



February 24, 2023

Mayor Dave Bronson
632 West Sixth Avenue, Suite 840
Anchorage, AK 99501
Dave.Bronson@anchorageak.gov

Anchorage Assembly
P.O. Box 196650
Anchorage, AK 99519-6650
wwmas@anchorageak.gov

RE: 2021 Inspections and Settlement Agreement

Dear Mayor Bronson and Anchorage Assembly,

Between September 26, 2021, and September 28, 2021, the State of Alaska Occupational Safety and Health Enforcement Section (AKOSH) conducted multiple health and safety inspections based on the High Hazard Targeting (HHT) Program Directive 21-04. As a result of these inspections, the Municipality was issued citations totaling \$627,637. Due to an extensive inspection and violation history, AKOSH placed the Municipality in the Severe Violator Enforcement Program (SVEP).

An informal conference was held at the AKOSH office in Anchorage on March 23, 2022 at the request of the Municipality. The following Municipality of Anchorage representatives attended this conference: Anneliese Roberts, HSE Manager; Bill Lyle, Maintenance and Operations Manager; Jamie Acton, Director of Public Transportation, and Sean Halloran, Attorney for the Municipality of Anchorage. As part of the informal settlement agreement, as well as the terms of the SVEP, the Municipality of Anchorage was required to perform the following actions in addition to abatement of the hazards:

- Obtain a third-party health and safety professional to evaluate workplace safety programs, program implementation, and overall effectiveness throughout the Municipality. AKOSH Consultation and Training cannot be used as an option in this instance.
- Compile a list of work sites where fall hazards and falling object hazards exist or may exist and forward that information to the AKOSH office. From this list, AKOSH could choose to conduct on-site inspections.

- Agree to submit all OSHA 300 logs on a quarterly basis for the next two years, and consent to inspections for such worksites.
- Report all instances of serious injury or illness requiring medical treatment beyond first aid and consent to an inspection of the establishments where those injuries occurred.

Due to the Municipality's agreement during the informal conference to take the actions listed above, AKOSH reclassified and/or reduced several citations, decreasing the total penalty amount by more than \$535,000, for a total citation penalty amount of \$92,233.60.

The Municipality was informed during the informal conference that in lieu of paying the \$92,233.60 penalty, it would be allowed to utilize the total penalty amount to obtain a third-party safety consultant to meet the terms of the SVEP agreement. AKOSH took this action based on its determination that the health and safety programs for the Municipality were in such poor condition that an outside evaluation and intervention were necessary to ensure that employee safety and health were protected.

The Municipality requested, and was granted, abatement extensions on a monthly basis until September 30, 2022. On September 7, 2022, the Municipality was informed that no further extensions would be granted, and abatement must be completed by Friday, September 30, 2022.

To date, the Municipality has not only failed to obtain the third-party safety evaluation, but it has also failed to abate the following citations:

- Inspection 1555139: Citation 3-1b, 3-1c, and 3-1d
- Inspection 1556069: Citation 2-2, Citation 3-1c, Citation 3-1d
- Inspection 1554492: Citation 1-1, 2-1, 2-2, 2-3, 2-4, 2-5
- Inspection 1555974: Citation 1-2, 1-3, 1-5
- Inspection 1555063: Citation 1-2, 1-3, 1-4b, 1-4c, 1-4d, 1-6a, 1-6b, 1-6c, 1-6d, 1-7b, 1-7c

This letter serves as formal notice to the Municipality that if the outstanding items are not satisfied within 30 days of the date of this letter, AKOSH will be forced to take one or both of the following actions:

1. Rescind the Informal Settlement Agreement, restoring all violations and penalty amounts to their original state as issued.
2. Conduct a Failure to Abate inspection. Each citation that is found to not have been corrected may be assessed a penalty of up to \$14,502 per citation, per day, for a period of up to 30 days.

Mayor Bronson
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The State of Alaska Occupational Health and Safety is tasked with the mission to protect Alaskan workers every day. We must ensure that the Municipality of Anchorage, as the employer, abate the violations listed above to protect the safety of all municipal employees.

Your immediate attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Tanya Keith". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tanya Keith
Acting Director
Labor Standards and Safety

Encl: PD 21-04, SVEP Notification Letter; Informal Settlement Agreement; E-mail from Chief Williamson dated 9/7/22; Citations for Inspection 1555139, 1556069, 1554492, 1555974, 1555063




State of Alaska
Department of Labor and Workforce Development
Division of Labor Standards and Safety

AKOSH Program Directive #21-04

Date: June 15, 2021

To: All AKOSH Staff

From: William Harlan, Director 

Subject: High Hazard Targeting System (HHT): A “Program Planned” system for efficient asset management and inspection target selection process.

I. Purpose.

This AKOSH Program Directive implements an alternative targeting system that allows for additional non-construction programmed inspections designed to use limited assets in the most effective means possible while providing for an unbiased method for selecting worksites for inspection.

II. Scope.

This applies statewide to AKOSH programmed general industry inspections planned under this selection system.

III. References.

- AKOSH PD 19-10, High Hazard Targeting System
- AKOSH PD 21-02, Field Operations Manual (FOM), January 28, 2021
- OSHA Instruction CSP 01-00-005, State Plan Policies and Procedures Manual, May 6, 2020
- OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health, November 6, 2013

IV. Cancellations.

AKOSH PD 19-10 AKOSH High Hazard Targeting System (HHT).

V. Action.

The AKOSH Chief of Enforcement has operational jurisdiction over this directive and shall ensure that the procedures established in this directive are followed when conducting

inspections made under this program. The Director of Labor Standards and Safety Division has oversight responsibilities.

VI. Background.

Since the introduction of the AKOSH High Hazard Target (HHT – AKOSH PD 03-01) list in early 2003, as an equivalent to OSHA’s Site-Specific Targeting System (CPL 02), AKOSH has used an equivalent to OSHA’s targeting system to provide supplemental, high hazard targets for programmed enforcement inspections. In 2010, AKOSH adopted the Industry Specific Targeting System (ISTS – AKOSH PD 10-06). The ISTS had flaws that caused small companies with less than 10 employees to be targeted, so a revised targeting system is being utilized as approved in AKOSH PD 11-04. AKOSH PD 13-02 had been revised to update currently adopted NEPs, defined small employers, explained how employers with multiple sites who are on HHT list are going to be inspected, and updated AKOSH office locations and to update titles of HHT management key persons. Additional PD 19-10 had been revised to update referenced documents and to include worksite clarifications.

VII. Definitions.

- A. AKOSH High Site Specific Targeting System (SST). Employers with three or more lost time incidents as reported through the Alaska Division of Worker’s Compensation database for the previous year shall be identified and placed on a list. Each employer will then be evaluated based on the number of lost time incidents in comparison to the number of workers employed to determine the employer’s loss time rate per 100 employees. Those employers with lost time rates in excess of 90 percent of the overall average lost-time rate for all employers in Alaska as outlined in the AKOSH Performance Results (see: <https://www.omb.alaska.gov/html/performance/program-indicators.html?p=77&r=1>) listed for the most recent fiscal year shall be placed on a targeted list of employers.
- B. NAICS. Equates to the North American Industry Classification System.

