



City Union of Baltimore

Local 800, AFT, AFL-CIO

President

Antoinette Ryan-Johnson

**Written Testimony Submitted to the
Maryland House Appropriations Committee
HB 176: Labor and Employment – Occupational Safety and Health – Revisions
Davis Martinez Public Employee Safety and Health Act
February 18, 2025
SUPPORT**

Good afternoon Chair Barnes, Vice Chair Chang, and members of the House Appropriations Committee. My name is Antoinette Ryan-Johnson, and I am a public employee who has been working for the City of Baltimore for over almost 28 years. I am also the president of the City Union of Baltimore, AFT Local 800, the labor union representing thousands of city employees working in various different city agencies. In these capacities, I urge a favorable report to HB 176.

Of particular interest to us in CUB is the provision of this bill that would lift the monetary fine exemption in our health and safety laws for public entities. In 2019, City Union of Baltimore lost one of our members, Trina Cunningham, in a workplace accident at the Patapsco water treatment facility when she fell through a faulty catwalk above a tank holding untreated sewage. This accident was not only tragic, but preventable, as the subsequent inspection of the facilities done by MOSH found numerous serious workplace safety violations at the plant, including a failure to inspect and maintain walking surfaces on the catwalks above the cascading effluent outfall, which was the direct cause of Ms. Cunningham's death.

At the closing conference between MOSH, city DPW, and the union to present MOSH's findings, it was revealed that MOSH found 24 serious safety violations at the Patapsco plant, "serious" meaning "a violation where there is a substantial probability that death or serious physical harm could result." After each of the violations listed on MOSH's report, the proposed penalty was stated as "\$0.00," meaning that despite these dozens of violations that can be a cause of death or serious injury, violations that would easily warrant a six-figure penalty, because of our broken state Occupational and Safety laws, there would be no penalty for causing the death of this city worker. I have included the MOSH closing document in my testimony, so that you can be as outraged as was to see a city employee's life's worth reduced so much.

Our support for this bill is not so that we may bankrupt public entities. Our support for this bill is simply that there must be some financial incentive to make sure our public entities are doing all they can to keep public employees safe. Public employment in Maryland is, unfortunately, a very dangerous job, and thanks to our broken Workplace Safety and Health Laws, it is not an

exaggeration to say being a public employee in Maryland in general and Baltimore in specific is one of the most dangerous jobs, unfortunately, in the county. By way of example, just in the past 10 years, there have been over 300 MOSH/OSHA violations found in city agencies, one of the worst track records in the country. We must do more to be sure our public employees are safe at work. We again call on the passage of HB 176. Thank you.

COPY

Citation and Notification of Penalty

To:
Mayor and City Council of Baltimore
401 East Fayette Street, 7th Floor
Baltimore, MD 21202

Inspection Number: 1405408
Inspection Date: 06/03/2019-09/27/2019
Issuance Date: 10/17/2019
Case No.: M1380-030-19

Inspection Site:
DPW Patapsco Wastewater Treatment Plant
3501 Asiatic Avenue
Baltimore, MD 21226

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.

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1405408
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Issuance Date: 10/17/2019

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.

Maryland Department of Labor
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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.

Maryland Department of Labor
Division of Labor and Industry
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Issuance Date: 10/17/2019

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with **MOSH** to discuss the citation(s) issued on

10/22/2019. The conference will be held at: _____

(location)

on _____ at _____ am/pm.

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.

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1405408
Case No.: M1380-030-19
Inspection Date: 06/03/2019-09/27/2019
Issuance Date: 10/17/2019

Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

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

29 CFR 1910.22(d)(1): The employer did not ensure that walking-working surfaces were inspected, regularly and as necessary, and maintained in a safe condition:

- (a) Date of Violation: 06/03/19
 Location: Catwalk above Grit Chamber No. 6
 Condition: The employer did not inspect and maintain walking-working surfaces where two grates on a catwalk above the grit chamber outfall became dislodged, which led to an employee falling through the metal grating and plummeting from the damaged catwalk into the cascading effluent outfall.

- (b) Date of Violation: 06/03/19
 Location: Catwalk above Grit Chamber No. 5
 Condition: The employer did not inspect and maintain walking-working surfaces where the four-foot wide catwalk above the grit chamber, consisting of six adjacent grates, was found to have six loose and ten missing clips.

- (c) Date of Violation: 06/03/19
 Location: Catwalk above Grit Chamber No. 4
 Condition: The employer did not inspect and maintain walking-working surfaces where the four-foot wide catwalk above the grit chamber, consisting of six adjacent grates, was found to have nine loose and twelve missing clips.

