

Department of Labor, Licensing and Regulation

Division Of Labor and Industry
Maryland Occupational Safety and Health
10946 Golden West Drive - Suite 160
Hunt Valley, MD 21031
Phone: (410) 527-4499 FAX: (410) 527-4481



Citation and Notification of Penalty

To:
Maryland Transit Administration
1515 Washington Boulevard, Suite 2200
Baltimore, MD 21230

Inspection Number: 314408410
Inspection Date(s): 10/07/2010 - 11/09/2010
Issuance Date: 12/08/2010
Case No.: C995400111

Inspection Site:
7390 Baltimore Annapolis Boulevard
Glen Burnie, MD 21061

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 is an official charging document which has specific deadlines for actions and is known as a Citation and Notification of Penalty (this Citation) which describes violations of the Maryland Occupational Safety and Health Act (Labor & Employment Article, Titles 1, 2 and 5) and Regulations. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 15 working days (excluding weekends and State holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the Commissioner at the address shown above. Issuance of this citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this citation becomes a final order of the Commissioner.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

Types of Violations - Violations are characterized as follows: (1) Willful - a violation where either: (a) the employer committed an intentional and knowing violation of the Act or Regulations or (b) though the employer was not intentionally violating the Act or regulations, he or she acted with plain indifference to or in careless disregard of employer responsibilities under the Act; (2) Serious - a violation where there is a substantial probability that death or serious physical harm could result, unless the employer did not know and could not know through the exercise of reasonable diligence, the existence of the violation; (3) Other - a violation that has a direct relationship to job safety and health, but which is not a serious violation; (4) Repeated - a violation of the same or similar standard for which an employer has been previously cited and which has become a final order; and (5) Failure to Correct - a violation for which a citation has been issued and the employer has failed to correct the violation within the permitted period for its correction.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one during the 15 working day contest period. During such an informal conference you may present evidence concerning abatement or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time prior to the expiration of your contest period. Please keep in mind that a written letter of intent to contest must be submitted to the Commissioner within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post page 4 (Notice to Employees) next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, the agency may settle this matter without litigation or contest.

Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Commissioner in writing that you intend to contest the citation(s) and/or penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Commissioner.

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless contested. Make your check or money order payable to "Division of Labor & Industry/MOSH". Please indicate the Case No. on the remittance.

MOSH 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 this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Commissioner at the address shown above.

Contest By 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 Commissioner 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.

Notification of Corrective Action - For violations which you do not contest, you **must** notify the Commissioner promptly by letter or the enclosed Abatement Verification Response form that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Commissioner in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. An additional citation, possibly with a penalty, maybe issued if abatement verification/documentation is not received.

Inspection Activity Data - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation, but not sooner than 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

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Division of Labor and Industry
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NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with **MOSH** to discuss the citation(s) issued on 12/08/2010. The conference will be held at: _____
(location)

_____ on _____ at _____ am/pm.
(Date) (Time)

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

NOTICE TO EMPLOYEES - Any Employee or representative of employees who believes that any period of time fixed in this Citation for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the Commissioner at the address shown above within 15 work days (excluding weekends and state holidays) of the issuance of this citation.

EMPLOYER DISCRIMINATION UNLAWFUL - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under the Maryland Occupational Safety and Health Act. An employee who believes that he or she has been discriminated against may file a complaint with the Commissioner at the address shown above no later than 30 days after the discrimination.

Dept. of Labor, Licensing and Regulation

Division of Labor and Industry
Occupational Safety and Health

Inspection Number: 314408410

Inspection Dates: 10/07/2010-11/09/2010

Issuance Date: 12/08/2010



Citation and Notification of Penalty

Company Name: Maryland Transit Administration

Inspection Site: 7390 Baltimore Annapolis Boulevard, Glen Burnie, MD 21061

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

29 CFR 1904.30(a): The employer did not keep a separate OSHA 300 Log for each establishment that was expected to be in operation for one year or longer.

