

U.S. Department of Labor

Occupational Safety and Health Administration
Saint Louis Area Office
1222 Spruce Street, Room 9.104
Saint Louis, MO 63103



August 26, 2019

Richard Yoebstl
15231 State Highway 51
Dudley, MO. 63936

RE: OSHA Complaint No. 1451965

Dear Mr. Yoebstl:

In response to your complaint concerning safety and/or health hazards at John J. Pershing Vamc, the Occupational Safety and Health Administration (OSHA) conducted an inspection. That inspection was completed on 05/07/2019. The results of our investigation of your complaint items are as follows:

Complaint item: Inspection findings:

Maintenance employees are required to access roof mounted equipment without adequate fall protection. Employees are supplied full body harnesses but there are no anchorage points to tie off to. There is at least one case where there is no ladder is supplied and employees are required to climb along the roof edge to access equipment.

The inspection found that maintenance employees did access roof mounted equipment in areas where there were no guard rails and no anchorage points to attach fall protection.(see citation)


Attached for your information is a copy of the OSHA-2, Citation and Notification of Penalty, which was issued to the employer on 8/22/2019 and should have been posted at the workplace for at least three days after receipt. If you do not agree with our inspection results, you may contact me for a clarification of the matter.

Section 11(c) of the Occupational Safety and Health Act protects employees from being discriminated against because of their involvement in protected activities related to safety and health. If you believe you are being treated differently or action is being taken against you because of your safety or health activity, you may file a complaint with OSHA. You should file this complaint as soon as possible, because OSHA normally can accept only those complaints filed within 30 days of the alleged discriminatory action.

Please feel free to contact the office at (314) 425-4249 if you have any questions or concerns.

Your action on behalf of safety and health in the workplace is sincerely appreciated.

Sincerely,


William McDonald
Area Director
Enclosure

U.S. Department of Labor

Occupational Safety and Health Administration
Saint Louis Area Office
1222 Spruce Street, Room 9.104
Saint Louis, MO 63103



August 26, 2019

Richard Yobstl
15231 State Highway 51
Dudley, MO 63936

RE: OSHA Complaint No. 1461730

Dear Mr. Yobstl:

In response to your complaint concerning safety and/or health hazards at John J Pershing Va Medical Center, the Occupational Safety and Health Administration (OSHA) conducted an inspection. That inspection was completed on 05/07/2019. The results of our investigation of your complaint items are as follows:

Complaint item: Inspection finding:

Complainant alleges:

There is a major Freon leak on a high Freon generating chiller. (G-61 Chiller Plant)- The inspection found that the employer had a Freon monitor in the chiller room. When the monitor detects a leak an alarm is sounded outside the chiller room. Employees in the chiller room were not made aware if there was a leak since the alarm could not be heard above the noise of the equipment inside the room.(see citation)

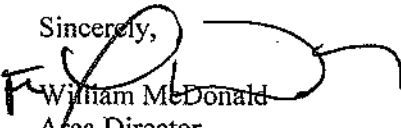
Attached for your information is a copy of the OSHA-2, Citation and Notification of Penalty, which was issued to the employer on 8/21/2019 and should have been posted at the workplace for at least three days after receipt. If you do not agree with our inspection results, you may contact me for a clarification of the matter.

Section 11(c) of the Occupational Safety and Health Act protects employees from being discriminated against because of their involvement in protected activities related to safety and health. If you believe you are being treated differently or action is being taken against you because of your safety or health activity, you may file a complaint with OSHA. You should file this complaint as soon as possible, because OSHA normally can accept only those complaints filed within 30 days of the alleged discriminatory action.

Please feel free to contact the office at (314) 425-4249 if you have any questions or concerns.

Your action on behalf of safety and health in the workplace is sincerely appreciated.

Sincerely,


William McDonald
Area Director
Enclosure

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103



Notice of Unsafe or Unhealthful Working Conditions

To:
JOHN J. PERSHING VAMC
1500 N. Westwood Blvd
Poplar Bluff, MO 63901

Inspection Number: 1401665
Inspection Date(s): 05/07/2019 - 08/20/2019
Issuance Date: 08/21/2019
Reply To: Larry Davidson

Inspection Site:
1500 N. Westwood Blvd
Poplar Bluff, MO 63901

The violation(s) described in this Notice 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 Notice of Unsafe and Unhealthful Working Conditions (Notice) describes violations of the Occupational Safety and Health Act of 1970, the Executive Order 12196, and 29 CFR 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters. You must abate the violations referred to in this Notice by the dates listed unless, within 15 working days (excluding weekends and Federal holidays) from your receipt of this Notice you request an Informal Conference with the US Department of Labor OSHA Area Office at the address shown above. Please refer to the enclosed publication "Federal Employer Rights and Responsibilities Following an OSHA Inspection" which outlines the appeals procedure for this Notice and which should be read in conjunction with this form. If you have any questions please contact this office at 314-425-4249

Posting – The law requires that a copy of this Notice 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 the nature of the employer's operations, where it will be readily observable by all affected employees. This Notice must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Notification of Corrective Action – For each violation which you do not appeal, you must provide abatement certification to the Area Director of the OSHA office issuing the Notice and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the Notice indicates that the violation was corrected

during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A template abatement certification letter is enclosed with this Notice. In addition, where the Notice indicates that abatement documentation is required, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Program Responsibilities - Section 19(a)(1) of the OSH Act requires the head of each Federal agency to comply with applicable occupational safety and health standards. The intent of this section and Executive Order 12196 is implemented through 29 CFR 1960.8(b). If you are cited for violations of applicable safety and health standards, you have also violated the program element 29 CFR 1960.8(b), which stipulates:

"The head of each agency shall comply with the Occupational Safety and Health Administration standards applicable to the agency."

