

U.S. Department of Labor
Occupational Safety and Health Administration
315 W. Allegan Street
Suite 207
Lansing, MI 48933
Phone: 517-487-4996 Fax: 517-487-4997



Notice of Unsafe or Unhealthful Working Conditions

To:
U.S. Army Corps of Engineers, Soo Area Office
312 West Portage Avenue
Sault Sainte Marie, MI 49783

Inspection Number: 1047681
Inspection Date(s): 03/17/2015 - 03/18/2015
Issuance Date: 09/15/2015

Inspection Site:
312 West Portage Avenue
Sault Sainte Marie, MI 49783

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

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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 09/15/2015. The conference will be held by telephone or at the OSHA office located at 315 W. Allegan Street, Suite 207, Lansing, MI 48933 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: 1047681

Agency Name: U.S. Army Corps of Engineers, Soo Area Office

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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, 315 W. Allegan Street, Suite 207, Lansing, MI 48933.** 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.

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

29 CFR 1910.23(a)(2) as required by 1960.8(b): Ladderway floor opening(s) or platform(s) were not guarded by a standard railing with standard toeboard(s) on all exposed sides (except at the entrance to opening) with passage through the railing either provided with a swinging gate or so offset that a person could walk directly into the opening:

Adjacent to the Poe Lock, access shaft leading down to the upper gate sill was not guarded with a standard railing, there by exposing employees to a fall hazard.

Date by which Violation must be Abated: Corrected During Inspection

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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 2a Type of Violation: **Serious**

29 CFR 1910.23(c)(1) as required by 1960.8(b): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent) and toeboards:

- a. Adjacent to the Poe Lock, in Fender boom # 11 housing, open-sided floor was not adequately guarded in that the existing railing and posts were not secured to the concrete wall there by exposing employees to a fall hazard.

- b. Adjacent to the Poe Lock, in Fender boom # 13 housing, open-sided floor was not adequately guarded in that the existing railing and posts were not secured to the concrete wall there by exposing employees to a fall hazard.

Date by which Violation must be Abated: 11/02/2015

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

29 CFR 1910.23(e)(3)(iv) as required by 1960.8(b): The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail.

a. Adjacent to the Poe Lock, in Fender boom # 11 housing, existing railing was inadequate in that there was a seven inch deflection caused by poorly secured anchoring of posts there by exposing employees to a fall hazard.

b. Adjacent to the Poe Lock, in Fender boom # 13 housing, existing railing was inadequate in that there was a seven inch deflection caused by poorly secured anchoring of posts there by exposing employees to a fall hazard..

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Notice 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.24(h) as required by 1960.8(b): Handrails were not provided on at least one side of closed stairways preferably on the right side descending:

- a. Davis Building, in the basement, no handrail was provided on stairway leading down to the North side of the well hole, exposing employees to a fall hazard.
- b. Davis Building, in the basement, no handrail was provided on stairway leading down to the South side of the well hole, exposing employees to a fall hazard.
- c. Davis Building, in the basement, no handrail was provided on stairway leading up to the North side of the pump area, exposing employees to a fall hazard.
- d. Davis Building, in the basement, no handrail was provided on stairway leading up to the South side of the pump area, exposing employees to a fall hazard.

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Notice 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.28(g)(6) as required by 1960.8(b): Two-point suspension scaffolds shall be suspended by wire or fiber ropes. Wire and fiber ropes shall conform to paragraph (a)(22) of this section.

In front of Maintenance Building, along the seawall, suspended scaffold was secured in place using nylon rope, there by exposing employees to a fall hazard.

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

29 CFR 1910.36(d)(1) as required by 1960.8(b): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

In the paint shop, the fire exit door was locked with a dead bolt, there by exposing employees to a fire hazard.

Date by which Violation must be Abated: 10/09/2015

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Notice 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.101(b) as required by 1960.8(b): The in-plant handling, storage, and utilization of all compressed gases in cylinders, portable tanks, rail tankcars, or motor vehicle cargo tanks were not in accordance with Compressed Gas Association Pamphlet P-1-1965, which is incorporated by reference as specified in CFR 1910.6:

In the Maintenance Area, near the machine shop, in a closet, compressed gas cylinder(s) were not properly secured or supported to prevent cylinders from falling, there by exposing employees to a struck by hazard.

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Notice 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(ii) as required by 1960.8(b): Procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, 29 CFR 1910.147(c)(4)(ii)(A), (c)(4)(ii)(B), (c)(4)(ii)(C) and (c)(4)(ii)(D):

The employer did not provide sufficient detail and adequate guidance in the existing Poe Lock boom 11 energy control procedures for an authorized employee to clearly understand how to safely and effectively utilize the energy control procedure in that the following areas were not addressed:

1. Purpose of the lockout procedure
2. Types and Magnitude of energy, its hazards and the methods of controlling the energy.
3. How stored energy in the system is released.
4. How to return the equipment to a normal operating condition.

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Notice 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.147(c)(6)(i) as required by 1960.8(b): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

The employer did not conduct an inspection of the energy control procedures annually to ensure that they were properly implemented during servicing and/or maintenance on equipment.

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Notice 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.157(g)(3) as required by 1960.8(b): The employer shall provide employees who have been designated to use fire fighting equipment as part of an emergency action plan with training in the use of the appropriate equipment.

