

U.S. Department of Labor

Occupational Safety and Health Administration
210 Walnut Street
Room 815
Des Moines, IA 50309
Phone: 515-284-4794 Fax: 515-284-4058



Citation and Notification of Penalty

To:
U.S. POSTAL SERVICE
and its successors
616 W. 2nd Street
Ottumwa, IA 52501

Inspection Number: 1075844
Inspection Date(s): 07/07/2015 - 09/23/2015
Issuance Date: 10/21/2015

Inspection Site:
616 W. 2nd Street
Ottumwa, IA 52501

The violation(s) described in this Citation and Notification of Penalty 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 Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty 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 of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation 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.

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 during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation

and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation 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 citation 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 sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, 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.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation 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 citation. 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 OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/21/2015. The conference will be held by telephone or at the OSHA office located at 210 Walnut Street, Room 815, Des Moines, IA 50309 on _____ at

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1075844

Company Name: U.S. POSTAL SERVICE
Inspection Site: 616 W. 2nd Street, Ottumwa, IA 52501
Issuance Date: 10/21/2015

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 210 Walnut Street, Room 815, Des Moines, IA 50309**

Citation Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Citation 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

Typed or Printed Name

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



Citation and Notification of Penalty

Company Name: U.S. POSTAL SERVICE
Inspection Site: 616 W. 2nd Street, Ottumwa, IA 52501

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

29 CFR 1910.151(b): There was neither an infirmary, clinic, or hospital used for the treatment of all injured employees in near proximity to the workplace nor a person or persons adequately trained to render first aid:

- (a) The US Postal Service relies on city and rural carriers to use their personal cell phone to summon first aid and emergency help. Employees stated that at times the cell phones do not have reception in some areas where a call could be made and at times, employees do not carry their cell phones during extreme weather conditions as the phones do not work; thereby with no access to a person or person who are adequately trained to render first aid. An example occurred on or about July 8, 2015, employees of the US Postal Service, Ottumwa, IA who delivered the mail did not carry their cell phones.

Abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/04/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: U.S. POSTAL SERVICE
Inspection Site: 616 W. 2nd Street, Ottumwa, IA 52501

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to excessive heat where the afternoon heat index was 100 degrees or more while delivering the U.S. mail. Such exposure(s) may lead to serious and life-threatening heat-related illnesses such as heat stroke, heat exhaustion heat syncope, heat cramps, heat rash, and transient heat fatigue:

On or about June 9, 2015 through June 10, 2015, the National Weather Service issued a heat advisory. The seasonal elevated ambient outdoor temperatures were increasing throughout the day of June 10, 2015 and the afternoon temperatures reached 92 degrees Fahrenheit with humidity level of 55% creating a heat index of 101 degrees Fahrenheit. Employees of United Postal Service (USPS) Ottumwa, IA were exposed to these high levels of ambient heat during the performance of their duties while delivering mail to customers at job sites located on mail routes in and around Ottumwa, Iowa:

- (a) A city carrier assistant (CCA) had not become acclimatized to walking and delivering mail in excessive heat, as June 9 and June 10, 2015 were the first excessive heat workdays in the 2015 mail delivery season. Beginning at approximately 8:30 am, on June 10, 2015, the employee walked in the heat and direct sun on mail Route #9 carrying a mail bag weighing up to 35 pounds and at times working from an enclosed vehicle without air-conditioning. At approximately 12:00 pm, a co-worker of the employee saw the CCA at a gas station and noticed that that the employee was very pale with clammy skin. At approximately 2:00 pm, the CCA requested assistance from the Acting Postmaster in completing the routes delivery because due to the heat the CCA could not walk at a fast enough pace to complete it on time, but the employee was told that heat is worse in other parts of the world, "how hot do you think it is in Afghanistan", and to just keep going. By the time the employee was relieved at approximately 5:00 pm, the symptoms of heat induced illness were experienced so acutely to cause shaking and continued into the next day that the CCA called in sick the next day in order to recover.
- (b) A city postal carrier had not become acclimatized to walking and delivering mail in excessive heat, as June 9 and June 10, 2015 were the first excessive heat workdays in the 2015 mail delivery season. Beginning at approximately 8:30 am on June 10, the employee walked in the heat and direct sun carrying mail and at times working from an enclosed vehicle without air-conditioning. At approximately, 11:00 am, the carrier reported to the Acting Postmaster that assistance would be needed as the employee was behind 45 minutes due to the heat, but the employee was told better hurry up.
- (c) Another city postal carrier had not become acclimatized to walking and delivering mail in

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: U.S. POSTAL SERVICE
Inspection Site: 616 W. 2nd Street, Ottumwa, IA 52501

excessive heat, as June 9 and June 10, 2015 were the first excessive heat workdays in the 2015 mail delivery season. Beginning at approximately 8:30 am on June 10, the employee walked in the heat and direct sun carrying a mail bag weighing up to 35 pounds and at times working from an enclosed vehicle without air-conditioning. The employee stated that symptoms of heat induced illness were experienced that day while delivering on mail Route #19 and returned home exhausted.

- (d) On or about July 13, 2015, Central Iowa, including Ottumwa, IA was under an Excessive Heat Advisory from the National Weather Service. The seasonal elevated ambient outdoor temperatures were increasing throughout the day from 83 degrees Fahrenheit at 9:00 am with 85% humidity and a heat index of 92 degrees Fahrenheit to afternoon temperatures reaching 92 degrees Fahrenheit with humidity level of 68% and a heat index in excess of 105 degrees Fahrenheit.