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director within 15 working days after receipt of this Notice. As soon as the time, date, and place of the informal conference have been determined please complete the enclosed "Notice to Employees" and post it where the Notice is posted. During such an informal conference you may present any evidence or views you believe would support an adjustment to the Notice. In addition, bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

If you are considering a request for an informal conference to discuss any issues related to the Notice, you must take care to schedule it early enough to allow time to appeal after the informal conference should you decide to do so. Please keep in mind that a written letter of intent to appeal must be submitted by the Agency's National OSH Manager to the OSHA Area Director within 15 business days of your receipt of the OSHA Notice to request that OSHA's Regional Administrator review the case.

Inspection Activity Data - You should be aware that OSHA publishes information on its inspection and notice 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 notice. You are encouraged to review the information concerning your establishment at www.OSHA.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES

An informal conference has been scheduled with the Occupational Safety and Health Administration (OSHA) to discuss the Notice of Unsafe or Unhealthful Working Conditions (Notice) issued on 08/21/2019. The conference will be held by telephone or at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET – FEDERAL AGENCIES

Inspection Number: 1401665

Agency Name: JOHN J. PERSHING VAMC

Inspection Site: 1500 N. Westwood Blvd, Poplar Bluff, MO 63901

Issuance Date: 08/21/2019

Employer Instruction: List the specific method of correction for each item on the enclosed notices that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103.** Failure to submit a timely certification of corrective action may result in a notification to your agency DASHO.

Notice Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____

By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1401665
Inspection Date(s): 05/07/2019 -
08/20/2019
Issuance Date: 08/21/2019



Notice of Unsafe and Unhealthful Working Conditions

Company Name: JOHN J. PERSHING VAMC
Inspection Site: 1500 N. Westwood Blvd, Poplar Bluff, MO 63901

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

29 CFR 1910.28(b)(1)(i): The employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that was 4 feet (1.2 m) or more above a lower level was protected from falling by one or more of the following: Guardrail systems, safety net systems, or personal fall arrest systems:

At the time of the inspection, maintenance employees were accessing roof top units in areas where there was no fall protection systems including but not limited to the following;

- a) AC-3 "B" wing roof inside fenced areas.
- b) AC-6 Building #1 mini-split area.
- c) Building #8 paint shop unit.
- d) AC-6 exhaust hood kitchen canteen.
- e) AC-15 area where fence was not installed there was no 6' warning line.
- f) Building #7 Boiler plant exhaust fans.
- g) Building 23 rooftop units.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 11/25/2019

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1401665
Inspection Date(s): 05/07/2019 -
08/20/2019
Issuance Date: 08/21/2019



Notice of Unsafe and Unhealthful Working Conditions

Company Name: JOHN J. PERSHING VAMC

Inspection Site: 1500 N. Westwood Blvd, Poplar Bluff, MO 63901

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

29 CFR 1910.147(c)(4)(ii)(D): The energy control procedures did not clearly and specifically outline the requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control

At the time of the inspection, the employer had not developed and implemented lockout procedures that included steps to verify that the equipment was locked out. The employer supplied procedures for 16 rooftop units that did not include the method to test that they were locked out before maintenance was performed.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 09/17/2019

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1401665
Inspection Date(s): 05/07/2019 -
08/20/2019
Issuance Date: 08/21/2019



Notice of Unsafe and Unhealthful Working Conditions

Company Name: JOHN J. PERSHING VAMC
Inspection Site: 1500 N. Westwood Blvd, Poplar Bluff, MO 63901

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

29 CFR 1910.147(c)(6)(i)(C): Where lockout was used for energy control, the periodic inspection did not include a review, between the inspector and each authorized employee, of that employee's responsibilities under the energy control procedure being inspected:

At the time of the inspection, the employer had conducted a periodic inspection of the energy control program for one authorized employee. No records were found for other authorized employees.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 09/17/2019

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1401665
Inspection Date(s): 05/07/2019 -
08/20/2019
Issuance Date: 08/21/2019



Notice of Unsafe and Unhealthful Working Conditions

Company Name: JOHN J. PERSHING VAMC
Inspection Site: 1500 N. Westwood Blvd, Poplar Bluff, MO 63901

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


29 CFR 1910.1200(h)(3)(i): Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);

At the time of the inspection, employees had not been trained in the methods used to detect exposure to Freon in the workplace. Employees had not been trained that the alarms for the continuous monitoring devices installed in the chiller rooms could not be heard while in the room with equipment operating.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 09/17/2019



William McDonald
Area Director