

January 7, 2015

Mr. Robert Malley, Director
Cape Elizabeth Public Works Department
10 Cooper Drive
Cape Elizabeth, ME 04107

Request No. 307102

Dear Bob Malley,

Thank you for choosing SafetyWorks! In response to your request, on 12/19/2014, Christina Perry, Occupational Safety & Health Specialist, and Michael LaPlante, Program Manager, conducted a Safety and/or Health survey at your facility. The enclosed report presents hazards identified and some recommendations for the correcting of serious and other than serious identified hazards. We encourage you to inform your employees of the action you take. This knowledge will help them do their part in maintaining a safe and healthful workplace and it will let them know of your concern for their welfare.

On December 5, 2014, SafetyWorks! received a request from you for a wall-to-wall consultation of the Transfer Station located at 21 Dennison Drive (facility) in order to identify workplace health and safety concerns and determine compliance status. This inspection included a review of all related written programs and training records, as well as a walkthrough inspection of the transfer station. Overall compliance was good, and deficiencies which were identified are described in the enclosed report.

Due to a recent citizen (non-worker) fatality in the compactor area of the facility, SafetyWorks! was also asked to provide feedback on the safety of citizen activity (vehicle and foot traffic) in the vicinity of the compactor. It should be noted that the Maine Department of Labor does not have jurisdiction over activities or accidents involving private citizens; however, we have provided the following observations and recommendations in an effort to assist with the Town's efforts to improve safety at the facility as it serves to simultaneously improve conditions for employees as well as the public:

- Vehicular traffic was observed to violate posted speed limits when entering the facility (specifically, vehicles were observed to be speeding as they entered and passed the swap shop). Other than limited signage, there are no controls in place to limit traffic speed (e.g. speed bumps, designated traffic lanes, etc.).
 - Consider the use of speed control methods/devices.

- The flow of vehicle and foot traffic is unorganized - vehicles park wherever there is space and citizens walk from their vehicles to the compactor while other citizens drive their vehicles up to it. In addition, citizens must drive around or between rolloff recycling containers (“silver bullets”) in the vicinity of the compactor. The rolloff containers impede driver visibility. There are no designated walking paths or driving routes.
 - Consider making designated vehicle and foot traffic routes using paint, cones, railings or similar means. It is recommended that foot traffic areas be separated from vehicle traffic by rigid barriers if both foot and vehicle traffic is to continue in the compactor area.
 - Consider relocating the rolloff containers so that citizens using these are not exposed to traffic hazards in the vicinity of the compactor.
 - Consider having a designated employee direct traffic.
 - Consider having a separate entrance for citizens walking up to the compactor and an area physically guarded from vehicle traffic for them to stand while disposing of trash.
 - Consider prohibiting vehicles from entering the compactor building, thus requiring all users to walk their trash up to the compactor. Note that some citizens may require assistance in this scenario.

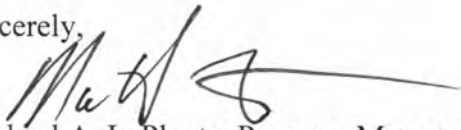
- Much of the traffic at the transfer station is for citizens visiting the swap shop. Although the swap shop is located just inside the entrance to the facility, citizens must drive through the entire site in order to get to the swap shop parking area.
 - Consider relocating the swap shop or providing alternate access to it to reduce traffic in the vicinity of the compactor or eliminate it altogether.
 - Maintain one-way traffic flow.

- Citizens are asked, but not required, to keep pets and children in vehicles in the vicinity of the compactor. Not only can pets and children be difficult to see, but they can be distracting to drivers.
 - Consider requiring citizens to follow safety measures.
 - Consider putting up mirrors in strategic locations to reduce “blind spots”.

We look forward to hearing from you concerning the steps you are taking, or plan to take, in response to this report. This information will help us to assist you in providing a safe and healthful workplace for your employees. It can also provide us with information about the effectiveness of your program.

It is our intent that all hazards identified in this report be corrected. From the date of the consultation, you will be exempt from routine inspection for six (6) months by the Bureau of Labor Standards (*exemption only applies to Public Sector Workplaces*). To insure that we provide our services in a timely manner, we are now requiring that an Abatement Certification letter be sent to us. Once received, additional consultation requests can be made. This requirement may be waived if there is a new process or if warranted by our office. If you have any questions, please contact us at 1-877-SAFE 345 or visit our website at www.safetyworksmaine.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael A. LaPlante', with a long horizontal flourish extending to the right.

Michael A. LaPlante, Program Manager
Workplace Safety & Health Division

Location Inspected: **Transfer Station**
Consultation Number: **168837**
Consultation By: **Christina Perry**

On 12/19/14, the consultant noted above conducted a safety and/or health consultation. Below are the hazards indentified at the Cape Elizabeth Transfer Station to be corrected within **six (6) months** from the date of the consultation conducted.

1. 29CFR1910.1200(e)(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, material safety data sheets, and employee information and training will be met, and which also includes the following within this subsection...