VIII. Description of the AKOSH Site Specific Targeting (SST).

- A. Initial Targeting List - Report. An Occupational Safety and Health report will be provided by the State of Alaska Data Processing unit based on an established Sequential Query Language (SQL) query from the State of Alaska Workers’ Compensation database and other databases. This report will be used to identify employers with three or more loss time incidents during the previous year. The report will then be converted and merged into a Microsoft Excel spreadsheet and sorted by the North American Industry Classification System code (NAICS), Company Name, Federal Employer Identification Number - FEIN, # of Injuries, # of Employees, Loss time rate per 100 employees, Employer Address, City Location). Unnecessary fields will be deleted and removed from the Excel document. The report will list employers who have three or more lost time incidents. Employers with lost time rates at least 10 percent below the overall average for all employers in Alaska will be removed from the list. The employer’s lost time rate per 100 employees will be calculated by dividing the # of lost time incidents by the # of employees and then multiplying by 100.

- B. Any employer with a loss time rate per 100 employees greater than 90 percent of the overall lost time rate for all employers in Alaska will be placed on the targeting list. For example, the overall lost time rate per 100 employees in Alaska was 1.6 for 2010. Consequently, any employer with a rate greater than 1.44 will be placed on the targeting list.
- C. Any small non-construction employer with 10 or less employees is removed from the targeting list.
- D. The initial list report will then be sorted by employer location such that those communities within approximately 60 road miles of Juneau, Anchorage/Wasilla and Fairbanks will be posted to three separate “urban area” lists. These urban areas have resident AKOSH Enforcement Compliance Safety and Health Officers (CSHO), so these areas generally do not require overnight travel to conduct inspections. The sites on these lists will then be randomly ordered and assigned to CSHOs for enforcement inspection activity. Once an employer is inspected, the next employer on the list will be subject to inspection.
- E. An employer with multiple sites will remain on the list until all sites have been inspected.
- F. Each location more than 60 road miles from Juneau, Anchorage/Wasilla and Fairbanks will be separated from the initial list and placed on a “rural area” list. The Chief of AKOSH Enforcement shall assign CSHO to perform inspections from the rural area list based on seasonality, injury trends, and other factors. Whenever possible, CSHOs will be assigned to conduct programmed inspections from the rural area list in combination with a complaint or accident inspection in the area.

IX. Adjustments and Deletions

The Project Assistant through the Chief of AKOSH Enforcement will be responsible for making appropriate adjustments and deletions to the inspection list. Appropriate reasons for adjustment/deletion are:

- A. Establishment is no longer in business.
- B. Establishment on the list is in federal, rather than state jurisdiction.
- C. Establishments that are exempted due to VPP, SHARP or AKOSH Consultation exemption certifications.
- D. Establishments which have had a comprehensive safety enforcement inspection during the previous calendar year may be removed from the list or may be subjected to a comprehensive health enforcement inspection and vice versa. The Chief of AKOSH Enforcement will determine whether an establishment shall be removed from the targeting list based on inspection history, industry hazards and establishment injury and illness data.

- E. Establishments actively receiving consultation assistance.
- F. Establishment has entered partnership agreement with AKOSH Consultation and Training Section that calls for the establishment to receive a low priority for scheduled enforcement inspections.

X. Inspection procedures

- A. Scope. Inspections conducted under this plan will be comprehensive programmed safety and/or health inspections as defined by the Field Operations Manual - FOM (OSHA Instruction CPL 02-00-164) and conducted in accordance with the procedures described therein and in other relevant guidance documents. Chief of AKOSH Enforcement will determine whether a combined comprehensive safety and health inspection would reflect efficient use of resources based on any inspection history, the hazards of the industry, and the injury and illness data for the establishment. CSHOs must inspect the targeted worksite for all potential hazards (safety and health) and make effective referrals to an Industrial Hygienist or Safety Compliance Officer when appropriate.
- B. Citations. Violations will be cited according to the FOM and other guidance documents.
- C. OSHA Injury and Illnesses Log 300 Data. During inspections under this directive, the CSHO shall collect OSHA 300 log data to ensure proper reporting of injuries and illnesses. CSHOs shall check injury and illness records that support the OSHA 200/300 log, as appropriate, to validate the OSHA 300 reported data.

XI Relationship to Other Programs

- A. Unprogrammed Inspections. Unprogrammed inspections will be conducted according to Alaska statute/regulation, the FOM, or other applicable guidance documents. If the occasion for an unprogrammed inspection (e.g., complaint, fatality, imminent danger, or catastrophe) arises with respect to an establishment that is also to receive a programmed inspection under the AKOSH HHT plan, the two inspections may be conducted either concurrently or separately.
- B. Emphasis Programs. Some establishments may be selected for inspection under the AKOSH HHT plan and under one or more other initiatives (National Emphasis (NEP) or Local Emphasis (LEP) programs). Programs based upon particular hazards (such as silica, lead or amputations) or on particular industries may be run concurrently with the AKOSH HHT plan. Wherever an establishment shows up on the plan and on another inspection list, the inspections should be scheduled at the same time. Compliance officers will apply all applicable OIS codes to the inspection.

XII Clarifications

A. Worksite Clarification

1. Industries without Permanent Workplaces

For industries such as NAICS Code 561730, Landscaping Services that do not have permanent worksites, the establishment list will normally identify only the employer's central office. AKOSH will, so far as possible (e.g., by visiting the central office), determine the location of active worksites based on the type of work scheduled and the length of time remaining to complete the project.

2. Office-Only Sites

The HHT is not intended to include establishments that are office-only facilities. If a CSHO arrives at an establishment and discovers that there is only an office at the site, the CSHO should determine what site or sites are associated with the OSHA Form 300A data. If the Form 300A data includes information for a site (or sites) in addition to an office, then an inspection of the site (or one of the sites) with the highest number of lost time injuries and illnesses may be conducted if within the AKOSH's jurisdiction.

NOTE: Recordkeeping rule § 1904.30 requires an employer to keep a separate OSHA 300 Log for each establishment that the employer expects to be in operation for one year or longer.

3. Partial Inspections

When a CSHO determines that a worksite was included on the inspection list because of incorrect data submitted by the employer, a "partial" inspection may be conducted.

For "partial" inspections, the CSHO **must** conduct a partial walkthrough of the workplace and interview employees to verify the establishment's injury and illness experience. Any serious violations that are observed in plain view or brought to the attention of the CSHO must be investigated pursuant to FOM procedures.

4. Non-Responders

If, upon initiating an inspection of a non-responder establishment, the establishment provides evidence that they are not subject to the requirements of 29 CFR § 1904.41 due to size or industry, the CSHO should stop the inspection and code the event as a "No Inspection."