- (a) **Date of Violation:** 10/07/10
- Condition:** The employer maintained one OSHA 300 Log for all light rail car maintenance facilities for each of the years 2007, 2008, 2009, and 2010.

| | |
|--|------------|
| Date By Which Violation Must be Abated: | 12/13/2010 |
| Proposed Penalty: | \$ 0.00 |

Eric Uttenreither
Commissioner or Authorized Representative

SUMMARY OF PROPOSED PENALTIES

Summary of Penalties for Inspection Number 314408410

| | |
|---------------------------------|------------------|
| Citation 1, Other | = \$ 0.00 |
| TOTAL PROPOSED PENALTIES | = \$ 0.00 |

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

RETURN TO:

MARYLAND OCCUPATIONAL SAFETY AND HEALTH
10946 Golden West Drive, Suite 160, Hunt Valley, MD 21031

Wed Dec 8 2010

* A B A T E M E N T V E R I F I C A T I O N *
* R E S P O N S E *

Maryland Transit Administration
1515 Washington Boulevard, Suite 2200
Baltimore, MD 21230

Case No. : C995400111
Control No.: 314408410

Gentlemen:

As a result of the inspection/investigation conducted at your establishment, certain alleged hazards/violations were disclosed as indicated in the enclosed CITATION(s). YOU ARE OBLIGATED BY LAW to correct hazardous conditions or practices in your workplace.

Please complete this ABATEMENT VERIFICATION RESPONSE and return it to the Agency at the above address within 10 calendar days of the last abatement date by indicating what actions you have taken to correct the violation(s) and dates corrections were made within the time frame set forth.

USE ADDITIONAL PAPER AS NECESSARY

| CIT# | ITM# | DESCRIPTION | TYPE | ACTION DATE | DESCRIBE ACTION TAKEN TO CORRECT VIOLATION | DATE CORRECTED |
|------|------|-------------|------|-------------|--|----------------|
| 01 | 001 | 19040030 a | OTS | Corrected | | |

Affected employees and their representatives were informed on _____ of abatement steps taken.
Date

I certify that the above statements are true and correct.

Company Representative _____ Title

CASE # CG 31-001-11

SECTION# 314408410

Strategic Plans for Maryland

| | |
|--|--|
| | |
|--|--|

Entered By (Ints.) | Date

- Construction (Sic 1500-1799)
- Manufacturing (NAICS 310000-330000)
- Trade, Transportation, Utilities (NAICS 220000 & 420000-490000)
- Public Sector

Local Emphasis Programs for Maryland (LEP's)

| | |
|--|--|
| | |
|--|--|

Entered By (Ints.) | Date

- Fall Hazards in Construction
- Struck by/Crushed by Hazards in Construction
- Electrical Hazards in Construction
- High Hazard Industries in Maryland FFY 2010
- Accident

National Emphasis Programs (NEP's)

| | |
|--|--|
| | |
|--|--|

Entered By (Ints.) | Date

- AMPUTATE-Reducing Machine Hazards Leading to Amputations
- DI2009NR-FY2009 Data Initiative Non-Responders
- DUSTEXPL-Combustible Dust
- FIELDSAN-Field Sanitation
- LEAD-Potential Exposure to Lead in All Industries
- NURSING-Insp. in Nursing and Personal Care Facilities
- PETRO-Petro Chemical
- POULTRY-Compliance Insps in Poultry Processing Industry
- PSMPQV-Process Safety Management
- REFINERY-PSM Insps./Visits Haz Chem-Petrochem Refineries
- SILICA-Insp. Presence of Crystalline Silica/Silicates
- SSTARG10-Year 2011 Site Specific Insp. Targeting Plan
- TRENCH-Trenching and Excavation

Last Updated 09/24/10

Copy in case

Copy to Supervisors

CASE# _____ INSPECTION# _____

| | |
|--|--|
| | |
|--|--|

OSHA - 1 Field 42: Optional Information Codes

Entered By (Ints)/ Date

National Codes – Applicable to MOSH

Note: These codes are most often or most likely to be used, however there are other codes which may apply