* The employer must have a specific written Hazard Communication program for the chemicals employees are expected to use and must provide initial training to employees on this program. The program must include information on container labeling, how the employer will inform employees of the hazards of non-routine tasks, etc. In addition, an index list of the hazardous chemicals (index) known to be present in the workplace shall be part of the written hazard communications program.

- The current program covers the Public Works Department as a whole and does not address the transfer station specifically. Although very few chemicals are used at the transfer station (e.g. grease for compactor rollers), a Hazard Communication program is required when any employees are exposed to chemical hazards. The written program and training must address workplace-specific information on chemical hazards and hazard communication.

2. 29CFR1910.1200(f)(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:

*An unlabeled container of grease? (for compactor rollers) was found in the room beneath the compactor chute. Secondary containers must be labeled with the identity of the hazardous chemical and appropriate hazard warnings, at a minimum.

3. 29CFR1910.1200(g)(8)

The employer shall maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s) (Electronic access and other alternatives to maintaining paper copies of the safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options).

* The Material Safety Data Sheets (MSDSs)/Safety Data Sheets (SDS) were not available for all chemicals used in the workplace (e.g. grease for compactor rollers).

4. 29CFR1910.1030(c)(1)(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.

* The current written plan met most of the requirements; however, it did not include the required exposure determination (the list of job tasks and employees who could be exposed to blood or other potentially infectious materials), but rather referenced the separate Hazard Assessments for personal protective equipment (PPE). A PPE Hazard Assessment was not available for all tasks covered under the standard (e.g. cleaning restrooms). The exposure determination must be part of the exposure control plan. In addition, the plan may cover the entire Public Works Department, but must include workplace-specific information.

5. 29CFR1910.1030(h)(1)(ii)(B)

A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability of receive vaccination as required by paragraph (f)(2).

* Documentation of the Hepatitis shot series or signed waivers of declination were not complete for all employees identified as having occupational exposure.

6. 29CFR1910.305(b)(1):

Conductors entering boxes, cabinets, or fittings shall also be protected from abrasion, and openings through which conductors enter shall be effectively closed. Unused openings in cabinets, boxes, and fittings shall be effectively closed.

* All electrical panels and junction boxes need to have all unused openings plugged to prevent accidental contact. A knockout was missing on an electrical outlet in the transfer station office.

7. 29CFR1910.26(c)(1)

General." To get maximum serviceability, safety, and to eliminate unnecessary damage of equipment, good safe practices in the use and care of ladder equipment must be employed by the users.

* Ladder(s) was not maintained or used in a safe manner. The manufacturers' duty rating label was missing from the step ladder in the transfer station office.

8. 29CFR1910.303(g)(1)(i):

Working clearances. Except as required or permitted elsewhere in this subpart, the dimension of the working space in the direction of access to live parts operating at 600 volts or less and likely to require examination, adjustment, servicing or maintenance while alive may not be less than indicated in Table S-1. In addition to the dimensions shown in Table S-1, workspace may not be less than 30 inches wide in front of the electric equipment. Distances shall be measured from the live parts if they are exposed or from the enclosure front or opening if the live parts are enclosed. Concrete, brick, or tile walls are considered to be grounded. Working space isn't required in back of assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts such as fuses or switches on the back and where all connections are accessible from locations other than the back.

* All electrical panels and disconnects need a clear work space of 36 inches. The electrical panel in the transfer station office did not have the required clearance.

9. 29CFR1910.157(c)(1):

Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

* The fire extinguisher in the swap shop was appropriately mounted and located, but was not identified.

10. 29CFR1910.157(e)(2):

Portable extinguishers or hose used in lieu thereof under (d)(3) of this section shall be visually inspected monthly.

* The fire extinguisher in the dozer was missing a monthly inspection.

11. 29CFR1910.303(b)(1):

Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

* The sheathing was damaged on a power cord for the compactor where the cord enters the machine.

12. 29CFR1910.305(a)(2)(i)(b)

Temporary wiring may be used for a period not to exceed 90 days for Christmas decorative lighting, carnivals, and similar purposes.

* Extension cords are for temporary use only (90 days or less). An extension cord observed in the room beneath the compactor appeared to be in long-term use.

13. 29CFR1910.23(c)(1):

Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides...

* A railing shall be in place where openings in a floor or platform expose employees or objects to a fall of 4 feet or greater. Such a fall hazard was identified at the top of the stairs near the guardrail at the north side of the compactor building. In addition, a potential fall hazard was identified at the retaining wall beside the wood pile which had plastic drums to keep vehicles away, but is not positive protection from a fall by the retaining wall.

14. T.26 Ch.6 561

General Duty of Employers - It is declared the public policy of the State of Maine that workers employed in any occupation shall be protected from hazards to their health or safety and that working conditions shall be maintained that will be reasonably free of hazards to their health and safety.

* An employee indicated that there have been accidents in the past where vehicles have backed up into the walls/door of the office in the compactor building. Currently, traffic cones are in place to provide citizens with a visible barrier to reference when driving into the compactor building. The cones do not offer any physical protection to employees entering/exiting or working in the office. Physical barriers are needed to reduce the potential for worker injury.