- B. For the purpose of all OSHA Program Directive(s) adopted by AKOSH, the following terms are defined:

Where U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) refers to the following positions or locations, in Alaska their equivalent will be:

Area Director = Director, Labor Standards and Safety Division, Alaska Department of Labor and Workforce Development

Area Office (AO) = Labor Standards and Safety Division, AKOSH office located at 1251 Muldoon Road, Suite 109, Anchorage, Alaska

Assistant Area Director = AKOSH Chief of Enforcement and AKOSH Chief of Consultation and Training

Assistant Secretary = Commissioner, Alaska Department of Labor and Workforce Development

Deputy Assistant Secretary = Deputy Commissioner, Alaska Department of Labor and Workforce Development

National Office = Commissioner's Office, Alaska Department of Labor and Workforce Development, PO Box 111149 Juneau, Alaska 99811-1149

OSHA = Alaska Occupational Safety and Health (AKOSH) Enforcement/ Compliance and Consultation & Training sections, located at 1251 Muldoon Road, Suite 109 and Suite 104, Anchorage, Alaska

Occupational Safety and Health Review Commission (OSHRC) = Alaska Occupational Safety and Health Review Board (AKOSHRB)

Regional Administrator = Director, Labor Standards and Safety Division, Alaska Department of Labor and Workforce Development

Regional Office = Alaska Department of Labor and Workforce Development, Labor Standards and Safety Division, 1251 Muldoon Road, Suite 113, Anchorage, Alaska

RSOL = Department of Law

SST (Site Specific Targeting) = High Hazard Targeting System (HHT)

Secretary = Commissioner, Alaska Department of Labor and Workforce Development

cc: Arlene Lamont, Area Director, Anchorage, OSHA, Region X
Abby Lopez, State Programs Manager, OSHA, Region X



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Labor and Workforce Development

Labor Standards and Safety
Occupational Safety and Health
Enforcement

1251 Muldoon Road, Suite 109
Anchorage, AK 99504
Main: 907.269.4940
Fax: 907.269.4950

March 23, 2022

In the Matter of: **Municipality Of Anchorage**
AKOSH Inspection # **1555139, 1555063, 1555974, 1556069, & 1554492**

PUBLIC SECTOR INFORMAL SETTLEMENT AGREEMENT & DISPOSITION OF CITATION(S)

The undersigned Employer and the undersigned Alaska Occupational Safety and Health (AKOSH), in settlement of the citation(s) and penalties, issued on **March 2, 2022**, hereby agree as follows:

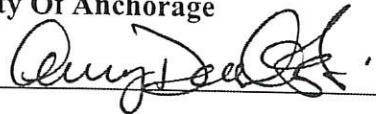
1. The Employer agrees to pay the penalties per the amendment of this agreement and/or no later than, **4/23/2022**. Penalties may be paid in the form of receipts related to the purchase of items to improve the safety and health of employees, outside of required abatement, or by check. Make all checks payable to The State of Alaska and please include the inspection number.
2. The Employer will abate all violations per the notice of correction. The Employer agrees to provide AKOSH with proof of required abatement. Abatement may be emailed to Anchorage.LSS-OSH@Alaska.Gov. Failure to provide proof of abatement may result in additional citations and/or inspections.
3. AKOSH agrees to adjustments of citations and monetary penalties paid-by-receipt or by check as follows:

Citation	Item	Type	Original Fine	Reductions	Reclassification	Final Fee
#1555139						
1	1	Rpt-Serious	\$64,367.00	99.39%	Repeat OTS	\$ 390.00
2	1a	Serious	\$12,873.00	92.51%	No Change	\$ 964.00
2	1b	Serious	\$0.00	0.00%	No Change	\$ -
2	2	Serious	\$8,582.00	88.77%	No Change	\$ 964.00
2	3	Serious	\$8,582.00	50.00%	No Change	\$ 4,291.00
2	4	Serious	\$6,436.00	50.00%	No Change	\$ 3,218.00
3	1a	OTS	\$0.00	0.00%	No Change	\$ -
3	1b	OTS	\$0.00	0.00%	No Change	\$ -
3	1c	OTS	\$0.00	0.00%	No Change	\$ -
3	1d	OTS	\$0.00	0.00%	No Change	\$ -
#1554492						
1	1	Repeat OTS	\$6,023.00	30.00%	OTS	\$ 4,216.00
2	1	OTS	\$1,205.00	0.00%	No Change	\$ -
2	2	OTS	\$1,205.00	0.00%	No Change	\$ -
2	3	OTS	\$1,205.00	0.00%	No Change	\$ -
2	4	OTS	\$1,205.00	0.00%	No Change	\$ -
2	5	OTS	\$1,205.00	0.00%	No Change	\$ -
#1555069						
1	1	Rpt-Serious	\$64,367.00	78.79%	No Change	\$ 13,653.00
2	1a	Serious	\$12,873.00	50.00%	OTS	\$ 6,436.50
2	1b	Serious	\$0.00	0.00%	No Change	\$ -
2	2	Serious	\$8,582.00	50.00%	No Change	\$ 4,291.00
2	3	Serious	\$8,582.00	50.00%	No Change	\$ 4,291.00
3	1a	OTS	\$0.00	0.00%	No Change	\$ -
3	1b	OTS	\$0.00	0.00%	No Change	\$ -
3	1c	OTS	\$0.00	0.00%	No Change	\$ -
3	1d	OTS	\$0.00	0.00%	No Change	\$ -

#1555974						
1	1	Serious	\$10,728.00	100.00%	DELETE	\$ -
1	2	Serious	\$10,728.00	100.00%	OTS	\$ -
1	3	Serious	\$10,728.00	50.00%	No Change	\$ 5,364.00
1	4	Serious	\$10,728.00	100.00%	DELETE	\$ -
1	5	Serious	\$13,653.00	50.00%	No Change	\$ 5,364.00
1	6	Rpt-Serious	\$107,283.00	100.00%	DELETE	\$ -
1	7	Rpt-Serious	\$53,642.00	100.00%	DELETE	\$ -
1	8	Rpt-Serious	\$53,642.00	100.00%	DELETE	\$ -
1	9	Rpt-Serious	\$53,642.00	100.00%	DELETE	\$ -
#1555063						
1	1a	Serious	\$13,653.00	50.00%	No Change	\$ 6,826.50
1	1b	Serious	\$0.00	100.00%	No Change	\$ -
1	1c	Serious	\$0.00	100.00%	No Change	\$ -
1	2	Serious	\$13,653.00	50.00%	No Change	\$ 6,826.50
1	3	Serious	\$13,653.00	71.00%	No Change	\$ 964.00
1	4a	Serious	\$13,653.00	50.00%	No Change	\$ 6,826.50
1	4b	Serious	\$0.00	0.00%	No Change	\$ -
1	4c	Serious	\$0.00	0.00%	No Change	\$ -
1	5	Serious	\$13,653.00	50.00%	No Change	\$ 6,826.50
1	6a	Serious	\$13,653.00	71.00%	No Change	\$ 964.00
1	6b	Serious	\$0.00	0.00%	No Change	\$ -
1	6c	Serious	\$0.00	0.00%	No Change	\$ -
1	6d	Serious	\$0.00	0.00%	No Change	\$ -
1	7a	Serious	\$13,653.00	30.00%	No Change	\$ 9,557.10
1	7b	Serious	\$0.00	0.00%	No Change	\$ -
1	7c	Serious	\$0.00	0.00%	No Change	\$ -
2	1	OTS	\$0.00	0.00%	No Change	\$ -
Original Penalty Assessment:					\$627,637.00	
Percent Reduced:					85.30%	
Total New Penalty Due:					\$92,233.60	

