CITATIONS ISSUED - ABATEMENT ACTIONS - 107TH CONGRESS

ISSUANCE DATE	EMPLOYING OFFICE	LOCATION	VIOLATION & DESCRIPTION	DATE OF ABATEMENT OR STATUS
3/05/01	LOC[1]	Library of Congress - Jefferson, Adams and Madison Buildings	**Improper Storage - Cellulose Nitrate** - OSH Act Section 5(a)(1) (general duty clause) - Storage of pyroxylin plastic materials containing cellulose nitrate a highly flammable substance, exposes employees to a recognized hazard likely to cause death or serious physical harm.	LOC: Cylinders will be moved and properly stored at the new Audio-Visual Center, currently under construction in Culpepper, VA. Estimated completion dates is 2005. OOC will review for expedited abatement.

[1]Abbreviations Used: AOC - Architect of the Capitol; LOC - Library of Congress; OOC- Office of Compliance; OSHA Occupational Safety and Health Act; USCP- United States Capitol Police.

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ISSUANCE DATE	EMPLOYING OFFICE	LOCATION	VIOLATION & DESCRIPTION	DATE OF ABATEMENT OR STATUS
03/05/01	AOC/LOC	Library of Congress - Jefferson, Adams and Madison Buildings	**Unprotected Exit Enclosures** - 29 CFR 1910.37(b)(1), (2) - Exit enclosures, which separate exit stairwells and exit pathways from other parts of building, do not provide adequate fire resistance because penetrations made for pipes, ducts, and cable have not been adequately protected to prevent the spread of fire or toxic gases.	AOC: All holes in fire walls enclosing exit stairs have been closed using a fire stopping compound or approved fire dampers. Repair of penetrations in exit pathways in the Madison Building are complete. Repair of penetrations in the Jefferson Building exit pathways are being addressed through the comprehensive performance-based fire modeling effort. The site investigation and final concept modeling were completed in June 2002. Next phase is to determine appropriate design alternatives and proceed to design. We anticipate that designs will be complete in December 2004. Penetrations in the Adams Building exit pathways are being addressed through a design and construction effort. The conceptual design is complete and includes re-routing the return air ductwork directly into the return air main trunk line. A detailed design will be complete in Fiscal Year 2003, and construction funds will be requested in Fiscal Year 2005 to correct problem.

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ISSUANCE DATE	EMPLOYING OFFICE	LOCATION	VIOLATION & DESCRIPTION	DATE OF ABATEMENT OR STATUS
03/05/01	AOC/LOC	Library of Congress - Jefferson, Adams and Madison Buildings	**Fire Doors Blocked Open** - 29 CFR 1910.36(b)(2); 1910.36(d)(20; 1910.37(b)(2) - Fire doors not maintained and operated to avoid undue danger to occupants in that they were blocked open. This prevents the doors from stemming spread of smoke and toxic fumes during period of time reasonably necessary for escape in a fire or other emergency.	AOC: All improperly operating fire doors were repaired in October 2001. All doors are checked and inspected quarterly and repairs are made as needed to ensure they operate properly. LOC is responsible for monitoring staff compliance.
03/05/01	AOC	Library of Congress - Jefferson, Madison Buildings	**Non-functioning Halon Systems** - 29 CFR 1910.36(d)(2) - Fixed Halon fire extinguishing systems were not in proper operating condition.	AOC: This item is COMPLETE. The halon extinguishing system was repaired in October 2001 and the systems are tested and inspected on an annual basis.
03/05/01	AOC	Library of Congress - Blue Tote and Grey Tote Book Conveyors - Jefferson, Adams, Madison Buildings	**Lack of Fire Barriers** - 29 CFR 1910.36(b)(2) - Unprotected openings and inadequate fire resistance in conveyor systems create undue danger to safety of occupants from smoke or toxic fumes during period of time reasonably necessary for escape from buildings. **Lack of Energy Isolating ("Lockout/Tagout") Devices** - 29 CFR 1910.147(d)(3) - Energy isolating devices needed to isolate machinery or equipment from energy source.	AOC: Fire Barriers - A comprehensive study will be performed in Fiscal Year 2003 to determine scope of work, extent of problem and recommended design alternatives. Design funding has been requested in Fiscal Year 2004. Design will be complete in Fiscal Year 2004 allowing a request for funds for construction in Fiscal Year 2006 budget. [Proper energy isolating devices were installed in October 2001. This item is COMPLETE.] Energy Isolating Devices - This item is complete.

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ISSUANCE DATE	EMPLOYING OFFICE	LOCATION	VIOLATION & DESCRIPTION	DATE OF ABATEMENT OR STATUS
03/05/01	AOC	Library of Congress - Adams building	**Lack of Fire Barriers** - 29 CFR 1910.36(b)(2) - Vertical openings and penetrations between tiers of multitier book stacks create undue danger to safety of occupants from smoke or fumes during period of time reasonably necessary for escape from building or structure. **Unprotected Exit Stairwells** - 29 CFR 1910.36(b)(2) - Exit stairwells and pathways in Adams not constructed, equipped, and maintained to avoid undue danger to lives and safety of occupants from fire, smoke, fumes, or resulting panic during period of time reasonably necessary for escape from building in case of fire or other emergency.	AOC: Fire Barriers - Holes in floors are being patched with firestopping compound and metal panels. This work is approximately 95% complete and is expected to be 100% complete in July 2003. Exit Stairwells - All penetrations into fire walls surrounding exit stairwells have been closed using firestopping compound or approved fire damper. Conceptual design to correct deficiencies in the exit pathways has been completed. This conceptual design includes re-routing return air ductwork directly into the return air main trunk line. Detailed design will be complete in FY 2003, and construction funds will be requested in FY 2005 to correct this problem.

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ISSUANCE DATE	EMPLOYING OFFICE	LOCATION	VIOLATION & DESCRIPTION	DATE OF ABATEMENT OR STATUS
03/05/01	AOC	Library of Congress - Jefferson Building	**Lack of Fire Barriers** - 29 CFR 1910.36(b)(2) - Vertical openings and penetrations between tiers of book stacks create an undue danger to safety of occupants from smoke or fumes during period of time reasonably necessary for escape from building. **Unprotected Exit Stairwells** - 29 CFR 1910.36(b)(2) - Lack of exit stairwells and exit pathways that are effectively protected against fire, smoke or toxic fumes poses undue danger to the lives and safety of occupants during period of time necessary for escape in case of fire or other emergency. **Malfunctioning Fire Doors** - 29 CFR 1910.36(b)(2); 1910.36(d0(2) - Fire doors were not continuously maintained in proper operating condition. They will not close properly, thus permitting smoke and toxic gases to spread rapidly. This could endanger occupants during time reasonably necessary for escape in event of fire.	AOC: Fire Barriers - The issue of vertical smoke movement between floors is being addressed by a performance based fire modeling analysis of the entire building. The site investigation and final concept modeling were completed in June 2002. Next phase is to determine appropriate design alternatives and proceed to design. We anticipate that designs will be complete in December 2004. Exit Stairwells - All penetrations into fire walls surrounding exit stairwells have been closed using a fire stopping compound or approved fire damper. The ground floor exit pathway is being addressed through the comprehensive performance-based fire-modeling effort. The site investigation and final concept modeling were completed in June 2002. Next phase is to determine appropriate design alternatives and proceed to design. We anticipate that designs will be complete in December 2004. Fire Doors - All improperly operating fire doors were repaired in October 2001. All doors are checked and inspected quarterly and repairs are made as needed to ensure they operate properly.

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ISSUANCE DATE	EMPLOYING OFFICE	LOCATION	VIOLATION & DESCRIPTION	DATE OF ABATEMENT OR STATUS
09/05/01	AOC	Capitol Power Plant	**Failure to Perform Lead Exposure Assessment** - 29 CFR 1926.62(d)(1)(i) - The employer did not make an initial determination as to whether employees may be exposed to lead at or above the action level. 29 CFR1926.62(d)(2)(v); 29 CFR 1926.62(d)(2)(iv) - The employer did not provide employees with potential exposure to lead with protective measures required pending determination of the actual level of employee exposure.	AOC: Correction is COMPLETE. Standard Operating Procedure approved by OOC - painted metal surfaces that are to be welded, cut, or brazed (WCB) will be assumed to contain lead. "Peel Away" or similar product will be applied to the metal to remove paint. When metal is properly cleaned, WCB procedure will proceed. Certification of corrective action submitted to OOC 1/10/02.

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ISSUANCE DATE	EMPLOYING OFFICE	LOCATION	VIOLATION & DESCRIPTION	DATE OF ABATEMENT OR STATUS
09/05/01	AOC	Capitol Power Plant	**No Emergency Action Plan** - 29 CFR 1910.38(a) - The Capitol Power Plant lacks an emergency action plan that sets out the steps that should be taken in the event of a fire or other emergency. **Inadequate Employee Alarm System** - 1910.36(b)(7); 1910.38(a)(3)(i) - An employee alarm system which complies with requirements in 29 CFR 1910.165 for such systems was not established. 29 CFR 1910.36(d)(2); 29 CFR 1910.165(d)(1) - Employee alarm systems were not continuously maintained in operating condition. **Inoperative Smoke Detectors** - 1910.36(d)(2) - Smoke detectors were not maintained in proper operating condition.	AOC: Emergency Action Plan - Interim Emergency Action Plan (EAP) is in effect. By 12/31/02, AOC will institute a permanent EAP. Employee Alarm System/Smoke Detectors - The design study for a fire alarm system in the Boiler Building and East Refrigeration Building is scheduled for FY 2003. Funds for installation will be requested in FY 2005. OOC will review the adequacy of the abatement schedule for the fire alarm system. The inoperative fire alarm system in the Administration and West Refrigeration Buildings will be repaired and upgraded by 9/30/02. Maintenance of the new system, including smoke detectors will be conducted as required.

