

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Customs House - Room 242
2nd and Chestnut Streets
Philadelphia, PA 19106
Phone: (215)597-4955 FAX: (215)597-1956



Citation and Notification of Penalty

To:
U.S. Postal Service-NDC (Byberry)

Inspection Number: 312493620
Inspection Date(s): 12/03/2009-05/26/2010

and its successors
1900 Byberry Road
Philadelphia, PA 19116

Issuance Date: 06/03/2010

Inspection Site:
1900 Byberry Road
Philadelphia, PA 19116

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.**

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation, but not sooner than 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment and this settlement agreement at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

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 - For each violation which you do not contest, and for which there is an abatement date on the citation, you are required by 20 CFR 1903.19 to submit an Abatement

Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violation, documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete **must** accompany the certification. Where the citation is classified as **Serious** and the citations states that **Abatement Documentation** is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information:

1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the correction took place.

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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/03/2010. The conference will be held at the OSHA office located at U.S. Customs House - Room 242, 2nd and Chestnut Streets, Philadelphia, PA, 19106 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

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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 _____

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U. S. Customs House, Room 242
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Philadelphia, PA 19106

Inspection Number: 312493620
Inspection Dates: 12/03/2009 - 05/26/2010
Issuance Date: 06/03/2010



Citation and Notification of Penalty

Company Name: U.S. Postal Service-NDC (Byberry)
Inspection Site: 1900 Byberry Road, Philadelphia, PA 19116

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 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 pertain to their respective job assignments:

a) USPS, 1900 Byberry Rd. - The employer does not ensure that employees are trained in and familiar with electrical safety-related work practices that pertain to their job assignments. Examples of this violation were recently documented in that MPEs and ETs were exposed to electrical shock and burn hazards in that, in part, they 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 assignment(s). These employees were regularly exposed to electrically energized parts/circuits operating at up to 480 VAC, 3 phase. Up to and including the present. The employer's ongoing obligation is to ensure employees who perform work on electrical equipment are trained in safety-related work practices.

NOTE: DOCUMENTATION OF ABATEMENT OF THIS CONDITION IS REQUIRED

Date By Which Violation Must be Abated:	07/06/2010
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.

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Citation and Notification of Penalty

Company Name: U.S. Postal Service-NDC (Byberry)
Inspection Site: 1900 Byberry Road, Philadelphia, PA 19116

Citation 1 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) USPS, 1900 Byberry Rd. - The employer provides a degree of training that is not determined by the risk to the employee. Examples of this violation were recently documented in that USPS at this facility 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 included, but were not limited to, Electronics Technicians, Mail Processing Equipment Mechanics, and their Supervisors. Up to and including the present. The employer's ongoing obligation is to establish levels of training that are appropriate for the risk to employees performing work on various types of electrical equipment.

NOTE: DOCUMENTATION OF ABATEMENT OF THIS CONDITION IS REQUIRED.

Date By Which Violation Must be Abated: **07/06/2010**

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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Citation and Notification of Penalty

Company Name: U.S. Postal Service-NDC (Byberry)
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Citation 1 Item 2 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) USPS, 1900 Byberry Rd. - The employer does not establish safety-related work practices to be used to protect employees who are exposed to electrical hazards while testing and working on energized equipment. Examples of this violation were recently documented in that where BEMs, MPEs and ETs were regularly exposed to electrical shock and burn hazards, other safety-related work practices were not used to protect those employees. These employees were regularly exposed to electrically energized parts/circuits operating at up to 480 VAC, 3 phase. The exposure occurred during, but not limited to, troubleshooting operations within energized Motor Control Centers (MCC) and other electrical equipment. Up to and including the present. The employer's ongoing obligation is to ensure protective safety related work practices are used when employee's are required to work on energized equipment.

