

Alaska Department of Labor and Workforce Development

Occupational Safety and Health

1251 Muldoon Road, Suite 109

Anchorage, AK 99504

Phone: (907) 269-4940 Fax: (907) 269-4950

Email: Anchorage.LSS-OSH@Alaska.Gov



**INVOICE/
DEBT COLLECTION NOTICE**

Company Name: Municipality of Anchorage
Inspection Site: 3640 East Tudor Road Anchorage, AK 99507
Issuance Date: 03/02/2022

Summary of Penalties for Inspection Number: 1556069

Citation 1 Item 1, Repeat-Serious	\$64367.00
Citation 2 Item 1a, Serious	\$12873.00
Citation 2 Item 1b, Serious	\$0.00
Citation 2 Item 2, Serious	\$8582.00
Citation 2 Item 3, Serious	\$8582.00
Citation 3 Item 1a, Other-than-Serious	\$0.00
Citation 3 Item 1b, Other-than-Serious	\$0.00
Citation 3 Item 1c, Other-than-Serious	\$0.00
Citation 3 Item 1d, Other-than-Serious	\$0.00

TOTAL PROPOSED PENALTIES: **\$94404.00**

To avoid additional charges, please remit payment promptly for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "State of Alaska". Please send the remittance to the address listed above and indicate AKOSH's Inspection Number (indicated above) on the remittance. Return this form along with your remittance.

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

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, the amount due will be turned over to the current state contracted collection agency for collection nationwide.

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.

W.D. Williamson

William "Dale" Williamson
Acting Chief of Enforcement, AKOSH

3/2/22

Date

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Citations and Notification of Penalty

To:
Municipality of Anchorage
and its successors
3640 East Tudor Road
Anchorage, AK 99507

Inspection Number: 1556069
Inspection Date(s): 10/04/2021-10/15/2021
Issuance Date: 03/02/2022

Inspection Site:
3640 East Tudor Road
Anchorage, AK 99507

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 alleged violations of the Alaska's occupational safety and health laws (AS 18.60.010 - AS 18.60.105) and adopted standards under the Occupational Safety and Health Act of 1970. Each alleged violation has a designated penalty outlined in the citation. Please refer to the enclosed form – *Employer Responsibilities Following an AKOSH Inspection* for additional details.

Hazards Correction/Abatement – Each alleged violation must be abated immediately to reduce the risk of an accident. You must provide proof (photos, statements, receipts, work orders, sampling results, etc.) to demonstrate that the alleged violations have been abated by the dates listed in the citation. If you file a formal notice of contest, you are not required to provide proof of abatement, but you are nevertheless required to correct hazardous conditions and provide a workplace that is free from recognized hazards.

Posting - The law (AS 18.60.091 (b)) 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 alleged violation(s). Posting is required until the alleged violations have been abated or for five working days (excluding weekends and state holidays), whichever is longer. If it is not practical to post at the worksite, due to the nature of the employer's operations, it should be posted where it can be seen by all affected employees.

Informal Conference - You may request an informal conference to discuss the alleged violations, abatement issues and associated penalties. During the informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies). **Should you decide that you want to request an informal conference, you must submit a written request. This request must be received by AKOSH (either by mail, fax at (907) 269-4950) or e-mail to, Anchorage.LSS-OSH@Alaska.Gov) during the contest period.** This period extends 15 working days from the date of your receipt of this Citation.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, **you make the request immediately. If you wait too long, there may not be enough time to conduct the informal conference prior to the expiration of the 15 working day contest period.** (See “Right to Contest” below.)

If you decide to request an informal conference, you must complete and post the attached *Notice to Employees of Informal Conference* next to the 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, it may be possible to enter into an informal settlement agreement to resolve this matter without litigation or contest.

Right to Contest - You have the right to formally 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. **By law, an employer has only 15 working days (excluding weekends and state holidays) from the date citations were received to file a written notice of contest. Failure to meet this deadline will result in the alleged violations and penalties becoming a final order that is not subject to review by any court (see AS 18.60.093(a)).**

Penalty Payment – Penalties are due within 30 calendar days of receipt of this notification, unless informally settled under alternate terms or formally contested. Make your check or money order payable to “State of Alaska”. Please indicate the AKOSH Inspection Number on the check.

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

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under AS 18.60.010 – AS 18.60.105 or the OSH Act of 1970. An employee who believes that he/she has been discriminated against may file a complaint within 30 days after the discrimination occurred.

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 Alaska Department of Labor Office and Workforce Development at the address shown above and postmarked within 15 working days (excluding weekends and State holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Alaska Department of Labor and
Workforce Development**
Occupational Safety and Health
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Email: Anchorage.LSS-OSH@Alaska.Gov



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with AKOSH to discuss the Citation(s) issued on 03/02/2022. The conference will be held at the AKOSH office located at 1251 Muldoon Road, Suite 109 Anchorage, AK 99504 on _____ at _____.

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



Citation and Notification of Penalty

Company Name: Municipality of Anchorage
Inspection Site: 3640 East Tudor Road Anchorage, AK 99507

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

29 CFR 1910.29(k)(1)(i):

29 Fall protection systems and falling object protection-criteria and practices.

(k) Protection from falling objects.

