

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: UNKNOWN

Summary of Penalties for Inspection Number: 1555974

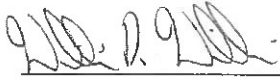
Citation 1 Item 1, Serious	\$10728.00
Citation 1 Item 2, Serious	\$10728.00
Citation 1 Item 3, Serious	\$10728.00
Citation 1 Item 4, Serious	\$10728.00
Citation 1 Item 5, Serious	\$13653.00
Citation 1 Item 6, Repeat-Serious	\$107283.00
Citation 1 Item 7, Repeat-Serious	\$53642.00
Citation 1 Item 8, Repeat-Serious	\$53642.00
Citation 1 Item 9, Repeat-Serious	\$53642.00
TOTAL PROPOSED PENALTIES:	\$324774.00

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.



William "Dale" Williamson
Acting Chief of Enforcement, AKOSH

3/2/22

Date

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Workforce Development**
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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: 1555974
Inspection Date(s): 10/04/2021-10/15/2021
Issuance Date: UNKNOWN

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.

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NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with AKOSH to discuss the Citation(s) issued on UNKNOWN. 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: **Serious**

29 CFR 1910.1025

(d) Exposure monitoring -

(2): Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

EXAMPLE: Employees are exposed to health hazards including, but not limited to: Cancer, leukemia, lead poisoning, reproductive system damage, kidney damage, nerve damage, headache, irritability, reduced memory, disturbed sleep, mood and personality changes, upset stomach, poor appetite, weakness, and fatigue due to the employer's failure to determine employee exposure levels to lead. Employees perform maintenance activities to include changing out HVAC filters at the APD shooting range on a monthly basis (pre-filters) and on an annual basis (HEPA filters).

<u>Date by Which Violation Must Be Abated:</u>	<u>March 29, 2022</u>
<u>Proposed Penalty:</u>	<u>\$10728.00</u>

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

29 CFR 1910.1025 Lead

(l) Employee information and training -

(1) Training program.

(i): Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

EXAMPLE: Employees are exposed to health hazards including, but not limited to: Cancer, leukemia, lead poisoning, reproductive system damage, kidney damage, nerve damage, headache, irritability, reduced memory, disturbed sleep, mood and personality changes, upset stomach, poor appetite, weakness, and fatigue due to the



Citation and Notification of Penalty

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

employer's failure to provide employees with the information contained in Appendices A and B of this section. Employees perform maintenance activities to include changing out HVAC filters at the APD shooting range on a monthly basis (pre-filters) and on an annual basis (HEPA filters).

Date by Which Violation Must Be Abated: **March 29, 2022**
Proposed Penalty: **\$10728.00**

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

29 CFR 1910.1025

(m) Communication of hazards-

(1) Hazard communication-general.

(iii): Employers shall include lead in the hazard communication program established to comply with the HCS (§ 1910.1200). Employers shall ensure that each employee has access to labels on containers of lead and to safety data sheets, and is trained in accordance with the requirements of HCS and paragraph (l) of this section.

EXAMPLE: Employees are exposed to health hazards including, but not limited to: Cancer, leukemia, lead poisoning, reproductive system damage, kidney damage, nerve damage, headache, irritability, reduced memory, disturbed sleep, mood and personality changes, upset stomach, poor appetite, weakness, and fatigue due to the employer's failure to include lead in the employer's HazCom program. Employees perform maintenance activities to include changing out HVAC filters at the APD shooting range on a monthly basis (pre-filters) and on an annual basis (HEPA filters).

Date by Which Violation Must Be Abated: **March 29, 2022**
Proposed Penalty: **\$10728.00**

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

29 CFR 1910.1025 Lead

(n) Recordkeeping -

(1) Exposure monitoring.

(i): The employer shall establish and maintain an accurate record of all monitoring required in paragraph (d) of



Citation and Notification of Penalty

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

this section.

EXAMPLE: Employees are exposed to health hazards including, but not limited to: Cancer, leukemia, lead poisoning, reproductive system damage, kidney damage, nerve damage, headache, irritability, reduced memory, disturbed sleep, mood and personality changes, upset stomach, poor appetite, weakness, and fatigue due to the employer's failure to establish and maintain an accurate record of all monitoring required in paragraph (d) of this section. Employees perform maintenance activities to include changing out HVAC filters at the APD shooting range on a monthly basis (pre-filters) and on an annual basis (HEPA filters).

<u>Date by Which Violation Must Be Abated:</u>	<u>March 29, 2022</u>
<u>Proposed Penalty:</u>	<u>\$10728.00</u>

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

29 CFR 1910.1200 Hazard Communication

(h) Employee Information and Training

(1): Employers shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and safety data sheets.

EXAMPLE: Employees are exposed to health hazards including, but not limited to: chemical exposure as the result of the employer's failure to ensure employees are provided with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area. Facilities and Maintenance employees work with lubricants, Nolox, map gas, glycol, gasoline, and other hazardous chemicals on a frequent basis when performing their duties.