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ISSUANCE DATE	EMPLOYING OFFICE	LOCATION	VIOLATION & DESCRIPTION	DATE OF ABATEMENT OR STATUS
09/05/01	AOC	Capitol Power Plant	**Improper Storage of Flammable Gases** - 29 CFR 1910.253(b)(2)(ii), (b)(4)(iii) and (b)(4)(i); Section 3.5.3 Compressed Gas Association pamphlet P-1-1965, as adopted by 29 CFR 1910.101(b) - Oxygen cylinders in storage not separated from fuel-gas cylinders or combustible materials a minimum distance of 20 feet or by a fire-resistant partition. Fuel-gas cylinders were less than 20 feet from highly combustible materials. 29 CFR 1910.253(b)(2)(iv); Section 3.1.17, 3.2.1, 3.3.8 Compressed Gas Association pamphlet P-1-1965, as adopted by 29 CFR 1910.101(b); 29 CFR 1910.110(b)(6) - There were no valve protection caps on stored cylinders designed to accept caps, creating danger of gas leakage. 29 CFR 1910.253(b)(2)(ii); Section 3.3.8 and 3.7.1 Compressed Gas Association Pamphlet P-1-1965, as adopted by 29 CFR 1910.101(b); 29 CFR 1910.110(b)(6) - Cylinders not stored in assigned locations where they will not be knocked over or damaged by passing or falling objects, which can result in the leakage of flammable or hazardous.	AOC: Correction is COMPLETE. 12/1/01 - New storage containers in use; cylinders properly capped. 12/17/01- Certification of corrective action submitted to OOC.

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ISSUANCE DATE	EMPLOYING OFFICE	LOCATION	VIOLATION & DESCRIPTION	DATE OF ABATEMENT OR STATUS
09/05/01	AOC	Capitol Power Plant	**Failure to Inspect and Maintain Lightning Protection Systems** - OSH Act Section 5(a)(1) (general duty clause) - Employees are exposed to hazards likely to cause death or serious physical harm because systems to protect Capitol Power Plant from lightning strikes have not been inspected and maintained.	AOC: Correction is COMPLETE. Lightning arrest upgrade contract completed August 2002. Periodic maintenance program has been established and complete inspection and testing of lightning protection systems will be performed as outlined in NFPA Code.
09/05/01	AOC	Capitol Power Plant	**Fire Hazards–Coal Car Heater** - OSH Act Section 5(a)(1) (general duty clause) of OSH Act - Employees are exposed to hazards likely to cause death or serious physical harm because inadequate measures are being taken to reduce risk of fire from operation of the coal car heater.	AOC: Correction is COMPLETE. Certificate of Correction submitted 4/1/02. During future use of the heater, if any, lighting of heater will be done by safe methods reported to OOC. Future delivery of coal will be by truck, not rail car. Therefore, any future use of this device is unlikely.

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ISSUANCE DATE	EMPLOYING OFFICE	LOCATION	VIOLATION & DESCRIPTION	DATE OF ABATEMENT OR STATUS
09/05/01	AOC	Capitol Power Plant	**Unsafe Equipment & Wiring** - 29 CFR 1910.307(b) - Equipment and wiring methods used in hazardous locations are not safe or approved for use in such locations. **Fire Hazard - Coal Dust Accumulation** - OSH Act Section 5(a)(1) (general duty clause) of the Occupational Safety and Health Act - Employees are exposed to a recognized hazard likely to cause death or serious physical harm because of coal dust accumulations due to the failure to establish regular cleaning frequencies for floors and horizontal surfaces, such as ducts and beams, or to institute other controls to prevent dust accumulations.	AOC: Unsafe Equipment - Equipment appropriate at location given change in housekeeping conditions (see below) Coal Dust - Correction is COMPLETE 9/28/01 - New housekeeping practices instituted at coal bunker to eliminate hazard, i.e., prevent the build-up of dust on motors, rails, and other equipment.; New coal dust collection system is post of upcoming renovation certificate of correction submitted 12/17/01. OOC will monitor for continued compliance.
04/10/02 **CONFIDENTIAL SECURITY SENSITIVE**	USCP	Senate Building (October 19, 2001) Capitol Police Offsite Delivery Center - (October 29, 2001)	**Inadequate Response to Anthrax Release** 29 CFR 1910.120(q)(1) and (2)(xi); 29 CFR 1910.120(q)(3)(iv); 29 CFR 1910.134(a)(2); (d)(2) - 29 CFR 1910.132(d)(2)	OOC General Counsel is assessing adequacy of compliance.

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ISSUANCE DATE	EMPLOYING OFFICE	LOCATION	VIOLATION & DESCRIPTION	DATE OF ABATEMENT OR STATUS
04/10/02 **CONFIDENTIAL SECURITY SENSITIVE**	USCP	Emergency Response to Anthrax Release in Senator Daschle's Office (October 15, 2001)	**Inadequate Response to Anthrax Release** 29 CFR 1910.120(q)(1) and (q)(2)(v); 29 CFR 1910.120(q)(3)(v)	OOC General Counsel is assessing adequacy of compliance.
06/20/02 **CONFIDENTIAL SECURITY SENSITIVE**	LOC	All LOC Facilities	**Inadequate Emergency Action Plan** 29 CFR 1910.38 (a)(1); 1910.38(a)(5)(ii)	LOC Police issued new general order on 7/10/02 concerning emergency evacuations, searches, explosions, smoke, and fire alarms. OOC General Counsel is assessing adequacy of compliance.
06/20/02	LOC	Jefferson Building	**Failure to Evacuate Building** - 29 CFR 1910.165(b)(1) The employee alarm system was not activated to initiate building evacuation as called for in the emergency action plan, or in sufficient time to provide for reaction time for safe escape.	LOC provided certificate of abatement on August 10, 2002 reporting that LOC Police officers had been given written notification of these requirements, and that future reminders would be provided at police roll calls. OOC will assess future compliance.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
1) Russell and Hart buildings, U.S. Capitol, USCP Hqtrs., Blue Plains Kennel, AoC/CMD Blue Plains and Botanic Gardens	Exit stairways, work shops and mechanical spaces **(14 locations)**	AoC[1]	**Exit Fire Doors Blocked or Locked or Do Not Close Completely or Large Holes or Openings Exist in Fire Barriers** Fire doors provide the means to enter an exit stairwell and must close behind the person to keep smoke and heat out of the stairway. Holes, unprotected openings in fire barriers or fire doors that do not close defeat the protection the fire barrier is to provide. Delayed opening exit doors must have instructions posted. (29 CFR 1910.36 (b)(4), (d)(1), (2))	No report for some locations. AoC: U.S. Capitol, Russell, Hart, USCP Blue Plains Dog Kennels, and Botanic Gardens corrections completed. USCP: Hqtrs. Bldg. to be completed by Dec. 2002.

LEGAL NOTE

In these Appendices, with respect to certain hazards, we have indicated that OSHA responsibility may attach to more than one employer. As a matter of law, OSHA does place obligations and responsibilities upon employers whose employees are at risk because of an OSHA violation created by the conduct of others. Thus, even if, for example, AOC is assigned to assure that fire extinguishers remain available and unobstructed, another employer whose employees occupy the affected space is obliged, at the least, to notify AOC if an obstruction occurs. Certain employers have requested us to revise our Appendices so that only a single employer is shown as responsible for each hazard. As noted, the law contemplates that multi-employer liability may be appropriate in some situations, depending upon the specific facts.

