

APWU

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 140
1099 Winterson Road
Linthicum, MD 21090
Phone: (410)865-2055 FAX: (410)865-2068



Citation and Notification of Penalty

To:
U.S. Postal Service

Inspection Number: 313989063
Inspection Date(s): 01/05/2010 - 01/15/2010

and its successors
9201 Edgeworth Dr.
Capitol Heights, MD 20790-9998

Issuance Date: 07/01/2010

Inspection Site:
9201 Edgeworth Dr.
Capitol Heights, MD 20790-9998

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 4 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - Prior to the "Date By Which Violation Must Be Abated" (but no later than 10 calendar days after the abatement date), you are required to certify that abatement (corrective action) has been accomplished and, under certain circumstances, may be required to submit documented proof of abatement of cited violations. It is not required where the compliance officer, during the onsite portion of the inspection, observes that a violation has been abated within 24 hours of its identification and it is noted in the citation.

The Accompanying citation states where corrective action has been taken during the inspection, and what citation items require either **Abatement Certification** or **Abatement Documentation**.

Abatement certification - a signed statement to OSHA that describes the date, and method of abatement and that employees and their representatives have been informed of the abatement.

Abatement documentation - abatement certification and evidence (documents) demonstrating that abatement is complete. The evidence may be photographic or video pictures of the abatement, receipts or completed work orders or other "paper" evidence of abatement actions taken, or other written records.

Employers are required to include the following information in all abatement materials submitted to OSHA: The employer's name and address; the inspection number; the citation number and citation item number(s); a statement to the effect that the information provided by the employer is accurate; and the employer's signature or that of his/her authorized representative.

If correction of any violation cannot be achieved within the time period, you must provide an abatement plan which includes:

- (1) a timetable of the steps to be taken to achieve compliance during the prescribed abatement period
- (2) the specific additional abatement time estimated to achieve compliance
- (3) the reasons such additional time is necessary, including the availability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date
- (4) interim steps being taken to safeguard employees against the cited hazard during the abatement period
- (5) and, notification of your abatement plan has been given to affected employees and any authorized employee representative

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/01/2010. The conference will be held at the OSHA office located at Suite 140, 1099 Winterson Road, Linthicum, MD, 21090 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

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1099 Winterson Rd, Suite 140
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FOR VIOLATIONS YOU DO NOT CONTEST, YOU MUST PROVIDE THE CERTIFICATION AND DOCUMENTATION AS INDICATED ON THE CITATION(S) TO THE OSHA AREA DIRECTOR BY LETTER THAT YOU HAVE TAKEN CORRECTIVE ACTION WITHIN THE TIME FROM SET FORTH ON THE CITATION. YOU MUST ALSO INCLUDE A STATEMENT THAT EMPLOYEES AND THEIR REPRESENTATIVES HAVE BEEN INFORMED OF THE ABATEMENT. THIS FORM IS PROVIDED FOR YOUR CONVENIENCE IN FULFILLING THIS OBLIGATION. DECISIONS BY THE AREA OFFICE ON FOLLOW-UP INSPECTIONS ARE BASED UPON THIS RESPONSE. IF ADDITIONAL SPACE IS NEEDED, YOU MAY EITHER ATTACH A CONTINUATION SHEET TO THIS OR SUBMIT A MORE DETAILED LETTER.

Issuance Date _____ Inspection Number _____

Establishment Name _____

Site Address _____

CORRECTIVE ACTION HAS BEEN TAKEN TO ABATE THE ITEM(S) ON THE CITATION AS FOLLOWS:

<u>CITATION #</u>	<u>ITEM #</u>	<u>ACTION TAKEN</u>	<u>DATE COMPLETED</u>

SIGNATURE _____ DATE _____

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

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Inspection Dates: 01/05/2010-01/15/2010
Issuance Date: 07/01/2010



Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 9201 Edgeworth Dr., Capitol Heights, MD 20790-9998

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

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

- a) Facility wide - The employer does not ensure that each employee who performs work on and/or near energized conductors or circuit parts on equipment such as but not limited to: Automated Package Processing System (APPS); Parcel Sorting Machines (PSM); Sack Sorter Machines (SSM); Conveyors; and Induction Lines with voltages ranging from 5 volts to 480 volts, uses insulated tools. Instances of this violation occurred on or before January 6, 2010 and continuing to the present, in that employees are not using insulated tools such as screw drivers, pliers, and wrenches to protect them from electrical shock.
- b) Southern Maryland P&DC, Washington Network Distribution Center - One example of this violation occurred on or about June 21, 2010, a Mail Processing Equipment Mechanic (MPE) was working on a 110 volt conveyor motor starter panel with energized parts, and used an uninsulated screw driver to reset a relay to correct a dropped preset, in addition was not wearing all the required PPE.
- c) Southern Maryland P&DC, General Mail Facility - One example of this violation occurred on or about June 22, 2010, a Mail Processing Equipment Mechanic (MPE) worked on a Delivery Bar Code Sorter (DBCS) with energized parts while using uninsulated tools, in addition to not wearing required PPE.

