

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103
Phone: 314-425-4249 Fax: 314-425-4289



Notice of Unsafe or Unhealthful Working Conditions

To:
GENERAL SERVICES ADMINISTRATION
4300 Goodfellow Blvd
Saint Louis, MO 63120

Inspection Number: 1120691
Inspection Date(s): 01/14/2016 - 06/30/2016
Issuance Date: 07/01/2016

Respond to: The Strategic Team Leader

Inspection Site:
4300 Goodfellow Blvd
Saint Louis, MO 63120

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

This Notice of Unsafe and Unhealthful Working Conditions (Notice) describes violations of the Occupational Safety and Health Act of 1970, the Executive Order 12196, and 29 CFR 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters. You must abate the violations referred to in this Notice by the dates listed unless, within 15 working days (excluding weekends and Federal holidays) from your receipt of this Notice you request an Informal Conference with the US Department of Labor OSHA Area Office at the address shown above. Please refer to the enclosed publication "Federal Employer Rights and Responsibilities Following an OSHA Inspection" which outlines the appeals procedure for this Notice and which should be read in conjunction with this form.

Posting – The law requires that a copy of this Notice be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because the nature of the employer's operations, where it will be readily observable by all affected employees. This Notice must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Notification of Corrective Action – For each violation which you do not appeal, you must provide abatement certification to the Area Director of the OSHA office issuing the Notice and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the Notice indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must

be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A template abatement certification letter is enclosed with this Notice. In addition, where the Notice indicates that abatement documentation is required, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Program Responsibilities - Section 19(a)(1) of the OSH Act requires the head of each Federal agency to comply with applicable occupational safety and health standards. The intent of this section and Executive Order 12196 is implemented through 29 CFR 1960.8(b). If you are cited for violations of applicable safety and health standards, you have also violated the program element 29 CFR 1960.8(b), which stipulates:

“The head of each agency shall comply with the Occupational Safety and Health Administration standards applicable to the agency.”

Informal Conference – An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director within 15 working days after receipt of this Notice. As soon as the time, date, and place of the informal conference have been determined please complete the enclosed “Notice to Employees” and post it where the Notice is posted. During such an informal conference you may present any evidence or views you believe would support an adjustment to the Notice. In addition, bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

If you are considering a request for an informal conference to discuss any issues related to the Notice, you must take care to schedule it early enough to allow time to appeal after the informal conference should you decide to do so. Please keep in mind that a written letter of intent to appeal must be submitted by the Agency’s National OSH Manager to the OSHA Area Director within 15 business days of your receipt of the OSHA Notice to request that OSHA’s Regional Administrator review the case.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and notice activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this notice. You are encouraged to review the information concerning your establishment at www.OSHA.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES

An informal conference has been scheduled with the Occupational Safety and Health Administration (OSHA) to discuss the Notice of Unsafe or Unhealthful Working Conditions (Notice) issued on 07/01/2016. The conference will be held by telephone or at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET – FEDERAL AGENCIES

Inspection Number: 1120691

Agency Name: GENERAL SERVICES ADMINISTRATION

Inspection Site: 4300 Goodfellow Blvd, Saint Louis, MO 63120

Issuance Date: 07/01/2016

Employer Instruction: List the specific method of correction for each item on the enclosed notices that does not read “Corrected During Inspection” and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103.** Failure to submit a timely certification of corrective action may result in a notification to your agency DASHO.

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review.



Notice of Unsafe and Unhealthful Working Conditions

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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 or illness.

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

29 CFR 1910.219(b)(1): Flywheel(s) with parts seven feet or less above floor(s) or platform(s) were not guarded in accordance with the requirements specified in 29 CFR 1910.219(b)(1)(i) through (b)(1)(iv):

- a) On or about 01/14/2016, Building 104, elevator B16, flywheels located less than seven (7) feet from floor were not guarded. The condition exposed the employees to amputation hazard.
- b) Building 105 elevator B16, flywheels located less than seven (7) feet from the floor were not guarded.
- c) Building 105, elevator-B45, flywheels located less than seven (7) feet from the floor were not guarded.
- d) Building 105F, elevator M-36, flywheels located less than seven (7) feet were not guarded.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be abated: 07/25/2016



Notice of Unsafe and Unhealthful Working Conditions

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

29 CFR 1910.219(e)(3)(i): Vertical and inclined belts were not enclosed by a guard conforming to standards in paragraphs (m) and (o) of this section.

- a) On or about 01/04/2016, in Building 104, the vertical belts running the elevator B-16, located less than seven (7) feet from the floor were not guarded.
- b) Building 105, vertical belts running elevator B-16, located less than seven (7) feet from the floor were not guarded.
- c) Building 105, vertical belts running elevator B-45, located less than seven (7) feet from the floor were not guarded.
- d) Building 105F, vertical belts running elevator M-36, located less than seven (7) feet from the floor were not guarded.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be abated: 07/25/2016



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

29 CFR 1910.303(b)(1): Examination. Electric equipment was not free from recognized hazards that are likely to cause death or serious physical harm to employees.

a) On or about 01/14/2016, Building 104, 2nd floor equipment area, the electrical control cabinet for elevator B-16 was not covered exposing the employees to electrocution.

b) Building 105, 2nd floor equipment area, the electrical control cabinet for elevator B-16 was not covered exposing the employees to electrocution.

c) Building 105, 2nd floor equipment area, the electrical control cabinet for elevator B-45 was not covered exposing the workers to electrocution.

d) Building 105F, 2nd floor equipment area, the electrical control cabinet for elevator M-36 was not covered exposing the employees to electrocution.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

Date by which Violation must be abated: 07/25/2016

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

Inspection Number: 1120691
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Notice 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.1020(e)(2)(i)(A)(1): A record which measures or monitors the amount of a toxic substance or harmful physical agent to which the employee is or has been exposed;

On or about 01/14/2016, the employer did not make measuring and monitoring records available for employees' review. The monitoring results showed presence of lead containing dust on surfaces where they worked; therefore exposing them to lead.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be abated: 07/25/2016

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

Inspection Number: 1120691
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Notice 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.1025(h)(1): All surfaces were not maintained as free as practicable of accumulations of lead.

On or about 01/14/2016, in GSA Buildings 103, 103F, 104 and 105F surfaces such as warehouses, staircases, air handling units, chiller rooms and file rooms were not kept clean of accumulation of lead containing dust.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be abated: 07/25/2016



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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 or illness.

Notice 1 Item 5a Type of Violation: **Serious**

29 CFR 1910.1200(h)(2)(ii): The employer did not provide information to the employees on operations in their work area where hazardous chemicals were present:

On or about 01/14/2016, the employer did not inform the workers of the presence of lead containing dust in workplace surfaces that they could come in contact with.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 07/25/2016



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Notice 1 Item 5b Type of Violation: **Serious**

29 CFR 1910.1200(h)(2)(iii): The employer did not provide information to the employees as to the location and availability of the written hazard communication program, and material safety data sheets required by 29 CFR 1910.1200:

On or about 01/14/2016, Buildings, 103, 103F, 104, 105, 105E, 110, their basements and Crowell spaces, where lead containing dust had settled on workplace surfaces, the employer did not disclose the availability of the written hazard communication program.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be abated: 07/25/2016

(b) (6)

FD **William McDonald, CSP**
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration
1222 Spruce St., Room 9.104
St. Louis, Missouri 63103
(314) 425-4249 or (800) 392-7743

Reply to the Attention of: Respond to: The Strategic Team Leader

July 1, 2016

HAND DELIVERED

TO: General Services Administration
4300 Goodfellow Blvd.
St. Louis, MO 63120

RE: Inspection number: 1120691

By signing this statement, I acknowledge receipt of the citations for the above inspection that was issued on 07/01/2016

FOR THE EMPLOYER:

PRINTED NAME: Patricia M. Pelikan, Acting St. Louis West
Field Office Director

SIGNATURE: (b) (6)

DATE: 7/1/16

FOR THE OCCUPATIONAL SAFETY &
HEALTH ADMINISTRATION

PRINTED NAME: Terefe A. Beruk CSHD

SIGNATURE: (b) (6)

DATE: 07/01/2016

and employee notification that is at least as effective as this Federal regulation within six months of the publication date of the final regulation.