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Issuance Date: 10/17/2019

Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

- (d) Date of Violation: 06/03/19
Location: Catwalk above Grit Chamber No. 3
Condition: The employer did not inspect and maintain walking-working surfaces where the four-foot wide catwalk above the grit chamber, consisting of six adjacent grates, was found to have four loose and four missing clips.
- (e) Date of Violation: 06/03/19
Location: Catwalk above Grit Chamber No. 2
Condition: The employer did not inspect and maintain walking-working surfaces where the four-foot wide catwalk above the grit chamber, consisting of six adjacent grates, was found to have six loose and eleven missing clips.
- (f) Date of Violation: 06/03/19
Location: Catwalk above Grit Chamber No. 1
Condition: The employer did not inspect and maintain walking-working surfaces where the four-foot wide catwalk above the grit chamber, consisting of six adjacent grates, was found to have fifteen loose and two missing clips.
- (g) Date of Violation: 06/03/19
Location: Floor Area Surrounding Catwalks 1-6
Condition: The employer did not inspect and maintain all walking-working surfaces surrounding the catwalk (1-6) areas that encompassed the center grated walkway and the outside concrete walkway.

Abatement documentation (photographs, receipts, copies of programs, training certification, etc.) is required for this item.

Date By Which Violation Must Be Abated:

October 30, 2019

Proposed Penalty:

\$0.00

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1405408
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Issuance Date: 10/17/2019

Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

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

29 CFR 1910.22(d)(2): Hazardous conditions on walking-working surfaces were not corrected or repaired before an employee used the walking-working surface again:

- (a) Date of Violation: 06/03/19
 Location: Catwalk above Grit Chamber No. 6
 Condition: The employer did not correct or repair damaged walking-working surfaces that existed for a minimum of one year, which led to an employee falling through metal grating on a catwalk above the grit chamber outfall as a result of two of the six grates becoming dislodged.

- (b) Date of Violation: 06/03/19
 Location: Catwalk above Grit Chamber No. 5
 Condition: The employer did not correct or repair damaged walking-working surfaces that existed for a minimum of one year where the four-foot wide catwalk above the grit chamber consisting of six adjacent grates was found to have six loose and ten missing clips.

- (c) Date of Violation: 06/03/19
 Location: Catwalk above Grit Chamber No. 4
 Condition: The employer did not correct or repair damaged walking-working surfaces that existed for a minimum of one year where the four-foot wide catwalk above the grit chamber consisting of six adjacent grates was found to have six loose and ten missing clips

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Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

- (d) Date of Violation: 06/03/19
Location: Catwalk above Grit Chamber No. 3
Condition: The employer did not correct or repair damaged walking-working surfaces that existed for a minimum of one year where the four-foot wide catwalk above the grit chamber consisting of six adjacent grates was found to have six loose and ten missing clips.
- (e) Date of Violation: 06/03/19
Location: Catwalk above Grit Chamber No. 2
Condition: The employer did not correct or repair damaged walking-working surfaces that existed for a minimum of one year where the four-foot wide catwalk above the grit chamber consisting of six adjacent grates was found to have six loose and ten missing clips

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- (f) Date of Violation: 06/03/19
Location: Catwalk above Grit Chamber No. 1
Condition: The employer did not correct or repair damaged walking-working surfaces that existed for a minimum of one year where the four-foot wide catwalk above the grit chamber consisting of six adjacent grates was found to have six loose and ten missing clips.
- (g) Date of Violation: 06/03/19
Location: Floor Area Center Grated Walkway Between Chambers 1-6
Condition: The employer did not correct or repair a damaged I-beam supporting the walking-working surface that encompassed the center grated walkway.

Abatement documentation (photographs, receipts, copies of programs, training certification, etc.) is required for this item.

Date By Which Violation Must Be Abated:

October 30, 2019

Proposed Penalty:

\$0.00

Maryland Department of Labor
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Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

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

29 CFR 1910.28(b)(1)(i)(A): The employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level was protected from falling by a standard guardrail system:

- (a) Date of Violation: 06/03/19
- Location: Four Corners of the Elevated Platform Adjacent to Chambers #1-#6
- Condition: Employees accessed an elevated platform 10 feet above the ground, via a fixed step through ladder located at each end of the platform where the openings were equipped with a single loose chain 42 inches above the walking working surface that was not being used.

Abatement documentation (photographs, receipts, copies of programs, training certification, etc.) is required for this item.