[1]Abbreviations used: AoC - Architect of the Capitol; AoC/CMD - Construction Management Division of the AoC; CAO - Chief Administrative Officer of the House; HOB - House Office Building; LoC - Library of Congress; SOB - Senate Office Building; SSA - Senate Sergeant at Arms; T-17, etc. - Warehouse facilities at Fort Meade, MD; USCP - United States Capitol Police.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
2) USCP Hqtrs., USCP Annex bldg., P St. SE Warehouse and Fort Meade	Offices, exit stairways, warehouses **(17 locations)**	AoC; USCP (responsibility shared with AoC)	**Buildings Lack Two Way Escape To Safety or Exit Stairway Lacks Handrails or is in Disrepair or Combustible Materials Stored Inside Exit Stairway** Every building is required to provide two ways out during an emergency, in case one way is blocked by a dangerous or hazardous condition. Every exit stairway must have a handrail and be constructed to provide a safe means down to next level. The inside of exit stairways are to be kept clear of combustible storage, personnel lockers and other equipment that could themselves cause fire or render the stairwell unsafe for use in an emergency. (29 CFR 1910.36(b)(8); .37(e))	No report for some locations. AoC: P St. Warehouse to be done by Nov. 2002. For Fort Meade will procure the necessary materials immediately. Assuming FY 2003 funding at expected level, work will be scheduled in FY 2003, with planned completion date of March 2003. AoC/USCP: USCP Annex bldg. correction complete. USCP Hqtrs. Bldg. to be completed by Dec. 2002.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
3) Longworth, Dirksen, Postal Square, Madison, GAO buildings, P St. SE Warehouse, USCP Hqtrs., USCP Annex bldg., and AoC/CMD Blue Plains	Offices, exit stairways, work shops, mechanical spaces, GAO penthouse, warehouses, garages and attic storage spaces **(12 locations)**	AoC, GAO	**Lack of Exit Signs or Lighted Signs Burned Out or Exit Signs Erroneous or Misleading** Exit signs and exit directional signs must inform Members and employees of the shortest protected escape route. In dark locations lighted exit signs are needed to aid following escape pathway. (29 CFR 1910.36(b)(5); .37(q))	No report for some locations. AoC: Dirksen, Postal Square, Madison and Longworth, USCP Annex bldg., corrections completed. USCP Hqtrs. Bldg. and P St. Warehouse to be completed by Nov. 2002. GAO: Installed temporary luminous exit and directional exit signs and markers. Design phase complete. Completion on or before the end of FY03.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
4) Rayburn, Russell, Jefferson, GAO buildings, P St. SE Warehouse, Fort Meade Warehouses and House West Annex	Mechanical spaces, attics, garage, loading docks, and warehouses **(13 locations)**	AoC; GAO; CAO, LOC (responsibility shared with AoC)	**Lack of Emergency Lighting or Lack of Inspection and Maintenance of Lighting and Emergency Backup Lights** Emergency lighting systems require periodic inspection and testing to assure they are in serviceable condition. Some interior parts of buildings had poor lighting and no emergency lights where hazardous machinery is operated, or locations with serious tripping hazards adjacent to walkways. (29 CFR 1910.36(b)(5), (6),(d))	No report for some locations. AoC: Russell, Rayburn, House West Annex, and Jefferson corrections completed. P St. Warehouse to be completed Nov. 2002. CAO: Working with AOC to correct issue with their Fort Meade Warehouses. LOC: AOC is the employing office responsible for correcting violation. GAO: Design phase completed. Project completion on or before the end of FY03; Temporary luminous directional exit signs and markers installed.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
5) U.S. Capitol, Cannon, Rayburn, Russell, Dirksen, Supreme Court, GAO, Postal Square, USCP Hqtrs. buildings, House West Annex and Botanic Gardens	Offices, work shops, food services, warehouses, work shops and printing services **(32 locations)**	AoC; CAO, SSA, and USCP (responsibility shared with AoC or GSA); GAO	**Automatic Fire Sprinkler System Not Installed, or Sprinklers Blocked or Obstructed by Stored Materials** Fire sprinklers must be 18 inches above surrounding stored materials or other types of obstruction. Such obstructions reduce overall effectiveness of fire protection system and prevent the system from controlling or extinguishing a fire. Some buildings had spaces or rooms not protected by sprinklers though the building design called for complete protection. (29 CFR 1910.36(d)(2); .159(c)(10))	AoC: U.S. Capitol, Supreme Court, Russell, Dirksen, Rayburn, Cannon, Postal Square, USCP Hqtrs. building, House West Annex and Botanic Gardens corrections complete. CAO: Fire sprinkler system is an AOC issue. However, as with all items that the AOC has stated that it will correct, the CAO will monitor the progress of the activity to completion. CAO & SSA: Stored items removed in U.S. Capitol. GAO: Fixed or material to be moved within 30 days. SSA: Corrections completed.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
6) U.S. Capitol, Rayburn, Russell, Dirksen, and Supreme Court buildings	Work shops, mechanical spaces, food services, warehouses **(11 locations)**	AoC; GSA	**Automatic Fire Protection Systems Not Inspected, Tested or Maintained Properly** Fire sprinkler systems, fire pumps and other fixed fire protection systems require regular periodic inspections and testing to assure they are maintained in serviceable condition. If these fire protection systems are not maintained properly they may not perform as intended. (29 CFR 1910.36(d)(2); .37(m); .159(c)(2))	AoC: U.S. Capitol, Russell, Dirksen, and Rayburn corrections completed. Supreme Court: Plans to replace fire pump in 2007. House West Annex to be done by April 2003. OOC will monitor this issue.
7) House, Senate Supreme Court, GAO, USCP Hqtrs. buildings, and House West Annex,	Work shops, mechanical spaces, food services, printing services and storage areas **(25 locations)**	AoC; CAO, SSA and USCP (responsibility shared with AoC); GAO	**Improper Storage of Flammable and Other Hazardous Materials** Flammable and other compressed gas cylinders not in use need to be secured to prevent them from being knocked over, potentially damaging a valve causing a leak. Some cylinders when knocked over or dropped have become unguided missiles because of high pressure. Flammable liquids and gases also need to be stored in locations where they can be protected from impact. Chemicals such as methylene chloride, a human cancer agent must be disposed of properly. (29 CFR 1910.106(d)(5); .1052(a), (d))	AoC: Supreme Court, Senate Bldgs., House West Annex and USCP Hqtrs. Bldg. Corrections completed. SSA: Obtained safety-rated cabinet and moved flammable or combustible materials into cabinet August 2002. AoC safely disposed of other products, including aerosols containing methylene chloride, which are no longer used. CAO: Chain to secure cylinders in House Bldgs. is on order projected completion Dec. 2002. GAO: corrections completed.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
8) U.S. Capitol, House office, Russell, Dirksen, Supreme Court, Postal Square, USCP Hqtrs. buildings, Vehicle Repair Garage, Blue Plains Dog Kennel, P St. SE Warehouse, Fort Meade Warehouses and AoC/CMD Blue Plains	Offices, work shops, mechanical spaces, food services, warehouses, SSA work shops and printing services **(28 locations)**	AoC; CAO, SSA, and USCP (responsibility shared with AoC)	**Fire Extinguishers Obstructed, Blocked, Not Inspected or Damaged** Fire extinguishers must be positioned for ready access by trained persons to put out small fires. This equipment must be inspected monthly and maintained to keep equipment in serviceable condition and ready for use. (29 CFR 1910.157 (c)(1), (d)(2), (e))	No report for some locations. AoC: U.S. Capitol, Supreme Court, Russell, Dirksen, USCP Hqtrs. Bldg. , Blue Plains Dog Kennel, and P St. Warehouse corrections completed. CAO: Extinguisher at Fort Meade Warehouse has been inspected. Other locations; policy in place to inspect extinguishers monthly. SSA: corrections completed.

107th CONGRESS SIGNIFICANT SAFETY AND HEALTH HAZARDS – OFFICE AND OTHER FACILITY INSPECTIONS

BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
9) U.S. Capitol, House, Senate, Supreme Court, GAO, Postal Square, USCP Hqtrs. buildings, Fort Meade Warehouses, P St. SE Warehouse, and Botanic Gardens	Offices, work shops, mechanical spaces, food services, personal services, bathrooms, warehouses and other wet areas. **(488 locations)**	AoC; CAO, SSA, and USCP (responsibility shared with AoC); GAO	**Required Ground Fault Circuit Interrupter (GFCI's) Not Provided** Power outlets near or above sinks, in bathrooms, or near wet locations present serious potential for electrical shock. These areas require Ground Fault Circuit Interrupter (GFCI) protection to prevent electrical shock hazards to employees, Members and others. Where roof is leaking allowing water on floor, either prevent leaking or install GFCI protection. (National Electrical Code NFPA 70-1996 section 210-8 and 29 CFR 1910.303(b)(1))	AoC/SSA: U.S. Capitol, Supreme Court, Senate Bldgs., Postal Square Botanic Gardens & USCP Hqtrs. corrections completed House Members spaces will be addressed by Jan. 2003. P St. Warehouse to be done by Nov. 2002. Funding has been identified in fiscal year 2002 appropriation to procure materials for Fort Meade roof repair. AoC is procuring materials. Assuming that FY 2003 funding is at expected level, repair work will be scheduled, with the goal of completion by March 2003. GAO: Fixed or work order issued - estimated to be fixed by Dec., 2002. OOC will monitor appropriate installations of GFCI's in required locations.

107th CONGRESS SIGNIFICANT SAFETY AND HEALTH HAZARDS – OFFICE AND OTHER FACILITY INSPECTIONS

BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
10) House buildings, GAO, Supreme Court, Jefferson, USCP Hqtrs. buildings, P St. SE Warehouse, Fort Meade Warehouses, AoC/CMD Blue Plains	Work shops, mechanical spaces, food services, and warehouses **(26 locations)**	AoC; CAO, SSA, LoC and USCP (responsibility shared with AoC); GAO	**Outlets and Equipment Not Properly Wired** Improper wiring of outlets or other electrical power supplies, such as configuring outlet with reverse polarity which can cause damage to electronic equipment, overloading electrical circuits, or using incorrect or damaged wiring, or using exposed unprotected live wires. All these conditions expose Members and employees to potential fire or serious electrical shock hazard. (29 CFR 1910.304(a)(2); (f)(3))	No report for some locations. GAO: Fixed or removed from service. AoC: House Bldgs., Supreme Court, Jefferson, USCP Hqtrs. Bldg., and P St. Warehouse corrections completed.
11) U.S. Capitol, House buildings, USCP Annex bldg., Supreme Court, AoC/CMD Office Trailer	Offices, AoC work shops, mechanical spaces, and food services **(309 locations)**	AoC; CAO, SSA, and USCP (responsibility shared with AoC)	**Access Obstructed to Electrical Circuit Breaker Panels** Access to electrical circuit breaker panels are to be unobstructed to permit quick access to them in an emergency to shut power off to a given circuit or circuits. Electrical circuit breaker panels are the nearest point to shut the power off for any circuit quickly if an emergency occurs. This could stop an electrical shock hazard, fire or allow a qualified person to work on a particular circuit. Panel access also necessary to provide means to reset a GFCI breaker if one was tripped. (29 CFR 1910.303(g)(1))	AoC: House Member spaces to be corrected by Jan. 2003. U.S. Capitol, Supreme Court, CMD Office Trailer, USCP Annex bldg., corrections completed. SSA: Corrections completed.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
12) Jefferson building	Offices **(2 locations)**	LoC	**No Emergency Action Plan** Each office unit or work unit must have and communicate a written emergency action plan to provide guidance and direction for what employees must do in an emergency. Where an office has no plan, indecision, and lack of training may result in delayed reaction to an emergency and delayed evacuation. The lack of complete accounting for employees may also cause the emergency response teams to perform search and rescue when not needed. (29 CFR 1910.38 (a); .120 (q))	LoC: Will have this completed for all locations by February, 2003. OOC will monitor compliance.