To abate this violation, the employer's ongoing obligation is to ensure that employees working near exposed energized conductors or circuit parts, use insulated tools or handling equipment when the tools or handling equipment might have made contact with such conductors or parts.

Pursuant to 1903.19(d), the employer must submit documentation describing the steps it is taking to ensure compliance including how these steps protect its employees.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/14/2010
\$ 7000.00

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

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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: U.S. Postal Service
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.332(b)(1): Employees are 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 Facility - The employer does not ensure that each employee who performs work on and/or near energized equipment such as, but not limited to: Automated Package Processing System (APPS); Parcel Sorting Machines (PSM); Sack Sorter Machines (SSM); Conveyors; and Induction Lines with voltages ranging from 5 volts to 480 volts, has been trained in and made familiar with the use of appropriate precautionary techniques, personal protective equipment, insulating and shielding materials, and the insulated tools for the required task. Instances of this violation occurred on or about January 6, 2010 and continuing to the present in that employees who work on or near energized equipment are not trained in safety related work practices.

To abate this violation, the employer's ongoing obligation is to ensure that employees working near exposed energized equipment has been trained in and is familiar with the safety related work practices required by 29 CFR 1910, Subpart S.

Pursuant to 1903.19(d), the employer must submit documentation describing the steps it is taking to ensure compliance including how these steps protect its employees.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/14/2010
\$ 70000.00

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Citation and Notification of Penalty

Company Name: U.S. Postal Service
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Citation 2 Item 1b Type of Violation: **Willful**

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

- a) Throughout the Facility - The employer does not ensure that each employee who performs work on and/or near energized equipment such as, but not limited to: Automated Package Processing System (APPS); Parcel Sorting Machines (PSM); Sack Sorter Machines (SSM); Conveyors; and Induction Lines with voltages ranging from 5 volts to 480 volts has been adequately trained for the job task that they are assigned to recognize electrical hazards and safe work practices and procedures to prevent exposure to electrical hazards. Instances of this violation occurred on or about January 6, 2010 and continuing to the present, in that employees are not adequately trained for the job tasks that they are assigned and to the degree necessary for the level of work.

To abate this violation, the employer's ongoing obligation is to ensure that employees working near exposed energized equipment has been adequately trained for the job tasks that they are assigned and to the degree necessary for the level of risk.

Pursuant to 1903.19(d), the employer must submit documentation describing the steps it is taking to ensure compliance including how these steps protect its employees.

Date By Which Violation Must be Abated:

07/14/2010

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

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

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

- a) Facility wide - The employer does not ensure that employees who work on and/or near energized equipment such as: Automated Package Processing System (APPS); Parcel Sorting Machines (PSM); Sack Sorter Machines (SSM); Conveyors; and Induction Lines with voltages ranging from 5 volts to 480 volts, deenergize live parts to prevent electrical shock or other injuries resulting from either direct or indirect contact. Instances of this violation occurred on or about January 5, 2010 and continuing to the present, in that employees continue to work on and/or near energized equipment without deenergizing live parts.
- b) Southern Maryland P&DC, General Mail Facility - One example of this violation occurred on or about 06/22/10, an employee performed work inside an electric panel with parts energized at 208 volts and did so without first de-energizing live parts.

To abate this violation, the employer's ongoing obligation is to ensure that all live parts to which an employee could be exposed are de-energized before the employee works on or near them.

Pursuant to 1903.19(d), the employer must submit documentation describing the steps it is taking to ensure compliance including how these steps protect its employees.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/14/2010
\$ 70000.00

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Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 9201 Edgeworth Dr., Capitol Heights, MD 20790-9998

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

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

- a) Throughout the Facility - The employer does not ensure that employees work on and/or near various energized equipment such as to, but not limited to: Automated Package Processing System (APPS); Parcel Sorting Machines (PSM); Sack Sorter Machines (SSM); Conveyors; and Induction Lines with voltages ranging from 5 volts to 480 volts where live parts are not deenergized, use other safety related work practices to protect employees from exposure to electrical hazards such as but not limited to personal protective equipment. Instances of the violation occurred on or about January 5, 2010 and continuing to the present, in that employees continue to work on and/or near deenergized live parts without using other safety related work practices such as appropriate personal protective equipment.

To abate this violation, the employer's ongoing obligation is to ensure that employees working near exposed energized live parts, use other safety related work practices such as appropriate personal protective equipment.