- | | |
|----------------|---|
| N-01 | Multi Employer Inspection Number |
| N-02-ABRASIVE | Silica related abrasive blasting activities |
| N-02-BLOOD | Blood Borne Pathogen Related Inspection |
| N-06-##### | Programmed Construction Targeting (Enter Dodge Number) |
| N-10-IMMLANG-Y | Immigrant and or Hispanic worker was involved in accident |
| N-10-IMMLANG-N | Immigrant and or Hispanic worker was NOT involved in accident |
| N-11-PORTLAND | Construction Sites Where Portland Cement in Use |
| N-14-FOCUS,C,# | Focused – Main Contractor & No. of Contractors |
| N-14-FOCUS,S | Focused – Subcontractor Issued a Citation |
| N-16-ASBESTOS | Asbestos Involved Inspection |
| N-16-COMTOWER | Communication Tower Construction Inspection |
| N-16-FORM | Formaldehyde Involved Inspection |
| N-16-LEAD | Lead Involved Inspection |
| N-16-PWRPRESS | Mechanical Power Press Related Inspection |
| N-16-RESCON | Construction of Low Rise Residents (4 or fewer floors) |
| N-16-SINGFAM | Construction of Single Family Houses |

State Codes Currently In Use

Type ID Optional Information

| | | |
|---|----|--|
| S | 05 | Enter email address of company OR if email address is not available enter Email NONE |
| S | 06 | Enter month & year case was transmitted . Example: October 2009 |
| S | 09 | Original Case Number for follow-up Inspection |
| S | 10 | Final Order Date |
| S | 13 | Crane NIC for new crane related regulations |
| S | 13 | Crane IC for a crane related inspection with no violations of the new crane related regulations |
| <i>The S-15 Code is for smoking in an enclosed workplace or not posting an enclosed workplace</i> | | |
| S | 15 | NIC Letter for 1 st offenders |
| S | 15 | NIC for repeat offenders |
| S | 15 | IC Unprogrammed for smoking/posting related complaints/referrals |

Last Updated 09/24/10

Legal Name Verification

From: **Cristina Campbell**

Date: **10/7/10**

Case #: **C9954-001-11**

Inspection #: 314408410

- Employer completed legal name verification form (attached)
- Charter Services (attached)
Through the state of Maryland
- Business License (attached)
- Phone call to the company:
Company Officer Name: **Dennis Rafferty**
Title: **Occupational Safety and Health Manager**
Legal Name Given: **Maryland Transit Administration**
- Other (explain):

Explain any discrepancies/reconciliations:

Name Card/ Letterhead:



Maryland Transit Administration
Maryland Department of Transportation

Dennis J. Rafferty, Sr.
Manager – Occupational Safety and Health
Office of Safety, Quality Assurance, & Risk Management

1515 Washington Blvd., Ste. 2200 B • Baltimore, Maryland 21230
410-454-7143 • FAX 410-454-7138 • CELL 410-428-9838
E-MAIL drafferty@mtamaryland.com

Maryland Occupational Safety & Health
1131 Belair Rd, LL1
Bel Air, MD 21014
Fax: (410) 803-8652

In order for our records to be accurate, this form must be filled out completely, signed, and returned to our office no later than 24 hours from time of receipt. Use the fax number or the address listed above.

Legal Name of Company: MARYLAND TRANSIT ADMINISTRATION
(Include correct grammar, abbreviations, and capitalization)

Mailing Address:

OFFICE OF SAFETY - ATTN DENNIS RAFFERTY SR.
1515 WASHINGTON BLVD
SUITE 2200
BALTIMORE, MD 21230

Street Address (if different from above):

7390 BALTIMORE ANNAPOLIS BLVD
GLEN BURNIE, MD 21061

Telephone #: (410) 454-7143

Fax # (410) 454-7138

Email address (no web pages please): _____

Federal Tax ID # or SSN if none: 522-6002033

Total # of Employees Company wide: 3200

The company is a: Corporation
(Check only One) Partnership (Please list names and addresses on separate paper)
 Sole Owner: _____ (name)
 STATE GOVERNMENT

If the following box is checked please submit the following:

- Log 300 (Log of Injuries and Illnesses) Form for the last three full years and the current year's partial list.