107th CONGRESS SIGNIFICANT SAFETY AND HEALTH HAZARDS – OFFICE AND OTHER FACILITY INSPECTIONS

BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
13) U.S. Capitol, Fort Meade	Senate Recording Studio, warehouses **(5 locations)**	AoC; CAO, SSA, LoC and USCP (responsibility shared with AoC)	**Fire Alarm System Not Working or Lack of Actuation Devices or Alarm Not Monitored At All Times by Police or System Not Being Tested and Maintained** Building fire alarm is one of the fundamental fire protection systems required to assure employee safety. Each main exit pathway must have a fire alarm pull station to sound the alarm. It is expected that when the smoke detection system detects smoke or fire it will send a signal to a manned station and sound a fire alarm that will be heard throughout the building or be reported to a manned stationed. Fire alarm systems require periodic testing to assure that they are maintained in serviceable condition and ready for use. (29 CFR 1910.36(b)(7), (d)2; .37(n); .165 (b),(d))	AoC/SSA: Senate Recording Studio area is being changed by construction of Vistors Center. For Fort Meade Code being researched to determine alarm system requirements. Appropriate action will be taken in FY 2003. CAO: The AoC has responsibility for fire alarm system. Both T-24 and T-26 have pull stations at exit. LOC: AoC is the employing office responsible for correcting violation. OOC will monitor correction.
14) AoC/CMD Bldg. Blue Plains	Entire Blue Plains CMD Building including Mason's Shop and back storage area **(1 location)**	AoC	**No Fire Alarm System** This building has no working fire alarm system. A system is partially built but not working. There are about 8-10 employees working in this building, well spread out and not within shouting distance of each other. A fire alarm system with visual and audible sounding devices with pull stations at the exit discharge doors is needed. (29 CFR 1910.36(b)(7); .37(n); .38(a)(3); .165)	AoC: Code being researched to determine alarm system requirements. Appropriate action will be taken in FY 2003. OOC will monitor correction.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
15) Fort Meade	Warehouses **(13 locations)**	AoC; CAO, SSA, LoC and USCP (responsibility shared with AoC)	**Lack of Exit Signs/Fire Alarm Pull Boxes** All warehouse buildings must have proper exit signs in the main aisle to indicate the pathway to the nearest emergency exit. Each warehouse should have two exit stairs on the truck loading/unloading side of the building, as remote from each other as practical. Fire alarm pull stations near each exit pathway to sound local alarm within the building are also required. (29 CFR 1910.36(b)(5);(b)(7); .38(a)(3); .165)	AoC/SSA: The AoC will procure needed materials immediately. Assuming FY 2003 funding at the expected level, work will begin in FY 2003, with completion date of March 2003. CAO: Request T-24 and T-25 to have Exit signs installed by AoC. Temporary exit signs have been installed. T-24 and T-26 do have pull stations and emergency lighting. HSS division established a procedure regarding the testing of emergency lighting. CAO understands that the stairs will be brought into compliance by AoC by March 2003. LOC: AOC is the employing office responsible for correcting violation.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
16) Fort Meade	Warehouses **(15 locations)**	AoC; CAO, SSA, USCP (responsibility shared with AoC)	**No Handrails - Exit Stairs** All warehouse buildings must have two exit ways out of the building. Each building except for the three LoC warehouses requires handrails to be installed on each of the exterior stairs. Required stair width is 28" wide, with handrails of 30-34" high measured at the step nosing. (29 CFR 1910.36(b)(8); .37(f)(6), (j), (k))	AoC/SSA: Will procure the necessary materials immediately. Assuming FY 2003 funding at the expected level, the work will be scheduled in fiscal year 2003, with a planned completion date of March 2003. CAO: Both T-24 and T-26 have two exits. The CAO understands that the handrails, stairs and exits will be brought into compliance by the AoC no later than March 2003.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
17) USCP Blue Plains	USCP Blue Plains Storage near Police Dog Area **(1 location)**	AoC; USCP (responsibility shared with AoC)	**Fire Hazards - Hazardous Materials Storage Site** The present storage magazines are of good quality and properly labeled, however, the location needs to be improved. Brush, weeds and vegetation around the site need to be better controlled and regularly cut. The magazines themselves should be placed on concrete slabs and connected to solid ground rods driven securely into deep earth. At present the weeds and vegetation are not controlled and one grounding rod seemed overly flexible and not properly secured. The uncontrolled vegetation and unsecured ground rods create a potential fire hazard at this site. (29 CFR 1910.109(c)(1)(iii); .307(b))	AoC: A survey of the area was completed on Aug. 2002 by AoC Senate Safety Engineers. The magazines were grounded on Sept. 2002, in compliance with applicable regulations. AoC will have grass cut on a regular basis. In addition, AoC has plans for improving the site, action is now pending a cost estimate for the work.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
18) Fort Meade	Warehouses **(18 locations)**	AoC; CAO, SSA, LoC, USCP (responsibility shared with AoC)	**Missing/Improperly Maintained Portable Fire Extinguishers** All warehouse buildings must have two or more portable fire extinguishers: at least one along each of the exit pathways out of the building. Extinguishers must be properly maintained and inspected. At present there is no system for properly inspecting and maintaining existing fire extinguishers. (29 CFR 1910.157 (d)(2), (e), (f))	AoC/SSA: The additional fire extinguishers will be procured with FY 2002 funds. In fiscal year 2003, a contract will be issued to an outside company to perform the annual inspections and certifications. CAO: T-24 and T-26 have two fire extinguishers each and one in the main office. In addition, the CAO will implement with the AoC procedures for the inspection of the extinguishers in CAO space by Nov., 2002. LOC: AOC is the employing office responsible for correcting violation.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
19) U.S. Capitol, House, Senate, Supreme Court, GAO, Postal Square buildings, P St. SE Warehouse, AoC/CMD Blue Plains, Fort Meade Warehouses, and Botanic Gardens.	Offices, work shops, mechanical spaces, food services, warehouses, SSA work shops and printing services **(33 locations)**	AoC; CAO, SSA, LoC and USCP (responsibility shared with AoC); GAO	**Missing Covers For Electrical Junction and Switch Boxes** Electrical junction and switch boxes must be fully enclosed to contain live wires, sparks or other hot material that may escape and cause a fire. These areas require missing covers installed to enclose electrical boxes. (29 CFR 1910.303(d), (g)(2); .305(b)(2))	No report for some locations. AoC/SSA/CAO: U.S. Capitol, House and Senate office buildings, Supreme Court, Botanic Gardens, Postal Square corrections completed. GAO: Correction completed.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
20) Longworth HOB	Longworth Cafeteria hot line food service area **(3 locations)**	AoC	**Improper Wiring/ Inadequate Access to Electrical Panels** The Turbo Chef Ovens on each side of the hotline have wiring problems with power cords and outlets. The outlets are upside down, placing unneeded stress on the machine's power cords which are twisted down side up to make the connection. In addition one outlet is missing a cover, and another is not connected to a proper receptacle. Also, overhead, above the drop ceiling above the hot line on each side, there are 3 electrical panels on each side. Qualified employees have great difficulty in getting access to these panels in an emergency. Safe access with sufficient lighting is required; relocation of panels may be necessary. (29 CFR 1910.303(b)(2);(g)(1)(i)-(vi) and National Electrical Code NFPA 70-1996 Section 110-16; 110-34; 110-3(b))	AoC: An investigation of relocating the Longworth cafeteria electrical panel boxes is underway. Will probably need new design and funding. Will update OOC in next quarterly update. OOC will monitor progress for these locations.
21) AoC/CMD Building Blue Plains	CMD Building Blue Plains Mason's Shop and back storage area **(1 location)**	AoC	**Inadequate Electrical Power Service** Proper electrical outlets and lighting are needed for employees and all work stations in Mason shop area and other shops. Inadequate electrical power service for the shop's work stations. The bench grinder has temporary construction lights powered by extension cords. The other work stations along the walls in the building have similar electrical service. (29 CFR 1910.303(b)(2); .304; .305)	AoC: New funding for corrections is necessary. Assuming the approval and availability of funding, the plan is to correct deficiencies by Feb., 2003.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
22) U.S. Capitol, House, Senate, Supreme Court, GAO, Postal Square buildings, P St. SE Warehouse, Fort Meade Warehouses, AoC/CMD Blue Plains, USCP vehicle repair garage building Botanic Gardens, and House West Annex.	Work shops, mechanical spaces, food services, warehouses, SSA work shops and printing services **(54 locations)**	AoC; CAO, SSA, LoC and USCP (responsibility shared with AoC); GAO	**Tools or Equipment Not Properly Grounded** Electrical appliances, tools and equipment that are required to be grounded need ground connection to provide protection against electrical shock hazards. Defective power cords or electrical plugs with broken ground prongs or damaged wire connections need to be replaced with properly wired plug. Outlets that do not have ground connection in service need to be wired to provide required grounding to prevent electrical shock hazards to employees, Members and others. (29 CFR 1910.303(b)(1); .334(a)(2))	No report for some locations. AoC/SSA/CAO: U.S. Capitol, House and Senate office, Supreme Court, Postal Square, Botanic Gardens, House West Annex, and P St. SE Warehouse corrections completed. GAO: Corrections completed. USCP: New Replacement wheel-balancing unit ordered Oct. 2002.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
23) U.S. Capitol, House, Senate, Jefferson, Supreme Court, GAO, USCP Hqtrs., Postal Square buildings, P St. SE Ware-house, vehicle repair garage, USCP Annex bldg., House West Annex, AoC/CMD Blue Plains, and Botanic Gardens	Offices, AoC work shops, mechanical spaces, food services, warehouses, SSA work shops and printing services **(72 locations)**	AoC; CAO, SSA, LoC and USCP (responsibility shared with AoC) GAO	**Improper Use of Extension Cords** Power extension cords may not be used in lieu of permanent wiring. They are for temporary use of 90 days or less. Such extension cords have caused fires in Federal and other buildings because of electrical current overloads. These areas require permanent electrical service provided closer to the users. (29 CFR 1910.305(a)(2))	No report for some locations. LOC: Improper extension cords will be removed by Nov., 2002. SSA & CAO: Corrections completed. GAO: Fixed - additional outlets installed. AOC/USCP: USCP Hqtrs. building to be corrected by Dec. 2002. AoC: U.S. Capitol, Senate office buildings, Botanic Gardens, Supreme Court, USCP Annex bldg., P St. SE Warehouse, Postal Square except for the areas controlled by GSA, House non office locations, House West Annex, Jefferson, corrections completed. House Members' offices will be done Jan. 2003. OOC will monitor corrections.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
24) Postal Square	SSA work shop **(1 location)**	SSA (responsibility shared with AoC)	**Employee Not Properly Fit Tested For Using Respirator** Each employee required to wear a tight fitting respirator in performing some of their job duties is required to have a fit test run annually. Each employee is to demonstrate they know how to put it on properly and to do a seal check at that time. (29 CFR 1910.134(f))	SSA & AoC: safety engineer evaluating whether employee needs to use the respirator. If it is found to be needed for proper protection fit testing and training will be completed.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
25) U.S. Capitol, Ford, Russell, Dirksen, Supreme Court, GAO, USCP Hqtrs. buildings, Vehicle Repair Garage, Fort Meade Warehouses, House West Annex, P St. SE Warehouse, and Botanic Gardens	Laboratories, work shops, mechanical spaces, loading docks, warehouses **(19 locations)**	AoC; SSA and USCP (responsibility shared with AoC) ; GAO	**Lack of Required Eye Wash Facilities and Poor Placement of Battery Recharging Facilities** Locations where acid battery recharging is done require the area to be marked off, signs posted and kept clear of combustibles. Emergency eye wash facilities must be provided where acid and other hazardous chemicals are handled. The eye wash facilities must be inspected periodically, kept in serviceable condition and the fluid changed at least annually. (29 CFR 1910.178(g); .151(c))	No report for some locations. AoC: U.S. Capitol, Russell, Dirksen, Botanic Gardens, Supreme Court, Ford, House West Annex corrections complete. USCP Hqtrs. and P St. Warehouse to be done by Dec. 2002. Fort Meade sign corrections completed by Nov. 2002. Funding for eye wash installations has been identified in FY 2002 to procure the necessary materials. Work scheduled for FY 2003, with an expected completion date of March 2003. Then each "user" jurisdiction will be responsible for inspecting their eye wash stations on a regular basis. SSA: Corrections completed. GAO: Correction completed by Nov. 2002.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
26) Fort Meade	Warehouses **(2 locations)**	AoC	**Asbestos Removal Needed** Friable asbestos nailed to wall in T-28 near loading dock door; strips of asbestos cloth used in hatchway to attic in T-19 and asbestos floor tile on floor; many broken pieces in room near old furnace room. These materials must be removed by trained and skilled workers following the proper procedures for cleanup. (29 CFR 1910.1001(f))	AoC: This item is complete. June 2002 corrected all problems and material has been removed in accordance with applicable standards and AoC asbestos program.
27) Dirksen Senate building	Office of the SSA Printing and Copying Services **(1 location)**	AoC; SSA (responsibility shared with AoC)	**Exhaust Ventilation System** The printing and copying machine area has no mechanical exhaust ventilation system for removing the waste heat, fumes, vapors and gases coming from the machines. There are plastic laminating machine, several Kodak Lionheart print machines and two Heidelburg machines. Some of these machines are designed to be connected into a mechanical exhaust ventilation system. A number of these machines were not operating during our inspection. It may be advisable to have the AoC's Industrial Hygienist do a survey during peak use of these machines to help determine which ones need to be connected to the exhaust ventilation system. (29 CFR 1910.1000 Tables Z-1 and Z-3)	AoC/SSA: Heidelburg Copiers have been connected to the local exhaust for heat removal. These vents were installed by the AoC on Sept. 2002. None of the other copiers have manufacturer requirements for mechanical ventilation. Air sampling verified that the ozone level is below the OSHA PEL on Sept. 10th and no ozone was detected during the test. OOC will monitor this issue.