Pursuant to 1903.19(d), the employer must submit documentation describing the steps it is taking to ensure compliance including how these steps protect its employees.

Date By Which Violation Must be Abated:

07/14/2010

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

Citation 2 Item 3a Type of Violation: **Willful**

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

- a) Throughout the Facility - The employer does not ensure that each employee who performs work on and/or near energized electrical equipment such as, but not limited to: Automated Package Processing System (APPS); Parcel Sorting Machines (PSM); Sack Sorter Machines (SSM); Conveyors; and Induction Lines with voltages ranging from 5 volts to 480 volts, is provided with and has available voltage rated gloves and protective clothing to protect their hands and bodies. Instances of this violation occurred on or about January 6, 2010 and continuing to the present, in that employees are not provided with, do not have available, and do not use voltage rated gloves, flame resistant clothing, and face shields to protect their hands and bodies from electrical shock.

To abate this violation, the employer's ongoing obligation is to ensure that employees who perform work in areas where there are potential electrical hazards, such as working on and/or near energized equipment, are provided with and use electrical protective equipment including voltage rated gloves, protective clothing and face shields that is appropriate for the parts of the body and the work to be performed and to ensure that this equipment is readily available.

Pursuant to 1903.19(d), the employer must submit documentation describing the steps it is taking to ensure compliance including how these steps protect its employees.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/14/2010
\$ 70000.00

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Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 9201 Edgeworth Dr., Capitol Heights, MD 20790-9998

Citation 2 Item 3c 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 do not wear nonconductive head protection:

- a) Throughout the Facility - The employer does not ensure that each employee who performs work on and/or near energized equipment such as, but not limited to: Automated Package Processing System (APPS); Parcel Sorting Machines (PSM); Sack Sorter Machines (SSM); Conveyors; and Induction Lines with voltages ranging from 5 volts to 480 volts, is provided with and has available nonconductive head protection. Instances of this violation occurred on or about January 5, 2010 and continuing to the present, in that employees are not provided with and have available nonconductive head protection to protect against electric shock or burns.

To abate this violation, the employer's ongoing obligation is to ensure that employees working on and/or near energized equipment has been provided with readily available nonconductive head protection where there is a danger of head injury from electric shock or burns due to contact with exposed energized parts.

Pursuant to 1903.19(d), the employer must submit documentation describing the steps it is taking to ensure compliance including how these steps protect its employees.

Date By Which Violation Must be Abated:

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Company Name: U.S. Postal Service
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Citation 2 Item 3b 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 do not wear protective equipment for the eyes or face:

- a) Throughout the Facility - The employer does not ensure that each employee who performs work on and/or near energized equipment such as: Automated Package Processing System (APPS); Parcel Sorting Machines (PSM); Sack Sorter Machines (SSM); Conveyors; and Induction Lines with voltages ranging from 5 volts to 480 volts, is provided with a face shield. Instances of this violation occurred on or about January 5, 2010 and continuing to the present, in that employees are not provided with and have available face shields to protect against electric arcs or flashes or from flying objects.

To abate this violation, the employer's ongoing obligation is to ensure that each employee who performs work on and/or near energized equipment has been provided with a face shield where there is a danger of injury to the face from electric arcs or flashes or from flying objects.

Pursuant to 1903.19(d), the employer must submit documentation describing the steps it is taking to ensure compliance including how these steps protect its employees.

Date By Which Violation Must be Abated:

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Citation and Notification of Penalty

Company Name: U.S. Postal Service
Inspection Site: 9201 Edgeworth Dr., Capitol Heights, MD 20790-9998

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

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

- a) Throughout the Facility - The employer does not ensure safety signs, safety symbols and/or other accident prevention tags were installed on energized electrical equipment such as: Automated Package Processing System (APPS); Parcel Sorting Machines (PSM); Sack Sorter Machines (SSM); Conveyors; and Induction Lines with voltages ranging from 5 volts to 480 volts, to warn employees about the electrical hazards which could endanger them. Instances of this violation occurred on or about January 5, 2010 and continuing to the present, in that safety signs, safety symbols, or accident prevention tags are not provided for employees who are exposed to electrical hazards while working on, examining, adjusting, servicing, and performing maintenance on energized electrical equipment.

To abate this violation, the employer's ongoing obligation is to ensure that safety signs, safety symbols, or accident prevention tags are used to warn each employee who performs work on and/or near energized equipment.

Pursuant to 1903.19(d), the employer must submit documentation describing the steps it is taking to ensure compliance including how these steps protect its employees.

Date By Which Violation Must be Abated:

07/14/2010

Proposed Penalty:

\$ 55000.00


Michael Waterschied
Area Director

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