

**U.S. Department of Labor**

Occupational Safety and Health Administration  
Lansing Area Office  
315 W. Allegan Street, Suite 207  
Lansing, MI 48933  
Phone: 517-487-4996  
Fax: 517-487-4997  
Website: <http://www.osha.gov>



September 30, 2015

Department of the Interior  
U.S. Fish and Wildlife Service  
Pendills Creek National Fish Hatchery  
21990 W. Trout Lane  
Brimley, MI 49715

Dear Employer:

On or about April 9, 2015, representatives of this office conducted an inspection at your establishment. The hazardous condition(s) found during the inspection which violate OSHA standards are described on the Notice of Unsafe or Unhealthful Working Conditions delivered to you on or about September 30, 2015. Included in the Notice are the correction dates discussed for each condition. Although the Notice is normally issued only to the establishment official, in the case of repeated or willful violations a copy of the Notice is also sent to the Designated Agency Safety and Health Official (DASHO).

Copies of the Notice or your Agency's form, on which you have reproduced the information shown on the Notice, must be posted near the hazardous condition(s) for three working days or until the hazard is corrected, whichever is longer.

Please advise me in writing, of the abatement actions you have taken. Since we need to assess the effectiveness of the corrective measures, please describe them in detail, and include any pertinent information; e.g., photographs, monitoring results, measurements and equipment requisitions. If correction of any listed condition cannot be achieved within the time period, please provide me an abatement plan which includes:

- (1) A timetable of the steps to be taken to achieve compliance during the prescribed abatement period.
- (2) The specific additional abatement time estimated to achieve compliance.
- (3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.
- (4) Interim steps being taken to safeguard the employees against the cited hazard during the abatement period.

You may request an informal conference with me within 15 working days of receipt of this Notice. The request must be in writing or by telephone with a confirming letter that identifies the items on the

Notice you wish to discuss. During the informal conference, you may present any evidence or views which you believe would support an adjustment to the listed hazardous conditions on the Notice.

Any condition which is not corrected within the agreed upon time frame will be subject to a Notice of Failure to Abate Alleged Violations, a copy of which will be sent to your Designated Agency Safety and Health Official.

Sincerely,



Larry M. Johnson  
Area Director

Enclosures

**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:**  
Department of the Interior, U.S. Fish and Wildlife  
Service, Pendills Creek National Fish Hatchery  
21990 W. Trout Lane  
Brimley, MI 49715

**Inspection Number:** 1053157  
**Inspection Date(s):** 04/09/2015 - 04/09/2015  
**Issuance Date:** 09/30/2015

**Inspection Site:**  
21990 W. Trout Lane  
Brimley, MI 49715

*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](http://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 09/30/2015. 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: 1053157**

Agency Name: Department of the Interior, U.S. Fish and Wildlife Service, Pendills Creek National Fish Hatchery

Inspection Site: 21990 W. Trout Lane, Brimley, MI 49715

Issuance Date: 09/30/2015

**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): \_\_\_\_\_

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

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By (Method of Abatement): \_\_\_\_\_

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

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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:** Department of the Interior, U.S. Fish and Wildlife Service, Pendills Creek National Fish Hatchery

**Inspection Site:** 21990 W. Trout Lane, Brimley, MI 49715

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

29 CFR 1910.146(c)(1) as required by 1960.8(b): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

At the Pendills Creek National Fish Hatchery, an evaluation was not made to determine if the following confined spaces were permit required:

- a. In the production building, the race way drainage tanks contained water engulfment hazards and potentially hazardous atmospheres.
- b. In the screen building, the water intake pit contained water engulfment hazards, mechanical hazards, and potentially hazardous atmospheres.
- c. In the filter building, the lower pits contained water engulfment hazards, mechanical hazards, and potentially hazardous atmosphere.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:    11/04/2015



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** Department of the Interior, U.S. Fish and Wildlife Service, Pendills Creek National Fish Hatchery

