



U.S. Department of Justice

Federal Prison System
United States Penitentiary

Office of the Warden

#1 Federal Way, P.O. Box 019000
Atwater, California 95301

February 11, 2005

Connie Hunt, Director
Occupational Safety and Health Administration
71 Stevenson Street, Suite 420
San Francisco, California 94105

Re: OSHA Complaint #203588074

Dear Ms. Hunt:

This correspondence is in response to your letter, dated January 24, 2005, concerning alleged hazardous working conditions at the United States Penitentiary (USP), Atwater, California. The USP Atwater is a high security male institution, with an adjacent satellite prison camp (SPC). The current inmate populations at the USP and SPC are 1414 and 122 respectively. The USP/SPC Atwater operates a Federal Prison Industries (UNICOR) Computer Recycling Program. The USP employs 86 inmates and the SPC employs 32 inmates in the UNICOR program.

The Bureau of Prisons has a fully developed worker protection program. Attached is a detailed response to the report of alleged hazards received by your office. If I can provide you with any additional information, please do not hesitate to let me know.

Sincerely,

Paul M. Schultz
Warden

Attachments

Complaint #1

The Complaint alleges: Staff members and inmate employees are required to consume food and/or beverages in an area with identified toxic material contamination in violation of 1910.141(g)(2). The UNICOR Warehouse lunchroom surfaces, including, but not limited to tables, are contaminated with lead, cadmium and barium from work processes, compressed air cleaning processes and employee clothing.

Response

The results of our review of this complaint indicate that we are not in violation of 1910.141(g)(2).

The UNICOR warehouse does not have a lunchroom. Inmate workers eat lunch at the Federal Prison Camp (FPC) Food Service. Warehouse staff may eat in the staff dining room, staff lounge, in the warehouse office or at any dining establishment in close proximity to the institution.

There is a dining facility in the Computer Recycling Factory (CRF) located within the USP. The CRF is comprised of three computer disassembly areas, temporary storage area, dining areas, lavatory, and offices. In addition, a computer monitor glass breaking operation is located in a secluded room outside of the factory.

The dining area (enclosed with a four foot concrete wall) is located approximately 25 feet from the computer disassembly areas. Inmates are served lunch in the dining room. The food is prepared in the institution kitchen and transported to the factory dining room in covered enclosed carts.

On September 28-30, 2004, three wipe samples were collected in the dining area and analyzed for lead, cadmium, barium and beryllium (see attached report from Maryellen Thoms to Paul Schultz). Sampling results revealed no toxic material contamination, as defined in 1910.141(a)(1). Barely detectable levels of the various metals were detected on two surfaces and no detectable levels were found on the hands of an inmate working in the food service area.

Wipe samples were also collected from work surfaces in the computer disassembly areas, various other work surfaces in the CRF, in the warehouse and from the hands of various CRF and warehouse inmate workers. Analytical results ranged from non-detectable to low levels of cadmium, lead and barium.

Due to concerns raised and for programmatic reasons, as a

proactive measure, USP Atwater is discontinuing the separate food service operations, effective March 1st, notwithstanding that USP Atwater's food service operations are in compliance with OSHA.

Complaint #2

The Complaint alleges: The food service facility and operations handling food consumed by staff members and inmate employees is not carried out in accordance with sound hygienic principles. The food dispensed is not processed, prepared, handled, and stored in such a manner as to be protected against contamination from lead, cadmium, and barium particulate that disperses throughout the UNICOR warehouse from work processes, employee clothing, and aerosolized particles resulting from compressed air utilized for cleaning. 1910.141(h)

Response

Our review of this matter reveals that we comply with the requirements of 1910.141(h).

Food, served in the factory dining area, is prepared in the institution kitchen and transported to the factory in hot or cold food carts. Each cart is enclosed on all sides and properly sealed to prevent contamination. In the factory dining area, the carts are placed into stationary coolers and food warmers until lunch is served. In addition, the dining area and food service equipment are thoroughly cleaned daily.

Due to concerns raised and for programmatic reasons, as a proactive measure, USP Atwater is discontinuing the separate food service operations, effective March 1st, notwithstanding that USP Atwater's food service operations are in compliance with OSHA.