NOTE: DOCUMENTATION OF ABATEMENT OF THIS CONDITION IS REQUIRED

Date By Which Violation Must be Abated:	07/06/2010
Proposed Penalty:	\$ 0.00

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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 1 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 (EPE) that is appropriate for the specific parts of the body to be protected and for the work to be performed:

a) USPS, 1900 Byberry Rd. - The employer does not provide or insure the use of electrical protective equipment appropriate to protect specific parts of the body from the potential hazards of the work being performed. Examples of this violation were recently documented in that BEMs, MPEs and ETs exposed to electrical shock and burn injuries where they were not provided with and did not use appropriate electrical protective equipment (EPE) to guard against injury to body parts. EPE such as, but not limited to, insulated gloves, and fire rated clothing were not used when employees were working on and near exposed energized parts and circuits at voltages of up to 480 VAC, 3 phase. Up to and including the present. The employer's ongoing obligation is to insure appropriate electrical protective equipment is provided and used when work on energized equipment is performed.

NOTE: DOCUMENTATION OF ABATEMENT OF THIS CONDITION IS REQUIRED

Date By Which Violation Must be Abated:	07/06/2010
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.

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Citation and Notification of Penalty

Company Name: U.S. Postal Service-NDC (Byberry)
Inspection Site: 1900 Byberry Road, Philadelphia, PA 19116

Citation 1 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) USPS, 1900 Byberry Rd. - The employer does not provide or assure the use of equipment to protect the eyes and face from the hazards of arc flashes and electrical explosions. Examples of this violation were recently documented in that BEMs, MPEs and ETs who were exposed to injury to their eyes and faces from electric arcs or flashes or from flying objects resulting from electrical explosion, did not wear protective equipment for the eyes or face. While these employees were working in energized cabinets, such as but not limited to motor control centers (MCC), appropriate eye and face protection was not used. Additionally some employees used only plastic reading glasses while working within those energized cabinets. These MCCs operated at voltages up to 480 VAC 3 phase. Up to and including the present. The employer's ongoing obligation is to ensure employees performing work on energized electrical equipment use equipment that protects their eyes and face from arc flash/electrical explosion hazards.

NOTE: DOCUMENTATION OF ABATEMENT OF THIS CONDITION IS REQUIRED

Date By Which Violation Must be Abated: 07/06/2010

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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Company Name: U.S. Postal Service-NDC (Byberry)
Inspection Site: 1900 Byberry Road, Philadelphia, PA 19116

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

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 make contact with such conductors or parts:

a) USPS, 1900 Byberry Rd. - The employer does not ensure employees use insulated tools and equipment when they perform work on or near energized equipment. Examples of this violation were recently documented in that BEMs, MPEs and ETs exposed to electrical shock and burn injuries when working on energized conductors and/or circuits and not utilizing insulated tools. These employees were, at times, working on and near exposed energized conductors and circuits at voltages of up to 480 VAC, 3 phase. Up to and including the present. The employer's ongoing obligation is to ensure insulated tools and equipment are used to perform work on or near energized equipment.

NOTE: DOCUMENTATION OF ABATEMENT OF THIS CONDITION IS REQUIRED

Date By Which Violation Must be Abated: 07/06/2010
Proposed Penalty: \$ 70000.00



ALBERT D'IMPERIO
Area Director

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

U.S. Department of Labor

Occupational Safety and Health Administration

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INVOICE/ DEBT COLLECTION NOTICE

Company Name: U.S. Postal Service-NDC (Byberry)
Inspection Site: 1900 Byberry Road, Philadelphia, PA 19116
Issuance Date: 06/03/2010

Summary of Penalties for Inspection Number 312493620

Citation 1, Willful = \$ 210000.00
TOTAL PROPOSED PENALTIES = \$ 210000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:
"DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

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

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

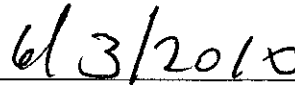
Interest. Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 3%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges. A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs. Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



ALBERT D'IMPERIO
Area Director



Date