**Inspection Site:** 21990 W. Trout Lane, Brimley, MI 49715

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

29 CFR 1910.146(c)(2) as required by 1960.8(b): 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 Pendills Creek National Fish Hatchery, danger signs were not posted at the following permit spaces:

- a. In the production building, where employees could enter the raceway drainage tanks via manhole covers. Entry into the race way drainage tanks exposed employees to water engulfment hazards and potentially hazardous atmospheres.
- b. In the screen building, where employees could enter the water intake pit in front of the travelling screen via the open top of the pit. Entry into the water intake pit exposed employees to water engulfment hazards and potentially hazardous atmospheres.
- c. In the filter building, where employees could enter the lower sections of the pits via the open tops of the pits. Entry into the lower pits exposed employees to water engulfment hazards, mechanical hazards, and potentially hazardous atmosphere.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:    11/04/2015

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

**Inspection Number:** 1053157  
**Inspection Date(s):** 04/09/2015 -  
04/09/2015  
**Issuance Date:** 09/30/2015



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** Department of the Interior, U.S. Fish and Wildlife Service, Pendills Creek National Fish Hatchery

**Inspection Site:** 21990 W. Trout Lane, Brimley, MI 49715

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

29 CFR 1910.146(c)(3) as required by 1960.8(b): When the employer decided its employees would not enter permit spaces, the employer did not take effective measures to prevent its employees from entering the permit spaces:

At the Pendills Creek National Fish Hatchery, the following permit spaces did not have effective measures to prevent entry:

a. In the screen building, where employees could enter the pit behind the travelling screen via removable cover and ladder. Entry into the pit exposed employees to water engulfment hazards and potentially hazardous atmospheres.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 11/04/2015

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

**Inspection Number:** 1053157  
**Inspection Date(s):** 04/09/2015 -  
04/09/2015  
**Issuance Date:** 09/30/2015



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** Department of the Interior, U.S. Fish and Wildlife Service, Pendills Creek National Fish Hatchery

**Inspection Site:** 21990 W. Trout Lane, Brimley, MI 49715

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

29 CFR 1910.1001(j)(7)(iv) as required by 1960.8(b): The employer did not provide to all employees who perform housekeeping work in areas where ACM and/or PACM is present, an asbestos awareness training course covering the health effects of asbestos; and/or locations of ACM and/or recognition of ACM and PACM damage and deterioration and/or requirements in this standard related to housekeeping, and/or proper response to fiber release episodes:

At the Pendills Creek National Fish Hatchery, employees were exposed to PACM and ACM during cleanup operations such as sweeping and wiping up dusts, paint chips, and related debris generated from maintenance-related tasks, and the employer failed to provide an asbestos awareness course.

Date by which Violation must be Abated:      Corrected During Inspection

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

**Inspection Number:** 1053157  
**Inspection Date(s):** 04/09/2015 -  
04/09/2015  
**Issuance Date:** 09/30/2015



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** Department of the Interior, U.S. Fish and Wildlife Service, Pendills Creek National Fish Hatchery

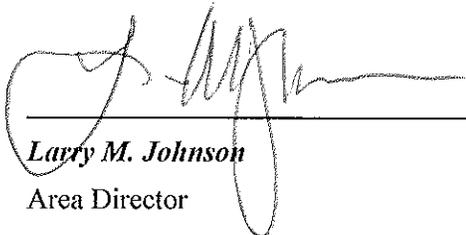
**Inspection Site:** 21990 W. Trout Lane, Brimley, MI 49715

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

29 CFR 1910.1200(h)(3)(iv) as required by 1960.8(b): The employer did not train employees on the new label elements and safety data sheets format:

At the Pendills Creek National Fish Hatchery, employees used Ovidine and Parasite-S during the fish rearing process, and the employer failed to provide training on the new safety data sheet (SDS) format and label elements.

