



STATE OF NEW YORK  
**DEPARTMENT OF LABOR**  
DIVISION OF SAFETY AND HEALTH  
Public Employee Safety and Health Bureau  
345 Hudson Street, Mail Stop 7F  
PO Box 683  
New York, NY 10014-0683

February 12, 2003

Israel Miranda  
47-09 30th St  
LIC, NY 11101

Dear Israel Miranda:

In response to your complaint alleging hazardous working conditions at

NYC FD EMS Batt. 20  
1410 Pelham Parkway  
Bronx, NY 10461

the Public Employee Safety and Health Bureau (PESH) has conducted a workplace inspection and determined that your complaint is:

Sustained

Not Sustained

- A Notice of Violation and Order to Comply, listing the safety and health standards that have been violated and the actions necessary to correct these violations, has been issued to the employer responsible for the facility. A copy of the Order issued is required to be posted near the site of each violation.

If you disagree with the results of this investigation, you may request an informal review of this matter by contacting me at the address shown above within ten days of the date of this letter.

Very truly yours,

  
David S. Cain  
Supv. Safety and Health Inspector

Telephone: (212) 352-6116

FAX: (212) 352-6138

New York State Department of Labor  
Public Employee Safety and Health Bureau

Inspection Number: 301745055  
Inspection Dates: 01/09/2002 - 01/09/2002  
Issuance Date: 02/12/2003  
CSHO ID: K7767

**Citation and Notification of Penalty**

Company Name: NYC FD EMS Batt. 20  
Inspection Site: 1410 Pelham Parkway, Bronx, NY 10461

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

29 CFR 1910.22(a)(1): Place(s) of employment were not kept clean and orderly, or in a sanitary condition:

- a) Varous tripping hazards on apparatus floor within the building.

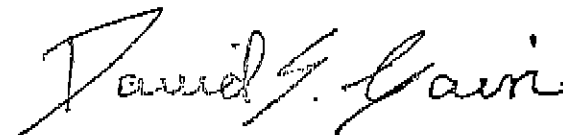
Date By Which Violation Must be Abated: 05/13/2003

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

12 NYCRR 801.3(a)(1): Log and summary of occupational injuries and illnesses. Except as provided in subdivision (b) of this section, each employer shall maintain in each establishment of the employer a log and summary of all recordable occupational injuries and illnesses for that establishment.

- a) Entire facility.

Date By Which Violation Must be Abated: 05/13/2003



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David S. Cain  
Supervising Safety & Health Inspector

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New York State Department of Labor  
Public Employee Safety and Health Bureau  
345 Hudson St., Rm 7023  
PO Box 683  
New York, NY 10014-0683  
Phone: (212) 352-6116 FAX: (212) 352-6138



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## Notice of Violation and Order to Comply

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To: Lewis Finkelman  
Municipal Bldg 16th fl South  
New York, NY 10007

Inspection Number: 301745055  
Inspection Date(s): 01/09/2002  
Issuance Date: 02/12/2003

CSHO ID: K7767

Inspection Site:  
NYC FD EMS Batt. 20  
1410 Pelham Parkway  
Bronx, NY 10461

*The violation(s) described in this Notice of Violation and Order to Comply is (are) alleged to have occurred on or about the day(s) the inspection was made unless*

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This Notice of Violation and Order to Comply (this Notice) describes violations of the Public Employee Safety and Health Act of 1980. You must abate the violations cited in this Notice by the dates listed below, unless you request an informal conference. A request for an informal conference must be made in writing to your nearest Division of Safety and Health district office within 20 working days (excluding weekends and State holidays) from receipt of this Notice. An employer who wishes to file an appeal of the violation(s) cited, including but not limited to appeals which raise issues concerning the application of the cited standard(s) to the employer or to the violation(s) cited, as well as issues concerning the appropriateness of the abatement period(s), must do so within 60 days of the issuance date of this Notice by filing a petition with the Industrial Board of Appeals. Appeals of the violation(s) cited, including but not limited to appeals raising the issues listed above, will be considered time barred if not filed within the 60 day period. The details of such appeal process are set forth at 7 NYCRR Part 66 et seq. Additional information may also be obtained from the Industrial Board of Appeals.

**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 below. This Notice must remain posted until the violation(s) cited below have been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer. Failure to comply with any violation listed on this Notice by the abatement date is subject to a PER DAY penalty assessment.

**Informal Conference** - A request for an informal conference must be made to the nearest PESH district office



**STATE OF NEW YORK - DEPARTMENT OF LABOR  
DIVISION OF SAFETY AND HEALTH  
Public Employee Safety and Health Bureau**

**CERTIFICATION - STATUS OF PENDING ORDERS**

This form cannot be used to request additional time. Request for an extension of time to comply the order(s) must be submitted as a Petition for Modification of Abatement (PMA) on a SH-971 form. PMA's must be filed before the original due date. Contact the Supervising Inspector.