Current State abatement-verification and employee-notification procedures are described in State field operations manuals and/or directives. Although these state procedures may differ from the federal procedures, the State Plan States, like Federal OSHA, generally lack regulations or statutory provisions specifically addressing this issue, and thus do not by regulation compel employers to submit abatement-certification letters or other documents to them; the exceptions are Wyoming and California, which have a regulation and legislation, respectively, that require employers to submit abatement-certification documents to be submitted to the state occupational safety and health agencies.

Existing State abatement-certification procedures are identical to the current Federal practices except as described below:

(1) The following nine States have abatement-certification forms: Alaska, California, Kentucky, Michigan, North Carolina, Oregon, South Carolina, Washington, and Wyoming. On these forms, employers describe the specific actions taken to correct each alleged violation. Alaska, Oregon, Washington, Michigan, and Kentucky also ask for documentary evidence of abatement. Alaska requires employers to certify, under penalty of perjury, that the violations were abated by the dates specified.

(2) For serious violations, California has adopted legislation that requires an abatement statement to be signed under penalty of perjury.

(3) Minnesota requests a progress report for all serious, and most other, violations of the State's general industry and construction standards.

(4) Washington schedules follow-up inspections every six months to assess progress made on lengthy or multi-step abatement plans.

(5) Some states (e.g., South Carolina and California) send a reminder letter to employers just before the abatement-certification form is due. Washington reminds employers of this event by letter or telephone. Kentucky and California also send follow-up letters if the form is overdue.

(6) Maryland tracks informal conference settlements to determine if the abatement documentation is adequate.

(7) Wyoming has an enforcement regulation requiring submission of written documents stating the date abatement was accomplished. Failure to

do so can result in a civil penalty. Wyoming also can take legal action to enforce submission of abatement letters.

(8) New York, which covers only state and local government employees, conducts follow-up inspections to validate abatement of every violation; employers are not asked to send abatement-certification information to the state agency.

A number of states have "red-tag" authority, which allows them to issue a restraining order in an immediate-danger situation involving hazardous equipment (or other condition or practice). This red tag authority is different from the orange warning tag required by the abatement verification and employee notification regulation; use of orange warning tags does not prohibit operation of cited equipment, while use of red tags does prohibit such operation.

List of Subjects in 29 CFR Part 1903

Abatement; Abatement certification; Abatement plan; Progress reports; Abatement verification; Employee notification; Movable equipment; Occupational safety and health; Posting; Tags.

Authority

This document was prepared under the direction of Gregory R. Watchman, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210. The final regulation is issued pursuant to Sections 8(c)(1), 8(g), and 9(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 658).

Signed in Washington, D.C., this 19th day of March 1997.

Gregory R. Watchman,
Acting Assistant Secretary of Labor.

Part 1903 of CFR 29 is hereby amended as set forth below.

Regulatory Text

PART 1903—[AMENDED]

1. The authority citation for Part 1903 of Title 29 of the Code of Federal Regulations is revised to read as follows:

Authority: Sections 8 and 9 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 658); 5 U.S.C. 553; Secretary of Labor's Order No. 1-90 (55 FR 9033) or 6-96 (62 FR 111), as applicable.

2. 29 CFR Part 1903 is amended by redesignating §§ 1903.19, 1903.20, and 1903.21 as §§ 1903.20, 1903.21, and 1903.22, respectively, and by adding a new § 1903.19, to read as follows:

§ 1903.19 Abatement verification.

Purpose. OSHA's inspections are intended to result in the abatement of violations of the Occupational Safety and Health Act of 1970 (the OSH Act). This section sets forth the procedures OSHA will use to ensure abatement. These procedures are tailored to the nature of the violation and the employer's abatement actions.

(a) *Scope and application.* This section applies to employers who receive a citation for a violation of the Occupational Safety and Health Act.

(b) *Definitions.* (1) *Abatement* means action by an employer to comply with a cited standard or regulation or to eliminate a recognized hazard identified by OSHA during an inspection.

(2) *Abatement date* means:

(i) For an uncontested citation item, the later of:

(A) The date in the citation for abatement of the violation;

(B) The date approved by OSHA or established in litigation as a result of a petition for modification of the abatement date (PMA); or

(C) The date established in a citation by an informal settlement agreement.

(ii) For a contested citation item for which the Occupational Safety and Health Review Commission (OSHRC) has issued a final order affirming the violation, the later of:

(A) The date identified in the final order for abatement; or

(B) The date computed by adding the period allowed in the citation for abatement to the final order date;

(C) The date established by a formal settlement agreement.

(3) *Affected employees* means those employees who are exposed to the hazard(s) identified as violation(s) in a citation.

(4) *Final order date* means:

(i) For an uncontested citation item, the fifteenth working day after the employer's receipt of the citation;

(ii) For a contested citation item:

(A) The thirtieth day after the date on which a decision or order of a commission administrative law judge has been docketed with the commission, unless a member of the commission has directed review; or

(B) Where review has been directed, the thirtieth day after the date on which the Commission issues its decision or order disposing of all or pertinent part of a case; or

(C) The date on which a federal appeals court issues a decision affirming the violation in a case in which a final order of OSHRC has been stayed.

(5) *Movable equipment* means a hand-held or non-hand-held machine or device, powered or unpowered, that is

used to do work and is moved within or between worksites.

(c) *Abatement certification.* (1) Within 10 calendar days after the abatement date, the employer must certify to OSHA (the Agency) that each cited violation has been abated, except as provided in paragraph (c)(2) of this section.

(2) The employer is not required to certify abatement if the OSHA Compliance Officer, during the on-site portion of the inspection:

(i) Observes, within 24 hours after a violation is identified, that abatement has occurred; and

(ii) Notes in the citation that abatement has occurred.

(3) The employer's certification that abatement is complete must include, for each cited violation, in addition to the information required by paragraph (h) of this section, the date and method of abatement and a statement that affected employees and their representatives have been informed of the abatement.

Note to paragraph (c): Appendix A contains a sample Abatement Certification Letter.

(d) *Abatement documentation.* (1) The employer must submit to the Agency, along with the information on abatement certification required by paragraph (c)(3) of this section, documents demonstrating that abatement is complete for each willful or repeat violation and for any serious violation for which the Agency indicates in the citation that such abatement documentation is required.

(2) Documents demonstrating that abatement is complete may include, but are not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

(e) *Abatement plans.* (1) The Agency may require an employer to submit an abatement plan for each cited violation (except an other-than-serious violation) when the time permitted for abatement is more than 90 calendar days. If an abatement plan is required, the citation must so indicate.