Date by which Violation must be Abated: Corrected During Inspection

  
\_\_\_\_\_  
**Larry M. Johnson**  
Area Director

**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:**  
Department of the Interior, U.S. Fish and Wildlife  
Service, Pendills Creek National Fish Hatchery  
21990 W. Trout Lane  
Brimley, MI 49715

**Inspection Number:** 1052978  
**Inspection Date(s):** 04/09/2015 - 04/09/2015  
**Issuance Date:** 09/30/2015

**Inspection Site:**  
21990 W. Trout Lane  
Brimley, MI 49715

*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](http://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 09/30/2015. 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: 1052978**

Agency Name: Department of the Interior, U.S. Fish and Wildlife Service, Pendills Creek National Fish Hatchery

Inspection Site: 21990 W. Trout Lane, Brimley, MI 49715

Issuance Date: 09/30/2015

**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): \_\_\_\_\_

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

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By (Method of Abatement): \_\_\_\_\_

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By (Method of Abatement): \_\_\_\_\_

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

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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.

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

**Inspection Number:** 1052978  
**Inspection Date(s):** 04/09/2015 -  
04/09/2015  
**Issuance Date:** 09/30/2015



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** Department of the Interior, U.S. Fish and Wildlife Service, Pendills Creek National Fish Hatchery

**Inspection Site:** 21990 W. Trout Lane, Brimley, MI 49715

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

29 CFR 1910.147(c)(4)(i) as required by 1960.8(b): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

The employer did not develop procedures to control and isolate hazardous energy exposing employees to mechanical and electrical energy hazards while performing servicing and/or maintenance work on machines or equipment such as but not limited to Hydrolox Traveling Screen, and Hydrotech Drum Filter system.

Date by which Violation must be Abated:    11/18/2015

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

**Inspection Number:** 1052978  
**Inspection Date(s):** 04/09/2015 -  
04/09/2015  
**Issuance Date:** 09/30/2015



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** Department of the Interior, U.S. Fish and Wildlife Service, Pendills Creek National Fish Hatchery

**Inspection Site:** 21990 W. Trout Lane, Brimley, MI 49715

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**Notice 1 Item 2**      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 to ensure that they were properly implemented during servicing and/or maintenance on equipment.

Date by which Violation must be Abated:    11/18/2015

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

**Inspection Number:** 1052978  
**Inspection Date(s):** 04/09/2015 -  
04/09/2015  
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**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** Department of the Interior, U.S. Fish and Wildlife Service, Pendills Creek National Fish Hatchery

**Inspection Site:** 21990 W. Trout Lane, Brimley, MI 49715

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

29 CFR 1910.147(c)(7)(i)(B) as required by 1960.8(b): Affected employee(s) was not instructed in the purpose and use of the energy control procedure.

The employer did not provide training to "affected" employees on applicable hazardous energy sources, types and magnitude of energy, and the means and methods of isolating and/or controlling energy, and the means of verification of effective energy control, and the purpose of the procedure to be used.

Date by which Violation must be Abated:    11/18/2015

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

Inspection Number: 1052978  
Inspection Date(s): 04/09/2015 -  
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**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** Department of the Interior, U.S. Fish and Wildlife Service, Pendills Creek National Fish Hatchery

**Inspection Site:** 21990 W. Trout Lane, Brimley, MI 49715

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

29 CFR 1910.219(f)(3) as required by 1960.8(b): Sprocket wheels and chains which were seven -7 feet or less above floors or platforms were not enclosed:

In the Traveling Screen Building, a sprocket and chain was not guarded on the Hydrolox Travel Screen, thereby exposing employees to a caught-in and/or amputation hazard.

Date by which Violation must be Abated:    Corrected During Inspection

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

**Inspection Number:** 1052978  
**Inspection Date(s):** 04/09/2015 -  
04/09/2015  
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**Notice of Unsafe and Unhealthful Working Conditions**

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

29 CFR 1910.304(g)(5) as required by 1960.8(b): The path to ground from circuits, equipment, and enclosures was not permanent, continuous, and effective:

In the Maintenance shop, a Rigid wet/dry shop vacuum used to clean up debris in the shop was missing a ground plug on the power cord thereby exposing employees to an electrical shock hazard.