<u>Date by Which Violation Must Be Abated:</u>	<u>March 29, 2022</u>
<u>Proposed Penalty:</u>	<u>\$13653.00</u>



Citation and Notification of Penalty

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

Citation 1 Item 6 Type of Violation: **Repeat-Serious**

29 CFR 1910.134 Respiratory Protection

(c) Written Respiratory Protection Program

(1): In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions of this section, as applicable:

EXAMPLE: Employees are exposed to health hazards including, but not limited to: Cancer, leukemia, lead poisoning, reproductive system damage, kidney damage, nerve damage, headache, irritability, reduced memory, disturbed sleep, mood and personality changes, upset stomach, poor appetite, weakness, and fatigue due to the employer's failure to establish and implement a written respiratory protection program. Employees perform maintenance activities to include changing out HVAC filters at the APD shooting range on a monthly basis (pre-filters) and on an annual basis (HEPA filters). as a result of the employer's failure to establish and implement a written respiratory protection program with worksite-specific procedures.

The Municipality of Anchorage was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.134(c)(1), which was contained in OSHA inspection number 1315379, citation number 2, item number 1 and was affirmed as a final order on 10/30/18, with respect to a workplace located at 1000 Airport Heights Dr., Anchorage, AK 99508.

The Municipality of Anchorage was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.134(c)(1), which was contained in OSHA inspection number 1227326, citation number 2, item number 1 and was affirmed as a final order on 6/21/17, with respect to a workplace located at 2010 Anchorage Port Rd., Matson Marine Building, Anchorage, AK 99501.

Date by Which Violation Must Be Abated:

Corrected During Inspection

Proposed Penalty:

\$107283.00

Citation 1 Item 7 Type of Violation: **Repeat-Serious**

29 CFR 1910.134 Respiratory Protection

(e) Medical evaluation.



Citation and Notification of Penalty

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

(1): General. The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

EXAMPLE: Employees are exposed to health hazards including, but not limited to: cardiovascular distress. Employees perform maintenance activities to include changing out HVAC filters at the APD shooting range on a monthly basis (pre-filters) and on an annual basis (HEPA filters).

The Municipality of Anchorage was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.134(e)(1), which was contained in OSHA inspection number 1315179, citation number 1, item number 4a and was affirmed as a final order on 10/30/18, with respect to a workplace located at 1000 Airport Heights Dr., Anchorage, AK 99508.

Date by Which Violation Must Be Abated:

April 19, 2022

Proposed Penalty:

\$53642.00

Citation 1 Item 8 Type of Violation: **Repeat-Serious**

29 CFR 1910.134 Respiratory Protection

(d) Selection of respirators.

(1) General requirements.

(iii): The employer shall identify and evaluate the respiratory hazard(s) in the workplace; this evaluation shall include a reasonable estimate of employee exposures to respiratory hazard(s) and an identification of the contaminant's chemical state and physical form. Where the employer cannot identify or reasonably estimate the employee exposure, the employer shall consider the atmosphere to be IDLH.

EXAMPLE: Employees are exposed to health hazards including, but not limited to: Cancer, leukemia, lead poisoning, reproductive system damage, kidney damage, nerve damage, headache, irritability, reduced memory, disturbed sleep, mood and personality changes, upset stomach, poor appetite, weakness, and fatigue due to the employer's failure to perform an evaluation of respiratory hazards in the workplace. Employees perform maintenance activities to include changing out HVAC filters at the APD shooting range on a monthly basis (pre-filters) and on an annual basis (HEPA filters) while wearing an N95 respirator.

The Municipality of Anchorage was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.134(d)(1)(iii), which was contained in OSHA inspection number



Citation and Notification of Penalty

Company Name: Municipality of Anchorage
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1299465, citation number 1, item number 2 and was affirmed as a final order on 9/11/18, with respect to a workplace located at 1140 Lang St., Anchorage, AK 99515.

Date by Which Violation Must Be Abated: **March 29, 2022**
Proposed Penalty: **\$53642.00**

Citation 1 Item 9 Type of Violation: **Repeat-Serious**

29 CFR 1910.134 Respiratory Protection

(k) Training and information.

(1): The employer shall ensure that each employee can demonstrate knowledge of at least the following:

EXAMPLE: Employees are exposed to health hazards including, but not limited to cancer, leukemia, lead poisoning, reproductive system damage, kidney damage, nerve damage, headache, irritability, reduced memory, disturbed sleep, mood and personality changes, upset stomach, poor appetite, weakness, and fatigue as the result of the employer's failure to ensure employees are provided with effective information and training regarding respiratory protection. Employees perform maintenance activities to include changing out HVAC filters at the APD shooting range on a monthly basis (pre-filters) and on an annual basis (HEPA filters).

The Municipality of Anchorage was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.134(k)(1), which was contained in OSHA inspection number 1315379, citation number 1, item number 4c and was affirmed as a final order on 10/30/18, with respect to a workplace located at 1000 Airport Heights Dr., Anchorage, AK 99508.

Date by Which Violation Must Be Abated: **March 29, 2022**
Proposed Penalty: **\$53642.00**

A handwritten signature in black ink, appearing to read "William D. Williamson".

William "Dale" Williamson
Acting Chief of Enforcement, AKOSH

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NOTICE OF CORRECTION

Inspection Number: 1555974 Date Issued: UNKNOWN

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	March 29, 2022			
1-2	March 29, 2022			
1-3	March 29, 2022			
1-4	March 29, 2022			
1-5	March 29, 2022			
1-6	Corrected During Inspection			
1-7	April 19, 2022			
1-8	March 29, 2022			
1-9	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 _____