(2) The employer must submit an abatement plan for each cited violation within 25 calendar days from the final order date when the citation indicates that such a plan is required. The abatement plan must identify the violation and the steps to be taken to achieve abatement, including a schedule for completing abatement and, where necessary, how employees will be protected from exposure to the violative condition in the interim until abatement is complete.

Note to paragraph (e): Appendix B contains a Sample Abatement Plan form.

(f) *Progress reports.* (1) An employer who is required to submit an abatement plan may also be required to submit periodic progress reports for each cited violation. The citation must indicate:

(i) That periodic progress reports are required and the citation items for which they are required;

(ii) The date on which an initial progress report must be submitted, which may be no sooner than 30 calendar days after submission of an abatement plan;

(iii) Whether additional progress reports are required; and

(iv) The date(s) on which additional progress reports must be submitted.

(2) For each violation, the progress report must identify, in a single sentence if possible, the action taken to achieve abatement and the date the action was taken.

Note to paragraph (f): Appendix B contains a Sample Progress Report Form.

(g) *Employee notification.* (1) The employer must inform affected employees and their representative(s) about abatement activities covered by this section by posting a copy of each document submitted to the Agency or a summary of the document near the place where the violation occurred.

(2) Where such posting does not effectively inform employees and their representatives about abatement activities (for example, for employers who have mobile work operations), the employer must:

(i) Post each document or a summary of the document in a location where it will be readily observable by affected employees and their representatives; or

(ii) Take other steps to communicate fully to affected employees and their representatives about abatement activities.

(3) The employer must inform employees and their representatives of their right to examine and copy all abatement documents submitted to the Agency.

(i) An employee or an employee representative must submit a request to examine and copy abatement documents within 3 working days of receiving notice that the documents have been submitted.

(ii) The employer must comply with an employee's or employee representative's request to examine and copy abatement documents within 5 working days of receiving the request.

(4) The employer must ensure that notice to employees and employee representatives is provided at the same time or before the information is

provided to the Agency and that abatement documents are:

(i) Not altered, defaced, or covered by other material; and

(ii) Remain posted for three working days after submission to the Agency.

(h) *Transmitting abatement documents.* (1) The employer must include, in each submission required by this section, the following information:

(i) The employer's name and address;

(ii) The inspection number to which the submission relates;

(iii) The citation and item numbers to which the submission relates;

(iv) A statement that the information submitted is accurate; and

(v) The signature of the employer or the employer's authorized representative.

(2) The date of postmark is the date of submission for mailed documents. For documents transmitted by other means, the date the Agency receives the document is the date of submission.

(i) *Movable equipment.* (1) For serious, repeat, and willful violations involving movable equipment, the employer must attach a warning tag or a copy of the citation to the operating controls or to the cited component of equipment that is moved within the worksite or between worksites.

Note to paragraph (i)(1): Attaching a copy of the citation to the equipment is deemed by OSHA to meet the tagging requirement of paragraph (i)(1) of this section as well as the posting requirement of 29 CFR 1903.16.

(2) The employer must use a warning tag that properly warns employees about the nature of the violation involving the equipment and identifies the location of the citation issued.

Note to paragraph (i)(2): Non-Mandatory Appendix C contains a sample tag that employers may use to meet this requirement.

(3) If the violation has not already been abated, a warning tag or copy of the citation must be attached to the equipment:

(i) For hand-held equipment, immediately after the employer receives the citation; or

(ii) For non-hand-held equipment, prior to moving the equipment within or between worksites.

(4) For the construction industry, a tag that is designed and used in accordance with 29 CFR 1926.20(b)(3) and 29 CFR 1926.200(h) is deemed by OSHA to meet the requirements of this section when the information required by paragraph (i)(2) is included on the tag.

(5) The employer must assure that the tag or copy of the citation attached to movable equipment is not altered,

defaced, or covered by other material.

(6) The employer must assure that the tag or copy of the citation attached to

movable equipment remains attached until:
 (i) The violation has been abated and all abatement verification documents required by this regulation have been submitted to the Agency;
 (ii) The cited equipment has been permanently removed from service or is no longer within the employer's control; or
 (iii) The Commission issues a final order vacating the citation.

Citation [insert #] and item [insert #] was corrected on [insert date] by: _____

 Citation [insert #] and item [insert #] was corrected on [insert date] by: _____

 Citation [insert #] and item [insert #] was corrected on [insert date] by: _____

Action	Proposed Completion Date (for abatement plans only)	Completion Date (for progress reports only)
1.
2.
3.
4.
5.
6.
7.

Appendices to § 1903.19—Abatement Verification

Note: Appendices A through C provide information and nonmandatory guidelines to assist employers and employees in complying with the appropriate requirements of this section.

Citation [insert #] and item [insert #] was corrected on insert date by: _____

 Citation [insert #] and item [insert #] was corrected on [insert date] by: _____

Appendix A to Section 1903.19—Sample Abatement—Certification Letter (Nonmandatory)
 (Name), Area Director
 U. S. Department of Labor—OSHA
 Address of the Area Office (on the citation)
 [Company's Name]
 [Company's Address]

I attest that the information contained in this document is accurate.

 Signature

 Typed or Printed Name

Date required for final abatement: _____
 I attest that the information contained in this document is accurate.

The hazard referenced in Inspection Number [insert 9-digit #] for violation identified as:

Appendix B to Section 1903.19—Sample Abatement Plan or Progress Report (Nonmandatory)
 (Name), Area Director
 U. S. Department of Labor—OSHA
 Address of Area Office (on the citation)
 [Company's Name]
 [Company's Address]

Signature _____
 Typed or Printed Name _____
 Name of primary point of contact for questions: [optional]
 Telephone number: _____

Citation [insert #] and item [insert #] was corrected on [insert date] by:

Check one:
 Abatement Plan
 Progress Report
 Inspection Number _____
 Page _____ of _____
 Citation Number(s)* _____
 Item Number(s)* _____

* Abatement plans or progress reports for more than one citation item may be combined in a single abatement plan or progress report if the abatement actions, proposed completion dates, and actual completion dates (for progress reports only) are the same for each of the citation items.

Citation [insert #] and item [insert #] was corrected on [insert date] by:

Citation [insert #] and item [insert #] was corrected on [insert date] by:

Appendix C to Section 1903.19--Sample Warning Tag (Nonmandatory)



WARNING:

EQUIPMENT HAZARD
CITED BY OSHA

EQUIPMENT CITED:

HAZARD CITED:

FOR DETAILED INFORMATION
SEE OSHA CITATION POSTED AT:

BACKGROUND COLOR—ORANGE
MESSAGE COLOR—BLACK



U.S. Department of Labor



Terefe Beruk

Compliance Safety & Health Officer
St. Louis Area Office

beruk.terefe@dol.gov
OSHA Website: www.osha.gov

Robert A. Young Federal Building
1222 Spruce St., Rm. 9.104
St. Louis, MO 63103

Phone: 314.425.4261, x233
or 800.392.7743
Fax: 314.425.4289

Employer Rights and Responsibilities

Following a Federal OSHA Inspection

OSHA 3000-08R 2015



Occupational Safety and Health Act of 1970
"To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health..."

This informational booklet provides a general overview of employer rights and responsibilities following a Federal OSHA inspection. It does not alter or determine compliance responsibilities in OSHA standards or the *Occupational Safety and Health Act of 1970*. Because interpretations and enforcement policy may change over time, you should consult current OSHA administrative interpretations and decisions by the Occupational Safety and Health Review Commission and the courts for additional guidance on OSHA compliance requirements.