I, DENNIS RAFFERTY SR., certify that the above information is true and correct to the best of my knowledge.


Signature

Mgr - OSH
Title

10/7/10
Date

DEPARTMENT OF LABOR, LICENSING AND REGULATION

Division of Labor and Industry,
Maryland Occupational Safety and Health



#4946

Inspection Report

Fri Nov 19, 2010 4:34PM

| | | | | | |
|---------|----------------|---------|---------------|----------------|----------------|
| Rpt ID | Assignment Nr. | CSHO ID | Supervisor ID | Inspection Nr. | Opt. Insp. Nr. |
| 0352420 | | C9954 | V8744 | 314408410 | 00110 |

| | | | | | |
|--------------------|--|---------------------------------|----------------|----------|----------------|
| Establishment Name | | Maryland Transit Administration | | | |
| Site Address | 7390 Baltimore Annapolis Blvd Glen Burnie, MD 21061 | Site Phone | (410) 454-8009 | Site Fax | |
| | | Other | | | |
| Mailing Address | Office of Safety Attn: Dennis Rafferty 1515 Washington Blvd, Suite 2200 Baltimore, MD 21230 | Mail Phone | (410) 454-7143 | Mail Fax | (410) 454-7138 |
| | | Other | | | |
| Controlling Corp | | Employer ID | 5226002033 | | |
| Ownership | C. State Government | City | 0673 | County | 003 |
| Legal Entity | A. Corporation | Previous Activity (State Only) | | | |

| Related Activity | | | | | |
|------------------|-----------|-----------|------|--------|-----------|
| Type | Number | Satisfied | Type | Number | Satisfied |
| R. Referral | 202808614 | Health | | | |

| | | | | | |
|---------------------------|-------|-----------------|-----|--------------|-----------|
| Employed in Establishment | 24 | Advance Notice? | No | Category | H. Health |
| Covered By Inspection | 12 | Union? | Yes | | |
| Controlled By Employer | 60000 | Walkaround? | No | Interviewed? | Yes |

| | | | | | |
|-----------------|--|---------------|--------|-----------------|--|
| SIC Inspected | | Primary SIC | 9621 | Secondary SIC | |
| NAICS Inspected | | Primary NAICS | 926120 | Secondary NAICS | |

| | | | |
|-----------------------|-----------------------|----------------------|--|
| Inspection Type | C. Referral | Reason No Inspection | |
| Scope of Inspection | B. Partial Inspection | | |
| Classification | | | |
| National Emphasis | | | |
| Local Emphasis | | | |
| Strategic Initiatives | | | |

| | | | | | |
|-------------------------------|----|-------------|----------------|---------------|-----------|
| Anticipatory Warrant Served? | No | Denial Date | Date ReEntered | Date ReDenied | ReEntered |
| Anticipatory Subpoena Served? | No | | | | |

| | | | | | |
|--------------------|------------|----------|---------------------------|------------|----------|
| Entry | 10/07/2010 | 09:45 AM | First Closing Conference | 11/09/2010 | 11:15 AM |
| Opening Conference | 10/07/2010 | 10:45 AM | Second Closing Conference | | |
| Walkaround | 10/07/2010 | 11:15 AM | Exit | 11/09/2010 | 11:45 AM |
| Days On Site | 2 | | Case Closed | | |
| | | | No Citations Issued | | |

| Type | ID | Optional Information |
|------|----|----------------------|
| | | |

| | | | |
|----------------|---|------|----------|
| CSHO Signature |  | Date | 11-19-10 |
|----------------|---|------|----------|