Another city carrier assistant (CCA) walked in the excessive heat and direct sun carrying a mail bag weighing up to 35 pounds and at times working from an enclosed vehicle without air-conditioning to deliver mail on Route #9 to approximately 600 customers. The CCA developed heat exhaustion and dehydration and when called in to report shooting pains in the head and chest, as well as nausea, was taken to the hospital for treatment in response to exposure of high levels of ambient heat.

The employer failed to develop and implement an adequate and effective heat stress program in accordance with the National Institute for Occupational Safety and Health (NIOSH) document, "Working in Hot Environments.", specifically in the following instances:

- a. The employer failed to acclimatization employees, especially those who had minimal time working or walking in direct sun on routes that took up to 40 minutes to complete.
- b. The employer failed to develop and implement measures to effectively reduce employee exposure to conditions that posed a risk of inducing heat-related illness. The employer did not have a work-rest regimen or an employee rotation program for this purpose.
- c. The employer failed to ensure workers required to work in seasonally elevated ambient temperatures hydrated on a continuous basis throughout their respective work shifts.
- d. The employer did not develop and implement effective employee heat stress monitoring including environmental measurements while employees worked in conditions that posed a risk of inducing heat-related illness.

Among other methods, one feasible and acceptable abatement method to correct this hazard is to establish a Heat Stress Management Program which incorporates guidelines from the ACGIH's Threshold Limit Values and Biological Exposure Indices and/or the National Institute for Occupational



Citation and Notification of Penalty

Company Name: U.S. POSTAL SERVICE
Inspection Site: 616 W. 2nd Street, Ottumwa, IA 52501

Safety and Health(NIOSH) document, "Working in Hot Environments." Such a program may include, but is not limited to:

1. Providing a work-rest regimen that allows the body to cool in between work activities, such as but not limited to cool, climate-controlled areas where heat-affected employees may take breaks frequently, such as 15 minutes/60 minutes of work to prevent heat-related illnesses.
2. Re-training management not only about the effects of heat-related illness, specific to recognizing, monitoring and reporting heat-related illness symptoms but to ensure employees were monitored while on the routes during high heat days in order to prevent heat-related illnesses.
3. Ensuring that employees were provided ample opportunity to acclimatization to the heat to develop a heat acclimatization program for new employees or employees returning to work from absences of three or more days or when employees not acclimatized to the heat substituted for employees on leave.
4. Monitoring, encouraging and permitting employees to drink fluids frequently throughout their work shifts when providing adequate amounts of cool, potable water in the work area
5. Conducting environmental heat stress exposure monitoring.

The U.S. Postal Service was previously cited for a violation of OSH ACT of 1970 Section (5)(a)(1) , which was contained in OSHA inspection number 917092, citation number 1, item number 1 and was affirmed as a final order on 04/30/2014, with respect to a workplace located at 20 Forest Street, Medford, MA 02155.

The U.S. Postal Service was previously cited for a violation of the OSH ACT of 1970 Section (5)(a)(1), which was contained in OSHA inspection number 538158, citation number 1, item number 1 and was affirmed as a final order on 10/24/2014, with respect to a workplace located at 3525 South Cottage Avenue, Independence, MO 64055.

Abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 11/12/2015
Proposed Penalty: \$38,500.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: U.S. POSTAL SERVICE
Inspection Site: 616 W. 2nd Street, Ottumwa, IA 52501

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

29 CFR 1904.29(b)(3): The employer did not enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven (7) calendar days of receiving information that a recordable injury or illness had occurred:

- (a) On or about June 9-10, 2015, Central Iowa was under a heat advisory with heat indices in the the upper 90s and low 100s. An employee delivering mail on Route #9 at approximately 2:00 p.m. was feeling ill because of the heat, requested assistance from the Acting Postmaster in completing the route's delivery and was told to continue working. Although this employee was relieved at around 5:00 p.m., the employee continued to experience symptoms of heat induced illness the next day and called in sick. The incident was not recorded as a lost work day on the US Postal Service 300 log nor was an incident investigation conducted.

- (b) On or about July 13, 2015, Central Iowa was under a high heat advisory with heat indices in the upper 90s and low 100s. An employee delivering mail on Route #9, at approximately 13:55, called in with shooting pains in head and chest and nausea. The employee was taken to the Ottumwa Emergency and was given IV fluids and was removed from work until July 15. This incident was not recorded within 7 days on the US Postal Service 300 log.

Abatement verification is required for this violation. The abatement certification sheet is enclosed with the citation(s).

Date By Which Violation Must be Abated: 11/04/2015
Proposed Penalty: \$1100.00

A handwritten signature in black ink, appearing to read "Larry O. Davidson, Sr.", written over a horizontal line.

for
Larry O. Davidson, Sr.
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
210 Walnut Street
Room 815
Des Moines, IA 50309
Phone: 515-284-4794 Fax: 515-284-4058



INVOICE / DEBT COLLECTION NOTICE

Company Name: U.S. POSTAL SERVICE
Inspection Site: 616 W. 2nd Street, Ottumwa, IA 52501
Issuance Date: 10/21/2015

Summary of Penalties for Inspection Number	1075844
Citation 1, Serious	\$7000.00
Citation 2, Repeat	\$38500.00
Citation 3, Other-than-Serious	\$1100.00
TOTAL PROPOSED PENALTIES	\$46600.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check

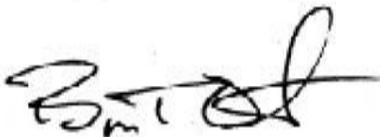
back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



_____ **for** _____

Larry O. Davidson, Sr.

Area Director

_____ **10/21/15** _____

Date