

Alaska Department of Labor and  
Workforce Development  
Occupational Safety and Health  
P.O. Box 107022  
Anchorage, Alaska 99510  
Phone: (907) 269-4940 FAX: (907) 269-4950



INVOICE/  
DEBT COLLECTION NOTICE

Company Name: Ketchikan Gateway Borough  
Inspection Site: 1000 Airport Terminal Suite 10 Transportation, Ketchikan, AK 99901  
Issuance Date: 05/22/2002  
Summary of Penalties for Inspection Number: 303700744

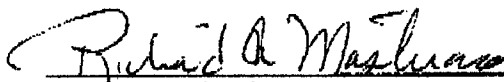
Citation 1, Serious	= \$	2475.00
Citation 2, Other	= \$	0.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>2475.00</b>

To avoid additional charges, please remit payment promptly to the above address for the total amount of the uncollected penalties summarized above. Make your check or money order payable to: "State of Alaska". Please indicate AKOSII's Inspection Number (indicated above) on the remittance and return this form along with your remittance.

AKOSII does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Delinquent Charges.** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, the amount due will be forwarded to the Attorney General's office for collection.

**Administrative Costs.** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

  
Richard A. Mastriano  
Director, Labor Standards and Safety

5/22/02  
Date

**Alaska Department of Labor and  
Workforce Development**  
Occupational Safety & Health  
P.O. Box 107022  
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## Citation and Notification of Penalty

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**To:**  
Ketchikan Gateway Borough  
and its successors  
1000 Airport Terminal Suite 10  
Ketchikan, AK 99901

**Inspection Number:** 303700744  
**Inspection Date(s):** 04/04/2002- 04/05/2002  
**Issuance Date:** 05/22/2002

**Inspection Site:**  
1000 Airport Terminal Suite 10/Transportation  
Ketchikan, AK 99901

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

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This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 calendar days (excluding weekends and State holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the Alaska Department of Labor Office at the address shown above. Please refer to the enclosed form which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Board or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 5 working days (excluding weekends and State holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Chief of Enforcement during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Commissioner or his designees within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page attached to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only certain items. You may wish to request a written violation and/or abatement date, rather than contesting the underlying violations. Unless you inform the Commissioner or his designees in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Board and may not be reviewed by any court or agency.

**Penalty Payment** - Penalties are due within 30 Calendar days of receipt of this notification unless otherwise stated. Make your check or money order payable to "State of Alaska". Please indicate the AKOSH Inspection Number on the remittance.

AKOSH does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** - For violations which you do not contest, you should notify the Alaska Department of Labor Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform this office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Alaska Department of Labor Office at the address shown above.

**Employer Rights and Responsibilities** - The enclosed form outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Alaska Department of Labor Office at the address shown above and postmarked within 15 working days (excluding weekends and State holidays) of the receipt by the employer of this Citation and Notification of Penalty.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

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

05/22/2002. The conference will be held at the AKOSH office located \_\_\_\_\_,

\_\_\_\_\_, Alaska, on \_\_\_\_\_ at \_\_\_\_\_ Employees and/or

representatives of employees have a right to attend an informal conference.



**Citation and Notification of Penalty**

Company Name: Ketchikan Gateway Borough  
Inspection Site: 1000 Airport Terminal Suite 10/Transportation, Ketchikan, AK 99901

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.215(b)(9): Exposure adjustment. Safety guards of the types described in subparagraphs (3) and (4) of this paragraph, where the operator stands in front of the opening, shall be constructed so that the peripheral protecting member can be adjusted to the constantly decreasing diameter of the wheel. The maximum angular exposure above the horizontal plane of the wheel spindle as specified in paragraphs (b)(3) and (4) of this section shall never be exceeded, and the distance between the wheel periphery and the adjustable tongue or the end of the peripheral member at the top shall never exceed one-fourth inch. (See Figures O-18, O-19, O-20, O-21, O-22, and O-23.)

EXAMPLE: The shop grinder tongue guard was greater than 1/4 inch from the abrasive wheel.

