Proposed Penalty: \$ 70000.00

Citation 2 Item 2b Type of Violation: **Willful**

29 CFR 1910.332(b)(2): Employees who are covered by paragraph (a) of this section but who are not qualified persons were not trained in and familiar with any electrically related safety practices not specifically addressed by 29 CFR 1910.331 through 29 CFR 1910.335 but which are necessary for their safety:

a) Throughout the Providence P&DC: Maintenance Mechanics were not qualified persons and were performing vacuuming of the compartments of equipment such as but not limited to Delivery Bar Code Sorter (DBCS), exposing them to exposed live parts and were not trained nor familiar with any electrical related-safety work practices addressed by 29 CFR 1910.331 through 29 CFR 1910.335.

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

Citation 2 Item 3 Type of Violation: Willful

29 CFR 1910.332(c): The degree of training provided was not determined by the risk to the employee:

a) Throughout the Providence P&DC and Postal Locations Throughout Rhode Island: On or about November 4, 2009, the employer had not determined the degree of training necessary for employee safety based on the risk of their exposure to recognized electrical hazards when performing their job assignments. Affected employees include but are not limited to Electronic Technicians, Building Equipment Maintenance Mechanics, Field Maintenance Operations Mechanics, Supervisors of Maintenance Operations, Maintenance engineering Specialists, and Maintenance Managers.

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010
Proposed Penalty: \$ 70000.00



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

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

Citation 2 Item 4a Type of Violation: **Willful**

29 CFR 1910.333(a)(1): Live parts to which an employee could be exposed were not deenergized before the employee worked on or near them:

a) Providence P&DC: Maintenance Mechanics were vacuuming inside the Delivery Bar Code Sorters (DBCS), in the electrical compartments with exposed energized electrical equipment and did so without first deenergizing the circuit on which they were working in that they did not verify absence of voltage or have a qualified person verify absence of voltage.

b) Providence P&DC, Delivery Bar Code Sorter, West Side of the original Building: On or about November 4, 2009, the electrician, while in an uninsulated Lift-a-Loft, was installing a 120/208 volts, 75 amp power feed from the energized bus duct switch to the Delivery Bar code Sorter while the bus duct switch and bus way system were energized without first deenergizing the circuit.

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010
Proposed Penalty: \$ 70000.00



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

Citation 2 Item 4b Type of Violation: **Willful**

29 CFR 1910.333(a)(2): Where exposed live parts were not deenergized, other safety related work practices were not used to protect employees who could be exposed to the electrical hazards involved:

- a) Throughout the Providence P&DC: On or about November 6, 2009, the Electronic Technicians (ET) and Machine Processing Equipment Mechanics (MPE) perform electrical troubleshooting, maintenance and repair on equipment such as but not limited to Delivery Bar Code Sorter (DBCS), Automated Package Parcel Sorter (APPS) and Carrier Sequence Bar Code Sorter (CSBCS), and other safety related work practices were not used to protect them from the exposure to the electric shock and arc/blast hazards when exposed to 120, 208, and 277 volts.
- b) Throughout the Providence P&DC: Building Equipment Mechanics perform electrical troubleshooting, maintenance and repair on equipment greater than 50 volts up to and including 480 volts when performing work such as but not limited to , Main control cabinets, changing fuses, Heating Air Conditioning and Ventilation Equipment and other safety related work practices were not used to protect them from the hazard to electric shock and arc/blast.
- c) Throughout the Providence P&DC: On or about November 6, 2009, National Service Technicians perform electrical troubleshooting, maintenance and repairs on equipment such as but not limited to Delivery Bar Code Sorter (DBCS). Automated Package Parcel Sorter (APPPS) and Carrier Sequence Bar Code Sorter (CSBCS), and other safety related work practices were not used to the employee with exposure to electric shock and arc/blast hazards when exposed to 120, 208, 277 and 480 volts.
- d) Providence P&DC, Delivery Bar Code Sorter, West Side of Original Building: On or about November, 4, 2009, an electrician was installing a power feed from the energized bus duct switch to the DBCS machine while the bus duct switch and bus duct system were energized at 120/208 volts, 75 amp, and other safety related work practices were not used such as but not limited to a rated face shield and adequate gloves.
- e) Throughout the Providence P&DC and Postal Facilities throughout Rhode Island: the Field Operation Mechanics perform electrical troubleshooting on electrical equipment greater than 50 volts and safety related work practices were not used to protect them from exposure to the hazard of electric shock and arc blast.