Date by which Violation must be Abated:    10/27/2015

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

**Inspection Number:** 1052978  
**Inspection Date(s):** 04/09/2015 -  
04/09/2015  
**Issuance Date:** 09/30/2015



**Notice of Unsafe and Unhealthful Working Conditions**

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**Inspection Site:** 21990 W. Trout Lane, Brimley, MI 49715

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

29 CFR 1910.305(b)(2)(i) as required by 1960.8(b): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

- a. In the maintenance shop, a junction box near the drill press was missing a cover plate, wires were protruding from the box and not all wires were capped off exposing employees to a shock hazard.
- b. In the maintenance shop, a toggle and duplex combination wall plate was not used or installed in accordance with manufacturer's instructions. The wall plate was being used to cover a duplex outlet, there was no toggle switch installed leaving an opening in the wall plate there by exposing employees to an electrical and/or fire hazard.

Date by which Violation must be Abated:    10/27/2015

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

**Inspection Number:** 1052978  
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**Notice of Unsafe and Unhealthful Working Conditions**

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**Inspection Site:** 21990 W. Trout Lane, Brimley, MI 49715

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

29 CFR 1910.242(b) as required by 1960.8(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i.:

In the boiler room , a locally manufactured air nozzle used for cleaning purposes was set at approximately 90 p.s.i., there by exposing employees to a struck by hazard.

The U. S. Fish and Wildlife Service 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 923101, Notice number 1, Item number 3 issued on July 31, 2013 with respect to a workplace located at 1390 Buskin River Road in Kodiak, Alaska which became a final order on August 8, 2013.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:    10/27/2015

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

**Inspection Number:** 1052978  
**Inspection Date(s):** 04/09/2015 -  
04/09/2015  
**Issuance Date:** 09/30/2015



**Notice of Unsafe and Unhealthful Working Conditions**

**Company Name:** Department of the Interior, U.S. Fish and Wildlife Service, Pendills Creek National Fish Hatchery

**Inspection Site:** 21990 W. Trout Lane, Brimley, MI 49715

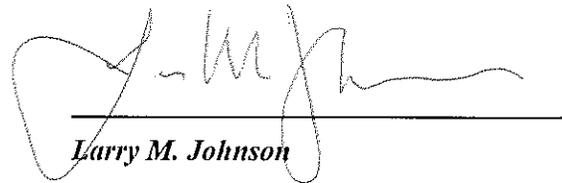
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**Notice 3 Item 1**      Type of Violation: **Other-than-Serious**

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

- a. In the Maintenance Shop, One Phase circuit breaker panel was missing one knockout.
- b. In the Drum Filter building, electrical panel was missing one knockout.

Date by which Violation must be Abated: 10/27/2015

  
\_\_\_\_\_  
**Larry M. Johnson**  
Area Director

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



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## Federal Employer Rights and Responsibilities Following an OSHA Inspection- 1996

### After an Inspection

An inspection of your workplace was conducted in accordance with the Occupational Safety and Health Act of 1970, Executive Order 12196, and 29 CFR Part 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters. The compliance safety and health officer (CSHO) who conducted the inspection has found conditions that are in violation of the Act, Executive Order 12196, or 29 CFR Part 1960, and you have been issued a Notice of Unsafe or Unhealthful Working Conditions, OSHA-2H Form (OSHA Notice) that explains in detail the exact nature of the alleged violation(s).

This pamphlet contains important information regarding your rights and responsibilities under the Act, Executive Order 12196, and 29 CFR Part 1960. For each apparent violation found during the inspection, the compliance officer discussed the following with you:

- The nature of the violation,
- Possible abatement measures you may take to correct the violative condition, and
- Possible abatement dates you may be required to meet.