Date By Which Violation Must be Abated: \_\_\_\_\_ Corrected During Inspection  
Proposed Penalty: \$ 1100.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Ketchikan Gateway Borough

Inspection Site: 1000 Airport Terminal Suite 10/Transportation/Industrial/AF-00001

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

29 CFR 1910.215(a)(4): Work rests. On offhand grinding machines, work rests shall be used to support the work. They shall be of rigid construction and designed to be adjustable to compensate for wheel wear. Work rests shall be kept adjusted closely to the wheel with a maximum opening of one-eighth inch to prevent the work from being jammed between the wheel and the rest, which may cause wheel breakage. The work rest shall be securely clamped after each adjustment. The adjustment shall not be made with the wheel in motion.

EXAMPLE: The shop bench grinder work rest was greater than 1/8 inch from the abrasive wheel.

Date By Which Violation Must be Abated: Corrected During Inspection

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

29 CFR 1910.146(c)(3): Permit-required confined spaces. General requirements--if the employer decides that its employees will not enter permit spaces, the employer shall take effective measures to prevent its employees from entering the permit spaces and shall comply with paragraphs (c)(1), (c)(2), (c)(6), and (c)(8) of this section.

EXAMPLE: The employer did not take effective measures to prevent an employee from entering a permit required confined space such as the oil water separator.

Date By Which Violation Must be Abated: Corrected During Inspection  
Proposed Penalty: \$ 1375.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: Ketchikan Gateway Borough  
Inspection Site: 1000 Airport Terminal Suite 10/Transportation, Ketchikan, AK 99901

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

29 CFR 1910.305(g)(1)(ii): Clear spaces. Working space required by this subpart may not be used for storage. When normally enclosed live parts are exposed for inspection or servicing, the working space, if in a passageway or general open space, shall be suitably guarded.

EXAMPLE: The area in front of the electrical panels located in the diesel generator building were used for storage.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 0.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**


Company Name: Ketchikan Gateway Borough  
Inspection Site: 1000 Airport Terminal Suite 10/Transportation, Ketchikan, AK 99901

**Citation 2 Item 2** Type of Violation: **Other**

29 CFR 1910.22(d)(1): General requirements. Floor loading protection. In every building or other structure, or part thereof, used for mercantile, business, industrial, or storage purposes, the loads approved by the building official shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building, or his duly authorized agent, in a conspicuous place in each space to which they relate. Such plates shall not be removed or defaced but, if lost, removed, or defaced, shall be replaced by the owner or his agent.

EXAMPLE: The loft in the equipment storage building was not load rated.

Date By Which Violation Must be Abated: Corrected During Inspection  
Proposed Penalty: \$ 0.00

  
Richard A. Mastriano  
Director, Labor Standards and Safety

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## EMPLOYER RESPONSIBILITIES FOLLOWING AN AKOSH INSPECTION

Department of Labor, Occupational Safety and Health Section (AKOSH)

Your work place has just been inspected in accordance with Alaska Statutes 18.60.0101 through 18.60.105 which set forth the Alaska laws covering occupational safety and health. The enforcement officer who conducted the inspection may have found conditions in violation of the law. After the information about those conditions is examined by the enforcement officer's supervisor, it may be determined that violations did exist. If so, citations may be issued explaining in detail the exact nature of these violations and setting forth any associated penalties.

The Fact Sheet contains information regarding your responsibilities and rights. For added information not covered here or for answers to any questions you may have, please contact the AKOSH Anchorage office at P.O. Box 107022, Anchorage, AK 99510-7022, telephone (907) 269-4940. For each apparent violation found during the inspection, the enforcement officer has discussed or will discuss with you the following:

- \* Nature of the violation; and
- \* Possible abatement dates you may be required to meet.

The AKOSH enforcement officer will, if requested, offer recommendations on possible abatement measures which you may take to correct the violative condition. Whenever possible, the AKOSH enforcement officer will offer more than one alternative for achieving compliance.

To minimize exposure to your employees to possible hazardous conditions, you are strongly urged to begin your abatement efforts as soon as you can.

Particular hazards may also have been found during the course of the inspection which could require future examination by another enforcement officer. For example, a suspected occupational health hazard may require evaluation by an industrial hygienist.