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28) Dirksen Senate building	Printing and Copying Services **(1 location)**	AoC; SSA (responsibility shared with AoC)	**Exhaust Ventilation System** Machine in the moat area used for glueing operations must be connected to exhaust mechanical ventilation system before being operated. It was not in operation during our inspection. (29 CFR 1910.1000 Tables Z-1, Z-2 and Z-3)	AoC/SSA: correction complete. This gluing machine has been moved and connected to the exhaust ventilation system.
29) Cannon House building	Basement Level Laborer's office Lockers. **(1 location)**	AoC	**No Material Safety Data Sheets** Hazardous chemicals being stored and used in Room B-39 with no Material Safety Data Sheets (MSDS) or any binder for such documents. MSDS sheets are required to inform employees about the risks associated with, and the precautions needed, for handling hazardous chemicals. (29 CFR 1910.1200(g)(8))	AoC: correction complete. MSDS book with all required sheets in place week on Aug. 2002 and supervisor verbally instructed on use. Official training on this and other safety issues scheduled to occur in Jan. 2003.
30) P St. SE Warehouse	Warehouse **(1 location)**	Building owner and AoC	**Improper Gas Heater Exhaust Vent** Elevated gas heaters are required to have their exhaust vent stacks to go vertically and to the outside using the most direct route. Vent stacks are never permitted to go in a downward direction before going to the outside, because carbon monoxide would have a greater chance of being released into occupied space. (29 CFR 1910.110(b)(20)(iv)(b) and 29 USC 641(a)(1))	AoC: correction will be made by Dec. 2002.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
31) U.S. Capitol, Senate Office Bldgs., Rayburn, Ford, Postal Square, Supreme Court buildings, House West Annex, Fort Meade Warehouses, AoC/CMD Blue Plains, and P St. SE Warehouse.	Work shops, mechanical spaces, and warehouses **(35 locations)**	AoC; SSA, CAO (responsibility shared with AoC)	**Lack of Machine Guarding** Powered machinery requires machine guards on all drive belts and pulleys that a person could contact with hands or fingers. Also point of operation areas on fixed machines that cut, grind or shape workpieces requires guarding to prevent employees and others hands, fingers being caught during the operation of the machine. (29 CFR 1910.212(a)(3); .219(e)(1))	AoC: U.S. Capitol, Senate office, Supreme Court, Rayburn, Ford buildings corrections completed. P St. SE warehouse to be completed by Nov. 2002. Fort Meade items are complete. Two saws have been taken out of service. The DeWalt Cross Cut saw table has been extended out to the maximum reach of the saw and guard has been repaired. Additional guards added to eliminate pinch points. CAO: Guards were installed. SSA: corrections completed.
32) U.S. Capitol, Russell, Dirksen, and Postal Square buildings, House West Annex and AoC/CMD Blue Plains	Work shops, mechanical spaces **(10 locations)**	AoC; SSA (responsibility shared with AoC)	**High Pressure Compressed Air Cleaning Guns Not Properly Controlled** Compressed air through the use of air guns are used to remove debris from machinery and work areas. Such compressed air cleaning guns must have the pressured controlled to less than 30 pounds pressure to prevent harm to employees if contacted by the muzzle of the air gun. (29 CFR 1910.242(b))	No report for some locations. AoC/SSA: U.S. Capitol, Russell, Dirksen, Postal Square, and House West Annex corrections completed.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
33) Rayburn	Mechanical spaces **(1 location)**	AoC	**Improperly Maintained Pressure Vessels or Inspections are Not Complete** All pressure vessels subject to American Society of Mechanical Engineers Boiler and Pressure Vessel Code are required to have an information plate or label that is to be maintained in legible condition. This information plate is not to be painted or defaced in any manner. (National Board Inspectors Code RA2264; RB 3220; 29USC 641(a)(1))	No report for this location.
34) P St. SE Warehouse	Warehouse **(1 location)**	AoC	**Overloaded Storage Second Floor** Several steel concrete mixers stored on the second floor. Floor had not been evaluated as being structurally sound to support such a heavy load by a structural engineer or building code official. Floor loading is to be controlled to prevent the overloading of any floor and its collapse on to employees. (29 CFR 1910.22(d); .176(b))	AoC: correction completed on Sept. 2002.

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BUILDING/ FACILITY	LOCATION	RESPONSIBLE OFFICE	HAZARD/RECOMMENDATION	ABATEMENT DATA
35) U.S. Capitol, Rayburn, Cannon, Ford, Russell, Dirksen, Postal Square buildings, and USCP Blue Plains	Mechanical spaces and exterior stairs **(15 locations)**	AoC	**Lack of Handrails and Guardrails on Stairs and Elevated Walkways** Every stairway of four or more steps is required to have a handrail to help support those using the stairs. Every stair or walkway that has an open side of four feet or more above the lower level is required to have a guardrail to prevent employees, members and others from falling off. (29 CFR 1910.23(a), (d)(1), (e)(5))	AoC: U.S. Capitol, Rayburn, and Dirksen stair corrections completed. Russell and USCP Blue Plains Dog Kennel office stair rails to be completed by Nov. 2002. Alterations to Cannon guardrail system to be designed. & installed by October 2002. Ford guardrails to be installed by April 2003.
36) USCP Annex bldg.	Bldg. Exterior Perimeter and Interior **(1 location)**	AoC; USCP (responsibility shared with AoC)	**Rodent Infestation** Severe rodent infestation found in the perimeter of the building foundation, and possible infestation by rats burrowing under the building foundation. Pest control or exterminator must correct this problem. (29 CFR 1910.141(a)(5))	AoC: This item is Complete. Exterminator addressed this problem in July and Aug. 2002. Monitoring will continue and additional attention given as necessary.
37) Botanic Gardens	Mechanical spaces in the basement **(1 location)**	Botanic Gardens Safety Office	**Permit Entry Confined Space Not Properly Marked** Every permit entry confined space is required to be marked or otherwise designated to let all employees know that it is a hazardous area. The marking will indicate to those who need to enter the space they must obtain the required permit before they are allowed to enter the confined space. (29 CFR 1910.176(c)(2))	AoC: Correction completed.

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38) Russell, Hart, Cannon, Postal Square, Supreme Court buildings, USCP Annex bldg., P St. SE Warehouse, Fort Meade Warehouse and AoC/CMD Blue Plains	Work shops, mechanical spaces, warehouses **(16 locations)**	AoC; SSA (responsibility shared with AoC)	**Unstable Storage Shelving or Damaged Shelving** Metal shelving that is up to seven or more feet in height must be secured to prevent falling over. All metal storage shelves that are loaded need to be secured to the wall or some other means to provide stability to prevent tipping or falling over. (29 CFR 1910.176(b))	No report for some locations. AoC/SSA: Russell, Hart, Postal Square, Supreme Court, P St. SE Warehouse, USCP Annex bldg., corrections completed. Cannon to be completed by Dec. 2002.

Occupational Safety and Health Standards Covering Hazards Observed During Inspection of Legislative Branch Facilities

The following is a brief description of the major safety and health standards referenced in this Report. The standards are published in Title 29 of the Code of Federal Regulations ("CFR") and are summarized below. The CFR should be consulted for a complete explanation of the specific standards listed.

Statutory Requirement

29 U.S.C. 641(a)(1) **General Duty Clause**
– The OSH Act requires that every employer provide its employees with a safe and hazard-free workplace. The workplace must be "free from recognized hazards that are causing or are likely to cause death or serious physical harm" to the employees.