### Types of Violations

- **WILLFUL:** A willful violation is defined as a violation in which the employer either knowingly failed to comply with a legal requirement (purposeful disregard) or acted with plain indifference to employee safety.
- **SERIOUS:** A serious violation exists when the workplace hazard could cause an accident or illness that would most likely result in death or serious physical harm, unless the employer did not know or could not have known of the violation.
- **REPEATED:** A Federal agency may be cited for a repeated violation if the agency has been cited previously for the same or a substantially similar condition and, for a serious violation, OSHA's nationwide (see last page) inspection history for the agency lists a previous OSHA Notice issued within the past five years; or, for an other-than-serious violation, the establishment being inspected received a previous OSHA Notice issued within the past five years.
- **OTHER-THAN-SERIOUS:** A violation that has a direct relationship to job safety and health, but is not serious in nature, is classified as "other-than-serious."

### Posting Requirements

When you receive an OSHA Notice, you must post it (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 OSHA Notice must remain posted for 3 working days or until the hazard is abated, whichever is longer. (Saturdays, Sundays and Federal holidays are not counted as working days).

### Employer Options

As an employer who has been cited, you may:

- Correct the condition by the date set in the OSHA Notice and/or,
- Request an Informal Conference within 15 working days from the time you received the OSHA Notice with the OSHA Area Director to discuss the violations and/or the abatement dates.

### How to Comply

For violations cited in the OSHA Notice, you must promptly notify the OSHA Area Director by letter that you have taken the appropriate corrective action within the time set forth in the OSHA Notice. The notification you send the Area Director is generally referred to as a LETTER OF CORRECTIVE ACTION. It must explain the specific action taken with regard to the violation and state the date each corrective action was taken.

If you have abatement questions after the inspection, they should be discussed with the Area Director in the informal conference.

When the OSHA Notice permits an extended period of time for abatement, you must insure that employees are adequately protected during this time. If this is the case, you must provide OSHA with a periodic progress report on your actions taken in the interim.

### Informal Conference

- Obtain a better explanation for the violations cited.
- Obtain a more complete understanding of the specific standards that apply.
- Discuss ways to correct violations.
- Discuss problems concerning the abatement dates.
- Discuss problems concerning employee safety practices.
- Resolve disputed violations.
- Obtain answers to any other questions you may have.

You are encouraged to take advantage of the opportunity to have an informal conference if you foresee any difficulties in complying with any part of the OSHA Notice. Employee representatives have the right to participate in any informal conference or negotiations between the Area Director or Regional Administrator and the employer.

If you agree that the violations do exist, but you have a valid reason for wishing to extend the abatement date(s), you may discuss this with the Area Director during the informal conference. The Area Director may issue an amended OSHA Notice that changes the abatement date prior to the expiration of the 15 working day period.

Every effort will be made to resolve the issues at an informal conference. If, however, an issue is not resolved by the Area Director, a summary of the discussion together with the agency's position on the unresolved issues shall be forwarded to the Federal Agency Program Officer (FAPO) within 5 working days of the informal conference.

- The FAPO/Regional Administrator will confer with the appropriate Regional agency official before making a decision on the unresolved issues.
- If the FAPO/Regional Administrator, in consultation with the Area Director, decides that the item in question should remain unchanged on the OSHA Notice, the appropriate agency officials shall be advised.
- If there is still an unresolved issue after the Regional review, the agency may send a letter of appeal to OSHA's Office of Federal Agency Programs (OFAP).
- OFAP will review the disputed issues and discuss these with top agency officials, as appropriate, to obtain resolution. The decision at the National Office level, in consultation with the Regional Administrator, FAPO, and Area Director, is final.
- Under the OSHA Act, Executive Order 12196 and 29 CFR Part 1960, Federal agencies do not have the right to contest the OSHA Notice.

### Petition for Modification of Abatement (PMA)

Abatement dates are assigned on the basis of the best information available at the time the OSHA Notice is issued. When you are unable to meet an abatement date because of uncontrollable events or other circumstances, 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 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 it can be considered:

- Steps you have taken in an effort to achieve compliance and dates they were taken;
- Additional time you need to comply;
- Why you need the additional time;
- Interim steps you are taking to safeguard your employees 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.
- A PMA may be granted or objected to by the OSHA Area Director. If a PMA is granted, a monitoring inspection may be conducted to ensure that conditions are as they have been described and that adequate progress toward abatement has been made.