Inspection Narrative

Fri Nov 19, 2010 4:35PM

| | |
|------------------|-----------|
| Inspection Nr. | 314408410 |
| Opt. Case Number | 00110 |

| | | | |
|--------------------|---------------------------------|------------------|-----------------------|
| Establishment Name | Maryland Transit Administration | | |
| Legal Entity | A. Corporation | Type of Business | Mass Transit - Public |

| Additional Citation Mailing Addresses | |
|---------------------------------------|--|
| | |

| Organized Employee Groups | |
|---|--|
| Amalgamated Transit Union Local 1300 126 West 25th Street Baltimore, MD 21218 Voice: (410) 889-3566 | |

| Union Representatives | |
|--|--|
| John Stone 1214 Crawford Drive Glen Burnie, MD 21061 | |

| Authorized Employee Representatives | |
|-------------------------------------|--|
| | |

| Employer Representatives Contacted | | | | | | |
|------------------------------------|--|-----------------------|--------------------|--------------------|-------------------------|--------------|
| Name | Title | Credentials Presented | Closing Conference | Opening Conference | Other Management Duties | Walk Around? |
| Nadine Pierre-Charles | Environmental Analyst | Yes | NO | Yes | | Yes |
| Dennis Rafferty | Manager - Occupational Safety And Health | Yes | Yes | No | | No |

| Employees Interviewed | |
|-----------------------|--|
| | |
| | |

| Other Persons Contacted | |
|-------------------------|--|
| | |

| | | | | | |
|--------------------|------------|----------|---------------------------|------------|----------|
| Entry | 10/07/2010 | 09:45 AM | First Closing Conference | 11/09/2010 | 11:15 AM |
| Opening Conference | 10/07/2010 | 10:45 AM | Second Closing Conference | | |
| Walkaround | 10/07/2010 | 11:15 AM | Exit | 11/09/2010 | 11:45 AM |
| | | | Case Closed | | |

| | | | |
|----------------------|-----------|--------|----------------------|
| Followup Inspection? | <i>NO</i> | Reason | <i>OTS Violation</i> |
|----------------------|-----------|--------|----------------------|

| Coverage Information/Additional Comments |
|--|
| |

SAFETY NARRATIVE

| | |
|-------------------|-----------|
| Inspection Number | 314408410 |
|-------------------|-----------|

COVERAGE INFORMATION:

The Maryland Transit Administration (MTA) is a department within the State of Maryland Department of Transportation (MDOT) agency that operates local transit systems throughout the state including bus, metro, light rail, and paratransit transportation. The MTA employs approximately 3,200 employees.

NATURE AND SCOPE

Check Applicable Boxes and Explain Findings:

Complaint Items

Referral Items

Accident Investigation Summary & Findings

LEP

Planned Inspection

Follow-up Inspection

NATURE AND SCOPE -- UNUSUAL CIRCUMSTANCES (Mark X and explain all that apply:)

None

Denial of entry (see denial memo)

Delays in conducting the inspection

Strikes

Jurisdictional Issues

Trade Secrets

Other

Comments:

OPENING CONFERENCE NOTES:

All aspects of the opening conference were discussed with no objections noted.

PENALTY ADJUSTMENT CALCULATION

1. HISTORY ADJUSTMENT:

Place "x" in correct box

- A. Initial inspection/no previous employer history/previous inspections in compliance or only OTS violations cited.....

| | |
|---|----|
| X | 10 |
|---|----|
- B. Previous inspection not in compliance with serious hazards, cited more than 36 months from this inspection (issuance to closing).....

| | |
|---|---|
| - | 0 |
|---|---|
- C. All other scenarios of noncompliant activity.....

| | |
|---|---|
| - | 0 |
|---|---|

2. SIZE ADJUSTMENT:

- 1- 25 employees.....

| | |
|---|---|
| - | 0 |
|---|---|
- 26-100 employees.....

| | |
|---|---|
| - | 0 |
|---|---|
- 101-250 employees.....

| | |
|---|---|
| - | 0 |
|---|---|
- 251 or more employees.....

| | |
|---|---|
| X | 0 |
|---|---|

3. GOOD FAITH CALCULATIONS:

A. Safety and Health Program and Training Program.

Does the employer have a formal safety and health program and training program that:

Y = Yes N = No

- 1. Is in writing?.....

| | |
|---|---|
| Y | 0 |
|---|---|
- 2. Provides for management commitment and employee involvement?.....

| | |
|---|---|
| Y | 0 |
|---|---|
- 3. Provides for worksite analysis and hazard identification?.....

| | |
|---|---|
| Y | 0 |
|---|---|
- 4. Provides for hazard prevention and control?.....