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

Date By Which Violation Must be Abated: 10/20/2010

Citation 2 Item 4c Type of Violation: Willful

29 CFR 1910.334(c)(1): Unqualified persons performed testing work on electric circuits or equipment:

a) Throughout The Providence P&DC and Postal Facilities Throughout Rhode Island: On or about November 6, 2009, electrical testing, such as but not limited to, two handed voltage testing, was being performed by unqualified employees such as, Electronic Technicians (ET), Building Equipment Maintenance (BEM), National Service Technicians, Field Operations Mechanics (FOM), Mail Process Equipment Mechanics (MPE) and Electricians in that this work was being done bare handed on live electric circuits and equipment.

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

Citation 2 Item 5 Type of Violation: **Willful**

29 CFR 1910.333(b)(2): While any employee(s) was exposed to contact with parts of fixed electric equipment or circuits which had been deenergized, the circuits energizing the parts were not locked out or tagged or both in accordance with the requirements of this paragraph. The requirements shall be followed in order which they are presented:

- a) Throughout the Providence P&DC: Maintenance Mechanics, were exposed to contact with parts of fixed electric equipment within the Delivery Bar Code Sorter's electric equipment compartments, which had been turned off to perform vacuuming but the employees had not followed all of the requirements of this paragraph in that the following requirement were not met in that control circuits were being used as the sole means for deenergizing equipment; Stored energy, such as capacitors were not discharged or verified as safe; Verification of deenergized circuits or parts were not performed as required.
- b) Throughout the Providence P&DC: Electronic Technicians, Mail Processing Mechanics, National Service Technicians and MPE's were exposed to contact with parts of fixed electric equipment within equipment, such as but not limited to, Automated Package Parcel Sorters (APPS), Carrier Sequence Bar Code Sorters (CSBCS) and Delivery Bar Code Sorters (DBCS) electric equipment compartments, which had been deenergized, when performing repairs and maintenance work but had not followed all of the requirements of this paragraph in that the following requirements were not met in that control circuits were being used as the sole means for deenergizing equipment; Stored energy, such as capacitors were not discharged or verified as safe; Verification of deenergized circuits or parts were not performed as required.
- c) Throughout the Providence P&DC and Postal Facilities in Rhode Island: Electrician, Field Operation Mechanics (FOM), and Building Maintenance Mechanics were exposed to contact with parts of fixed electric equipment such as but not limited to, premises wiring, electrical power panels, switch boards, motor control centers, electrical bus way system, feeder and branch circuits, heating ventilation and air conditioning (HVAC) units, boiler and control panels which had been deenergized, when performing repair installation and maintenance work, but had not followed all of the requirements of this paragraph in that the following requirement were not met in that control circuits were being used as the sole means for deenergizing equipment; Stored energy, such as capacitors were not discharged or verified as safe; Verification of deenergized circuits or parts were not performed as required.

ABATEMENT NOTE 1:

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

Prior to the start of any work on exposed deenergized parts or near enough to them to expose the employee to any electrical hazard they present all requirements of 29 CFR 1910.332(b) shall be followed in the order in which they are presented in paragraph (b)(2)(i) through (b)(2)(v)(C)(2).

Abatement Note 2: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this items has been corrected.

Date By Which Violation Must be Abated: 10/20/2010
Proposed Penalty: \$ 70000.00



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

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

Citation 2 Item 6a Type of Violation: Willful

29 CFR 1910.335(a)(1)(i): Employees working in areas where there were potential electrical hazards were not provided with, and/or did not use, electrical protective equipment that was appropriate for the specific parts of the body to be protected and for the work to be performed:

- a) Throughout the Providence P&DC: On or about November 06, 2009, Electronic Technicians and Machine Processing Mechanics were working on live electrical parts while performing trouble shooting and maintenance on mail processing equipment and are exposed to voltages of 120, 208, 277 and 480, and were not provided with appropriate electrical protective equipment, such as but not limited to voltage rated gloves, leather protectors, flame resistant clothing, arc rated face shield, balaclava and/or an arc rated hood.
- b) Throughout the Providence P&DC: Building Equipment Mechanics were working on live electrical parts and testing for deenergization on HVAC systems and other electrical equipment with voltages of 120, 208, 277 and 480, and were not provided with appropriate electrical protective equipment, such as but not limited to, voltage rated gloves, leather protectors, flame resistant clothing, arc rated face shield, balaclava and/or an arc rated hood.
- c) Throughout the Providence P&DC: On or about November 6, 2009, National Service Technician working on live electrical parts while performing trouble shooting and maintenance on mail processing equipment and are exposed to voltages of 120, 208, 277 and 480, and were not provided with appropriate electrical protective equipment, such as but not limited to voltage rated gloves, leather protectors, flame resistant clothing, arc rated face shield, balaclava and/or an arc rated hood.
- d) Throughout the Providence P&DC: Maintenance Mechanics were vacuuming electrical compartments of the Delivery Bar Code Sorters (DBCS) and were exposed to voltages of 110, 120, 208 and 277, and were not provided with appropriate electrical protective equipment, such as but not limited to, voltage rated gloves, leather protectors, flame resistant clothing, arc rated face shield, balaclava and/or arc rated hood.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010
Proposed Penalty: \$ 70000.00

Citation 2 Item 6b Type of Violation: **Willful**

29 CFR 1910.335(a)(1)(iv): Employees exposed to the danger of head injury from electric shock or burns due to contact with exposed energized parts did not wear nonconductive head protection:

a) Throughout the Providence P&DC: The Building Equipment Mechanics (BEM) whose job assignments include troubleshooting, testing and installation of electrical equipment such as but not limited to panel boards, circuit breakers, and ballast equipment that was energized and were not provided with nonconductive head protection when there was the exposure for shock and arc blast/flash hazards at voltages of 120, 208, 277 and 480.

b) Throughout the Providence P&DC and Postal Locations throughout Rhode Island: The Field Operation Maintenance (FOM) whose job assignments include troubleshooting, voltage testing and installation of electrical equipment, such as but not limited to, mail equipment, ballast and water heater and were not provided with nonconductive head protection when there was exposure for shock and arc blast/flash hazards at voltages of 110, 120, 208 and 440.

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

Citation 2 Item 6c Type of Violation: **Willful**

29 CFR 1910.335(a)(1)(v): Employees exposed to the danger of injury to the eyes or face from electric arcs or flashes or from flying objects resulting from electrical explosion did not wear protective equipment for the eyes or face:

a) Throughout the Providence P&DC: On or about November 6, 2009 Electronic Technicians (ET) and Machine Processing Mechanics (MPE) employees were working on Delivery Bar Code Sorters(DBCS) and Automated Package Parcel Sorter (APPS) mail processing equipment, exposing their head, face and neck to live electrical parts and were not provided with protective arc rated face shields.

b) Throughout the Providence P&DC and Postal Locations Throughout Rhode Island: Building Equipment Mechanics were working on equipment, such as but not limited to HVAC system, water heaters, panel boards and other electric circuits, exposing there head, face and neck to live electrical parts and were not provided with protective rated arc flash/blast faceshields.

c) Throughout the Providence P&DC: National Service Technicians were performing work on Delivery Bar Code Sorters (DBCS) and Automated Package Parcel Sorters (APPS), exposing their head, face and neck to live electrical parts and were not provided with a arc rated face shields.

d) Throughout the Providence P&DC: Maintenance Mechanics were performing vacuuming of Delivery Bar Code Sorters (DBCS), exposing their head, face and neck to live electrical parts and were not provided with protective arc rated face shields.

e) The Providence P&DC, Adjacent to the DBCS Mail Processing Equipment: On or about 11/04/09 an Electrician was installing a buss duct switch live and was not wearing an adequate rated arc rated face shield.

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated:

10/20/2010



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

Citation 2 Item 7 Type of Violation: Willful

29 CFR 1910.335(a)(2)(i): When working near exposed energized conductors or circuit parts, each employee did not use insulated tools or handling equipment when the tools or handling equipment might have made contact with such conductors or parts:

a) Throughout the Providence P&DC: On or about November 06, 2009 the employer did not provide insulated tools and equipment for the Electronic Technicians and National Service Technicians who worked on and near live energized parts and conductors, such as but not limited to DBSC, APPS and flat sorter mail processing equipment performing electrical testing and maintenance.

b) Throughout the Providence P&DC and Postal Location throughout Rhode Island: The employer did not provided insulated tools and equipment for the Building Equipment Mechanics and Field Operations Mechanics who worked on and near live energized conductors and equipment, such as but not limited to panel boards, fuses, Heating Ventilation and Air Conditioning units, performing electrical testing and maintenance.