Soo Area Office, the employer did not provide annual training on portable fire extinguishers that included hands-on training to employees designated to use portable fire extinguishers.

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Notice 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.179(j)(3) as required by 1960.8(b): A complete periodic inspection of crane(s) had not been conducted in the past 12 months:

At the Power House, the employer did not conduct a periodic inspection within the last 12 months on a Lakeside Draft Tube Gantry Crane, Serial # 6284 located on the back deck of the powerhouse.

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Notice 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.184(e)(1): Alloy steel chain sling(s) did not have permanently affixed durable identification stating size, grade, rated capacity, and reach:

Employees used Broderon Crane Model IC-80 to remove wooden fenders from sea wall in front of maintenance building. Chain sling used to lift fenders from the sea wall did not have permanently affixed identification markings, there by exposing employees struck by or crushing hazards.

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Notice 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.184(f)(1): Sling use. Employers must use only wire-rope slings that have permanently affixed and legible identification markings as prescribed by the manufacturer, and that indicate the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one.

Employees used Broderson Crane Model IC-80 to remove wooden fenders from sea wall in front of maintenance building. wire rope slings were used to lift fenders from the sea wall had a permanently affixed identification tag that was illegible, there by exposing employees struck by or crushing hazards.

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Notice 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.303(g)(1) as required by 1960.8 (b): Sufficient access and working space was not provided and maintained about all electric equipment (operating at 600 volts, nominal, or less to ground) to permit ready and safe operation and maintenance of such equipment:

Davis Building, in the basement toilet facility, employees were exposed to electrical hazards in that the employer did not provide sufficient access and working space to a circuit breaker panel to permit the ready and safe operation and maintenance of equipment.

Date by which Violation must be Abated: 11/02/2015



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Notice 1 Item 14 Type of Violation: **Serious**

29 CFR 1960.8(a): The Agency head did not furnish employment and a place of employment to each employee that were free from recognized hazards that caused or were likely to cause death or serious physical harm:

- a. U.S. Army Corps of Engineers, employees used a Linkbelt 318 Lattice Boom Crawler Crane that had three bent lacing on the boom in the following locations: 1) top picture frame on the 20-foot section bottom lacing; 2) bottom picture frame on tip, bottom lacing; and, 3) bent diagonal on tip by bottom picture frame. Employees used the crane to remove equipment, such as a JLG lift, bobcat and scissor lift, from the bottom of the Poe Lock at the upper sill exposing employees to struck-by hazards.
- b. U.S. Army Corps of Engineers, employees used a Manitowoc 3900W Lattice Boom Crawler Crane on the Harvey crane barge that had excessive play in the boom hoist guide sheave due to a badly worn shaft and three dented lacing on boom in the following locations: 1) butt section, fourth lacing from the picture frame on the bottom; 2) 40-foot section, bottom picture bottom lacing; and 3) 40-foot section, top picture bottom lacing. Employees used the crane barge to break ice with an anchor to free up the crane barge from the ice and to move ramps into place so that heavy equipment can be driven on and off the barge exposing employees to struck-by hazards.

Among other methods, a feasible method to correct the hazards is to follow the requirements of the American Society of Mechanical Engineers, ASME B30.5 2014 and remove the Manitowoc 3900W Lattice Boom Crawler Crane and Linkbelt 318 Lattice Boom Crawler Crane from service until all deficiencies have been repaired or defective parts replaced.

Among other methods, a feasible method to correct the hazards is to follow the requirements of the American Society of Mechanical Engineers, ASME B30.5 2014 and remove the Manitowoc 3900W Lattice Boom Crawler Crane and Linkbelt 318 Lattice Boom Crawler Crane from service until all deficiencies have been repaired or defective parts replaced.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

29 CFR 1910.305(b)(1)(ii) as required by 1960.8(b): Unused openings in boxes, cabinets, or fittings were not effectively closed:

The employer failed to ensure unused openings (knockouts) in boxes and cabinets were effectively closed:

- (a) In the MSB maintenance support building, circuit breaker panel located in cart parking/tool storage area missing one knockout.
- (b) In Powerhouse, 115v circuit breaker panel located in gatehouse was missing two knockouts.
- (c) In Powerhouse, 460v electrical panel located in battery room was missing one knockout.
- (d) In Powerhouse, 460v electrical panel located in lower pump room was missing one knockout.
- (e) In Powerhouse, electrical panel labeled as unwatering switch pump #1 located in lower pump room was missing one knockout.
- (f) In Main admin building, 480v electrical panel located in basement was missing one knockout.
- (g) In the Davis building, circuit breaker panel located in the basement restroom was missing one knockout.

The U.S. Army Corps of Engineers was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.242(b), which was contained in OSHA Inspection number 954693, Notice number 1, Item number 4 issued on January 15, 2014 with respect to a workplace located at 2204 Third Street, Jber, Alaska which became a final order on February 11, 2014.

Date by which Violation must be Abated: Corrected During Inspection

A handwritten signature in black ink, appearing to read "Larry M. Johnson". The signature is written over a horizontal line.

Larry M. Johnson

Area Director

See Pages 1 through 3 of this Notice for information on employer and employee rights and responsibilities.

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