

U.S. Department of Labor

Occupational Safety and Health Administration
1099 Winterson Road
Suite 140
Linthicum, MD 21090
Phone: 410-865-2055 Fax: 410-865-2068



Notice of Unsafe or Unhealthful Working Conditions

To:

U.S. Environmental Protection Agency
2733 Crystal Drive
Fifth floor
Arlington, VA 22202

Inspection Number: 1004462

Inspection Date(s): 10/22/2014 - 02/04/2015

Issuance Date: 03/17/2015

Inspection Site:

2733 Crystal Drive
Fifth floor
Arlington, VA 22202

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 03/17/2015. The conference will be held by telephone or at the OSHA office located at 1099 Winterson Road, Suite 140, Linthicum, MD 21090 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: 1004462

Agency Name: U.S. Environmental Protection Agency

Inspection Site: 2733 Crystal Drive, Fifth floor, Arlington, VA 22202

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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, 1099 Winterson Road, Suite 140, Linthicum, MD 21090.** 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

Company Name: U.S. Environmental Protection Agency

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Notice 1 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.32(a)(1): A review of the OSHA Log of Recordable Work-Related Injuries and Illnesses (OSHA Form 300 or equivalent) was not completed to ensure the Log was accurate and complete, and/or deficiencies were not identified and corrected at the end of each calendar year:

(a) EPA - On or about October 22, 2014, recordable employee injuries on the 2014 300 log of work-related injuries and illnesses were not completed and/or filled out correctly in that columns C, F, H, and K, contained inaccuracies or incorrect information; and the employer did not review the log at the end of the calendar year to ensure it was accurate and complete with no deficiencies.

(b) EPA - On or about February 4, 2015, information regarding recordable employee injuries on the 2014 300 log were not correctly transposed to the 300A Summary of Work-Related Injuries and Illnesses in that columns H, K, M1, M2, and M6 were not calculated correctly; and the employer did not review the log to ensure that it was accurate and complete with no deficiencies at the end of the calendar year.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date by which Violation must be Abated: 03/22/2015



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Notice 1 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1904.32(b)(1): The employer did not extensively review the OSHA 300A Annual Summary to ensure that entries are correct and complete:

(a) EPA - On or about February 4, 2015, the employer's certified 2014 300 log was not reviewed extensively to ensure that entries were correct and complete in that columns C, F, H, and K, were not completed and/or filled out correctly.

(b) EPA - On or about February 4, 2015, the employer's certified 2014 300A Summary of Work-Related Injuries and Illnesses was not reviewed extensively to ensure that entries were correct and complete in that columns H, K, M1, M2, and M6 were not calculated correctly.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date by which Violation must be Abated: 03/22/2015

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Occupational Safety and Health Administration

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Notice 1 Item 3 Type of Violation: **Other-than-Serious**

29 CFR 1904.40(a): The employer did not provide an authorized government representative requested records within the four business-hour timeframe.

(a) EPA - On or about October 22, 2014, a copy of the employer's record of recordable injuries and illnesses was requested by the Compliance Safety and Health Officer (CSHO) and not provided to CSHO until October 28, 2014.

Date by which Violation must be Abated: Corrected During Inspection



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Notice 1 Item 4 Type of Violation: **Other-than-Serious**

29 CFR 1960.55(a): 29 CFR 1960.55(a): The Agency did not provide safety and health training for supervisory employees:

(a) 5th Floor EPA Potomac Yard Workspace - On or about October 21, 2014, the agency had not provided occupational safety and health training to a senior management official who, having the responsibility for providing and maintaining safe and healthful working conditions for employees, sprayed a pesticide (Garden Safe Houseplant & Garden Insect Killer) in the workspace, causing the generation of an odor that appears to have resulted in health reactions in some of the employees.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date by which Violation must be Abated: 04/19/2015



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Notice 1 Item 5 Type of Violation: **Other-than-Serious**

29 CFR 1960.59(a): 29 CFR 1960.59(a): The Agency did not provide appropriate safety and health training for employees:

(a) 5th Floor EPA Potomac Yard Workspace - On or about October 22, 2014, employees had not received safety and health training. Such training informs employees of the agency occupational safety and health program, with emphasis on employee rights and responsibilities.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date by which Violation must be Abated: 04/19/2015



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Notice 1 Item 6 Type of Violation: **Other-than-Serious**

29 CFR 1960.59(b): The Agency did not provide occupational safety and health training for employees of the agency who are representatives of employee groups, such as labor organizations which are recognized by the agency, shall include both introductory and specialized courses and materials that will enable such groups to function appropriately in ensuring safe and healthful working conditions and practices in the workplace and enable them to effectively assist in conducting workplace safety and health inspections:

(a) 5th Floor EPA Potomac Yard Workspace - On or about October 22, 2014, Representatives from AFGE and NTEU, who represent the employees who appeared to have had health reactions to a pesticide that was released in the work space, had not received safety and health training from the employer.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date by which Violation must be Abated: 04/19/2015



Cheryl Kammerman
Acting Area Director