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This information is available to sensory-impaired individuals upon request. Voice phone: (202) 693-1999; teletypewriter (TTY) number: 1-877-889-5627.

Employer Rights and Responsibilities

Following a Federal OSHA Inspection

U.S. Department of Labor

Occupational Safety and Health Administration

OSHA 3000-08R
2015



U.S. Department of Labor

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After a Federal OSHA Inspection

This pamphlet contains important information regarding employer rights and responsibilities following a Federal Occupational Safety and Health Administration (OSHA) inspection under the *Occupational Safety and Health Act of 1970* (OSH Act), as amended. Under the OSH Act, employers have the responsibility to provide a safe workplace.

An OSHA compliance safety and health officer (CSHO) conducts an inspection of your workplace, in accordance with the OSH Act. After the inspection, the CSHO reports the findings to the OSHA area director who evaluates them. If a violation exists, OSHA will issue you a **Citation and Notification of Penalty** detailing the exact nature of the violation(s) and any associated penalties. A citation informs you of the alleged violation, sets a proposed time period within which to correct the violation, and proposes the appropriate dollar penalties.

The information in this booklet can and should be used as a discussion guide during your closing conference with the CSHO. For each apparent violation found during the inspection, the compliance officer has discussed or will discuss the following with you:

- Nature of the violation;
- Possible abatement measures you may take to correct the violative condition;
- Possible abatement dates you may be required to meet; and
- Any penalties that the area director may issue.

The CSHO is a highly trained professional who can help you recognize and evaluate hazards as well as suggest appropriate methods of correcting violations. To minimize worker exposure to possible hazardous conditions, abatement efforts should always begin as soon as possible.

Posting Requirements

When you receive a Citation and Notification of Penalty, you must post the citation (or a copy of it) at or near the place where each violation occurred to make employees aware of the hazards to which they may be exposed. The citation must remain posted in a place where employees can see it, for three working days or until the violation is corrected, whichever is longer. (Saturdays, Sundays, and Federal holidays are not counted as working days.) **You must comply with these posting requirements even if you contest the citation.**

The abatement certification documents – such as abatement certifications, abatement plans and progress reports – also must be posted at or near the place where the violation occurred. For moveable equipment found to be in violation and where the posting of violations would be difficult or impractical, the employer has the option to identify the equipment with a “Warning” tag specified in the abatement verification regulation, Title 29 *Code of Federal Regulations* (CFR) 1903.19(i).

Employer Options

As an employer who has been cited, you may take either of the following courses of action:

- If you agree to the Citation and Notification of Penalty, you must correct the condition by the date set in the citation and pay the penalty, if one is proposed.
- If you do not agree, you have 15 working days from the date you receive the citation to contest in writing any or all of the following:
 - Citation;
 - Proposed penalty; and/or
 - Abatement date.

OSHA encourages you to call the local OSHA area office upon receipt of the citations to discuss any concerns. Before deciding to contest the citation, *you may request an informal conference with the OSHA area director within the 15-working-day period to discuss any issues related to the Citation and Notification of Penalty.* (See the following section on Informal Conference and Settlement).

OSHA will inform the affected employee representatives of the informal conference or contest.

Informal Conference and Settlement

Before deciding whether to file a **Notice of Intent to Contest**, you may request an informal conference with the OSHA area director to discuss the Citation and Notification of Penalty. You may use this opportunity to do any of the following:

- Obtain a better explanation of the violations cited;
- Obtain a more complete understanding of the specific standards that apply;
- Negotiate and enter into an informal settlement agreement;
- Discuss ways to correct violations;
- Discuss issues concerning proposed penalties;
- Discuss proposed abatement dates;
- Resolve disputed citations and penalties, (thereby eliminating the need for the more formal procedures associated with litigation before the Occupational Safety and Health Review Commission); and
- Obtain answers to any other questions you may have.

OSHA encourages you to take advantage of the opportunity to have an informal conference if you foresee any difficulties in complying with any part of the citation. **Please note, however, that an informal conference must be held within the 15-working-day Notice of Intent to Contest period and will neither extend the 15-working-day contest period nor take the place of the filing of a written notice if you desire to contest.** Employee representative(s) have the right to participate in any informal conference or negotiations between the regional administrator or area director and the employer.

If you agree that the cited violations exist, but you have a valid reason for wishing to extend the abatement date(s), you may discuss this with the area director in an informal conference. He or she may issue an amended citation that changes the abatement date prior to the expiration of the 15-working-day period without your filing a Notice of Intent to Contest.

If you do not contest within 15 working days, your citation will become a final order not subject to review by any court or agency. After this occurs, the OSHA area director may continue to provide you with information and assistance on how to abate the hazards cited in your citation, but may not amend or change any citation or penalty which has become a final order. The area director may only advise you on abatement methods or extend the time you need to abate the violation. **(See Petition for Modification of Abatement).**

Whenever the employer, an affected employee, or employee representative requests an informal conference, **all** the parties shall be afforded the opportunity to participate fully. If either party chooses not to participate in the informal conference, that party forfeits the right to be consulted before decisions are made that affect the citations. If the requesting party objects to

the attendance of the other party, OSHA may hold separate informal conferences. During a joint informal conference, separate or private discussions will be permitted if either party requests them. Informal conferences may be held by any means practical.

Types of Violations

The following general information defines the types of violations and explains the actions you may take if you receive a citation as the result of an inspection.

In settling a penalty, OSHA has a policy of reducing penalties for small employers and those acting in good faith.

Willful: A willful violation exists under the OSH Act where an employer has demonstrated either an intentional disregard for the requirements of the OSH Act or a plain indifference to employee safety and health. Penalties range from \$5,000 to \$70,000 per willful violation.

Serious: Section 17(k) of the OSH Act provides that "a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation." OSHA may propose a penalty of up to \$7,000 for each violation.

Other-Than-Serious: This type of violation is cited in situations where the accident/incident or illness that would be most likely to result from a hazardous condition would probably not cause death or serious physical harm, but would have

a direct and immediate relationship to the safety and health of employees. OSHA may impose a penalty of up to \$7,000 for each violation.

De Minimis: *De minimis* conditions are those where an employer has implemented a measure different from one specified in a standard, that has no direct or immediate relationship to safety or health. These conditions do not result in citations or penalties.

Failure to Abate: A failure to abate violation exists when a previously cited hazardous condition, practice or non-complying equipment has not been brought into compliance since the prior inspection (i.e., the violation remains continuously uncorrected) and is discovered at a later inspection. If, however, the violation was corrected, but later reoccurs, the subsequent occurrence is a repeated violation. OSHA may impose a penalty of up to \$7,000 per day for each violation.

Repeated: An employer may be cited for a repeated violation if that employer has been cited previously, within the last five years, for the same or a substantially similar condition or hazard and the citation has become a final order of the Occupational Safety and Health Review Commission (OSHRC). A citation may become a final order by operation of law when an employer does not contest the citation, or pursuant to court decision or settlement. Repeated violations can bring a civil penalty of up to \$70,000 for each violation.

How to Comply

For violations you do not contest, you must:

- (1) promptly notify the OSHA area director by letter, signed by a member of management, that you have taken the appropriate corrective action within the time set forth in the citation, and
- (2) pay any penalties itemized.

The notification you send the area director is referred to as **Abatement Certification**. For Other-Than-Serious violations, this may be a signed letter identifying the inspection number and the citation item number and noting that you corrected the violation by the date specified on the citation. For more serious violations (such as Serious, Willful, Repeated, or Failure to Abate), abatement certification requires more detailed proof.