Date By Which Violation Must Be Abated:

October 30, 2019

Proposed Penalty:

\$0.00

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Case No.: M1380-030-19
Inspection Date: 06/03/2019-09/27/2019
Issuance Date: 10/17/2019

Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

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

29 CFR 1910.179(j)(2)(iii): Monthly inspections of hooks, with signed and dated reports, had not been performed on overhead cranes:

- (a) Date of Violation: 06/03/19
 Location: Grit Facility
 Equipment: (a) Demag F608-B14-UO-F1-H1 #US1-3460185 1987
 (b) Demag F608-B14-UO-F1-H1 #US1-34600355 1987
 Condition: Two overhead crane blocks with hooks had not been inspected in 2019.

Abatement documentation (photographs, receipts, copies of programs, training certification, etc.) is required for this item.

Date By Which Violation Must Be Abated:

October 30, 2019

Proposed Penalty:

\$0.00

Maryland Department of Labor
Division of Labor and Industry
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Issuance Date: 10/17/2019

Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

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

29 CFR 1910.179(j)(3): Complete periodic inspections of the crane were not performed at intervals as generally defined in paragraph (j)(1)(ii)(b) of this section:

- (a) Date of Violation: 06/03/19
Location: Grit Facility
Equipment: (a) Demag F608-B14-UO-F1-H1 #US1-3460185 1987
 (b) Demag F608-B14-UO-F1-H1 #US1-34600355 1987
Condition: The cranes had not been periodically inspected in the last 12 months.

Abatement documentation (photographs, receipts, copies of programs, training certification, etc.) is required for this item.

Date By Which Violation Must Be Abated:

October 30, 2019

Proposed Penalty:

\$0.00

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1405408
Case No.: M1380-030-19
Inspection Date: 06/03/2019-09/27/2019
Issuance Date: 10/17/2019

Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

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

29 CFR 1910.179(l)(1): A preventive maintenance program based on the crane manufacturer's recommendations was not established:

- (a) Date of Violation: 06/03/19
Location: Grit Facility
Equipment: (a) Demag F608-B14-UO-F1-H1 #US1-3460185 1987
 (b) Demag F608-B14-UO-F1-H1 #US1-34600355 1987
Condition: The employer had not implemented a preventative maintenance plan for the two over head cranes.

Abatement documentation (photographs, receipts, copies of programs, training certification, etc.) is required for this item.

Date By Which Violation Must Be Abated:

October 30, 2019

Proposed Penalty:

\$0.00

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1405408
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Issuance Date: 10/17/2019

Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

Citation 1 Item 7

Type of Violation: **Serious**

29 CFR 1910.179(m)(1): A thorough inspection of all ropes was not made at least once a month and a certification record which included the date of the inspection, signature of the person who conducted the inspection and an identifier for the ropes which were inspected was not kept on file where readily available to appointed personnel:

- (a) Date of Violation: 06/03/19
Location: Grit Facility
Equipment: (a) Demag F608-B14-UO-F1-H1 #US1-3460185 1987
(b) Demag F608-B14-UO-F1-H1 #US1-34600355 1987
Condition: An inspection of the wire ropes of the two cranes was not performed, nor certified.

Abatement documentation (photographs, receipts, copies of programs, training certification, etc.) is required for this item.

Date By Which Violation Must Be Abated:

October 30, 2019

Proposed Penalty:

\$0.00

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1405408
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Issuance Date: 10/17/2019

Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

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

29 CFR 1910.303(b)(1): Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

- (a) **Date of Violation:** 06/03/19
Location: Catwalk Between Chambers 4 and 5 in the Grit Facility
Condition: A 120 volt receptacle, located 24 inches above the metal grates, was exposed to contact by employees, hydrogen sulfide because the cover was not attached to the outlet box.

Abatement documentation (photographs, receipts, copies of programs, training certification, etc.) is required for this item.

<u>Date By Which Violation Must Be Abated:</u>	<u>October 30, 2019</u>
<u>Proposed Penalty:</u>	<u>\$0.00</u>

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1405408
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Issuance Date: 10/17/2019

Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

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

29 CFR 1910.307(c): Equipment, wiring methods, and installations of equipment in hazardous locations were not intrinsically safe, approved for the hazardous location, or safe for the hazardous location:

- (a) Date of Violation: On or About 07/23/19
Location: Grit Facility
Condition: Employees operated two overhead cranes in order to remove wastewater debris from grit chambers where elevated levels of hydrogen sulfide, a flammable gas, were detected and the cranes were not approved for use in hazardous locations.