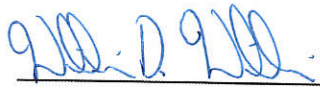
4. The Employer, by signing this Informal Settlement Agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in the previous paragraphs.
5. The Employer agrees to immediately post a copy of this settlement agreement in a prominent place at or near the location of the violation(s) referenced in paragraph three (3) above. This Settlement Agreement and Disposition of Citation(s) must remain posted until the violations cited have been corrected, or three (3) working days (excluding weekends and State of Alaska holidays), whichever is longer.
6. **Public Sector:** The Employer agrees that payment of the penalties is to be Paid-By-Receipts and by check. All purchases must be approved by the AKOSH Chief of Enforcement. Updates on the progress of the abatement must be sent to the AKOSH Chief of Enforcement every 30 days until the abatement is complete.
7. By entering into this agreement, the Employer does not admit that it violated the cited standards for any litigation or purpose other than a subsequent proceeding under the Occupational Safety and Health Act of 1970.
8. The Employer agrees to continue to comply with the applicable provisions of Alaska's Occupational Safety and Health laws (AS 18.60.010 - AS 18.60.105), Occupational Safety and Health Act of 1970, and the applicable safety and health standards.
9. This Informal Settlement Agreement must be signed and returned within the 15 working day contest period. The Employer agrees that any penalties reduced during the informal conference must be paid per this agreement or all reductions will be forfeited, and the original penalty amount will be due. Failure to make timely payment is likely to result in additional fees if the inspection file is turned over for collections.
10. The Employer agrees to obtain a third-party health and safety professional to evaluate workplace safety programs, program implementation, and overall effectiveness throughout the Municipality. AKOSH Consultation and Training cannot be used as an option in this instance. AKOSH reserves the right to vet vendors for qualifications. The cost of this may be used to Pay-By-Receipt, remaining balance (if any) must be paid to AKOSH
11. The Employer agrees to compile a list of work sites where fall hazards and falling object hazards exist or may exist and forward that information to the AKOSH office within 30 days. From this list, AKOSH could choose to conduct on-site inspections.
12. The Employer agrees to submit all OSHA 300 logs on a quarterly basis for the next two years, and consent to inspections for such worksites, where injuries have occurred requiring medical treatment beyond first aid.
13. The Employer agrees to report all instances of serious injury or illness requiring medical treatment beyond first aid via email to dol.akosh.coe@alaska.gov and consent to an inspection of the establishments where those injuries occurred.

Municipality Of Anchorage

Signature: 

Print Name: Amy Demboski

Date: 3/31/2022



William "Dale" Williamson
Chief of Enforcement,
Occupational Safety & Health

3/31/22
Date

From: [Williamson, William D \(DOL\)](#)
To: [Carothers, Kelly](#); [Pinder, Jim Cecil \(DOL\)](#); [Anchorage LSS-OSH \(DOL sponsored\)](#)
Cc: [Demboski, Amy](#); [Halloran, Sean](#); [Causer, Lindsey Y.](#)
Subject: RE: Informal Settlement Agreement #1555139, 1555063, 1555974, 1556069, & 1554492
Date: Wednesday, September 7, 2022 9:38:00 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
Importance: High

Good morning, Ms. Carothers:

The Municipality of Anchorage completed an informal conference for the above-referenced inspections on 3/23/22.

AKOSH has granted payment extensions on 4/30/22, 5/31/22, 6/30/22, 7/26/22, and recently received an additional request for an additional thirty days on 8/30/22.

AKOSH will grant a payment extension until Friday, September 30, 2022.

Please be advised that no further extensions will be granted.

Respectfully,

William "Dale" Williamson
Chief of Enforcement
Alaska Occupational Safety and Health
(907) 269-4952
dale.williamson@alaska.gov
Protecting Alaska's Workforce



From: Carothers, Kelly <kelly.carothers@anchorageak.gov>
Sent: Tuesday, August 30, 2022 12:37 PM
To: Williamson, William D (DOL) <dale.williamson@alaska.gov>; Pinder, Jim Cecil (DOL) <jim.pinder@alaska.gov>
Cc: Demboski, Amy <Amy.Demboski@anchorageak.gov>; Halloran, Sean <Sean.Halloran@anchorageak.gov>; Causer, Lindsey Y. <Lindsey.Causer@anchorageak.gov>
Subject: RE: Informal Settlement Agreement #1555139, 1555063, 1555974, 1556069, & 1554492
Importance: High

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

RE: Informal Settlement Agreement #1555139, 1555063, 1555974, 1556069, & 1554492

Dale:

I am writing to provide an update on the above referenced settlement agreement with respect to the progress over the past month toward obtaining a third-party review and analysis of all the Municipality's safety and training programs.

The Municipality's Purchasing Department has initiated the process of issuing a Request for Quotes for consultative services. Bids are being solicited from out-of-state as well as Alaska based contractors. Purchasing has advised that the length of time for evaluation will depend on the number of quotes received and can be expected to be a lengthy process. As soon as the selection process is completed, you will be advised as to the identity of the successful bidder, so that AK-OSH may undertake its review and approval process prior to the time that the contract is submitted to the Assembly for its final approval.

If you have any questions or concerns feel free to email me or call.

Regards,

Kelly Carothers

Safety Management Specialist

Municipality of Anchorage
Director of Health and Safety

632 W 6th Avenue

Anchorage, AK 99501

Cell: 907.223.8148

Office: 907.343.7126

Email Kelly.Carothers@anchorageak.gov



"Accidents begin where safety ends"



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: 3701 Doctor Martin Luther King Junior Avenue Anchorage, AK 99507
Issuance Date: 03/02/2022

Summary of Penalties for Inspection Number: 1555139

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 2 Item 4, Serious	\$6436.00
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: **\$100840.00**

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, or 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

**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



Citations and Notification of Penalty

To:
Municipality of Anchorage
and its successors
3701 Doctor Martin Luther King Junior Avenue
Anchorage, AK 99507

Inspection Number: 1555139
Inspection Date(s): 09/28/2021-10/15/2021
Issuance Date: 03/02/2022

Inspection Site:
3701 Doctor Martin Luther King Junior Avenue
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: 3701 Doctor Martin Luther King Junior Avenue 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. This was observed on 9/28/2021 when the mezzanine above a locker/storage room in the body shop 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>	<u>\$64367.00</u>

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: 3701 Doctor Martin Luther King Junior Avenue 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. This was observed on 9/28/2021 when the mezzanine above a locker/storage room in the body shop was not guarded by a guard rail system which included the top rail. The mezzanine was 8 feet 6 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. This was observed on 9/28/2021 when the mezzanine above a locker/storage room in the body shop was not guarded by a guard rail system which included the mid rail. The mezzanine was 8 feet 6 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.

(a) Machine guarding.



Citation and Notification of Penalty

Company Name: Municipality of Anchorage
Inspection Site: 3701 Doctor Martin Luther King Junior Avenue Anchorage, AK 99507

(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 press located in the back room of the maintenance shop was missing the point of operation guard.

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

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

29 CFR 1910.27(a):

27 Scaffolds and rope descent systems

(a) Scaffolds. Scaffolds used in general industry must meet the requirements in 29 CFR part 1926, subpart L (Scaffolds).

29 CFR 1926.451(b)(1)

451 General requirements.

(b) "Scaffold platform construction."