If the employer has abatement questions after the inspection, the area director must ensure that additional information, if available, is provided to the employer as soon as possible.

Employers also can find guidance on abatement verification on OSHA's website at www.osha.gov/Publications/Abate/abate.html.

When the citation permits an extended time for abatement, you must ensure that employees are adequately protected during this time. For example, the citation may require the immediate use of personal protective equipment by employees while engineering controls are being installed. When indicated on the citation, you must also provide OSHA with an abatement plan (steps you will take to protect employees and correct the hazards) and periodic progress reports on your actions.

The penalties itemized on the Citation and Notification of Penalty are payable within 15 working days of receipt of the penalty notice. If, however, you contest the citation or penalty in good faith, OSHA will suspend abatement and payment of penalties for those items contested until the Occupational Safety and Health Review Commission (OSHRC), or a higher court, issues a final order or decision. The OSHRC is an independent agency and is **not** a part of the U.S. Department of Labor. The final order of OSHRC will either uphold, modify, or eliminate

the citations and/or penalties. Penalties for items not contested, however, are still due within 15 working days. (For further details, see the following section on **How to Contest Citations.**)

Payment should be made by check or money order payable to DOL-OSHA. Please indicate on your payment the OSHA number from the upper right-hand corner of your citation and **send it to the OSHA area office listed on the Citation and Notification of Penalty.**

How to Contest Citations

If you wish to contest any portion of your citation, you must submit a Notice of Intent to Contest in writing to the OSHA area office within 15 working days after receipt of the Citation and Notification of Penalty. This applies even if you have stated your disagreement with a citation, penalty, or abatement date during a telephone conversation or an informal conference.

The Notice of Intent to Contest must clearly state what is being contested – the citation, the penalty, the abatement date, or any combination of these factors. In addition, the notice must state whether all the violations on the citation, or just specific violations, are being contested. (For example, "I wish to contest the citation and penalty proposed for items 3 and 4 of the citation issued June 27, 2011").

Your contest must be made in good faith. OSHA will not consider a contest filed solely to avoid your responsibilities for abatement or payment of penalties.

A proper contest of any item suspends your legal obligation to abate and pay until the item contested has been resolved. If you contest only the dates indicated on the citation or if you

contest only some items on the citation, you must correct the other items by the abatement date and pay the corresponding penalties within 15 days of notification.

After you file a Notice of Intent to Contest, your case is officially in litigation. If you wish to settle the case, you may contact the OSHA area director who will give you the name of the attorney handling your case for OSHA. All settlements of contested cases are negotiated between you and the attorney according to the rules of procedure of the OSHRC.

The Contest Process

If you file the written Notice of Intent to Contest within the required 15 working days, the OSHA area director forwards your case to the OSHRC. The OSHRC hears employer contests of OSHA citations. They are an independent agency separate from the Department of Labor. The OSHRC assigns the case to an administrative law judge who usually will schedule a hearing in a public place close to your workplace. Both employers and employees have the right to participate in this hearing, which contains all the elements of a trial, including examination and cross-examination of witnesses. You may choose to represent yourself or have an attorney represent you. The administrative law judge may affirm, modify, or eliminate any contested items of the citation or penalty.

As with any other legal procedure, there is an appeals process. Once the administrative law judge has ruled, any party to the case may request a further review by the full OSHRC. In addition, any of the three commissioners may, on his or her own motion, bring the case before the entire OSHRC for review. The OSHRC's ruling, in turn,

may be appealed to the Federal circuit court in which the case arose or for the Federal circuit where the employer has his or her principal office.

For more information, write to:

U.S. Occupational Safety and Health
Review Commission
1120 20th Street, NW, 9th Floor
Washington, DC 20036
Phone: 202-606-5400 Fax: 202-606-5050
www.oshrc.gov

Petition for Modification of Abatement

OSHA assigns abatement dates on the basis of the best information available when issuing the citation. If you are unable to meet an abatement date because of uncontrollable events or other circumstances, and the 15-working-day contest period has expired, you may file a **Petition for Modification of Abatement** (PMA) with the OSHA area director.

The petition must be in writing and must be submitted as soon as possible, **but no later than one working day after the abatement date**. To show clearly that you have made a good-faith effort to comply, the PMA must include all of the following information before OSHA considers it:

- Steps you have taken to achieve compliance, and dates they were taken;
- Additional time you need to comply;
- Why you need additional time;
- Interim steps you are taking to safeguard your workers against the cited hazard(s) until the abatement; and
- A certification that the petition has been posted, the date of posting and, when appropriate, a statement that the petition has

been furnished to an authorized representative of the affected employees. The petition must remain posted for 10 working days, during which employees may file an objection.

The OSHA area director may grant or oppose a PMA. If it is opposed, it automatically becomes a contested case before the OSHRC. If a PMA is granted, OSHA may conduct a monitoring inspection to ensure that conditions are as they have been described and that adequate progress has been made toward abatement. The OSHA area office may provide additional information on PMAs.

What Workers Can Do

Employees or their authorized representatives may contest any or all of the abatement dates set for violations if they believe them to be unreasonable. A written Notice of Intent to Contest must be filed with the OSHA area director within 15 working days after the employer receives the citation.

The filing of an employee contest does not suspend the employer's obligation to abate.

Employees also have the right to object to a PMA. Such objections must be in writing and must be sent to the area office within 10 days of service or posting. OSHA will not make a decision regarding the PMA until the Review Commission resolves the issue.

Follow-up Inspections and Failure to Abate

If you receive a citation, a follow-up inspection may be conducted to verify that you have done the following:

- Posted the citation as required,
- Corrected the violations as required in the citation, and/or

- Protected employees adequately and made appropriate progress in correcting hazards during multistep or lengthy abatement periods.

In addition to providing for penalties for failure-to-post citations and failure-to-abate violations, the OSH Act clearly states that you have a **continuing responsibility** to comply with the OSH Act and assure your employees safe and healthful working conditions. OSHA will cite any new violations discovered during a follow-up inspection.

Employer Responsibilities

Employers have the responsibility to provide a safe workplace. Employers **MUST** provide their employees with a workplace that does not have serious hazards and must follow all OSHA safety and health standards. Employers must find and correct safety and health problems.

Employers **MUST** also:

- Prominently display the official OSHA *Job Safety and Health – It’s the Law* poster that describes rights and responsibilities under the OSH Act. **This poster is free and can be downloaded from www.osha.gov.**
- Inform workers about chemical hazards through training, labels, alarms, color-coded systems, chemical information sheets and other methods.
- Provide safety training to workers in a language and vocabulary they can understand.
- Keep accurate records of work-related injuries and illnesses.
- Perform tests in the workplace, such as air sampling, required by some OSHA standards.
- Provide required personal protective equipment at no cost to workers.*
- Provide hearing exams or other medical tests required by OSHA standards.
- Post OSHA citations and injury and illness data where workers can see them.

- As of January 1, 2015, notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation or loss of an eye (1-800-321-OSHA [6742]).
 - Not retaliate against workers for using their rights under the law, including their right to report a work-related injury or illness.
- * Employers must pay for most types of required personal protective equipment.

Worker Retaliation

Section 11(c) of the OSH Act prohibits employers from discharging or otherwise retaliating against an employee who has exercised any right under this law, including the right to make safety and health complaints or to request an OSHA inspection. OSHA will investigate complaints from employees who believe they have been retaliated against. If the investigation discloses probable violations of worker rights, court action may follow.