(1) The employers must ensure toe-boards used for falling object protection:

(i) Are erected along the exposed edge of the overhead walking-working surface for a length that is sufficient to protect employees below;

EXAMPLE: Employees were exposed to struck by hazards due to the employers failure to ensure that toe-boards are installed to prevent objects from falling from the mezzanine where the boilers are located. This was observed on 10/4/2021 when the mezzanine where the boilers are located had a large square hole cut into the wall that was not guarded by a guard rail system which includes the toe-board.

Municipality of Anchorage was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.29(k)(1)(i), which was contained in OSHA inspection number 1315379, citation number 1, item number 1a and was affirmed as a final order on 10/26/2018, with respect to a workplace located at 1000 Airport Heights Dr. Anchorage, AK

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	\$64367.00

Citation 2 Item 1 a Type of Violation: **Serious**

29 CFR 1910.29(b)(1):

29 Fall protection systems and falling object protection-criteria and practices.

(b) Guardrail systems. The employer must ensure guardrail systems meet the following requirements:

(1) The top edge height of top rails, or equivalent guardrail system members, are 42 inches (107 cm), plus or minus 3 inches (8 cm), above the walking-working surface. The top edge height may exceed 45 inches (114 cm), provided the guardrail system meets all other criteria of paragraph (b) of this section (see Figure D-11).



Citation and Notification of Penalty

Company Name: Municipality of Anchorage
Inspection Site: 3640 East Tudor Road Anchorage, AK 99507

EXAMPLE: Employees were exposed to struck by hazards due to the employers failure to ensure a guard rail system which included the top rail be installed to prevent employees from falling from the mezzanine where the boilers are located. This was observed on 10/4/2021 when the upper mezzanine where the boilers are located were not guarded by a guard rail system which included the top rail. The mezzanine was 8 feet 10 inches above the cement floor.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$12873.00</u>

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

29 CFR 1910.29(b)(2)(i):

29 Fall protection systems and falling object protection-criteria and practices.

(b) Guardrail systems. The employer must ensure guardrail systems meet the following requirements:

(2) Midrails, screens, mesh, intermediate vertical members, solid panels, or equivalent intermediate members are installed between the walking-working surface and the top edge of the guardrail system as follows when there is not a wall or parapet that is at least 21 inches (53 cm) high:

(i) Midrails are installed at a height midway between the top edge of the guardrail system and the walking-working surface;

EXAMPLE: Employees were exposed to struck by hazards due to the employers failure to ensure a guard rail system which included the mid rail be installed to prevent employees from falling from the mezzanine where the boilers are located. This was observed on 10/4/2021 when the mezzanine where the boilers are located had a large square hole cut into the wall that was not guarded by a guard rail system which includes the midrail. The mezzanine was 8 feet 10 inches above the cement floor.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$0.00</u>

Citation 2 Item 2 Type of Violation: **Serious**

29 CFR 1910.212(a)(1):

212 General requirements for all machines.



Citation and Notification of Penalty

Company Name: Municipality of Anchorage
Inspection Site: 3640 East Tudor Road Anchorage, AK 99507

(a) Machine guarding.

(1) Types of guarding. One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are-barrier guards, two-hand tripping devices, electronic safety devices, etc.

Example: Employees were exposed to being struck by flying metal pieces as a result of the employer's failure to ensure that the hydraulic press was sufficiently guarded. This was observed on 9/28/2021 when the drill press located in the back room of facilities and maintenance shop was missing the point of operation guard.

<u>Date by Which Violation Must Be Abated:</u>	<u>March 29, 2022</u>
<u>Proposed Penalty:</u>	<u>\$8582.00</u>

Citation 2 Item 3 Type of Violation: **Serious**

29 CFR 1910.30(a)(3)(i):

30 Training requirements.

(a) Fall hazards.

(3) The employer must train each employee in at least the following topics:

(i) The nature of the fall hazards in the work area and how to recognize them;

EXAMPLE: Employees are exposed to safety hazards such as falls from heights as a result of the employer's failure to provide them with fall protection training. On 10/1/2021 the employer provided a list of employees that were trained in fall protection which was dated 8/31/2016. The employer provided fall protection training on 10/7/2021 which was 9 days after the inspection date.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$8582.00</u>

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

29 CFR 1910.147(c)(5)(ii):



Citation and Notification of Penalty

Company Name: Municipality of Anchorage
Inspection Site: 3640 East Tudor Road Anchorage, AK 99507

147 The control of hazardous energy (lockout/tagout).

(c) General -

(5) Protective materials and hardware.

(ii) Lockout devices and tagout devices shall be singularly identified; shall be the only devices(s) used for controlling energy; shall not be used for other purposes; and shall meet the following requirements:

EXAMPLE: Employees are exposed to electrical and stored energy hazards due to the employer's failure to ensure that lockout and tagout devices identify the employee applying the device. This was observed on 10/4/2021 when a LOTO lockout devices on an extension cord to keep other employees from using it.