(1) Each platform on all working levels of scaffolds shall be fully planked or decked between the front uprights and the guardrail supports as follows:

Example: Employees are exposed to fall and tripping hazards due to the employers failure to ensure that all working levels of a scaffold are fully planked. This was observed on 9/28/2021 when the scaffolding located in the Body Shop had missing planks leaving more than the required 1 inch spacing between uprights or guardrail system.

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



Citation and Notification of Penalty

Company Name: Municipality of Anchorage
Inspection Site: 3701 Doctor Martin Luther King Junior Avenue Anchorage, AK 99507

Citation 2 Item 4 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 and there were several employees who started working after that date who did not receive fall protection training before being exposed to a fall hazard. 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>\$6436.00</u>

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

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

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



Citation and Notification of Penalty

Company Name: Municipality of Anchorage
Inspection Site: 3701 Doctor Martin Luther King Junior Avenue Anchorage, AK 99507

ensure that lockout and tagout devices identify the employee applying the device. This was observed on 9/28/2021 when a LOTO lockout devices and tag were used on a mobile ladder to indicate that it was unsafe to use and on an extension cord to keep other employees from using it.

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

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 9/28/2021 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.

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

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 -



Citation and Notification of Penalty

Company Name: Municipality of Anchorage

Inspection Site: 3701 Doctor Martin Luther King Junior Avenue Anchorage, AK 99507

(5) Protective materials and hardware.

(ii) Lockout devices and tagout devices shall be singularly identified; shall be the only device(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 9/28/2021 when the employer had red locks, yellow locks and a silver master lock at the lockout station. The employer did not know why there were different locks .

Date by Which Violation Must Be Abated:

March 29, 2022

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 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. Some of the

Alaska Department of Labor and Workforce Development
Occupational Safety and Health

Inspection Number: 1555139
Inspection Date: 09/28/2021-10/15/2021
Issuance Date: 03/02/2022



Citation and Notification of Penalty

Company Name: Municipality of Anchorage
Inspection Site: 3701 Doctor Martin Luther King Junior Avenue Anchorage, AK 99507

authorized employee names were no longer working there and some of the employees that apply LOTO were not on the list.

Date by Which Violation Must Be Abated:
Proposed Penalty:

March 29, 2022
\$0.00

A handwritten signature in blue ink, appearing to read "Dale Williamson".

William "Dale" Williamson
Acting Chief of Enforcement, AKOSH

**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



NOTICE OF CORRECTION

Inspection Number: 1555139

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	Corrected During Inspection			
2-3	Corrected During Inspection			
2-4	Corrected During Inspection			
3-1a	Corrected During Inspection			
3-1b	March 29, 2022			
3-1c	March 29, 2022			
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 _____

Alaska Department of Labor and Workforce Development

Occupational Safety and Health
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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.

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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

**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



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.

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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.)**

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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.

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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 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>	<u>\$64367.00</u>

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;

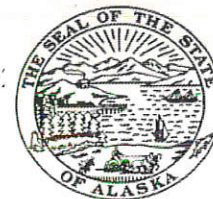
EXAMPLE: Employees were exposed to struck by hazards due to the employers failure to ensure a guard rail system which included the mid rail be installed to prevent employees from falling from the mezzanine where the boilers are located. This was observed on 10/4/2021 when the mezzanine where the boilers 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:
Proposed Penalty:

Corrected During Inspection
\$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>

A handwritten signature in blue ink that reads "Dale Williamson".

William "Dale" Williamson
Acting Chief of Enforcement, AKOSH

**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



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 _____

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: 632 West 6th Avenue, Room 850 Anchorage, AK 99519
Issuance Date: 03/02/2022

Summary of Penalties for Inspection Number: 1554492

Citation 1 Item 1, Repeat-Other	\$6023.00
Citation 2 Item 1, Other-than-Serious	\$1205.00
Citation 2 Item 2, Other-than-Serious	\$1205.00
Citation 2 Item 3, Other-than-Serious	\$1205.00
Citation 2 Item 4, Other-than-Serious	\$1205.00
Citation 2 Item 5, Other-than-Serious	\$1205.00

TOTAL PROPOSED PENALTIES: **\$12048.00**

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

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



Citations and Notification of Penalty

To:

Municipality of Anchorage
and its successors
632 West 6th Avenue, Room 850
Anchorage, AK 99501

Inspection Number: 1554492
Inspection Date(s): 09/23/2021-10/15/2021
Issuance Date: 03/02/2022

Inspection Site:

632 West 6th Avenue, Room 850
Anchorage, AK 99519

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
1251 Muldoon Road, Suite 109
Anchorage, AK 99504
Phone: (907) 269-4940 Fax: (907) 269-4950
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: 632 West 6th Avenue, Room 850 Anchorage, AK 99519

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

29 CFR 1904 Recordkeeping

32 Annual Summary

(a) Basic Requirement

(1): Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified;

EXAMPLE: Multiple 300A forms for establishments were inconsistent for their corresponding 300 Logs including but not limited to: number of injuries and types of injuries. The 2018 Development Services Department OSHA 300 depicts three injuries. The corresponding 300A states that no injuries to employees occurred for the year. The 2018 Merrill Field OSHA 300A depicts no injuries, but the OSHA 300 shows one recordable injury.

The Municipality of Anchorage was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1904.32(a)(1), which was contained in OSHA inspection number 1302118, citation number 1, item number 1 and was affirmed as a final order on 10/5/18, with respect to a workplace located at 8700 Starview Dr., Anchorage, AK 99504.

Date by Which Violation Must Be Abated:

March 29, 2022

Proposed Penalty:

\$6023.00

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904 Recordkeeping

8 Recording criteria for needlestick and sharps injuries

(a): Basic requirement. You must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (as defined by 29 CFR 1910.1030). You must enter the case on the OSHA 300 Log as an injury. To protect the employee's privacy, you may not enter the employee's name on the OSHA 300 Log (see the requirements for privacy cases in paragraphs 1904.29(b)(6) through 1904.29(b)(9)).



Citation and Notification of Penalty

Company Name: Municipality of Anchorage
Inspection Site: 632 West 6th Avenue, Room 850 Anchorage, AK 99519

EXAMPLE: Five employees who experienced needlestick injuries were listed by name on OSHA 300 Logs over the span of 2020, 2019, and 2018.

Date by Which Violation Must Be Abated: **March 29, 2022**
Proposed Penalty: **\$1205.00**

Citation 2 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1904 Recordkeeping

29 Forms

(b) Implementation

(1): What do I need to do to complete the OSHA 300 Log? You must enter information about your business at the top of the OSHA 300 Log, enter a one or two-line description for each recordable injury or illness, and summarize this information on the OSHA 300-A at the end of the year.

EXAMPLE: Employees are exposed to safety and health hazards as a result of the employer's failure to complete OSHA 300 Logs. Over 33 employee injuries lacked injury descriptions to include the mechanism and nature of employee injury for 2020, 2019, and 2018 OSHA 300 Logs, substantially impairing the ability to understand the mechanism of injury as well as the nature of injury for the purpose of analyzing illness and injury trends.

Specific examples:

2020 OSHA 300 Log, Anchorage Police Department Headquarters,

2019 OSHA 300 Log for Fire Maintenance, Anchorage Water & Wastewater Utility Headquarters, and Public Transportation Department.