1. NOTICE ADDRESSED TO Att: Lewis Finkelman, Gen'l Counsel/ Deputy Comm. for Legal Services - Office of General Counsel Dept. of Citywide Adm. Svc. Municipal Bldgf 16 F. St. 10007, NY, NY	2. INSP/PHYGI.D. L5350
	4. INSPECTION NUMBER 301745055
3. NAME AND ADDRESS OF INSPECTION SITE NYCFD/EMS Batt 20 1410 Pelham Pkway, Bronx, NY 10461	5. INSPECTION DATE(S) 1/9/02
	6. TYPE OF VIOLATION(S) Serious & Non Serious

**EMPLOYER: PLEASE INDICATE THE STATUS OF ALL ORDERS CITED**

7. ITEM NO.*	8. DATE COMPLIED	9. ORDER NOT COMPLIED (Give Reason)

I certify that the information provided above is true.

10. PRINT NAME: \_\_\_\_\_

12. SIGNATURE: \_\_\_\_\_

11. TITLE: \_\_\_\_\_

13. DATE: \_\_\_\_\_

\*ENTER ITEM NUMBER AS IT APPEARS ON THE NOTICE OF VIOLATION AND ORDER TO COMPLY

**RETURN A COPY OF THIS FORM TO THE DISTRICT OFFICE THAT ISSUED THE NOTICE**

by telephone or letter, within 20 working days from the date of receipt of this Notice.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

**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 PESH district office at the address shown above.

**Employer Rights and Responsibilities** - The enclosed booklet (DOSH-907) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** - An employee (or an authorized employee representative) may object to the abatement date set for a violation if the employee believes the date to be unreasonable. The objection must be filed at the nearest PESH district office within fifteen (15) working days (excluding weekends and State holidays) from the posting of this Notice.

New York State Department of Labor  
Public Employee Safety and Health Bureau

Inspection Number: 301745055  
Inspection Dates: 01/09/2002 - 01/09/2002  
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### Citation and Notification of Penalty

Company Name: NYC FD EMS Batt. 20  
Inspection Site: 1410 Pelham Parkway, Bronx, NY 10461

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

29 CFR 1910.37(f)(6): Way(s) of exit access were less than 28 inches in width:

Egress passageways in the locker room was taped measured, indicating a width of 22" between facing lockers. Passageway is below the standard minimum of 28".

- a) Mens locker room near supervisors office,
- b) mens locker room adjacent to recreation area.

Date By Which Violation Must be Abated: 04/01/2003

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

29 CFR 1910.37(k)(1): Components of means of egress were not of substantial, reliable construction: Exit door needs repair and/or replacement due to poor condition. Sticking of door does not allow proper and safe exiting of building.

- a) Secondary exit door located in front of Health and Hospital office; men locker room by recreation area.

Date By Which Violation Must be Abated: 04/01/2003

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

29 CFR 1910.304(e)(1)(iv): Overcurrent devices for circuits rated 600 volts, nominal, or less were located in the vicinity of easily ignitable material:

- a) Circuit breaker blocked by operational stove. Located in the employees lounge area.

Date By Which Violation Must be Abated: 04/01/2003

**New York State Department of Labor**  
Public Employee Safety and Health Bureau

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**Citation and Notification of Penalty**

Company Name: NYC FD EMS Batt. 20  
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**Citation 1 Item 4 Type of Violation: **Serious****

29 CFR 1910.305(b)(2): Each outlet box in completed installations did not have a cover, faceplate, or fixture canopy:

Electrical wall receptacle missing faceplate.

- a) Wires protruding outwards causing exposure to electrical shock. Located within building by primary entrance between employee lounge and dispatch office.
- b) Causing exposure to electrical shock. Located on outside wall between supervisors office and men locker room.
- c) Located on wall where ventilation controls are near decontamination area.

Date By Which Violation Must be Abated:

04/01/2003

New York State Department of Labor  
Public Employee Safety and Health Bureau

Inspection Number: 301745055  
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**Citation and Notification of Penalty**

Company Name: NYC FD EMS Batt. 20  
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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(i): Flexible cords and cables were not approved and suitable for conditions of use and location:

- a) Microwave, refrigerator and radio connected to a not approved/suitable, flexible cord. Located in the employee lounge area.

Date By Which Violation Must be Abated: 04/01/2003

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

29 CFR 1910.1200(f)(1)(i): The chemical manufacturer, importer, or distributor did not ensure that each container of hazardous chemicals leaving the workplace was labeled, tagged or marked with the identity of the hazardous chemicals:

- a) Barrels of antifreeze, oil and transmission fluid were not labeled, failing to indicate chemical. Located on the apparatus floor near decontamination area.

Date By Which Violation Must be Abated: 04/01/2003

DIVISION OF  
SAFETY AND HEALTH

PUBLIC EMPLOYEE  
SAFETY AND HEALTH BUREAU

### INVESTIGATION NARRATIVE

1. REPORTING I.D. <u>0253650</u>		2. PAGE <u>1</u> OF <u>2</u>	
3. INVESTIGATION (Type and Number) <input checked="" type="checkbox"/> COMPLAINT <u>203611702</u> <input type="checkbox"/> ACCIDENT _____ <input type="checkbox"/> OTHER (Specify): _____		4. ESTABLISHMENT NAME AND SITE ADDRESS NYC Fire Dept EMS Battalion 20 1410 Pelham Parkway Bronx, N.Y. 10461	
		5. DATE(S) OF INVESTIGATION 01/09/02	6. INSPECTION NUMBER 301745055

On 01/09/02, a safety inspection, based on a written complaint, was conducted at the above premises by Safety and Health Inspector Kwo Lam.