Date by Which Violation Must Be Abated:

Corrected During Inspection

Proposed Penalty:

\$0.00

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

29 CFR 1910.147(c)(5)(ii)(D):

147 The control of hazardous energy (lockout/tagout).

(c) General -

(5) Protective materials and hardware.

(ii) Lockout devices and tagout devices shall be singularly identified; shall be the only devices(s) used for controlling energy; shall not be used for other purposes; and shall meet the following requirements:

(D) Identifiable. Lockout devices and tagout devices shall indicate the identity of the employee applying the device(s).

EXAMPLE: Employees are exposed to electrical and stored energy hazards due to the employer's failure to ensure that lockout and tagout devices identify the employee applying the device. This was observed on 10/4/2021 when a LOTO lockout devices were placed on the circuit breaker that was located in the shop area without the identity of the authorized employees name on them.

Date by Which Violation Must Be Abated:

March 29, 2022



Citation and Notification of Penalty

Company Name: Municipality of Anchorage
Inspection Site: 3640 East Tudor Road Anchorage, AK 99507

Proposed Penalty: **\$0.00**

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

29 CFR 1910.147(c)(5)(ii)(B):

147 The control of hazardous energy (lockout/tagout).

(c) General -

(5) Protective materials and hardware.

(ii) Lockout devices and tagout devices shall be singularly identified; shall be the only devices(s) used for controlling energy; shall not be used for other purposes; and shall meet the following requirements:

(B) Standardized. Lockout and tagout devices shall be standardized within the facility in at least one of the following criteria: Color; shape; or size; and additionally, in the case of tagout devices, print and format shall be standardized.

EXAMPLE: Employees are exposed to electrical and stored energy hazards due to the employer's failure to ensure that lockout and tagout devices were standardized. This was observed on 10/4/2021 when the employer had red locks, yellow locks and a silver master lock at the lockout station. When asked about the different color locks, the employer did not know why.

Date by Which Violation Must Be Abated: **Corrected During Inspection**
Proposed Penalty: **\$0.00**

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

29 CFR 1910.147(c)(7)(i)(A):

147 The control of hazardous energy (lockout/tagout).

(c) General -

(7) Training and communication.

(i) The employer shall provide training to ensure that the purpose and function of the energy control program



Citation and Notification of Penalty

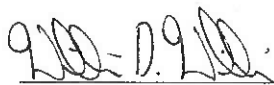
Company Name: Municipality of Anchorage
Inspection Site: 3640 East Tudor Road Anchorage, AK 99507

are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees. The training shall include the following:

(A) Each authorized employee shall receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control.

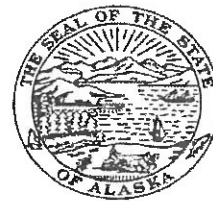
EXAMPLE: Employees are exposed to safety hazards such as electrocution and burns as a result of the employer's failure to ensure proper training regarding the methods and means for energy isolation and control. On 10/4/2021 the employer provided a list of authorized employees that was not up to date.

<u>Date by Which Violation Must Be Abated:</u>	<u>March 29, 2022</u>
<u>Proposed Penalty:</u>	<u>\$0.00</u>



William "Dale" Williamson
Acting Chief of Enforcement, AKOSH

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NOTICE OF CORRECTION

Inspection Number: 1556069

Date Issued: 03/02/2022

EMPLOYER: Municipality of Anchorage

The "ALLEGED VIOLATIONS" and the abatement dates are listed on this form in the same manner as they were on the Citation. This form is designed to help you explain how the alleged violations were corrected. Failure to correct a violation by the required date carries a penalty of up to \$7,000 for each day the violation is not abated.

In order to complete this form, **you must provide an explanation of the method used to abate the violation**, fill in the date the condition was corrected and sign/initial the appropriate block. **For those citations marked with a "Y" under the heading of "Documentation Required", you must attach documentation of the method used to correct the violation.** Such documentation can be in the form of photographs and/or diagrams; an appropriate narrative of how the violation was corrected; or a written order for a part, service, or action that resulted in the correction of the violation. Please identify by violation, the attached documentation submitted as proof of correction. If insufficient documentation is provided, a representative of the Department will contact you and it may result in a follow-up inspection to verify correction of the violation(s). This form (including documentation of abatement) needs to be completed and mailed or faxed to the above address within 10 days of the last abatement date listed.

Completion of this form does not preclude the department from conducting subsequent inspections to verify that abatement has taken place. However, by providing clear explanations of the steps taken to abate a violation and documentation that the violation has been abated, your chances of receiving a follow-up inspection are reduced. Your cooperation is appreciated.

Citation # / Item	Abatement Date	Documentation Required	Correction Date	Signature
1-1	Corrected During Inspection			
2-1a	Corrected During Inspection			
2-1b	Corrected During Inspection			
2-2	March 29, 2022			
2-3	Corrected During Inspection			
3-1a	Corrected During Inspection			
3-1b	March 29, 2022			
3-1c	Corrected During Inspection			
3-1d	March 29, 2022			

You must sign off on each individual alleged violation and provide documentation of how each alleged violation was corrected.

I _____ hereby certify under penalty of perjury that the above cited violation(s) were abated by the date(s) specified.

Name _____ Signature _____ Date _____