2018 OSHA 300 Logs for Fire Station 01, Fire Station 08, Fire Training Center, and Port of Alaska Maintenance Shop.

Date by Which Violation Must Be Abated: **March 29, 2022**
Proposed Penalty: **\$1205.00**



Citation and Notification of Penalty

Company Name: Municipality of Anchorage
Inspection Site: 632 West 6th Avenue, Room 850 Anchorage, AK 99519

Citation 2 Item 3 Type of Violation: **Other-than-Serious**

29 CFR 1904.29(b)(3):

1904 - Recording and Reporting Occupational Injuries and Illnesses

29 - Forms

(b) - implementation

(3) - How quickly must each injury or illness be recorded? You must 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 has occurred.

Example: Municipality of Anchorage Eagle River/Chugiak Parks & Recreation failed to enter recordable injury or illness on the OSHA 301 Incident Report within seven (7) calendar days of receiving information that a recordable injury or illness has occurred. Demonstrated by recorded injuries occurring on 2/8/2018, 7/9/2018, and 7/16/2018, and the OSHA 301 Incident Reports are dated 1/29/2019 for all injuries.

Date by Which Violation Must Be Abated:

March 29, 2022

Proposed Penalty:

\$1205.00

Citation 2 Item 4 Type of Violation: **Other-than-Serious**

29 CFR 1904 Recordkeeping

29 Forms

(b) Implementation

(6): Are there situations where I do not put the employee's name on the forms for privacy reasons? Yes, if you have a "privacy concern case," you may not enter the employee's name on the OSHA 300 Log. Instead, enter "privacy case" in the space normally used for the employee's name. This will protect the privacy of the injured or ill employee when another employee, a former employee, or an authorized employee representative is provided access to the OSHA 300 Log under § 1904.35(b)(2). You must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.



Citation and Notification of Penalty

Company Name: Municipality of Anchorage
Inspection Site: 632 West 6th Avenue, Room 850 Anchorage, AK 99519

EXAMPLE: Employees were not provided with privacy protection due to the employer's failure to redact their names when experiencing an injury or illness that meets the definition of a privacy case. Four employees experienced injuries between the years of 2018 and 2020 which are considered privacy cases: all four employees' names were listed on the OSHA 300 Log.

Date by Which Violation Must Be Abated: **March 29, 2022**
Proposed Penalty: **\$1205.00**

Citation 2 Item 5 Type of Violation: **Other-than-Serious**

29 CFR 1904.32(a)(3): Certify the summary; and

1904 - Recording and Reporting Occupational Injuries and Illnesses

32 - Annual summary

(a) - Basic requirement. At the end of each calendar year, you must

(3) - Certify the summary; and

Example: Employees are exposed to health and safety hazards due to the employer's failure to certify the accuracy of the OSHA 300 logs. Anchorage Police Department (APD) Headquarters, APD Training Center, Municipality of Anchorage (MOA) Maintenance and Ops Street Maintenance, MOA Traffic Department Paint & Sign section, MOA Finance Department Treasury Division, Project Management & Engineering, MOA Public Transport Department Customer Service Division, and MOA Public Transport Department Operations Division failed to have their 300A Logs for 2018 certified. The Anchorage Health Department failed to certify their 300A Form for 2019. MOA People Mover failed to certify their 300A Form for 2020.

Date by Which Violation Must Be Abated: **March 29, 2022**
Proposed Penalty: **\$1205.00**

**Alaska Department of Labor and
Workforce Development**
Occupational Safety and Health

Inspection Number: 1554492
Inspection Date: 09/23/2021-10/15/2021
Issuance Date: 03/02/2022



Citation and Notification of Penalty

Company Name: Municipality of Anchorage
Inspection Site: 632 West 6th Avenue, Room 850 Anchorage, AK 99519

A handwritten signature in blue ink, appearing to read "W. Dale Williamson".

William "Dale" Williamson
Acting Chief of Enforcement, AKOSH

**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



NOTICE OF CORRECTION

Inspection Number: 1554492

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	March 29, 2022			
2-1	March 29, 2022			
2-2	March 29, 2022			
2-3	March 29, 2022			
2-4	March 29, 2022			
2-5	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 _____

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

**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



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)).**

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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**
1251 Muldoon Road, Suite 109
Anchorage, AK 99504
Phone: (907) 269-4940 Fax: (907) 269-4950
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 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).

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

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.

Date by Which Violation Must Be Abated: **March 29, 2022**
Proposed Penalty: **\$13653.00**



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.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$107283.00</u>

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
Inspection Site: 3640 East Tudor Road Anchorage, AK 99507

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 blue ink, appearing to read "Dale Williamson".

William "Dale" Williamson
Acting Chief of Enforcement, AKOSH

**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



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 _____

Alaska Department of Labor and Workforce Development

Occupational Safety and Health
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**INVOICE/
DEBT COLLECTION NOTICE**

Company Name: Municipality of Anchorage
Inspection Site: 3701 Doctor Martin Luther King Junior Avenue Anchorage, AK 99507
Issuance Date: 03/02/2022

Summary of Penalties for Inspection Number: 1555063

Citation 1 Item 1a, Serious	\$13653.00
Citation 1 Item 1b, Serious	\$0.00
Citation 1 Item 1c, Serious	\$0.00
Citation 1 Item 2, Serious	\$13653.00
Citation 1 Item 3, Serious	\$13653.00
Citation 1 Item 4a, Serious	\$13653.00
Citation 1 Item 4b, Serious	\$0.00
Citation 1 Item 4c, Serious	\$0.00
Citation 1 Item 4d, Serious	\$0.00
Citation 1 Item 5, Serious	\$13653.00
Citation 1 Item 6a, Serious	\$13653.00
Citation 1 Item 6b, Serious	\$0.00
Citation 1 Item 6c, Serious	\$0.00
Citation 1 Item 6d, Serious	\$0.00
Citation 1 Item 7a, Serious	\$13653.00
Citation 1 Item 7b, Serious	\$0.00
Citation 1 Item 7c, Serious	\$0.00
Citation 2 Item 1, Other-than-Serious	\$0.00

TOTAL PROPOSED PENALTIES: **\$95571.00**

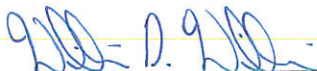
To avoid additional charges, please remit payment promptly for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: “**State of Alaska**”. Please send the remittance to the address listed above and indicate AKOSH’s Inspection Number (indicated above) 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.

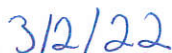
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90 calendar days, the amount due will be turned over to the current state contracted collection agency for collection nationwide.

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



Date

**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



Citations and Notification of Penalty

To:
Municipality of Anchorage
and its successors
3701 Doctor Martin Luther King Junior Avenue
Anchorage, AK 99507

Inspection Number: 1555063
Inspection Date(s): 09/28/2021-10/15/2021
Issuance Date: 03/02/2022

Inspection Site:
3701 Doctor Martin Luther King Junior Avenue
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.

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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: 3701 Doctor Martin Luther King Junior Avenue Anchorage, AK 99507

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

29 CFR 1910.1030 Bloodborne Pathogens

(c) Exposure Control

(1) Exposure Control Plan

(i): Each employer having an employee(s) with occupational exposure as defined by paragraph (b) of this section shall establish a written Exposure Control Plan designed to eliminate or minimize employee exposure.