OSH Standard (29 CFR Section)	Brief description/subject
EMERGENCY PREPAREDNESS, FIRE AND OTHER EMERGENCIES	
1910.36	**Safe Means of Egress from Fire and Other Emergencies** – Every building, new or old, shall have sufficient exits to permit the prompt escape of occupants in case of fire or other emergency. – Emergency exits must be clearly visible and the routes to the exits conspicuously marked. – There must be at least two exits, remote from each other, located in such a way to minimize the possibility that both will be blocked by fire or other emergency.
1910.37	**Exit Routes and Signs** – Exits and the way of approach to, and travel from, exits shall be maintained so that they are unobstructed and are accessible at all times. – Exit doors serving more than 50 people, or in high-hazard areas, must swing in the direction of exit travel. – Exit doors and fire barriers must be maintained and in serviceable condition at all times.

– Exits must be readily visible with suitably illuminated exit signs. Exit signs shall be distinctive in color and provide contrast with the wall color and surroundings.
– Any door or stairway that is not an exit, but is likely to be mistaken for an exit, must be identified by a sign reading "Not an Exit" or similar designation.
– Exit stairwells that continue beyond the floor of discharge must be interrupted at that floor by a door or partition.
– Exits must be designed so that occupants are not required to travel towards high hazard areas in order to exit.
– All alarms and automatic sprinkler systems must be continuously maintained and tested. See also 1910.159 (automatic sprinkler systems) and 1910.165 (employee alarm systems).

1910.38 **Employee emergency plans and fire prevention plans**

– Each employer must prepare a written emergency action plan to ensure employee safety in the event of fire and other emergencies.
– The emergency action plan must include the following topics: escape procedures and routes; procedures for those employees who must remain behind temporarily to shut down critical equipment before they evacuate; procedures for accounting for all evacuated employees following an emergency evacuation; rescue and medical duties; means of reporting emergencies; and identification of persons to be contacted for information or clarification.

1910.120 **Emergency response procedures - Chem/bio hazardous substances**

– Employers are required to have emergency response procedures where hazardous substances are located in the workplace.
– Employers must develop an Emergency Response Plan for all employees who will respond to a hazardous substance emergency. The Plan must be made available to the employees, and must include, at minimum, the following items: pre-emergency planning and coordination with outside parties; personnel roles, lines of authority and communication; emergency recognition and prevention; safe distances and places of refuge; site security and control; evacuation routes and procedures; decontamination procedures; emergency medical treatment and first aid; emergency alerting and response procedures; personal protective and emergency equipment; and critique of actual response incidents and follow up.

1910.157 **Portable Fire Extinguishers**

– When the employer has provided portable fire extinguishers for employee use in the workplace (e.g., the employer expects certain employees to fight small fires rather than evacuate the building), the employer must also provide training to employees on proper use of fire extinguishers and the hazards involved with incipient-stage fire fighting.
– Portable fire extinguishers must be regularly maintained and inspected. They must also be properly located.

1910.159 **Automatic Sprinkler Systems**

– The minimum vertical clearance between sprinkler and the hazard being protected is eighteen inches.

1910.164 **Fire Detection System**

– Smoke detectors must be maintained and installed according to the manufacturer's recommendations.

1910.165 **Employee alarm systems**

– Alarms must be capable of being perceived above ambient noise or light levels in the affected portions of the workplace.
– Tactile alarms may be used to alert those employees who otherwise could not recognize the audible or visual alarm.
– Alarms must be properly maintained and regularly tested.

FIRE HAZARDS

1910.106 **Flammable and combustible liquids**

– Inside storage rooms and outside storage areas must meet specified requirements to reduce hazards.
– Flammable liquids must be kept in covered containers or tanks when not actually in use.
– The quantity of flammable or combustible liquid that may be located in an inside storage room or storage cabinet must not exceed specified quantities.
– Storage must be in approved, specially designed containers.
– Storage tanks must have emergency venting and proper fire resistance.

1910.109 **Hazardous Materials**

– Surrounding areas must be kept clear of weeds and other brush.
– Electrical wiring and equipment must meet the hazardous location standards of the National Electrical Code.

1910.147 **Control of Hazardous Energy (Lockout/Tagout)**
– Whenever service or maintenance is performed on machines in which the unexpected re-energization might harm the employees, the work must be done with the machine stopped and isolated from all sources of energy. Employees involved in such energy control program must be trained, and the energy-isolating device must be locked out or tagged out.

ELECTRICAL HAZARDS

1910.303 **Electrical - General requirements**
– Electrical equipment shall be free from recognized hazards.
– Sufficient access and working space must be provided to permit ready and safe operation and maintenance of all electric equipment including electrical panel boxes.

1910.304 **Wiring design and protection**
– For a grounded system, a grounding electrode conductor must be used to connect both the equipment grounding conductor and the grounded circuit conductor to the grounding electrode.

1910.305 **Wiring methods, components, and equipment for general use**
– Flexible cords and cables must be protected from accidental damage. Unless specifically permitted, flexible cords and cables may not be used as a substitute for fixed wiring of a structure, where attached to building surfaces, where concealed or where run through holes in walls, ceilings or floors, or where run through doorways, windows or similar openings. Flexible cords must be connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws.
– Unused openings in cabinets, boxes and fittings must be effectively closed.
– Electrical wall outlets, junction boxes and panel boxes must have approved covers.

1910.333 **Selection and use of work practices**
– Safety-related work practices must be used to prevent electric shock or other injuries resulting from either direct or indirect electrical contacts, when work is performed near or on equipment or circuits that are or may be energized.
– There must be a written lockout and/or tagout procedure.

1910.334 **Visual Inspection of Electrical Equipment**

– Electric plugs missing ground prongs must be removed from use, repaired or replaced.

OCCUPATIONAL HEALTH EXPOSURE

1910.95 **Occupational noise exposure**
– Employees must be given protection against the effects of occupational noise exposure when the sound exceeds specified levels.

1910.132 **Personal protective equipment**
– The employer must provide and maintain the proper type of personal protective equipment ("PPE") where there is a hazard from processes or environments that may cause injury or illness to the employee.
– The employer must assess the workplace to determine if hazards are present, or likely to be present, which necessitate the use of PPE.
– The employer must train each employee who is required to use PPE. Employees must be trained to know at least the following: when PPE is necessary; what PPE is necessary; how to properly don, doff, adjust and wear PPE; the limitations of the PPE; and the proper care, maintenance, useful life, and disposal of PPE.
– See also 1910.133 (Eye and Face Protection), 1910.134 (Respiratory Protection), 1910.135 (Head Protection), and 1910.137 (Electrical Protective Equipment).

1910.134 **Respiratory Protection**
– Each employee required to wear a tight-fitting respirator must receive annual training and annual FIT testing.

1910.151 **Eyewash/Drench Shower**
– When employees are potentially exposed to harmful and corrosive materials, the employer must provide facilities for quick drenching or flushing of the eyes or body.

1910.1000 **Air contaminants**
– Employers must keep employee exposure to specified contaminants within acceptable levels. Where feasible, employers shall achieve compliance through administrative or engineering controls. Where administrative or engineering controls are not feasible, employers shall achieve compliance by the use of PPE (such as respirators) or other technical protective measures.

1910.1001 **Asbestos**

– Employers must demarcate those work areas in which airborne concentrations of asbestos exceed established limits, and must limit employee access to these areas.
– Employers must provide information and training to employees who are exposed to airborne asbestos at levels exceeding the established limits.
– Employers must establish a written compliance program and provide respirators, protective clothing and shower facilities for those employees who work in the demarcated area.
– See also 1926.1101 (asbestos standards for construction industry employees).

1910.1030 **Blood Borne Pathogens**

– Employers with employees who have reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or potentially infectious materials must have a written exposure control plan to minimize exposure to blood borne pathogens.
– The employer must provide appropriate antiseptic hand cleaner if hand washing facilities are not readily accessible.
– The exposure control plan must reflect changes in technology.

1910.1200 **Hazard communication**

– Employers must develop, implement and maintain a written hazard communication program giving information about the relevant chemical hazards.
– Employers must have a material safety data sheet ("MSDS") for each hazardous chemical they use and must ensure that these are readily accessible to employees during their work shift.
– See also 1910.1052 (Methylene Chloride).

1926.62 **Lead**

– Employees engaged in construction work must be protected from levels of lead exposure that exceed specified limits.
– In instances where there is potential lead exposure, the employer must monitor the area, and must provide employees with PPE and medical monitoring.
– See also 1910.1025 (lead standards for occupations other than construction or agriculture).

EQUIPMENT

1910.178 **Powered Industrial Trucks – Battery Charging and Recharging**
– Batteries must be charged only in designated areas and precautions must be taken at the time of charging or recharging. Signs must be posted and the area kept clear of other combustibles.

1910.212 **Machinery and Machine Guarding – General requirements**
– Where the periphery of the blades of a fan is less than 7 feet above the floor or working level, the blades must be guarded. The guard must have openings no larger than ½ inch.
– All hazards such as points of operation must be protected to prevent injury.

1910.213 **Woodworking machinery requirements**
– All woodworking machinery–such as table saws, swing saws, radial saws, band saws, joiners, tenoning machines, boring and mortising machines, shapers, planers, lathes, sanders, veneer cutters, and other miscellaneous woodworking machinery–must be enclosed or guarded (except that part of the blade doing the actual cutting) to protect the operator and other employees from hazards inherent to the operation.

1910.219 **Mechanical power-transmission apparatus – Belt drives**
– Belt drives must have appropriate guards to prevent injury from contact with moving machinery.

1910.242 **Hand and portable powered tools and equipment, general**
– The employer is responsible for the safe condition of all tools and equipment used by employees.
– Compressed air used for cleaning purposes must not exceed 30 pounds per square inch when the nozzle end is obstructed or dead-ended, and then only with effective chip guarding and PPE.

1910.253 **Compressed Gas Cylinders**
– Cylinders must be properly stored and valve covers must be used where applicable.
– See also 1910.101 (general requirements for compressed gases).

OTHER SAFETY HAZARDS

1910.22 **Walking–Working Surfaces -- General Requirements**

– All places of employment, passageways, storerooms, and service rooms must be kept clean and orderly and in a sanitary condition.

– Covers and/or guardrails must be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.

– Floor loading standards must be followed as defined by the building owner or structural engineer.

1910.23 **Guarding floor and wall openings and holes**

– Every stairway and ladderway floor opening must be guarded by standard railings with standard toeboards on all exposed sides except at the entrance.