When agreement to extend the abatement date cannot be reached at the Area Office, the agency may bring unresolved issues to the Regional Administrator/FAPO for resolution with his counterpart in the agency. Issues not resolved at the regional level shall be forwarded to the Director, OFAP, for resolution with agency headquarters in consultation with the Regional Administrator, the FAPO, and the Area Director.

Further information on PMAs may be obtained from any OSHA Area/District office.

### Alternate Standards

Agency heads may apply for approval of an alternate standard where deemed necessary and, after consulting with employees or their representatives, including appropriate safety and health committees, notify the Secretary of Labor and request approval of such standards. The Secretary will not approve alternate standards unless it provides affected employees equivalent or greater protection.

The agency head must provide the Secretary with the following:

- A statement of why the agency cannot comply with the OSHA standard or wants to adopt an alternate standard;
- A description of the alternate standard;
- An explanation of how the alternate standard provides equivalent or greater protection for the affected employees;
- A description of interim protective measures afforded employees until a decision is rendered by the Secretary of Labor; and
- A summary of written comments, if any, from interested employees, employee representatives, and occupational safety and health committees.

Employees and other interested groups are encouraged to participate in the alternate standard process.

### Employee Courses of Action

Employees or their authorized representatives may object to any or all of the abatement dates set for violations if they believe them to be unreasonable. A

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.

## Follow-up Inspection and Failure to Abate

If you receive a Notice of Unsafe or Unhealthful Working Conditions, a followup inspection may be conducted to verify that you have done the following:

- Posted the OSHA Notice as required,
- Corrected the violations as required in the OSHA Notice, and/or
- Adequately protected employees and made appropriate progress in correcting the hazards during multi-step or lengthy abatement periods.
- Any new violations discovered during a followup inspection will be cited, as well as any hazards which have not been abated by the abatement date so specified on the OSHA Notice. The latter violations will be cited in the form of a Failure to Abate Notice.

## Employer Discrimination

Executive Order 12196 and 29 CFR Part 1960.46 prohibit Federal agencies from discharging or otherwise discriminating against an employee who has exercised any right under these laws, including the right to make safety and health complaints or to request an OSHA inspection. In addition, Federal employees may have protection for such activity under the Whistleblower Protection Act of 1989.

Complaints from employees who believe they have been discriminated against will be investigated by the Office of Special Counsel except in those agencies not covered by the Whistleblower Act. Agencies exempted from the Whistleblower Act are:

- A government corporation, such as the Tennessee Valley Authority;
- the Central Intelligence Agency, Defense Intelligence Agency, National Security Agency, or certain other intelligence agencies excluded by the President;
- the General Accounting Office;
- the U.S. Postal Service or Postal Rate Commission;
- the Federal Bureau of Investigation; and,
- Federal prisoners.

If the Federal employee's agency is exempted from the Whistleblower Act, the alleged reprisal is forwarded to the agency's Designated Agency Safety and Health Official (DASHO).

There is no time limit for filing a complaint with the Office of Special Counsel. To obtain further information on this matter, employees may contact OSHA and/or the Office of Special Counsel.

## Providing False Information

All information reported to OSHA by employers and employees must be accurate and truthful.

## Additional Information

For further information and assistance, please contact your OSHA Area Director.

## Related Publications

A single free copy of the following materials can be obtained from the OSHA Publications Office, 200 Constitution Avenue, N.W., Room N3101, Washington, D.C. 20210, (202) 219-4667

- Chemical Hazard Communication (OSHA 3084)
- How to Prepare For Workplace Emergencies (OSHA 3088)
- Job Hazard Analysis (OSHA 3071)
- 29 CFR Part 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters

Recordkeeping and Reporting Guidelines for Federal Agencies (OSHA 2014) can be obtained from OSHA, Office of Federal Agency Programs, 200 Constitution Avenue, N.W., Room N3112, Washington, D.C. 20210, (202) 219-9329.

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