

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: 1047433
Inspection Date(s): 03/17/2015 - 09/10/2015
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

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

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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 1910.134(h)(2)(i): Respirators were not stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals or were not packed or stored to prevent deformation of the facepiece and exhalation valve:

In the Maintenance Support Building, employees were required to wear a Survivair, S-series half face air purifying respirator during painting activities, and the employer failed to ensure that the respirator was stored to protect it from damage, contamination, and dust. The respirator was hanging by its straps from door knob.

Date by which Violation must be Abated: Corrected During Inspection



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

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

At the Soo Area Office, the employer failed to identify the following confined spaces as permit required:

- a. Main Service Tunnel (Deep Tunnel), employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient and flammable atmospheres, electrical, and water engulfment.
- b. Poe Basement Well Pump, employees made entries to remove silt and were exposed to hazards including, but not limited to water engulfment.
- c. Poe Lock Gallery Boom Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, electrical, mechanical, and water engulfment.
- d. Poe Lock Top-Side Boom Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to electrical and mechanical.
- e. MacArthur Gallery Valve Machinery Gear Pit, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to atmospheric and mechanical.
- f. MacArthur Boom Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to electrical and mechanical.
- g. MacArthur Machinery Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, electrical, and mechanical.
- h. MacArthur Bull Gear Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to mechanical.
- i. Power House Scroll Case Units, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to water engulfment.
- j. Power House Governor Oil Tanks, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to atmospheric and fire hazards.
- k. Power House Station Sump Pit, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres,

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

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water engulfment, and electrical.

- l. Power House Unit Turbines, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to water engulfment and mechanical.
- m. Unit 10 Scroll Entrance, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to water engulfment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 10/18/2015



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

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

At the Soo Area Office, danger signs were not posted at the following permit spaces:

- a. Main Service Tunnel (Deep Tunnel), employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient and flammable atmospheres, electrical, and water engulfment.
- b. Poe Basement Well Pump, employees made entries to remove silt and were exposed to hazards including, but not limited to water engulfment.
- c. Poe Lock Gallery Boom Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, electrical, mechanical, and water engulfment.
- d. Poe Lock Top-Side Boom Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to electrical and mechanical.
- e. MacArthur Gallery Valve Machinery Gear Pit, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to atmospheric and mechanical.
- f. MacArthur Boom Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to electrical and mechanical.
- g. MacArthur Machinery Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, electrical, and mechanical.
- h. MacArthur Bull Gear Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to mechanical.
- i. Power House Scroll Case Units, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to water engulfment.
- j. Power House Governor Oil Tanks, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to atmospheric and fire hazards.
- k. Power House Station Sump Pit, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres,

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water engulfment, and electrical.

- l. Power House Unit Turbines, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to water engulfment and mechanical.
- m. Unit 10 Scroll Entrance, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to water engulfment.

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

29 CFR 1910.146(d)(3): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations:

At the Soo Area Office, means, procedures, and practices including, but not limited to specifying safe entry conditions, methods to isolate the permit space, and methods to verify that conditions within the permit space were acceptable throughout the duration of entry were not developed for the following permit spaces:

- a. Main Service Tunnel (Deep Tunnel), employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient and flammable atmospheres, fall, electrical, and water engulfment.
- b. Poe Lock Gallery Boom Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, fall, electrical, mechanical, and water engulfment.
- c. Poe Lock Top-Side Boom Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, fall, electrical, and mechanical.
- d. MacArthur Boom Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, fall, electrical, and mechanical.
- e. MacArthur Machinery Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, fall, electrical, and mechanical.
- f. Power House Station Sump Pit, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, fall, water engulfment, and electrical.

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

29 CFR 1910.146(d)(9): The employer did not develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and/or for preventing unauthorized entry:

At the Soo Area Office, emergency procedures were not developed and implemented for the following permit spaces:

- a. Poe Lock Gallery Boom Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, fall, electrical, mechanical, and water engulfment.
- b. Poe Lock Top-Side Boom Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, fall, electrical, and mechanical.
- c. MacArthur Boom Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, fall, electrical, and mechanical.
- d. MacArthur Machinery Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to fall, electrical, and mechanical.
- e. Power House Station Sump Pit, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, fall, water engulfment, and electrical.

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

29 CFR 1910.146(e)(1): Before entry was authorized, the employer did not document the completion of measures required by 29 CFR 1910.146(d)(3) by preparing an entry permit:

At the Soo Area Office, employees entered permit required confined spaces to perform inspection and maintenance activities, and an entry permit was not prepared to document completion of the measures necessary to ensure safe permit space entry operations for the following permit spaces:

- a. Main Service Tunnel (Deep Tunnel), employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient and flammable atmospheres, fall, electrical, and water engulfment.
- b. Poe Lock Gallery Boom Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, fall, electrical, mechanical, and water engulfment.
- c. MacArthur Machinery Pits, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, fall, electrical, and mechanical.
- d. Power House Station Sump Pit, employees made entries to perform inspection and maintenance activities and were exposed to hazards including, but not limited to oxygen deficient atmospheres, fall, water engulfment, and electrical.

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

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146 (permit required confined spaces) acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under 29 CFR 1910.146:

At the Soo Area Office, employees entered permit required confined spaces and were exposed to fall, electrical, natural gas, mechanical, and water engulfment hazards and the employer did not provided training on the duties, procedures, and hazards associated with entry into permit required confined spaces.

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

29 CFR 1910.151(c) as required by 1960.8(b): When the eyes or body of any person were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

The employer failed to ensure that suitable facilities for drenching or flushing the eyes were available in the immediate vicinity of the hazard:

- a. In the Mechanical Building Boiler Room, employees were required to change 15 gallon drums of Tri-ACT 1820 and were exposed to being splashed in the eyes.
- b. In the Steam Plant, employees were required to add Tri-ACT 1820 to 55 gallon drums and were exposed to being splashed in the eyes.
- c. In the Power House Battery Room, employees were required to inspect and maintain batteries containing hydrosulfuric acid and were exposed to being splashed in the eyes.

The U.S. Army Corps of Engineers was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.151(c), which was contained in OSHA Inspection number 315501056, Notice number 1, Item number 4 issued on June 29, 2011, with respect to a workplace located in Mount Morris, New York and which became a final order on July 26, 2011.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 11/17/2015

FOR 

Larry M. Johnson
Area Director