| | |
|---|---|
| Y | 0 |
|---|---|
- 5. Provides appropriate training/instructions for hazards of work being done?.....

| | |
|---|---|
| Y | 0 |
|---|---|
- 6. Has deficiencies that are only incidental?.....

| | |
|---|---|
| Y | 0 |
|---|---|
- B. Employer's Injury and Illness Experience.** Has the employer experienced any injuries or illnesses?.....

| | |
|---|---|
| N | 0 |
|---|---|
- C. Supervision, Employer Concern and Knowledge.** Did the employer demonstrate an appropriate level of supervision, concern and knowledge about safety and health requirements?.....

| | |
|---|---|
| Y | 0 |
|---|---|
- D. Increased Awareness of Violation.** Is there any indication that the employer acted voluntarily with either intentional disregard of the standard or plain indifference to its safety obligations?.....

| | |
|---|---|
| N | 0 |
|---|---|
- E. Abatement.** Did the employer abate or mitigate most of the alleged violations.....

| | |
|---|---|
| Y | 0 |
|---|---|

| | |
|------------|-----|
| TOTAL | 0 |
| Good Faith | 25% |

CLOSING CONFERENCE NOTES:

Were any unusual circumstances encountered such as, but not limited to, abatement problems, expected contest and/or negative employer attitude? If yes, explain below.

Yes No

19. Closing Conference Checklist ("x" as appropriate)

- No Violations Observed
- Gave Copy Employer Rights
- Reviewed Hazards & Standards
- Discuss Employer Rights/Obligations
- Encouraged Informal Conference
- Offered Abatement Assistance
- Discussed Consultation Programs

Closing Conference Held with Employee Representative

Jointly Separately

Introduction

A MOSH limited scope inspection was initiated on 10/07/10 by Ms. Cristina Campbell, MOSH Industrial Hygienist as a result of a referral by Maryland Department of Environment regarding possible exposure to mercury from crushing of fluorescent lightbulbs while operating a drum crusher. The inspection was conducted at the MTA Cromwell Light Rail Maintenance Facility. The employees of MTA are represented by Amalgamated Transit Union (ATU), Local 1300.

Opening Conference

An opening conference was conducted on 10/07/10 at 10:45 a.m. by Ms. Campbell with Mr. John Sumpton, Maintenance Supervisor, Mr. John Stone, ATU representative, and Ms. Nadine Pierre-Charles, Environmental Analyst. The purpose, scope, and nature of the inspection were discussed and the employer's rights and responsibilities were explained. The employer was given copies of the Maryland Occupational Safety and Health Act and Regulations.

Walkaround Inspection

A walkaround inspection was conducted on 10/07/10 at 11:15 a.m. by Ms. Campbell with Ms. Pierre-Charles and Mr. Sumpton. The Aircycle Bulb Eater® is a lamp crushing machine that processes spent fluorescent lamps into small, fragmented pieces. The machine, which contains an entry tube, spinner assembly, and filters is designed to fit onto an empty 55-gallon drum where intact bulbs are fed into the machine and the crushed pieces are collected inside the drum. One 55 gallon drum can hold anywhere from 300 to 1,350 bulbs depending on the diameter and length of the lamps. Literature from Aircycle alleges that the Bulb Eater® can crush "fluorescent lamps of any length into 100% recyclable material while capturing over 99.99% of the vapors released". The unit is equipped with first and second stage high efficiency particulate (HEPA) filters which filter out dust particulates, and a third stage activated carbon filter formulated with sulfur which filters out mercury vapor and neutralizes it to mercuric sulfide. The operator turns the unit on and feeds lamps into an entry tube where they are pulled into the unit by vacuum suction and crushed into small pieces. It takes approximately 1-2 seconds to crush one lamp. Once the bulbs are crushed and the operator presses the STOP button, the crusher motor stops and the vacuum continues to purge for an additional 30 seconds to remove any particulates and vapor. Clean air is exhausted out through a tube on the top of the unit. The Bulb Eater® operating procedures state that the first stage filter must be changed at least twice per drum, and the second stage filter be changed at least once every ten drums. The carbon filter will last the life of the machine. Filters are to be sealed and placed inside the full drum. The spinner assembly should be changed every 10 full drums of lamps or as needed. Different size entry tubes for feeding the bulbs in the crusher are available for purchase, and use of the correct size tube helps to maintain the integrity of the lamp throughout the crushing process and minimize external breakage. The machine housing is equipped with a safety shut off which prevents the operation of the machine if it is not installed on a drum.