– Every floor opening or hole into which a person can accidently walk or fall must be appropriately guarded.

1910.24 **Fixed industrial stairs**

– Every flight of stairs having four or more risers must be provided with a standard railing on all open sides. Handrails must be provided on at least one side of closed stairways, preferably on the right side descending.

1910.141 **Sanitation**

– All places of employment must be kept clean, with appropriate housekeeping, waste disposal, and control of vermin.

1910.146 **Permit-required Confined Spaces**

– The employer must post warning signs about certain confined spaces and must develop a written safety plan for employees who are required to work in permit-required confined spaces.

1910.176 **Handling Materials – general**

– Storage of material must not create a hazard.

– All stored materials stacked in tiers must be stacked, blocked, interlocked, and limited in height so that they are secure against sliding or collapse.

– Storage areas must be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion or pest harborage.

Occupational Safety and Health Inspections
Conducted under Section 215(e) of the Congressional Accountability Act

107th CONGRESS

BUILDING/FACILITY	*SIGNIFICANT AREAS*	*DATE*
House Office Bldgs.:Cannon, Rayburn, Ford, Longworth including West Annex,	Non-Office work areas (elevator control rooms, shops, mechanical and electrical rooms, attics, etc.)	April 24, 25, May 1, 14 and 15
Ft. Meade warehouses	All Areas	May 3
Senate Office Bldgs.: Dirksen, Hart, Russell, Postal Square (Senate Computer Center and Senate Service Department)	Non-Office work areas (elevator control rooms, shops, mechanical and electrical rooms, attics, etc.)	May 7, 8, 9, 21 and June 5, August 8
Library of Congress: Madison, Jefferson, Adams	Offices and administrative space only.	May 14, 15, 16 and July 16
GAO Building	All Areas	May 22
Capitol Building and Grounds	Non-Office work areas (elevator control rooms, shops, mechanical and electrical rooms, attics etc.)	May 28 and 29
Senate Office Bldgs.: Russell, Dirksen,	Offices and administrative space only.	May 29,30 and 31
Supreme Court Building	Mechanical rooms shops, and other areas operated by the AOC	May 31
Capitol Police Headquarters Building; K-9 Training facility; Off-site delivery (AOC/USCP), Vehicle Maintenance and Miscellaneous Facilities: AOC Construction Management Shop; P Street Warehouse	All Areas	June 4, 5 July 10 and 17
Senate Office Bldgs.: Hart	Offices and administrative space only.	June 11 and 12

BUILDING/FACILITY	***SIGNIFICANT AREAS***	***DATE***
Capitol Building	Offices and administrative space only	June 13
Botanic Garden Conservatory and Administrative Building	All Areas	July 9
House Office Bldgs: Cannon, Longworth, Rayburn, Ford	Offices and administrative space only.	July 9, 10, 11, 16,17 and 18

Personnel and Methods

Michael Lemov, Deputy General Counsel of the Office of Compliance, was the primary author of the report and had overall responsibility for its preparation. Cheryl Polydor, Attorney, shared principal report writing and preparation responsibilities with him. In addition, Mr. Lemov and Ms. Polydor worked on a number of the major investigations discussed in the report, including investigations relating to emergency preparedness and the safety of irradiated mail. Kate Tapley, Attorney, also assisted in the writing and preparation of the report. Patricia Reardon-King, Administrative Assistant and Paralegal, assisted in the report's production.

The inspections of shops and non-office work areas were conducted by Thomas Seymour and Stephen Mallinger.

Mr. Seymour, who was retained as a consultant to the General Counsel, is a registered fire protection engineer. He has served as Deputy Director and Acting Director of OSHA's Safety Standard Directorate and has more than 37 years of experience in the fire safety and safety and health fields. Currently, he is an associate professor at the University of Maryland where he teaches fire safety-related courses.

Mr. Mallinger is on detail from the Occupational Safety and Health Administration, where he has over 22 years of experience. While with OSHA, Mr. Mallinger served as the head of the Office of Health Compliance and Deputy Director of the Directorate of Technical Support. In these positions, he had responsibility for developing national policies and procedures for field offices in areas such as chemical testing and sampling, detection of the Legionella bacteria, and assessing asbestos exposure. Mr. Mallinger is an Industrial Hygienist, certified by the American Board of Industrial Hygiene, and a member of the American Industrial Hygiene Association and the American Conference of Governmental Industrial Hygienists.

In addition to Mr. Mallinger's services, OSHA, through an interagency agreement, has provided the equipment and laboratory services needed to sample for harmful substances. Samples have been analyzed at OSHA's laboratory in Salt Lake City. In addition, OSHA personnel have provided advice on a variety of technical issues.

The inspections of office work areas were conducted by Terry Lane. Mr. Lane, who is

retained as a consultant to the General Counsel, is a former Area Director for the Occupational Safety and Health Administration for the State of Maryland and the District of Columbia. Mr. Lane has over 25 years' experience in the safety and health field and is a professional member of the American Society of Safety Engineers.

The inspections were conducted in a manner similar to "walkaround" inspection conducted by OSHA. As with OSHA inspections, management representatives designated by the employing offices accompanied the inspectors as they walked through the facility. Representatives of affected employees were also invited to participate and did so for most of the inspections.

Once the inspectors arrived at a particular office or place of employment, they walked through work areas, inspecting for hazards. The inspectors discussed any violations of OSHA standards they observed with the representative of the employing office and offered technical advice on how to eliminate the hazard. Photographs were taken of some of the conditions observed. As with OSHA inspections, the General Counsel's goal in these inspections was to help employing offices and employees reduce on-the-job hazards.

Throughout this inspection process, this Office received excellent cooperation from almost all employing offices. Architect of the Capitol personnel were particularly helpful in helping us to complete the inspections in a timely manner, and in promptly abating many of the hazards identified during the inspections.

We also wish to express our gratitude and appreciation to our colleagues at OSHA for their prompt and helpful advice and technical support on a variety of issues. The photographs reproduced at pp. 3, 11 and 17 were provided as a courtesy by Roll Call Photos, for which we are grateful.

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EMPLOYING OFFICE COMMENTS

APPENDIX F

Chief Administrative Officer
U.S. House of Representatives
Washington, DC 20515–6860

November 13, 2002

Gary Green
General Counsel
Office of Compliance
Room LA 200
John Adams Building
110 Second Street, S.E.
Washington, D.C. 20540

Re: Office of Compliance Report

Dear Mr. Green:

In regards to the General Counsel's Report on Occupational Safety and Health Inspections, it should be noted for the CAO in Appendix B at: B – 9, 10, 11, 17, 19, and 22 that:

"Electrical issues are the jurisdiction of the AOC. Accordingly, the CAO is working with the AOC to correct any outstanding issues."

Also, on B-23 it should be noted that:

"Improper extension cord use has been abated and that the Office Supply Store will be stocking various types of power strips to help alleviate future extension cord issues."

Please incorporate these responses into your report.

Sincerely,

Jay Eagen
Chief Administrative Officer

APPENDIX F

Washington, DC 20515

November 12, 2002

Mr. Gary Green
General Counsel
Office of Compliance
110 Second Street, SE, Rm LA-200
Washington, D.C. 20540-1999

Dear Mr. Green:

This letter is in response to the General Counsel, Office of Compliance *Report on Occupational Safety and Health Inspections Conducted Under the Congressional Accountability Act* dated November 2002 that you provided in your letter dated November 6, 2002.

First, thank you for your recognition of the positive steps the Architect of the Capitol has taken and the improvement you have noted in our fire and occupational safety and health programs. Although much remains to be done, I am proud of our accomplishments and progress to date and appreciate your recognition and support of these efforts.

I understand that Ms. Susan Adams and Mr. Kevin Mulshine of my staff have been communicating with Mr. Michael Lemov of your staff regarding the omission of the Senate Appropriations Committee on page 32 and the off-site facility responsibilities discussed on-page 40. I understand that the final report will be amended to reflect their input. I thank you for making those modifications.

Drawing your attention to page 32 of subject report, as discussed in Mrs. Adams letter to you dated October 24, 2002, and provided as an attachment, the AOC and OSHA are not as close to an agreement as we would like. Unfortunately differences of applicable laws regarding Agency disclosures policies (Freedom of Information Act) have complicated and prolonged the finalization of the formal arrangement with OSHA. As detailed in Mrs. Adams letter, the assistance already provided by OSHA and the assistance provided by the Public Health Service and DuPont Safety Resources has made the formal agreement with OSHA less of a necessity. As our safety program progresses, we are re-assessing the focus of additional able assistance from OSHA. We are in the process of finalizing our 5 year Safety Master Plan and re-evaluating OSHA's possible role.

In the following paragraph, you raise concerns about a proposed organizational change. As I discussed in my letter to you of October 23, 2002, the reorganization you refer to is under review, it has not been approved or implemented. Regardless, I want to assure you that safety remains a top priority within the Architect of the Capitol. The proposed Safety, Fire, and Environmental (SFE) Programs Office will retain its current level of responsibility (safety program policy development, coordination, and oversight). The Director of SFE Programs will continue to have unlimited direct access to me. The Director also serves as a member of the Senior Policy Committee thereby assuring direct access to, and communication with, me and the Senior Agency Managers. Additionally, placing the Safety, Fire, and Environmental Programs Office within the Office of the Facilities Manager organization will improve the overall communication, emphasis, and execution of our safety program, not detract from it. The proposed facilities management organization will contain approximately seventy percent (70%) of the Agencies workforce and represents the same percentage (70%) of our Department of Labor reportable injuries over the last 36 months. Working from within the Facilities Manager organization, the Safety, Fire, and Environmental Programs Office will be able to improve the focus of resources, coordination of efforts, and consistency of implementation. I am, of course, continuing periodic safety walk arounds with the Director and remaining personally involved in the progress of our safety program. The AOC is a relatively small agency of approximately 2000 employees. I contend that the Director of SFE Programs will have equal if not better access to me than an Assistant Secretary at many larger agencies.

I will continue to monitor the effectiveness of our SFEP organization. If the proposed reorganization is approved and implemented and I find that the SFEP Office location within the organization is negatively impacting its effectiveness, I will take the necessary steps to correct that situation.