EXAMPLE: Employees are exposed to health hazards including, but not limited to: death and/or chronic illness from HIV and Hepatitis exposure as a result of the employer's failure to establish a written Exposure Control Plan designed to eliminate or minimize employee exposure. During the walkaround inspection on 9/28/21 after employee exposure to Bloodborne Pathogens was identified, the Exposure Control Plan was requested. An Exposure Determination was provided. This document provided was later verified by Anneliese Roberts on 10/27/21 to be the entire Exposure Control Plan for the facility. Employees are occupationally exposed to Bloodborne pathogens in their daily job duties while cleaning busses overnight.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$13653.00</u>

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

29 CFR 1910.1030 Bloodborne Pathogens

(c) Exposure Control

(1) Exposure Control Plan

(ii) The Exposure Control Plan shall contain at least the following elements:

(B): The schedule and method of implementation for paragraphs (d) Methods of Compliance, (e) HIV and HBV Research Laboratories and Production Facilities, (f) Hepatitis B Vaccination and Post-Exposure Evaluation and Follow-up, (g) Communication of Hazards to Employees, and (h) Recordkeeping, of this standard, and

EXAMPLE: Employees are exposed to health hazards including, but not limited to: death and/or chronic illness from HIV and Hepatitis exposure as a result of the employer's failure to develop and implement a written



Citation and Notification of Penalty

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exposure control plan which includes the schedule and method of implementation for paragraphs (d)-Universal precautions shall/Engineering and Work Practice Controls/Personal Protective Equipment/Contaminated Sharps Discarding and Containment, (f)-Hepatitis B Vaccination and Post-exposure Evaluation and Follow-up , (g)-Communication of Hazards to Employees, and (h)-Recordkeeping of this standard. During the walkaround inspection on 9/28/21 after employee exposure to Bloodborne Pathogens was identified, the Exposure Control Plan was requested. An Exposure Determination was provided. This document provided was later verified by Anneliese Roberts on 10/27/21 to be the entire Exposure Control Plan for the facility. Employees are occupationally exposed to bloodborne pathogens in their daily job duties while cleaning busses overnight.

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

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

29 CFR 1910.1030 Bloodborne Pathogens

(c) Exposure Control

(1) Exposure Control Plan

(ii) The Exposure Control Plan shall contain at least the following elements:

(C) The procedure for the evaluation of circumstances surrounding exposure incidents as required by paragraph (f)(3)(i) of this standard.

EXAMPLE: Employees are exposed to health hazards including, but not limited to: HIV and Hepatitis as a result of the employer's failure to establish a written Exposure Control Plan designed to eliminate or minimize employee exposure by appropriately documenting the route(s) of exposure, and the circumstances under which the exposure incidents occurred. During the walkaround inspection on 9/28/21 after employee exposure to Bloodborne Pathogens was identified, the Exposure Control Plan was requested. An Exposure Determination was provided. This document provided was later verified by Anneliese Roberts on 10/27/21 to be the entire Exposure Control Plan for the facility. Employees are occupationally exposed to Bloodborne pathogens in their daily job duties while cleaning busses overnight.

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



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Company Name: Municipality of Anchorage
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Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.1030 Bloodborne Pathogens

(d) Methods of Compliance-

(2) Engineering and Work Practice Controls.

(i): Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used.

EXAMPLE: Employees are exposed to health hazards including, but not limited to: Death and/or chronic illness from Hepatitis and HIV exposure as a result of the employer's failure to use standardized engineering and workplace controls to eliminate or minimize employee exposure to Bloodborne Pathogens. During the walkaround inspection on 9/28/21 after employee exposure to Bloodborne Pathogens was identified, the Exposure Control Plan was requested. An Exposure Determination was provided. This document provided was later verified by Anneliese Roberts on 10/27/21 to be the entire Exposure Control Plan for the facility. Employees are occupationally exposed to Bloodborne pathogens in their daily job duties while cleaning busses overnight. Employees dispose of needles by picking them up with gloved hands.

Date by Which Violation Must Be Abated: **March 29, 2022**
Proposed Penalty: **\$13653.00**

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

29 CFR 1910.1030 Bloodborne Pathogens

(d) Methods of Compliance -

(4) Housekeeping -

(iii) Regulated Waste -

(A) Contaminated Sharps Discarding and Containment.

(2) During use, containers for contaminated sharps shall be:



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(i): Easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found (e.g., laundries);

Employees are exposed to health hazards including, but not limited to: Death and/or chronic illness from Hepatitis and HIV exposure as a result of the employer's failure to ensure that contaminated needles are placed in appropriate containers until they are properly processed. Employees are occupationally exposed to bloodborne pathogens in their daily job duties which include removing needles from busses. When an employee discovers a sharp, they are required to travel with the sharp to a sharps container which is placed on a pedestal outside of the bus.

Date by Which Violation Must Be Abated: **March 29, 2022**
Proposed Penalty: **\$13653.00**

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

29 CFR 1910.1030 Bloodborne Pathogen

(g) Communication of Hazards to Employees -

(2) Information and Training.

(i): The employer shall train each employee with occupational exposure in accordance with the requirements of this section. Such training must be provided at no cost to the employee and during working hours. The employer shall institute a training program and ensure employee participation in the program.

Employees are exposed to health hazards including, but not limited to: Death and/or chronic illness from Hepatitis and HIV exposure as a result of the employer's failure to ensure employees receive effective information and training regarding their exposure to bloodborne diseases such as hepatitis B virus (HBV) or human immunodeficiency virus (HIV). The employer had not implemented an effective training program for potential exposure to blood and OPIM. Employees are occupationally exposed to Bloodborne pathogens in their daily job duties while cleaning busses overnight.

Date by Which Violation Must Be Abated: **Corrected During Inspection**
Proposed Penalty: **\$13653.00**



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received the training required in paragraph (g)(2)(vii)(I) and within 10 working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons. Employees are exposed to Bloodborne Pathogens when cleaning the busses.

Date by Which Violation Must Be Abated: **April 19, 2022**
Proposed Penalty: **\$0.00**

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

29 CFR 1910.1030 Bloodborne pathogens

(f) Hepatitis B Vaccination and Post-exposure Evaluation and Follow-up -

(2) Hepatitis B Vaccination.

(iv) The employer shall assure that employees who decline to accept hepatitis B vaccination offered by the employer sign the statement in Appendix A.

EXAMPLE: Employees are exposed to health hazards including, but not limited to: Illness from bloodborne hepatitis B virus (HBV), due to the employer's failure to assure that employees who decline the Hepatitis B vaccine sign a declinations form. Employees are occupationally exposed to bloodborne pathogens when cleaning busses.

Date by Which Violation Must Be Abated: **March 29, 2022**
Proposed Penalty: **\$0.00**

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

29 CFR 1910.1030 Bloodborne Pathogen

(g) Communication of Hazards to Employees -

(2) Information and Training.

(ii) Training shall be provided as follows:



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(A): At the time of initial assignment to tasks where occupational exposure may take place;

EXAMPLE: Employees were exposed to health hazards including, but not limited to: Death or chronic illness due to the employer's failure to ensure employees were provided with effective training and information at the time of their initial assignment. Employees experience occupational exposure on a frequent basis when cleaning the busses.

