



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 4, 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 Battalion 58  
420 E. 83rd St  
Brooklyn, NY 11236

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



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.

Form with fields: 1. NOTICE ADDRESSED TO, 2. INSP/PHYG I.D., 3. NAME AND ADDRESS OF INSPECTION SITE, 4. INSPECTION NUMBER, 5. INSPECTION DATE(S), 6. TYPE OF VIOLATION(S)

Serious

EMPLOYER: PLEASE INDICATE THE STATUS OF ALL ORDERS CITED

Table with 3 columns: 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

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)		4. ESTABLISHMENT NAME AND SITE ADDRESS	
<input checked="" type="checkbox"/> COMPLAINT	<u>203611694</u>	NYC Fire Dept EMS Battalion 58	
<input type="checkbox"/> ACCIDENT	_____	420 East 83rd Street	
<input type="checkbox"/> OTHER (Specify):	_____	Brooklyn, N.Y. 11201	
5. DATE(S) OF INVESTIGATION		6. INSPECTION NUMBER	
02/08/02		301714994	

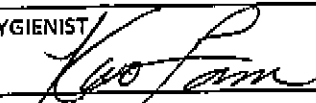
On 02/08/02, a safety inspection, based on a complaint, was conducted at the above premises by Safety and Health Inspector Kwo Lam.

Identification was presented and the scope and the purpose of the inspection were explained in an opening conference with Mr. Israel Miranda - Recording Secretary/Safety and Health Coordinator for EMT/PARAMEDIC Local 2507, Lt. Tony Durante - EMT Supervisor, Mr. Neil O'Connor - Chief's Aide, Ms. Tracey Glickson - Representative for the Uniformed EMT/Paramedics of the NYCFD Local 2507 and Lt. Louis Basso - Division Lieutenant. EMTs 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 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 tie tracer, electrical circuit tester and electronic tape measurer were utilized.

Battalion 58 is located within a two story building of masonry construction and houses the following: first floor garage area, two garage entrances/exits, decontamination area, eye wash station, storage rooms, fuel dispensing area and administrative offices located within a separate, enclosed area. Located within the administrative area is the supervisor office, male/female locker/bathroom, roll call room, lounge/workout room, medic room, kitchen, conference room and Captains room. Stairs located adjacent to the conference room leads up to a second floor area. Second floor contains storage rooms and the Chiefs office. Steel beams located near the east wall provide support for the metal constructed roof. There is a ventilation system attached to the roof and located in various areas within the garage 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.

8. ORDERS ISSUED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	9. SIGNATURE OF INSPECTOR/HYGIENIST Kwo Lam 	10. DATE 01/29/03
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During the inspection, several violations were discovered. Upon completion of the walkaround, a closing conference was held. At this meeting, Inspector Lam discussed the violations discovered during the inspection. During the inspection it was determined through the use of a tic tracer and electrical circuit tester that various electrical violations were discovered with opened electrical boxes, spliced flexible cords and surge protectors. Open grounds as well as an open hot lead were discovered in some areas, especially in the supervisors office on the first floor. An electrician should service those items that contained electrical violations. Ventilation system did not appear to be working. Large amounts of soot in the opening of the system was easily seeable. Large amounts of pigeon droppings and pigeon infestation was discovered within the building. Employees were extremely concerned about the exposure to pigeon droppings and the ventilation system.

Employees were informed in the closing conference that those items of health concerns will be referred to an Industrial hygienist. Various egress violations were discovered which included no directional exit signs, missing exit signs, no illumination of exits or signs, and door not swinging in the direction of egress.

Also discussed were types of violations, fines, variances, abatement methods and periods, appeals process, consultation service, 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 Injuries and Illnesses
- DOSH 904 Closing Conference Pamphlet
- DOSH 905 Consultation Assistance
- DOSH 906 Employee's Rights & Responsibilities
- DOSH 907 Employer's Rights & 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.

**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



## Notice of Violation and Order to Comply

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

**Inspection Number:** 301714994  
**Inspection Date(s):** 02/08/2002  
**Issuance Date:** 02/11/2003

**CSHO ID:** K7767

**Inspection Site:**  
 NYC FD/EMS Battalion 58  
 420 E. 83rd St  
 Brooklyn, NY 11236

*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 otherwise indicated within the description given below.*

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 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: 301714994  
Inspection Dates: 02/08/2002 - 02/08/2002  
Issuance Date: 02/11/2003  
CSHO ID: K7767



### Citation and Notification of Penalty

Company Name: NYC FD/EMS Battalion 58  
Inspection Site: 420 E. 83rd St, Brooklyn, NY 11236

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

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

- a) Wall adjacent to caged supply / storage area in the garage area by eyewash station. Severe 2 - 3 inch crack from ground to ceiling, causing falling debris.

Date By Which Violation Must be Abated: 03/31/2003

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

29 CFR 1910.36(b)(4): Exit(s) were locked or fastened, preventing free escape from inside of the building:

Exit door fastened/locked preventing free escape from building at:

- a) Garage area, exit door by ambulance entrance on the east 83rd St side.  
b) garage area, exit door by ambulance entrance on the Preston Court side.  
c) Inner administration area, between conference room and captains office.

Date By Which Violation Must be Abated: 03/31/2003

See pages 1 through 2 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.