Employees who believe they have been retaliated against must file their complaints with OSHA within **30 calendar days** from the date the retaliatory decision has been both made and communicated to the worker. **No form is needed, but workers must call OSHA within 30 days of the alleged retaliation** (at 1-800-321-OSHA [6742]). In states with OSHA-approved state programs, an employee who believes he/she has been retaliated against under Section 11(c) of the OSH Act is entitled to file a complaint under both state and federal procedures.

Providing False Information

All information employers report to OSHA must be accurate and truthful. Providing false information on efforts to abate cited conditions or in required records is punishable under the OSH Act.

OSHA Assistance, Services and Programs

OSHA has a great deal of information to assist employers in complying with their responsibilities under OSHA law. Several OSHA programs and services can help employers identify and correct job hazards, as well as improve their injury and illness prevention program.

Establishing an Injury and Illness Prevention Program

The key to a safe and healthful work environment is a comprehensive injury and illness prevention program.

Injury and illness prevention programs are systems that can substantially reduce the number and severity of workplace injuries and illnesses, while reducing costs to employers. Thousands of employers across the United States already manage safety using injury and illness prevention programs, and OSHA believes that all employers can and should do the same. Thirty-four states have requirements or voluntary guidelines for workplace injury and illness prevention programs. Most successful injury and illness prevention programs are based on a common set of key elements. These include management leadership, worker participation, hazard identification, hazard prevention and control, education and training, and program evaluation and improvement. Visit OSHA's injury and illness prevention program web page at www.osha.gov/dsg/topics/safetyhealth for more information.

Compliance Assistance Specialists

OSHA has compliance assistance specialists throughout the nation located in most OSHA offices. Compliance assistance specialists can provide information to employers and workers about OSHA standards, short educational programs on specific hazards or OSHA rights and

responsibilities, and information on additional compliance assistance resources. For more details, visit www.osha.gov/dcsp/compliance_assistance/cas.html or call 1-800-321-OSHA (6742) to contact your local OSHA office.

Free On-site Safety and Health Consultation Services for Small Business

OSHA's On-site Consultation Program offers free and confidential advice to small and medium-sized businesses in all states across the country, with priority given to high-hazard worksites. Each year, responding to requests from small employers looking to create or improve their safety and health management programs, OSHA's On-site Consultation Program conducts over 29,000 visits to small business worksites covering over 1.5 million workers across the nation.

On-site consultation services are separate from enforcement and do not result in penalties or citations. Consultants from state agencies or universities work with employers to identify workplace hazards, provide advice on compliance with OSHA standards, and assist in establishing safety and health management programs.

For more information, to find the local On-site Consultation office in your state, or to request a brochure on Consultation Services, visit www.osha.gov/consultation, or call 1-800-321-OSHA (6742).

Under the consultation program, certain exemplary employers may request participation in OSHA's **Safety and Health Achievement Recognition Program (SHARP)**. Eligibility for participation includes, but is not limited to, receiving a full-service, comprehensive consultation visit, correcting all identified hazards and developing an effective safety and health management program. Worksites that receive SHARP recognition are exempt from programmed inspections during the period that the SHARP certification is valid.

Cooperative Programs

OSHA offers cooperative programs under which businesses, labor groups and other organizations can work cooperatively with OSHA. To find out more about any of the following programs, visit www.osha.gov/cooperativeprograms.

Strategic Partnerships and Alliances

The OSHA Strategic Partnerships (OSP) provide the opportunity for OSHA to partner with employers, workers, professional or trade associations, labor organizations, and/or other interested stakeholders. OSHA Partnerships are formalized through unique agreements designed to encourage, assist, and recognize partner efforts to eliminate serious hazards and achieve model workplace safety and health practices. Through the Alliance Program, OSHA works with groups committed to worker safety and health to prevent workplace fatalities, injuries and illnesses by developing compliance assistance tools and resources to share with workers and employers, and educate workers and employers about their rights and responsibilities.

Voluntary Protection Programs (VPP)

The VPP recognize employers and workers in private industry and federal agencies who have implemented effective safety and health management programs and maintain injury and illness rates below the national average for their respective industries. In VPP, management, labor, and OSHA work cooperatively and proactively to prevent fatalities, injuries, and illnesses through a system focused on: hazard prevention and control, worksite analysis, training, and management commitment and worker involvement.

Occupational Safety and Health Training

The OSHA Training Institute in Arlington Heights, Illinois, provides basic and advanced training and education in safety and health for federal and state compliance officers, state consultants, other federal agency personnel and private sector employers, workers, and their representatives. In addition, 27 OSHA Training Institute Education Centers at 42 locations throughout the United States deliver courses on OSHA standards and occupational safety and health issues to thousands of students a year.

For more information on training, contact the OSHA Directorate of Training and Education, 2020 Arlington Heights Road, Arlington Heights, IL 60005; call 1-847-297-4810; or visit www.osha.gov/otiec.

OSHA Educational Materials

OSHA has many types of educational materials in English, Spanish, Vietnamese and other languages available in print or online. These include:

- Brochures/booklets;
- Fact Sheets;
- Guidance documents that provide detailed examinations of specific safety and health issues;
- Online Safety and Health Topics pages;
- Posters;
- Small, laminated QuickCards™ that provide brief safety and health information; and
- *QuickTakes*, OSHA's free, twice-monthly online newsletter with the latest news about OSHA initiatives and products to assist employers and workers in finding and preventing workplace hazards. To sign up for *QuickTakes* visit www.osha.gov/quicktakes.

To view materials available online or for a listing of free publications, visit www.osha.gov/publications. You can also call 1-800-321-OSHA (6742) to order publications.

Select OSHA publications are available in e-Book format. OSHA e-Books are designed to increase readability on smartphones, tablets and other mobile devices. For access, go to www.osha.gov/ebooks.

OSHA's web site also has information on job hazards and injury and illness prevention for employers and workers. To learn more about OSHA's safety and health resources online, visit www.osha.gov or www.osha.gov/html/a-z-index.html.

NIOSH Health Hazard Evaluation Program

Getting Help with Health Hazards

The National Institute for Occupational Safety and Health (NIOSH) is a federal agency that conducts scientific and medical research on workers' safety and health. At no cost to employers or workers, NIOSH can help identify health hazards and recommend ways to reduce or eliminate those hazards in the workplace through its Health Hazard Evaluation (HHE) Program.

Workers, union representatives and employers can request a NIOSH HHE. An HHE is often requested when there is a higher than expected rate of a disease or injury in a group of workers. These situations may be the result of an unknown cause, a new hazard, or a mixture of sources. To request a NIOSH Health Hazard Evaluation go to www.cdc.gov/niosh/hhe/request.html. To find out more, in English or Spanish, about the Health Hazard Evaluation Program:

E-mail HHERequestHelp@cdc.gov or call 800-CDC-INFO (800-232-4636).

How to Contact OSHA

For questions or to get information or advice, to report an emergency, fatality, hospitalization, amputation, or loss of an eye, or to file a confidential complaint, contact your nearest OSHA office, visit www.osha.gov or call OSHA at 1-800-321-OSHA (6742), TTY 1-877-889-5627.