Complaint #3

The Complaint alleges: The UNICOR warehouse triage, production and storage areas where staff members and inmate employees work are not kept clean to the extent that the nature of the work allows. The work surfaces are contaminated with lead, cadmium and barium. 1910.141(a)(3)(j) Compressed air utilized to clean the work surfaces only aerosolizes the particles where they spread and settle onto the work surface again as well as spread throughout the warehouse contaminating other areas.

Response

The CRF and warehouse are well maintained and kept clean. However, as previously stated, various wipe samples collected in

September 2004 revealed low levels of cadmium, lead and barium residues on various surfaces throughout the CRF and warehouse. As a result, UNICOR has opted to implement additional hygiene practices to further decrease metal residuals as much as possible.

UNICOR also purchased additional HEPA vacuums for the CRF and warehouse. The vacuums will be used to clean dust from work surfaces and clothing on an on-going basis daily. Cleaning with compressed air will not be allowed.

Note: Please find attached UNICOR hygiene practices and signature sheets verifying the completion of hygiene training for staff and inmates.

Complaint #4

The Complaint alleges: Staff members and inmate employees exposed to lead, cadmium and barium are experiencing skin and eye irritation. They have not been provided with the PPE identified in the PPE hazard assessment to ensure protection from the absorption inhalation, or physical contact hazards with the identified chemicals. 1910.132(d)(1)(I)

Response

A PPE hazard assessment has been completed (see attachment). The results of our review indicate staff and inmates are provided appropriate PPE. Inmate workers, who disassemble computers, are equipped with safety glasses, leather work gloves and safety shoes.

The CRF has received some complaints concerning minor skin and eye irritation. However, there is no medical or industrial hygiene data or documentation to support the contention that exposure to lead, cadmium and barium are causing eye and skin irritations.

As a proactive measure, the Factory Manager will record each staff and inmate health related complaint (including, but not limited to lead, cadmium and barium exposure) and refer each to the health services clinic for examination and if required treatment. The Safety Department will conduct an investigation of the work place when the results of a medical examination indicate that the work environment may be a causative factor.

Inmates and staff may also report work place hazards to the Safety Manager or Warden. As required by policy, each complaint will be recorded and investigated in a timely manner by the Safety Manager. The investigation results will be submitted to the complainant.

Complaint #5

The Complaint alleges: Staff members and inmate employees working in the UNICOR warehouse are exposed to compressed air utilized for cleaning that exceeds 30 p.s.i. during use by inmates. 1910.242(b)

Response

Compressed air is used in the factory and warehouse to operate hand tools. However, a review of this complaint also indicates cleaning with compressed air was being performed by various inmate workers. In the future, the use of compressed air for cleaning purposes will not be allowed in the Warehouse and CRF. Staff will seek to ensure inmate compliance.

Complaint #6

The Complaint alleges: Staff members and inmate employees have not received effective information and training on cadmium and barium utilized in the UNICOR warehouse in accordance with 1910.1200(h)(2) and (3). No training on cadmium and barium has occurred.

Response

Our review of this complaint indicates staff and inmates receive work place safety training including specific training on lead, cadmium and barium.

Note: Please see attached inmate safety orientation and staff training packets.

Complaint #7

The Complaint alleges: Staff members and inmate employees assigned to UNICOR duties have not been informed, upon first entering into employment and at least annually thereafter, of the requirements of 1910.1020(g)(1) including information on the existence, location, and availability of any records covered by this section (sampling data including, but not limited to, air sampling and wipe sampling utilized to evaluate the presence of hazardous substances); identification of the person responsible for maintaining and providing access to the records; and each employees right of access to these records. 1910.1020(g)(1)

Response

The Factory Manager will ensure that staff and inmates employees are initially and annually notified of the existence, location, and availability of any records pertaining to work place

exposures, including sampling data, medical evaluations/tests and the location/presence of hazardous materials. The information will be included in the inmate orientation and staff issued packets. Staff and inmates will verify completion of initial and annual training by signing a signature sheet.