- (b) Date of Violation: On or About 07/23/19
Location: Grit Facility
Condition: Employees operated electrical equipment including, but not limited to, chamber gate motors, wiring, receptacles, disconnects, and light fixtures which were damaged and corroded as to void their approval for hazardous locations, and where elevated levels of hydrogen sulfide, a flammable gas, were detected.

Abatement documentation (photographs, receipts, copies of programs, training certification, etc.) is required for this item.

Date By Which Violation Must Be Abated:

October 30, 2019

Proposed Penalty:

\$0.00

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1405408
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Issuance Date: 10/17/2019

Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

Citation 1 Item 10 **Type of Violation: Serious**

Labor and Employment Article, Section 5-104(a): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees:

- (a) **Date of Violation:** 06/03/19
 Location: Grit Facility
 Equipment: (a) Demag F608-B14-UO-F1-H1 #US1-3460185 1987
 (b) Demag F608-B14-UO-F1-H1 #US1-34600355 1987
 Condition: Employees were exposed to crushed by struck by hazards, while operating two overhead cranes used to remove grit from the chambers without successfully completing a written and practical examination documented by a written certification.

Among other methods, one feasible and acceptable abatement method to correct this hazard, is for the employer to comply with ASME B30.2-2016 Overhead and Gantry Cranes (Top Running Bridge, Single or Multiple Girder, Top Running Trolley Hoist) ASME B30.2-2016 2-3.3.3(c) and ASME B30.2-2016 2-3.3.3(e).

Abatement documentation (photographs, receipts, copies of programs, training certification, etc.) is required for this item.

Date By Which Violation Must Be Abated:

November 25, 2019

Proposed Penalty:

\$0.00

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1405408
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Issuance Date: 10/17/2019

Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

Citation 1 Item 11

Type of Violation: **Serious**

~~05-104(a)~~ Labor and Employment Article, Section 5-104(a): The employer did not furnish employment and a place of employment, which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees:

(a) Date of Violation: 06/03/19

Location: Grit Facility

Condition: Employees were exposed to inhalation, fire, and explosion hazards from toxic atmospheric gases, such as hydrogen sulfide, methane, and carbon monoxide, when working to remove grit from the wastewater chambers where the ventilation system was inoperable, electrical equipment was damaged, atmospheric building gas sensors were broken, and where facility operating procedures were not followed which included, but were not limited to: utilizing calibrated portable gas detectors during entry; following a buddy system during entry; ensuring Air Handling Units (MUAU-1 through MUAU-3) and Exhaust Fans (EF-1 through EF-3) are operable and activated to ensure adequate air changes. Other parts of the standard operating procedures not being followed were employees not logging pertinent information on the Pump and Blower Log and Gas Detector Log; entering the facility during normal operating conditions between 8:00am and 2:00pm; ensuring truck bay doors are opened two to three feet for ventilation; calibrating atmospheric building gas sensors; and ensuring secure closure of the building after tasks are completed.

Maryland Department of Labor
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Maryland Occupational Safety and Health (MOSH)

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Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

Among others, feasible and acceptable methods to correct this hazard include, but is not limited to, following City of Baltimore internal procedures (1) Wastewater Facilities Standard Operating Procedures SOP Title: Procedures Before Entering the Grit Facility WWW-PAT-GRT-1000 revised on 1/29/2018, (2) Wastewater Facilities Standard Operating Procedures SOP Title: Hydrogen Sulfide & Other Gas Monitoring at Grit Facility- Operating Procedure WWW-PAT-GRT-1001 revised on 1/29/2018, (3) Wastewater Facilities Standard Operating Procedures SOP Title: Grit Removal and Crane Operation WWW-PAT-GRT-1007 revised on 1/29/2018, and (4) Gas Detector Log Sheet.

Abatement documentation (photographs, receipts, copies of programs, training certification, etc.) is required for this item.

Date By Which Violation Must Be Abated:

October 30, 2019

Proposed Penalty:

\$0.00

Citation 2 Item 1

Type of Violation: **Other-than-Serious**

29 CFR 1910.23(b)(9): Ladders were not inspected before the initial use in each work shift, or more frequently as necessary, to identify any visible defects that could cause injury:

(a) Date of Violation: 06/03/19

Location: Grit Facility South West Corner

Condition: A permanent ladder had its bottom rung broken off and had not been inspected.