Abatement Note: Abatement Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010
Proposed Penalty: \$ 70000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 24 Corliss Street, Providence, RI 02904

Citation 2 Item 8 Type of Violation: **Willful**

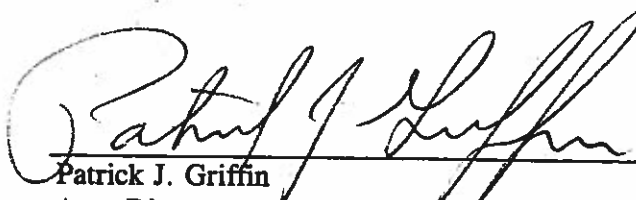
29 CFR 1910.335(b)(1): Safety signs, safety symbols, or accident prevention tags were not used where necessary to warn employees about electrical hazards which could endanger them, as required by 29 CFR 1910.145:

a) Throughout the Providence P&DC: On or about November 16, 2009, safety signs, safety symbols or accident prevention tags were not installed on the outside covers of equipment such as but not limited to Delivery Bar Code Sorter (DBCS), Automated Package Parcel Sorter (APPS), Dual Pass Rough Cuff mail processing equipment, when employees were required to examine, make adjustment or perform maintenance while the equipment is energized.

b) Throughout the Postal Facilities in Rhode Island: On or about November 04, 2009, safety signs, safety symbols or accident prevention tags were not provided on the outside covers of the premises wiring such as but not limited to, electrical power panels, switchboards, motor control center, electrical bus duct systems, heating ventilation air conditioning units, boilers, control panels, feeder and brain circuits to warn employees about electrical hazards when they were required to examine, make adjustments, service, or perform maintenance while the equipment was energized.

Abatement Note: Documentation is required per 29 CFR 1903.19, in the form of written (i.e. policies, procedures, photos and/or invoices) or other evidence that this item has been corrected.

Date By Which Violation Must be Abated: 10/20/2010
Proposed Penalty: \$ 55000.00


Patrick J. Griffin
Area Director

CERTIFICATE OF SERVICE

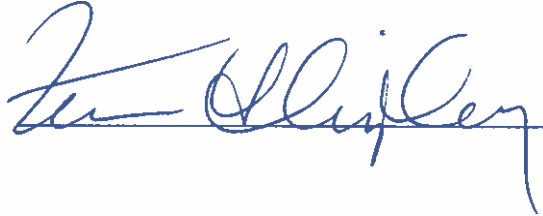
I hereby do certify that I served the foregoing COMPLAINT on the 6th day of July, 2010,
by facsimile and by placing one (1) copy of same in a postage-paid envelope addressed to:

Andrew L. Freeman, Esquire
U.S. Postal Service
Northeast Area Law Office
8 Griffin Road North
Windsor, CT 06006-0170
Fax (860) 285-7397

and

A. Elaine Rogers, Esquire
U.S. Postal Service
Northeast Area Law Office
8 Griffin Road North
Windsor, CT 06006-0170
Fax (860) 285-7397

the last known address and depositing same in the United States Mail at Boston, Massachusetts.



NOTICE TO: U.S. POSTAL SERVICE

You are hereby notified that you must file an Answer to this Complaint within twenty (20) days of your receipt of this Complaint. If you do not file an Answer to this Complaint within twenty (20) days, or request an extension, judgment may be entered against you.

29 CFR 2200.34 provides in pertinent part: "The answer shall contain in short and plain terms a response to each allegation of the complaint which the party intends to contest." Any allegation not denied shall be deemed admitted.

For further information regarding the required content of an Answer, including any affirmative defenses, see 29 CFR 2200.34.

Your Answer should be filed by mailing the original to the Administrative Law Judge assigned to this case, and by mailing a copy of same to the Regional Solicitor's Office, U.S. Department of Labor, JFK Federal Building, Room E-375, Boston, Massachusetts, 02203. If no Judge has been assigned yet you should mail the original to the Occupational Safety and Health Review Commission, One Lafayette Centre, 1120 20th Street, N.W., Room 980, Washington, D.C. 20036-3419.