**For assistance, contact us.
We are OSHA. We can help.**

OSHA Regional Offices

Region I

Boston Regional Office
(CT*, ME*, MA, NH, RI, VT*)
JFK Federal Building, Room E340
Boston, MA 02203
(617) 565-9860 (617) 565-9827 Fax

Region II

New York Regional Office
(NJ*, NY*, PR*, VI*)
201 Varick Street, Room 670
New York, NY 10014
(212) 337-2378 (212) 337-2371 Fax

Region III

Philadelphia Regional Office
(DE, DC, MD*, PA, VA*, WV)
The Curtis Center
170 S. Independence Mall West
Suite 740 West
Philadelphia, PA 19106-3309
(215) 861-4900 (215) 861-4904 Fax

Region IV

Atlanta Regional Office
(AL, FL, GA, KY*, MS, NC*, SC*, TN*)
61 Forsyth Street, SW, Room 6T50
Atlanta, GA 30303
(678) 237-0400 (678) 237-0447 Fax

Region V

Chicago Regional Office
(IL*, IN*, MI*, MN*, OH, WI)
230 South Dearborn Street
Room 3244
Chicago, IL 60604
(312) 353-2220 (312) 353-7774 Fax

Region VI

Dallas Regional Office
(AR, LA, NM*, OK, TX)
525 Griffin Street, Room 602
Dallas, TX 75202
(972) 850-4145 (972) 850-4149 Fax
(972) 850-4150 FSO Fax

Region VII

Kansas City Regional Office
(IA*, KS, MO, NE)
Two Pershing Square Building
2300 Main Street, Suite 1010
Kansas City, MO 64108-2416
(816) 283-8745 (816) 283-0547 Fax

Region VIII

Denver Regional Office
(CO, MT, ND, SD, UT*, WY*)
Cesar Chavez Memorial Building
1244 Speer Boulevard, Suite 551
Denver, CO 80204
(720) 264-6550 (720) 264-6585 Fax

Region IX

San Francisco Regional Office
(AZ*, CA*, HI*, NV*, and American Samoa,
Guam and the Northern Mariana Islands)
90 7th Street, Suite 18100
San Francisco, CA 94103
(415) 625-2547 (415) 625-2534 Fax

Region X

Seattle Regional Office
(AK*, ID, OR*, WA*)
300 Fifth Avenue, Suite 1280
Seattle, WA 98104
(206) 757-6700 (206) 757-6705 Fax

*These states and territories operate their own OSHA-approved job safety and health plans and cover state and local government employees as well as private sector employees. The Connecticut, Illinois, Maine, New Jersey, New York and Virgin Islands programs cover public employees only. (Private sector workers in these states are covered by Federal OSHA). States with approved programs must have standards that are identical to, or at least as effective as, the Federal OSHA standards.

Note: To get contact information for OSHA area offices, OSHA-approved state plans and OSHA consultation projects, please visit us online at www.osha.gov or call us at 1-800-321-OSHA (6742).

Appendix: The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)

The *Small Business Regulatory Enforcement Fairness Act of 1996* (SBREFA) gives small businesses help in understanding and complying with OSHA regulations and allows them a voice in developing new regulations. Under SBREFA, OSHA must:

- Produce Small Entity Compliance Guides for some agency rules;
- Be responsive to small business inquiries about complying with the Agency's regulations;
- Have a penalty reduction policy for small businesses;
- Involve small businesses in developing proposed rules expected to significantly affect a large number of small entities through Small Business Advocacy Review Panels; and
- Give small businesses the opportunity to challenge in court agency rules or regulations that they believe will adversely affect them.

Commenting on Enforcement Actions

Under a law passed by Congress in 1996, the Small Business Administration (SBA) has established an SBA Ombudsman and SBA Regional Fairness Boards to investigate small business complaints about Federal agency enforcement actions.

If you are a small business and believe that you have been treated unfairly by OSHA, you may file an electronic comment/complaint with the SBA Ombudsman over the Internet at: www.sba.gov/ombudsman/comments/commentform1.html. Or you may contact the SBA's Office of the National Ombudsman by:

- Toll-free Phone: (888) REG-FAIR (734-3247)
- Fax: (202) 481-5719

- E-mail: ombudsman@sba.gov
- Mail: Office of the National Ombudsman
U.S. Small Business Administration
409 3rd Street, S.W., MC2120
Washington, DC 20416-0005

To view the SBREFA Act in its entirety, please visit the following web link: www.sba.gov/advo/laws/sbrefa.html

For more information on SBREFA, the following web links may prove helpful:

www.sba.gov/ombudsman

www.sba.gov/ombudsman/dsp_overview.html

www.sba.gov/ombudsman/dsp_faq.html

www.sba.gov/advo

www.sba.gov/advo/laws/is_oshapanel.html

NOTE: Filing a complaint with the SBA Ombudsman does not affect any obligation that you may have to comply with an OSHA citation or other enforcement action. Nor does it mean that you need not take other available legal steps to protect your interests.



U.S. Department of Labor

For more information:

SSA Building: 110

Inspection No: 1149033

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Sampling Date: 05/17/2016

Sample Type: Area/Air (Lead)

Sample Number	Location	Lead			
		Time Min.	Flow rate L/M	Volume Liters	Result µg
517A1	2 nd floor, on top of window sill, training center	254	1.9049	483.8446	N/D
517A2	On top of filing cabinet near column M3	255	2.0171	514.3605	N/D
517A3	2 nd floor, on floor near elevator 2	260	1.9918	517.868	N/D
517A4	2 nd floor, on top of table near column P12	298	1.9816	590.5168	N/D
517A10	2 nd floor, Breakroom, by column H15	336	1.9982	671.3952	N/D
517A11	1 st . floor, on top of window sill by exit to the courtyard	334	1.9982	667.3988	N/D
517A12	1 st . floor, on top of glass door frame at the north entrance	329	1.9803	651.5187	N/D

GSA Building: 103

Inspection No: 1120691

Report 2 of 20

Sampling Date: 03/29/2016

Sample Type: Area/Air(Lead)

Sample Number	Location	Lead			
		Time Min.	Flow rate L/M	Volume Liters	Result µg
330A1	2 nd floor, Adm. Area, columns between D2 & D3	301	2.094	616.8694	N/D
330A2	Data Center between columns G19 AW1	298	2.1062	627.6476	N/D
330A3	Data Center top of electric rack near D15/UBS	301	2.0893	628.8793	N/D
330A4	DISA Adm. space between columns C4 & D4	281	2.0393	573.0433	N/D
335A5	Adm. Area, top of desk between D27 & D28	207	2.0243	601.2171	N/D
330A6	DECC-SSI, top of desk in room 107	240	2.008	481.92	N/D
330A7	SCIF Adm. Area, on top of desk near E18 & E29	236	2.0055	473.2980	N/D
330A8	Data Center, top of upper side of ceiling tile between E14 & E15	234	2.0417	477.7578	N/D
330A9	Data Center, sub floor near AH59 & E12	234	2.0566	481.2444	N/D
330A10	Security Division on top of desk near column H3	225	2.0102	452.295	N/D