I am committed to implement an effective and comprehensive occupational safety and health program and to achieve our goal of an injury free work environment. I appreciate your feedback and recognition of the dramatic improvements that we have made. I look forward to continued support and assistance from your office in improving our safety program.

If you have any questions or require additional information, please contact me on 202-228-1204 or Ms. Susan Adams on 202-226-0630.

Sincerely,

Alan M. Hantman, FAIA
Architect of the Capitol

Tkt No 021112 03 01

copy to Mulshine

ALFONSO E. LENHARDT
SERGEANT AT ARMS

United States Senate

OFFICE OF THE SERGEANT AT ARMS

November 18, 2002

Gary Green
General Counsel, Office of Compliance
John Adams Building, Room LA 200
110 Second Street, S.E.
Washington, D.C. 20540-1999

Via Fax: 202-426-1913

Dear Mr. Green:

This is in response to your letter dated November 6, 2002, in which you offered me the opportunity to provide "written comments for possible inclusion" in the Office of Compliance's Report on Occupational Safety and Health Inspections for the 107th Congress ("Final Report"). I understand that you plan to publish the Final Report shortly.

As you are aware, I previously submitted comments and information for inclusion in the Final Report by letters dated September 19, October 11, and October 25. I appreciate your inclusion of much of the information I provided. The proposed Final Report appears to be more complete than prior drafts; however, I am concerned that it still does not accurately reflect the successful efforts of the Office of the Sergeant at Arms (SAA) to correct identified safety hazards. For example, many entries in the chart at Appendix B list the SAA as a "Responsible Office," but fail to give credit to the SAA under the heading "Abatement Data" for corrections which have been made. In such "Abatement Data" entries, either the SAA is not listed as having made corrections or the entries simply state "no report for some locations." In addition, in several instances the chart at Appendix B misidentifies the SAA as the "Responsible Office" for some safety hazards.

While I understand that the Board of Directors has the final say in whether you must include in the Final Report comments from responsible employing offices, including the SAA, I hope that the Final Report will accurately reflect the responsibility of and corrections made by the SAA as described in my prior correspondence to you. Thank you.

Sincerely,

Alfonso E. Lenhardt
Sergeant at Arms

AEL:jem

cc: Alan Hantman, Architect of the Capitol
Kennie Gill, Chief of Staff, Senate Rules Committee
Tamara Somerville, Minority Staff Director, Senate Rules Committee

UNITED STATES CAPITOL POLICE
OFFICE OF THE CHIEF
119 D STREET, NE
WASHINGTON, DC 20510-7218

November 18, 2002

OFFICE OF THE GENERAL COUNSEL

Gary Green, General Counsel
Office of Compliance
Room LA-200, John Adams Building
110 Second Street, S.E.
Washington, DC 20540

Dear Mr. Green:

We are in receipt of your November 6, 2002, letter affording the United States Capitol Police Board ("CPB")[1] the opportunity to submit written comments for possible inclusion in the General Counsel's Report on Occupational Safety and Health Inspections ("the Report").[2] As you know, the USCP requested changes to and/or clarifications of portions of the Report on October 25, 2002, in response to your October 9, 2002 letter. While we appreciate your efforts to make the corrections discussed in Items 2, 3 and 4 of the USCP's October 25, 2002, letter, we are concerned that several of the USCP's requested changes/clarifications were not fully made, particularly in the Anthrax-Emergency Response Training & Procedures section of the Report ("Emergency Response Section"). As a result this section of the Report continues to be inaccurate. As explained below, the GC must modify the Emergency Response Section to correctly reflect the facts in this matter.

Several inaccuracies are found in the Emergency Response Section on page 12, in

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[1] Your letter incorrectly identifies the United States Capitol Police ("USCP") as the employing office in this matter. For purposes of the Congressional Accountability Act of 1995, 2 U.S.C. §§ 1301-1348 ("CAA"), however, the employing office is the CPB. *See* 2 U.S.C. § 1301(9)(D).

[2] In your November 6, 2002, letter, you assert that the Office of Compliance ("OC") has "informally promulgated" a new procedural rule. The CPB is unaware of any authority that permits the OC to informally promulgate such a rule. In fact, the CAA specifically requires prior to the adoption of a procedural rule that the Executive Director of the Office of Compliance ("Executive Director") publish a general notice of proposed rulemaking and provide a comment period of at least 30 days. *See* 2 U.S.C. § 1383. The Executive Director, however, has not published a general notice or provided a comment period with regard to this new procedural rule.

which you discuss the Anthrax investigation. First, the Report incorrectly implies that the CPB groundlessly refused to provide information to the GC during its investigation. As you are well aware, however, the CPB has a statutory duty to direct the policing of the Capitol Complex and to protect Members of Congress and their families, Capitol Complex employees and visitors to the Capitol Complex, including to protect the core functions of the legislative branch. *See* 40 U.S.C. §§ 212a, 212a-2, 212a-4, 212a-4a. You requested unlimited information related to your investigation. The CPB's statutory duty prevented it from providing this security-sensitive information absent a mechanism for protecting such information. As early as 2000, in an effort to work with you, the CPB sought a protective order that would enable it to provide you with this security-sensitive information, while still ensuring, consistent with its statutory obligation, that the information was safeguarded. Originally, this effort at cooperation on the part of the CPB was summarily dismissed by you in your letter of August 28, 2000, even after a Senate Committee in August 2000 advised your office to work with the Capitol Police to reconcile potentially competing statutory responsibilities.

Subsequent to your issuance of citations in this matter, the Board of Directors of the Office of Compliance ("Board") also recognized that the CPB had a legitimate statutory interest in protecting security-sensitive information and also urged that the parties work together to develop a process for protecting such information. As a result, the GC finally agreed to negotiate an agreement to protect security-sensitive information. The CPB submitted a proposed memorandum of understanding that would ensure the protection of security-sensitive information,[3] but, unfortunately, the parties could not agree on the appropriate language. Furthermore, to state that the Capitol Police provided "no information" is clearly a factual misstatement, since the Capitol Police has provided several certifications, including compliance details, regarding the USCP Emergency Response Plan and Personal Protection Equipment Program. *See*, specifically, p. 12, para. 3 of proposed OC Report.

We believe it is disingenuous and clearly misleading to report on your Anthrax investigation without setting forth the legitimate reasons that the CPB could not provide you with security-sensitive information and the efforts that the CPB undertook to enable it to provide you with such information. Accordingly, we request that this information be included in the Report.

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[3] The memorandum of understanding proposed by the CPB correctly provided that the USCP would determine whether information was security-sensitive and, thus, could not be released by the GC. The GC has neither the training nor the expertise to make such a determination. Moreover, the CPB and the USCP, not the GC, have the statutory duty to ensure that information is not released that could compromise the functioning of the legislative branch.

Second, the Emergency Response Section discusses the GC's conclusions regarding emergency response training and procedures without properly informing the public of the limited nature of the GC's investigation. As explained above, the GC refused to enter into an agreement to protect security-sensitive information, and the CPB, thus, was prevented by its statutory duty from providing the GC with any security-sensitive information. Because the GC lacked this important information, its conclusions in this matter are incomplete, inaccurate, and lacking in credibility. Thus, we strongly urge you to delete paragraph 3 of the Emergency Response Section.

The CPB requests the Report be modified to correct the inaccurate and misleading statements discussed above. To the extent that the GC refuses to make these modifications, the CPB requests that this letter and the USCP's October 25, 2002, letter be appended to the GC's Report. Prior to releasing the Report, we would appreciate hearing from you about whether the requested changes were made.

Finally, please be advised that I have attached the recommended redactions based on the latest USCP-Document Review Team's security sensitive review.

Sincerely,

Robert R. Howe

Robert R. Howe
Assistant Chief of Police

RRH:dms

OFFICE OF COMPLIANCE

November 19, 2002

Robert Howe
Assistant Chief
U.S. Capitol Police
119 D Street, N.E.
Room 701
Washington, D.C. 20510-7218

Dear Chief Howe:

I acknowledge receipt of your letter of November 18, 2002, commenting on our Report to the 107th Congress on occupational safety and health. In the interest of full disclosure we will include your letter in Appendix F to our Report.

However, your letter includes several inaccurate statements as follows:

1. You assert that the Report is incorrect in its description of the CPB as uncooperative; you characterize your refusal to provide information during the General Counsel's investigation of the anthrax - response case as a function of your "statutory duty to direct the policing of the Capitol Complex". But the Report is accurate, as explained below, and your refusal was uncooperative, to say the least.

CPB Counsel tendered a proposed "protective order" on August 28, 2000, which, if agreed to by the General Counsel, would have given absolute and unreviewable authority to CPB to determine what information is "confidential" and what persons, if any, are entitled to receive it. But Congress has not given CPB any such special immunity from investigative and reporting authority under the Congressional Accountability Act.

Moreover, CPB refused to agree to any of the various counter-proposals later submitted by the General Counsel in an effort to resolve the confidentiality problem. Indeed, as late as May 2002, CPB was still asserting that it would not cooperate with the General Counsel's investigation unless the General Counsel executed the very agreement it had proposed back in August 2000 -- an agreement which would require the General Counsel to abdicate safety and health responsibilities imposed by law. Cooperation was also difficult to discern throughout this period because CPB frequently persisted in groundless claims, including the claim that the

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General Counsel lacked jurisdiction in this case. It is also unpersuasive for you to point to the various "certifications" you submitted as evidence of cooperation, since they came only very late in the day and, as we have previously noted, were uncorroborated and conflicted with evidence in our possession.

2. Your letter also states that our office lacked "important information" when it issued its anthrax citations. In fact, we had sufficient information - - based upon our interviews with dozens of CPB officers who were willing to testify, consultation with outside experts, and hundreds of pages of relevant documentary evidence. It is fair to say that CPB management delayed the progress of our investigation. But it also needs to be said, that, despite management's lack of cooperation, a very strong case was finally assembled.

I should also add that Chief Gainer's arrival seems to have had a very beneficial effect, and that I look forward to a more cooperative and productive relationship between our offices in the future.

This letter will be published together with your letter of November 18, 2002, in an Appendix to our Report.

Sincerely,

Gary Green
General Counsel

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