An Aircycle Bulb Eater®, Model 55VRS-U Premium, is used onsite in the maintenance building at MTA Cromwell Light Rail Maintenance Facility to crush spent lamps collected from light rail cars and buildings onsite. According to Mr. Sumpton, employees crush bulbs immediately after they are removed from service and do not accumulate bulbs in between crushing events. Depending on the number of spent bulbs removed from service, employees can operate the drum crusher up to 2 times per day for up to 10 minutes at one time. Ms. Pierre-Charles stated that it typically takes 8-10 months to fill up one drum. Facilities Maintenance employees from the North Avenue facility are responsible for changing out the drum and changing the filters. According to Ms. Pierre-Charles, when employees break a bulb they are to use a broom and dustpan to sweep the remains and place into the drum crusher. Employees are provided and required to wear safety glasses and PVC-coated gloves when handling bulbs or operating the crusher. Ms. Pierre-Charles stated that she provides training to employees which includes watching the safety video from the manufacturer.

Sampling

Sampling for mercury was performed on 11/09/10 while a Facilities Maintenance employee changed the first stage filter. The employee was equipped with a Gilian low flow sampling pump (Model LFS-113D, DLLR Serial # 19896), used to sample for mercury vapor using a HYDRAR tube and mercury particulate using a prefilter consisting of a 0.8 µm mixed cellulose ester fiber filter placed in front of the tube. Lab analysis reports revealed non-detectable levels of mercury over the 12-minute period. See attached lab reports.

Employee Interviews

Employees interviewed stated that they always wear safety glasses and PVC-coated gloves while operating the drum crusher and while performing maintenance such as changing filters and drums. Employees indicated that they had received training from their supervisor and had watched a training video regarding the use, operation, care, and maintenance of the drum crusher. Employees were aware that fluorescent lamps can contain mercury, and were familiar with good work practices and PPE to prevent exposure to mercury.

Records Review

The employer maintained OSHA 300 logs and summaries, however did not maintain separate logs for each light rail car maintenance facility. The employer stated that they had maintained and implemented a written hazard communication program. The employer maintained standard operating procedures for the handling and storage of universal waste, and had maintained training records and maintenance logs.

Closing Conference

A closing conference was conducted on 11/09/10 at 9:45 a.m. by Ms. Campbell with Mr. Dennis Rafferty, Occupational Safety and Health Manager, Mr. Ames, and Mr. Morris. The referral items, inspection findings, recommendations for citation, and potential methods of abatement were discussed. The employer was provided a copy of the MOSH Closing Conference Guide.

| | | | |
|-----------------------|---|-------------|----------|
| CSHO Signature |  | Date | 11-19-10 |
| Accompanied By | | | |

Department of Labor, Licensing and Regulation
 Division of Labor and Industry
 Maryland Occupational Safety and Health



Worksheet

Fri Nov 19, 2010 4:35PM

| | |
|-------------------|-----------|
| Inspection Number | 314408410 |
| Opt. Insp. Number | 00110 |

| | | | | | |
|--------------------|---------------------------------|-----------------|-----------|------------|-------|
| Establishment Name | Maryland Transit Administration | | | | |
| Type of Violation | O Other Than Serious | Citation Number | 00 / | Item/Group | 000 / |
| Number Exposed | 24 | No. Instances | 1 | REC | |
| Std. Alleged Vio. | 1904.30(a) | | Egregious | | |

| | | | |
|----------------------------------|---------------|---------------|--------------------------|
| Abatement Completed Code | Days to Abate | Days Type | Final Abatement Due Date |
| X Abatement Completed | | W | |
| Abatement Documentation Required | Date Abated | Date Verified | |
| No | 11/10/2010 | 11/10/2010 | |

| MULTISTEP | | | | |
|-----------|------|----------|-------|----------------|
| Type | Days | Due Date | Track | Completed Code |
| | | | | |

| | |
|-----------------|--|
| Substance Codes | |
|-----------------|--|

AVD/Variable Information:

29 CFR 1904.30(a): The employer did not keep a separate OSHA 300 Log for each establishment that was expected to be in operation for one year or longer.