Date By Which Violation Must Be Abated:

November 25, 2019

Proposed Penalty:

\$0.00

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1405408
Case No.: M1380-030-19
Inspection Date: 06/03/2019-09/27/2019
Issuance Date: 10/17/2019

Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

Citation 2 Item 2

Type of Violation: **Other-than-Serious**

29 CFR 1910.29(b)(6): Guardrail systems were not smooth-surfaced to protect employees from injury, such as punctures or lacerations, and to prevent catching or snagging of clothing:

- (a) Date of Violation: 06/03/19
Location: Elevated Platform Adjacent to Chamber No. 6 in the Grit Facility
Condition: Employees accessed an elevated platform at least one time per month where the top and mid rails of the guardrail system were bent and broken causing the guardrails to not be smooth in multiple places.
- (b) Date of Violation: 06/03/19
Location: Elevated Platform Adjacent to Chamber No. 5 in the Grit Facility
Condition: Employees accessed an elevated platform at least one time per month where the top and mid rails of the guardrail system were bent and broken causing the guardrails to not be smooth in multiple places.

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1405408
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Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

- (c) Date of Violation: 06/03/19
Location: Elevated Platform Adjacent to Chamber No. 5 in the Grit Facility
Condition: Employees accessed an elevated platform at least one time per month where the top and mid rails of the guardrail system were bent and broken causing the guardrails to not be smooth in multiple places.

Date By Which Violation Must Be Abated:

October 30, 2019

Proposed Penalty:

\$0.00



Steven S. Lakin, Deputy Commissioner

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1405408
Case No.: M1380-030-19
Inspection Date: 06/03/2019-09/27/2019
Issuance Date: 10/17/2019

Citation and Notification of Penalty

Company Name: Mayor and City Council of Baltimore

Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

**INVOICE/
DEBT COLLECTION NOTICE**

Summary of Penalties for Inspection Number: 1405408

Citation 1 Item 1, Serious	\$0.00
Citation 1 Item 2, Serious	\$0.00
Citation 1 Item 3, Serious	\$0.00
Citation 1 Item 4, Serious	\$0.00
Citation 1 Item 5, Serious	\$0.00
Citation 1 Item 6, Serious	\$0.00
Citation 1 Item 7, Serious	\$0.00
Citation 1 Item 8, Serious	\$0.00
Citation 1 Item 9, Serious	\$0.00
Citation 1 Item 10, Serious	\$0.00
Citation 1 Item 11, Serious	\$0.00
Citation 2 Item 1, Other-than-Serious	\$0.00
Citation 2 Item 2, Other-than-Serious	\$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.

Maryland Department of Labor

Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1405408
Case No.: M1380-030-19
Inspection Date: 06/03/2019-09/27/2019
Issuance Date: 10/17/2019

Company Name: Mayor and City Council of Baltimore
Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

ABATEMENT VERIFICATION RESPONSE

Return To:

Maryland Occupational Safety and Health
10946 Golden West Drive, Suite 160
Hunt Valley, MD 21031

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 workspace.

Please complete this ABATEMENT VERIFICATION RESPONSE and return it to the Agency at the above address as soon as possible by indicating what action you have taken to correct the violation(s) and date corrections were made within the time frame set forth. USE ADDITIONAL PAPER AS NECESSARY.

Citation	Description	Type	Abatement Due Date	Describe Action Taken Date Corrected
1-1	1910.22(d)(1)	Serious	October 30, 2019	
1-2	1910.22(d)(2)	Serious	October 30, 2019	
1-3	1910.28(b)(1)(i)(A)	Serious	October 30, 2019	
1-4	1910.179(j)(2)(iii)	Serious	October 30, 2019	
1-5	1910.179(j)(3)	Serious	October 30, 2019	
1-6	1910.179(l)(1)	Serious	October 30, 2019	
1-7	1910.179(m)(1)	Serious	October 30, 2019	

Maryland Department of Labor
 Division of Labor and Industry
 Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1405408
 Case No.: M1380-080-19
 Inspection Date: 06/03/2019-09/27/2019
 Issuance Date: 10/17/2019

Company Name: Mayor and City Council of Baltimore
Inspection Site: DPW Patapsco Wastewater Treatment Plant, 3501 Asiatic Avenue Baltimore, MD 21226

Citation	Description	Type	Abatement Due Date	Describe Action Taken	Date Corrected
1-8	1910.303(b)(1)	Serious	October 30, 2019		
1-9	1910.307(c)	Serious	October 30, 2019		
1-10	05-104(a)	Serious	November 25, 2019		
1-11	05-104(a)	Serious	October 30, 2019		
2-1	1910.23(b)(9)	Other-than-Serious	November 25, 2019		
2-2	1910.29(b)(6)	Other-than-Serious	October 30, 2019		

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 _____