### ACTIONS YOU MAY TAKE AFTER RECEIVING A CITATION

1. You should read the citation carefully. If you have any questions regarding the citation, please contact the Anchorage AKOSH office at the address on the citation.

2. You must post the citation. The citation or a copy of it must be posted at or near the place each violation occurred to let employees know about hazards to which they may be exposed. The citation must remain posted for five (5) working days or until the violation is corrected, whichever is longer. You must comply with the posting requirement even if you contest the citation or request an informal conference.

3. You may request an informal conference. The informal conference will assist you to:

- \* Obtain a more complete understanding of the specific standards which apply;
- \* Determine ways to correct the violation(s);
- \* Answer questions concerning proposed penalties;
- \* Resolve problems with abatement dates;
- \* Resolve problems concerning employee safety practices; and
- \* Obtain answers to any other related questions you may have.

**PLEASE NOTE:** An informal conference must be requested within 15 working days after receipt of the citation. A request for an informal conference will not extend the 15 working day period within which you must either pay penalties or elect to contest the citation.

If you wish only a longer abatement date and you have a valid reason, you should discuss this in an informal conference. AKOSH may, as a result of the informal conference, issue an amended citation changing an abatement date prior to the expiration of the 15 working day period without your filing a contest.

4. You must correct the violations listed on the citation and pay any penalties imposed unless you are following appropriate contest procedures. If you agree that the alleged violations did exist and that the abatement dates and penalties are reasonable you must correct the condition by the date set in the citation and pay the penalty, if one is assessed.

5. You may contest any portion of the citation and/or assessed penalty. If you do not agree with the alleged citation and/or the penalty, you have 15 working days from the date you receive the citation, in which to contest a violation, a penalty, or an abatement date. To contest you must notify in writing either the AKOSH Anchorage office or the Commissioner of the Department of Labor within 15 working days after receipt of the citation. Working days are Monday through Friday, excluding State holidays. This written notification must clearly state what is being contested -- a violation, a penalty, an abatement date, or any combination.

6. If your Notice of Contest is properly filed, the case will be forwarded to the AKOSH Review Board, an independent agency. The Board will schedule a hearing in a public place close to your work place. The Board may uphold, modify, or eliminate any item of the citation or penalty that you have challenged. The Board's decision may be appealed to the State Superior Court.

7. Penalties should be paid within 15 working days after your receipt of the citation and notification of penalty. If, however, you contest the citation or penalty in good faith, you need not pay for those items contested until a final decision is made by the Board on your contest.

8. You must notify AKOSH of corrective action taken. For violations you do not contest, you must promptly notify AKOSH that you have corrected the cited condition by the abatement date in the citation. You will be provided with a form, titled *Notice of Correction* when the citation is mailed to you which you may use to notify AKOSH of the corrective action taken. You must explain the specific action taken with regard to each violation, provide documentation such as photographs and diagrams, and the approximate date the corrective action was completed. When the citation permits an extended time for abatement, you must assure that employees are adequately protected during this time. You should

also send periodic progress reports on your actions to correct the violation.

9. You may seek modification of an abatement date. Abatement dates are established on the basis of the information available at the time the citation is issued. When uncontrolled events or other circumstances prevent your meeting an abatement date and the 15 working day contest period has expired, you may submit a *Petition for Modification of Abatement*. The petition must be submitted no later than the close of the next working day following the date on which abatement was originally required.

10. Failure to correct a violation by the date prescribed may result in additional penalties. Under the Alaska Occupational Safety and Health laws, AKOSH may assess a penalty not less than \$1,000 per day for each day the violation goes uncorrected after the abatement date.

11. Employees or their authorized representatives may contest any or all of the abatement dates set for violations if they believe them to be unreasonable.

12. It is illegal to provide false information on your efforts to abate cited conditions or in records required to be maintained by the Alaska occupational safety and health law.

(Additional copies of this Fact Sheet are available from the Alaska Occupational Safety and Health Section (AKOSH) of the Department of Labor at P.O. Box 107022, Anchorage, AK 99510-7022 or at P.O. Box 21149, Juneau, AK 99802-1149.)