

U.S. Department of Labor
Occupational Safety and Health Administration
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324



Notice of Unsafe or Unhealthful Working Conditions

To:
U.S. Department of Justice Federal Bureau of Prisons,
dba FCI Miami
15801 SW 137th Avenue
Miami, FL 33177

Inspection Number: 1335777
Inspection Date(s): 08/02/2018 - 08/02/2018
Issuance Date: 11/26/2019

Inspection Site:
15801 SW 137th Avenue
Miami, FL 33177

The violation(s) described in this Notice is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below

This Notice of Unsafe and Unhealthful Working Conditions (Notice) describes violations of the Occupational Safety and Health Act of 1970, the Executive Order 12196, and 29 CFR 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters. You must abate the violations referred to in this Notice by the dates listed unless, within 15 working days (excluding weekends and Federal holidays) from your receipt of this Notice you request an Informal Conference with the US Department of Labor OSHA Area Office at the address shown above. Please refer to the enclosed publication "Federal Employer Rights and Responsibilities Following an OSHA Inspection" which outlines the appeals procedure for this Notice and which should be read in conjunction with this form. If you have any questions please contact this office at 954-424-0242

Posting – The law requires that a copy of this Notice be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because the nature of the employer's operations, where it will be readily observable by all affected employees. This Notice must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

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

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

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

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

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

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

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and notice activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this notice. You are encouraged to review the information concerning your establishment at www.OSHA.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES

An informal conference has been scheduled with the Occupational Safety and Health Administration (OSHA) to discuss the Notice of Unsafe or Unhealthful Working Conditions (Notice) issued on 11/26/2019. The conference will be held by telephone or at the OSHA office located at 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET – FEDERAL AGENCIES

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Employer Instruction: List the specific method of correction for each item on the enclosed notices that does not read “Corrected During Inspection” and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324.** Failure to submit a timely certification of corrective action may result in a notification to your agency DASHO.

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Notice Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

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

Signature

Date

Title

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

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



Notice of Unsafe and Unhealthful Working Conditions

Company Name: U.S. Department of Justice Federal Bureau of Prisons, dba FCI Miami
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Notice 1 Item 1 Type of Violation: **Serious**

29 CFR 1960.8(a): The Agency head did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees were exposed to the hazard of being assaulted by inmates with a history of violent behavior:

- a) On or about May 25, 2018, an unescorted inmate with a history of exhibiting sexually aggressive disruptive behavior was in the lobby of the HSU for no reason when he sexually assaulted a pharmacist by grabbing her buttocks.
- b) On or about July 4, 2018, an argumentative prison inmate in the Special Housing Unit (SHU) tried to assault a correctional officer through the shower cell where the door slot remained open.

Among other methods, feasible and acceptable means of abatement include:

1. Evaluate the configuration of the Health Services Unit, where inmates have access and can walk through the hallways of employee offices. Determine the possibility of installing physical barriers in hallways to restrict unnecessary inmate access to the Health Services Unit. In addition, assess the possibility of installing video surveillance in common areas of health services building to monitor inmate movements in the unit.
2. Develop and implement a process or procedure to ensure that inmates access the health services unit only when they are seeking medical attention and prevent inmates without medical health needs from gathering in the lobby of health services building.
3. Re-evaluate the current body alarm system to ensure alarms are an effective method of immediately summoning assistance in an emergency situation. Ensure radio devices have a location tracking feature so that dispatch does not have to delay assistance to confirm the employees location or that the body alarm was deliberately activated. Provide clear written procedures and train employees to activate body alarms for threats or an act of violence, signs of aggression, prior to making physical contact, or the use of force. Designate a team every shift that will respond to body alarms.

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4. Evaluate and revise special housing unit inmate shower procedures to secure shower door slots and ensure that inmates cannot assault staff through the shower doors or door slots, while maintaining PREA compliance.
 5. Review and update BOP 3730.05 Workplace Violence Prevention, Staff Program Statement to specifically address inmate-on-staff violence, worksite hazard analysis, hazard prevention, reporting incidents of inmate-on-staff violence, controls implemented to reduce inmate-on-staff violence, and training. Conduct annual reviews to evaluate the effectiveness and implementation of the program. Ensure staff exposed to workplace violence participate in annual reviews.
 6. Ensure contracted staff are properly equipped and trained to address potential encounters with violent, disruptive, or aggressive inmates and to utilize the two-way radios with a body alarm feature prior to moving into positions that may result in inmate contact.
 7. Establish a procedure to flag inmates who are transferred from higher security level facilities, have a history of gang affiliation or violence, or have a history of disruptive behavior towards staff members. Ensure all employees who will work in proximity to these inmates, including contracted employees, are provided this information. Encourage employees to discuss any signs of threats, aggression, or inappropriate behaviors among inmate population.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 01/15/2020

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms or service rooms were not kept clean and orderly or in a sanitary condition:

- a) On or about October 29, 2018, in the Everglades Unit (FCI), there was visible mold on the ceiling where employees are assigned to perform work duties.

- a) On or about October 29, 2018, in the Coral Unit (FCI), there was visible mold on the ceiling where employees are assigned to perform work duties.

The US Department of Justice Federal Bureau of Prisons was previously cited for a violation of this Occupational Safety and Health Standard 1910.22(a)(1), which was contained in OSHA inspection number 1281484, citation number 2, item number 1 and was affirmed as a final order on August 21, 2018, with respect to a workplace located at 15801 SW 137th Ave, Miami, FL 33177.

The Agency was previously cited for a violation of the same standard, 1910.22(a) (1) on June 6, 2018 Inspection #1281484, with a final order/settlement date of August 21, 2018.

Date by which Violation must be Abated: Corrected During Inspection

A handwritten signature in black ink, appearing to read "Condell Eastmond", written over a horizontal line.

Condell Eastmond
Area Director