GSA Building 103

Sampling Date: 05/05/2016 , Report 3 of 20

Sample Type: Wipe/Lead

Sample Number	Location	Sample results		
		Lead µg	Cadmium µg	Arsenic µg
0505W1	2 nd floor, column G7/A2-B2	N/D	N/D	N/D
0505W2	2 nd floor, A2-B2, Liebers STS	N/D	N/D	N/D
0505W3	2 nd floor, Central Gear room, top of GE AKD Switch gear	N/D	N/D	N/D
0505W4	2 nd floor, Central Gear room, DP2	N/D	N/D	N/D
0505W5	2 nd floor, Data Center, top of storage cabinet near G20	N/D	N/D	N/D
0505W6	2 nd floor Data Center, ceiling tile between Columns G12 & G13	5.5090	.3450	N/D
0505W7	1 st floor, top of air handler AHU1A	28.8000	5.4200	.9860
0505W8	1 st floor, inside air handler AHU1A	13.3100	1.5750	.6400
0505W9	1 st floor, chiller room, top of an inactive electrical box	32.2400	1.3580	.6720
0505W10	1 st floor, chiller room below condenser water pump P1, M401/232113	29.4700	.5540	N/D
0505W11	1 st floor Generator room, top of E-GEN-103-1(Caterpillar)	5.1510	N/D	N/D
0505W12	1 st floor, Gear room, top of cabinet adjacent to stairs	N/D	N/D	N/D
0505W13	2 nd floor gear room, stair tread	34.1400	1.4700	N/D
0505W14	1 st floor, B- Battery room, rack, left side facing the exit	19.8600	N/D	N/D
0505W15	1 st floor, Data Center, CRAC 1-13, filter	N/D	N/D	N/D

GSA Building: 104

Inspection No: 1126091

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Sampling Date: 03/29/2016

Sample Type: Area/Air (Lead)

Sample Number	Location	Lead			
		Time Min.	Flow rate L/M	Volume Liters	Result µg
329A1	2 nd floor, new construction near column G51 South	230	1.9599	450.777	N/D
329A2	2 nd floor, hallway, on top of locker 258	227	2.0604	467.7108	N/D
329A3	2 nd floor, DCIO, top of file cabinet near column G31	228	2.0484	467.0352	N/D
329A4	2 nd . Floor, USDA near column G6	225	2.0323	457.2675	N/D
329A5	2 nd floor, VA, top of file cabinet near column E20	226	2.0088	453.9888	N/D
329A6	1 st . floor, VA Dock near cage, columns C8 & D8	224	2.0139	451.1136	N/D
329A7	1 st . floor, VA file room near Column E17	224	1.9849	444.6176	N/D
329A8	1 st . floor, VA file room, top of file cabinet 2472	224	1.9977	447.4848	N/D
329A9	1 st . floor, VA file room, window sill near A50	29	2.036	59.044	N/D
329A10	1 st . floor, VA file room, top of an electric box, near column J48	227	2.000	454.000	N/D

GSA Building 104

Inspection No: 1120691

Report 13 of 20

Sampling Date: 03/29/2016

Sample Type: Wipe/Lead

Sample Number	Location	Sample results	
		Lead µg	Cadmium µg
329W1	DICO Conference, Hallway	N/D	N/D
329W2	USDA Lab, C33, top of electrical box	N/D	N/D
329W3	USDA Lab, D30, ceiling tile	N/D	N/D
329W4	USDA new renovation/construction area, near E24	22.23	N/D
329W5	DCIO, H12	N/D	N/D
329W6	104F, 1 st floor staircase	281.05	1.134
329W7	USDA, G13/H13, top of light fixture	130.45	1.2868
329W8	Receiving dock, NE of building	12.893	N/D
329W9	Receiving dock, C-4/B4, NE of building	N/D	N/D
329W10	Receiving dock, near storage cage	2116.2	3.0474
329W11	VA File room, 3617/4417, top shelf	3655.6	2.9608
329W12	VA File room, , E41, 2472-3472, windowsill	3166.9	1.8786
329W13	VA File room, A50, 5844-6994 Bottom shelf)	2876.6	N/D
329W14	VA File room, J48, top of electric panel box	175.56	N/D

329W15	Staircase D-5, near file room	2041.6	N/D
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GSA Building: 105

Inspection No: 1120691

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Sampling Date: 04/07/2016

Sample Type: Area/Air (Lead)

Sample Number	Location	Lead			
		Time Min.	Flow rate L/M	Volume Liters	Result µg
0407A1	Stair case, top of window sill	267	2.0559	548.9253	N/D
0407A2	USDA Laboratory, Room 347B, near eyewash, above ceiling tile	254	19899	505.4346	N/D
0407A3	USDA Laboratory, room 315, top of shelf near the Residue Microbiology	260	2.0628	536.328	N/D
0407A4	MFH Loan Service, top of cabinet near E7	252	2.0994	529.0488	N/D
0407A6	Warehouse area on top of shelf C45	265	2.0559	544.8135	N/D
0407A7	Warehouse, top of Flammable cabinet C52	258	1.9899	513.3942	N/D
0407A8	USDA Rural Development on top of cabinet near C33 & D33	279	2.0628	75.5212	N/D
0407A9	Loan Service near D18 & D19	249	2.0994	522.7506	N/D

GSA Building: 105				
Inspection NO: 1120691				
Report 15 of 20				
Sampling Date: 04/07/2016				
Sample Type: Wipe/Lead				
Sample Number	Location	Sample results		
		Lead µg	Cadmium µg	Arsenic µg
0407W6	Staircase, on top of windowsill	14.9800	N/D	N/D
0407W7	1 st floor warehouse, near exit C-52	14.0400	0.29000	N/D
0407W8	1 st floor warehouse, air handler filter house B50	164.7000	8.9120	4.7040
0407W9	Air handler B50/Air handler 102 fan housing	46.9300	4.6210	.9760
0407W10	1 st floor window sill J41	N/D	N/D	N/D
0407W11	USDA CSC-JBO conference room, white board J11	N/D	N/D	N/D
0407W12	USDA CSC/top of cubicle 10-E10	N/D	N/D	N/D
0407W13	1 st floor chiller room, air handling unit 1-A1	122.400	2.5880	2.9800
0407W14	1 st floor chiller room air handler unit 1-A1/supply side	68.9300	7.7190	1.6920
0407W15	1 st floor, column B-11/chiller room structural beam	1887.0000	57.300	23.5200
0407W16	2 nd floor Bankruptcy HQ 2/Light fixture	569.400	1.9500	.76060
0407W17	2 nd floor hallway light fixture between H17 and H18	161.200	.04550	N/D
0407W18	Penthouse B/staircase A17	630.2000	12.0400	8.9040
0407W19	Penthouse C, air handler 2X1 top surface	50.6800	15.8600	1.7980
0407W20	Penthouse C surface of low pressure	145.8000	147.400	8.6540

GSA Building: Buildings 108B/103/104/103 Basements and Crowell spaces

Inspection NO:1120691

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Sampling Date: 05/18/2016

Sample Type: Bulk/Lead

Sample Number	Location	Sample results	
		Lead %	Cadmium %
JL01	Building 108B, North side, exterior ground soil	0.1666	N/D
JL 02	Building 108B, North side wall, dust off metal louver (dust)	0.889	N/D
JL 03	Building 104, basement, Crowell space, south side (soil)	0.0370	N/D
JL04	Building 104, basement Crowell space north side (soil)	0.0353	N/D
JL 05	Building 105, basement, former firing range south side(soil)	N/D	N/D
JL 06	Building 105, basement former firing range north side (soil)	N/D	N/D
JL 07	Building 105, basement, former firing range SW side (soil)	N/D	N/D
JL 08	Building 103, basement, Crowell space south side(soil)	0.2895	N/D
JL 09	Building 103, basement Crowell space north side (soil)	0.0674	N/D
JL 10	Building 103, basement, center concrete floor (debris)	0.1240	N/D
JL 11	Building 103, basement, north west, top of column 19B (debris)	4.5313	N/D
JL 12	Building 103, basement NW side, vertical beam on top of column 19B, scrape of red paint	1.6703	N/D
JL 13	Building 103, basement NW side floor near column 19B (debris)	0.1012	N/D