Date by Which Violation Must Be Abated: **Corrected During Inspection**
Proposed Penalty: **\$13653.00**

Citation 1 Item 6 a Type of Violation: **Serious**

29 CFR 1910.1030 Bloodborne Pathogens

(h) Recordkeeping -

(2) Training Records.

(i) Training records shall include the following information:

(A): The dates of the training sessions;

EXAMPLE: Employees are exposed to health hazards including, but not limited to: Death or chronic illness from HIV and/or Hepatitis B infection as the result of the employer's failure to maintain training records which include the dates of the training session(s). A copy of the employer's training records for Bloodborne Pathogens lacked the date the training occurred.

Date by Which Violation Must Be Abated: **March 29, 2022**
Proposed Penalty: **\$13653.00**

Citation 1 Item 6 b Type of Violation: **Serious**

29 CFR 1910.1030

(h) Recordkeeping -

(2) Training Records.



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Company Name: Municipality of Anchorage
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(i) Training records shall include the following information:

(B): The contents or a summary of the training sessions;

EXAMPLE: Employees are exposed to health hazards including, but not limited to: Death or chronic illness from HIV and/or Hepatitis B infection as the result of the employer's failure to maintain training records which include the contents or a summary of the training sessions. Employee training records submitted by the Municipality of Anchorage do not discuss the material covered by the training. Employees are exposed to Bloodborne Pathogens on a frequent basis when cleaning the busses.

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

Citation 1 Item 6 c Type of Violation: **Serious**

29 CFR 1910.1030 Bloodborne Pathogens

(h) Recordkeeping -

(2) Training Records.

(i) Training records shall include the following information:

(C): The names and qualifications of persons conducting the training; and

EXAMPLE: Employees are exposed to health hazards including, but not limited to: Death or chronic illness from HIV and/or Hepatitis B infection as the result of the employer's failure to maintain training records that contain the name and qualifications of the person(s) conducting the training. On 10/11/21, the Municipality of Anchorage transmitted employee training records for Bloodborne Pathogens which did not contain information regarding the name or qualifications of the person(s) delivering the training. Employees are occupationally exposed to Bloodborne Pathogens on a frequent basis when cleaning and maintaining busses.

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



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Citation 1 Item 6 d Type of Violation: **Serious**

29 CFR 1910.1030 Bloodborne Pathogens

(h) Recordkeeping -

(2) Training Records.

(i) Training records shall include the following information:

(D): The names and job titles of all persons attending the training sessions.

EXAMPLE: Employees are exposed to health hazards including, but not limited to: Death or chronic illness from HIV and/or Hepatitis B infection as the result of the employer's failure to maintain training records which include the names and job titles of all persons attending the training sessions. Training documentation submitted by the Municipality of Anchorage via email on 10/11/2021 lacked the job titles of the persons attending Bloodborne Pathogens training. Employees are occupationally exposed to Bloodborne Pathogens on a frequent basis when cleaning and maintaining the busses.

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

Citation 1 Item 7 a Type of Violation: **Serious**

29 CFR 1910.1200 Hazard Communication

(e) Written hazard communication program.

(1): Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

EXAMPLE: Employees are exposed to health hazards including, but not limited to: Chemical exposure as a result of the employer's failure to implement and maintain a Written Hazard Communication Program at the worksite. Employees work with Hazardous Chemicals on a frequent basis including, but not limited to: engine fluids, brake cleaners, soaps, Windex, degreasers, bleach, and Super Kleen.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$13653.00</u>



Citation and Notification of Penalty

Company Name: Municipality of Anchorage

Inspection Site: 3701 Doctor Martin Luther King Junior Avenue Anchorage, AK 99507

Citation 1 Item 7 b Type of Violation: **Serious**

29 CFR 1910.1200 Hazard Communication

(f) Labels and other forms of warning-

(6): Workplace labeling. Except as provided in paragraphs (f)(7) and (f)(8) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with either:

EXAMPLE: Employees are exposed to health hazards including, but not limited to: chemical exposure as the result of the employer's failure to ensure that secondary containers of hazardous chemicals were appropriately labeled with either The information specified under paragraphs (f)(1)(i) through (v) of this section for labels on shipped containers; or, Product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical. During the walkaround inspection, multiple secondary containers of hazardous chemicals were found to be either unlabeled or improperly labeled. Employees work with Hazardous Chemicals on a frequent basis including, but not limited to: engine fluids, brake cleaners, soaps, Windex, degreasers, bleach, and Super Kleen.

Date by Which Violation Must Be Abated:

March 29, 2022

Proposed Penalty:

\$0.00

Citation 1 Item 7 c 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 and safety 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



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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. Employees work with hazardous chemicals on a frequent basis without having received effective information and training regarding the hazards of the chemicals they are working with, locations of SDS sheets, or the specifics of the written hazard communication program.

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

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.134 Respiratory Protection

(c) Respiratory Protection Program

(2) Where respirator use is not required:

(i): An employer may provide respirators at the request of employees or permit employees to use their own respirators, if the employer determines that such respirator use will not in itself create a hazard. If the employer determines that any voluntary respirator use is permissible, the employer shall provide the respirator users with the information contained in Appendix D to this section ("Information for Employees Using Respirators When Not Required Under the Standard"); and

EXAMPLE: Employees are exposed to health hazards including, but not limited to: chemical exposure due to the employer's failure to ensure that employees who wear respirators on a voluntary basis are provided with a copy of Appendix D of the respiratory standard, which explains the need for employees to read and understand manufacturer's instructions regarding the use, maintenance, and cleaning, understand what respirators will and will not protect against, and to keep track of their respirators to prevent cross-contamination of respirators. Employees wear N95s on a voluntary basis within the facility.

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

**Alaska Department of Labor and
Workforce Development**
Occupational Safety and Health

Inspection Number: 1555063
Inspection Date: 09/28/2021-10/15/2021
Issuance Date: 03/02/2022



Citation and Notification of Penalty

Company Name: Municipality of Anchorage

Inspection Site: 3701 Doctor Martin Luther King Junior Avenue Anchorage, AK 99507

A handwritten signature in blue ink, appearing to read "William Dale Williamson".

William Dale Williamson
Acting Chief of Enforcement, AKOSH

**Alaska Department of Labor and
Workforce Development**
Occupational Safety and Health
1251 Muldoon Road
Suite 109
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Phone: (907) 269-4940 Fax: (907) 269-4950
Email: Anchorage.LSS-OSH@Alaska.Gov



NOTICE OF CORRECTION

Inspection Number: 1555063

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
1-1a	Corrected During Inspection			
1-1b	Corrected During Inspection			
1-1c	Corrected During Inspection			
1-2	March 29, 2022			
1-3	March 29, 2022			
1-4a	Corrected During Inspection			
1-4b	April 19, 2022			
1-4c	April 19, 2022			
1-4d	March 29, 2022			
1-5	Corrected During Inspection			
1-6a	March 29, 2022			
1-6b	March 29, 2022			
1-6c	March 29, 2022			
1-6d	March 29, 2022			
1-7a	Corrected During Inspection			
1-7b	March 29, 2022			
1-7c	March 29, 2022			
2-1	Corrected During Inspection			

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 _____