Upon arrival at the above location, identification was presented and the scope and purpose of the inspection was explained in an opening conference. Present during this opening conference were Mr. Israel Miranda - Recording Secretary/Safety and Health Coordinator for EMT/Paramedic Local 2507, Mr. Irwin C. Harrington - Life Safety Analyst for the NYCFD, Chief James Basile - EMS Batt 20 Commander for the NYCFD/EMS and Ms. Tracey Glickson - Representative for the Uniformed EMT/Paramedics of the NYCFD Local 2507. EMT's and Paramedics at this site are covered by the EMT and Paramedics of Local 2507 and the Uniformed Officers of the NYCFD Local 3621 for the Lieutenants and Captains. Both locals are a part of DC 37. Ms. Glickson was present on behalf of DC 37.

All parties present at the opening conference accompanied Inspector Lam on the walkaround for which a tic tracer, electrical tester and electronic tape measurer were utilized.

Battalion 20 is located within a one story building and behind Jacobi Hospital. The building is of masonry construction and houses the following: Dispatch Office, Chiefs Office, ALS Room, Supervisors Office, Mens/Women Locker Room, Captains Office, Mechanics Storage Room, Scooter and Gator parking area, Ambulances parking area, Supply Room, Employee Lounge, Decontamination area, and two other offices that are not a part of Battalion 20. These two rooms belong to the NYC Health and Hospital Corp. Ventilation system is located on the ceiling throughout the building. A gasoline island is located opposite the entrance to the Dispatch Office. Adjacent to this building, approximately 8 feet away, there are two trailers which houses the following: Division 6 Office, Div. 6 Chiefs Office, Men Locker Room and the Supervisors Locker Room. Located in front of these two trailers is the entrance to the employees parking area.

All required plans and programs (i.e., Hazard Communication/Right to Know (RTK), Emergency Response/Evacuation Plans, Blood Borne Pathogen and MSDS were in place and up-to-date. Employees were familiar with procedures and expressed the required knowledge.

During the walkaround inspection, several violations were discovered. There was no shower facility available for the women employees for the purpose of decontamination after having been exposed to blood and body fluids of patients and environment during the performance of their duties.

8. ORDERS ISSUED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	9. SIGNATURE OF INSPECTOR/HYGIENIST Kwo Lam 	10. DATE 02/11/03
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For decontamination purposes, female employees are required to travel approx. ½ mile to another building, take an elevator to the 18<sup>th</sup> floor where a wash room is available for their use. While traveling to this location, female employees are contaminating other employees and the public. Indoor apparatus area contained male and female lockers. This area is being used as a locker room, allowing employees to be exposed to gross contaminants of infectious agents after decontamination of ambulances and equipment. Tripping and slipping hazards existed around the entire apparatus floor area. Egress passageways leading out of locker rooms were below the allowable minimum as required by OSHA regulations. Locker rooms were also found to be overcrowded. Various locations within the building had exposed electrical wiring protruding from electrical boxes due to missing face plates. Flexible cords not suited for the types of equipment attached, were being used (e.g., refrigerator, microwave and radio were all connected together on one, non-grounded flexible cord). Smoke alarms were not in operable conditions. Barrels of vehicle fluids (e.g., antifreeze, oil) were not labeled and identified. No DOSH 900 was available upon request. A large migration of pigeons was observed within the building with large amounts of pigeon droppings on apparatus floor, equipment, walls and lockers. One exit door needed extensive repair or replacement. Decontamination area is not located in a remote location but within the apparatus area, allowing employees to be exposed to contaminants. The two trailers housing Division 6 personnel and Div. 6 locker rooms had interiors made up of balsa type wood and foam. Egress passageways within the crowded locker rooms is below the OSHA minimum of 28 inches. Ventilation within the locker room trailer is not adequate. Trailer locker room could become a potential death trap to Div. 6 employees during a fire. Various tripping hazards was observed around the building and on the driveway leading to the employee parking area. The walkaround inspection was then concluded and a closing conference was conducted.

Employees were informed in the closing conference that those items of health concerns will be referred to an Industrial Hygienist.

Discussed at the closing conference were the types of violations, fines variances, abatement methods and periods, appeals process, consultation services, PMAs and whistleblower protection for employees.

The following were distributed at the opening conference for informational purposes:

- Hazard Communication/Right to Know Kit
- 12 NYCRR Part 801-805
- 12 NYCRR Part 820
- DOSH 900 Log & Summary of Occupational Illnesses and Injuries
- DOSH 904 Closing Conference Pamphlet
- DOSH Consultation Assistance
- DOSH 906 Employee's Rights and Responsibilities
- DOSH 907 Employer's Rights and Responsibilities
- DOSH 908 PESH Job Safety & Health Poster
- DOSH 909 PESH Act

After the closing conference, the inspection was concluded and Inspector Lam left the premises.