- (a) Date of Violation: 10/07/10
 Condition: The employer maintained one OSHA 300 Log for all light rail car maintenance facilities for each of the years 2007, 2008, 2009, and 2010.

| Penalty Calculations | | | | Adjustment Factors | | | Calculated Penalty | Proposed Adjusted Penalty |
|-----------------------------------|-------------|---------|-----------|--------------------|------------|---------|-----------------------------|---------------------------|
| Severity | Probability | Gravity | GBP | Size | Good Faith | History | | |
| 1 Category I - Other Than Serious | 3 | 2 | 1,000.00 | 0 | 25 | 10 | 650.00 | .00 |
| Repeat Factor | | | Quick Fix | | | | Public Sector no penalty | |

| | | | |
|--------------------|--|-----------|---------------------------------|
| Employee Exposure: | | | |
| Occupation | Light Rail Car Maintenance | Employer | Maryland Transit Administration |
| Duration | 2 years | Frequency | 1x/week, 5min |
| Employee Name | John Stone | | |
| Address | 1214 Crawford Drive Glen Burnie, MD 21061 | Phone | |
| Occupation | Facilities maintenance | Employer | Maryland Transit Administration |
| Duration | 2 years | Frequency | 5x/year, 10 min |
| Employee Name | David Williams | | |
| Address | 414 Hillview Drive Apt 104 Linthicum, MD 21090 | Phone | |

Instance Description: A. Hazard B. Equipment C. Location D. Injury/Illness E. Measurements

| |
|-------------------------|
| Date of Exposure |
| 10/07/10 |

Condition - Describe the following:

Task Being Performed (Including equipment or machinery used):

Employees perform tasks related to the maintenance of light rail cars.

How Standard Violated (Include All Pertinent Measurements):

The employer did not maintain an OSHA 300 log and summary for each establishment; one log was kept that included employees that worked at the Cromwell Light Rail Maintenance facility and the North Avenue Light Rail Maintenance facility. This occurred in 2007, 2008, 2009, and 2010.

Stress (If applicable):

Little, if any.

Exposure to Condition: Actual Past Potential

Number of Exposed Employees:

24 employees work at the Cromwell Light Rail Maintenance facility.

How Exposed:

All light rail maintenance employee injuries were recorded on one OSHA 300 Log for years 2007, 2008, 2009, 2010.

Length of Time Condition Existed (According to Whom):

At least three years. Mr. Rafferty speculated that the OSHA 300 Logs and Summaries had always been kept in the same manner.

Length of Time of Employee(s) Exposure (According to Whom):

At least three years. Mr. Rafferty speculated that employee injuries of all light rail maintenance establishments had always been maintained on one log.

Frequency of Exposure (According to Whom):

Administrative requirement.

Proximity to Condition (Justify Value used in Probability):

Administrative requirement.

Hazard - Describe the following

Hazard (Associated with Condition):

Maintaining OSHA 300 Logs for each establishment helps employers keep track of the types of occupational injuries and illness that are incurred by employees.

Severity (Include Reasonably Predictable Injuries/Illnesses):

Other than serious.

Actual Harm (If Applicable):

N/A

Measurements (Validate Each Measurement & Include Applicable Test Equipment):

| |
|--------------|
| Photo Number |
| |

Probability:

| | | | | | |
|------------------|------------------|--------------------|-------------------|--------------|------------|
| a. NO. EMPLOYEES | b. FREQ. OF EXP. | c. PROX. TO DANGER | d. STRESS FACTORS | e. SUB-TOTAL | f. PROB Q. |
|------------------|------------------|--------------------|-------------------|--------------|------------|