
APPENDIX 5

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



June 20, 2001

Mr. Odie Washington, Director
Department of Corrections
1901 Massachusetts Avenue, Southeast
Room N203
Washington, D.C. 20002

Dear Mr. Washington:

This is a Management Alert Report (MAR-I-007) to inform you of 13 health and safety issues that have come to our attention during our inspection of the Department of Corrections (DOC) Central Detention Facility (CDF). The Office of the Inspector General (OIG) provides these reports when we believe a serious matter requires the immediate attention of a District of Columbia Government official.

1. The OIG inspection team has determined that CDF management has not complied with federal law and Building Officials and Code Administrators International, Inc. (BOCA) National Fire Prevention Code¹ regulations requiring that portable fire extinguishers be readily accessible to employees.

Background

29 CFR § 1910.157 (4) (2001) states that “[t]he employer shall assure that portable fire extinguishers are maintained in a fully charged and operable condition and kept in their designated places at all times except during use.”

29 CFR § 1910.157 (e) (1) (2001) states that “[t]he employer shall be responsible for the inspection, maintenance and testing of all portable fire extinguishers in the workplace.”

The BOCA National Fire and Prevention Code (1999) Chapter 5 § F-519.2 (1) and (4) states that “[a] portable fire extinguisher shall be installed . . .” specifically, “[i]n all areas containing commercial kitchen exhaust hood systems, and [i]n all areas where

¹ The BOCA National Fire Prevention Code outlines national standards for fire safety in new and existing buildings.

a flammable or combustible liquid is used in the operation of spraying, coating or dipping.”

The inspection team observed expired fire extinguishers that were located in the warehouse, penthouse² and culinary unit³ areas of the CDF. The extinguishers have not been inspected or recharged since December 1998. CDF employees stated that they did not know who was responsible for recharging the extinguishers.

The inspection team also noticed that the extinguishers were not labeled to identify or to denote the class or type. Due to the nature of the items being stored in the warehouse, such as, drums of cleaning solvents and lubricants, bulk paper, boxes, electrical fans and other unidentifiable miscellaneous materials, fully charged fire extinguishers namely, Class C⁴ or D⁵ should be readily available for the employees to use in these work areas. In the event of an emergency, employees may attempt to put out a fire with a discharged fire extinguisher.

Recommendations:

- That the Director DOC (D/DOC), ensure that CDF management complies with 29 CFR § 1910.157 (4) (2001), 29 CFR § 1910.157 (e) (1) (2001) and the BOCA code and ensure that fire extinguishers are labeled, charged and are the appropriate class, and that all non-working and extraneous extinguishers are discarded.
2. The OIG inspection team has determined that the CDF management has not complied with federal law and BOCA National Fire and Prevention Codes regarding the storage of hazardous materials.

Background

29 CFR §1910.176 (c) (2001) Housekeeping states that “[s]torage areas shall be kept free from accumulation of materials that constitute hazards from tripping and fire explosion”

29 CFR §1910.176 (b) (2001) Handling Materials-Secure Storage states that “[secure] storage of material shall not create a hazard. Bags, containers, bundles etc., stored in tiers shall be blocked, interlocked and limited in height so that they are stable and secure against sliding or collapse.”

² “Penthouse” denotes the workroom and roof-top areas located at the top level of the CDF building.

³ “Culinary Unit” denotes the kitchen area of the CDF where food is prepared and stored.

⁴ Class C fire extinguishers are used to extinguish materials such as paper, grease and electrical items.

⁵ Class D fire extinguishers are used to extinguish materials such as paper, grease and metal items.

29 CFR §1910.106 (d) (5) (vi) (a) (2001) Flammable and Combustible Liquids Storage inside warehouses or storage buildings states that “[i]f the storage building is located 50 feet or less from a building or line of adjoining property that may be built upon, the exposing wall shall be a blank wall having a fire-resistant rating of at least two hours.”

29 CFR §1910.1200 (f) (1) (i) (2001) Hazardous Communication-Labels and other forms of warning states that “[t]he chemical manufacturer, importer, or distributor shall ensure that the container of hazardous chemicals . . . is labeled, tagged or marked with the identity of the hazardous chemical(s).”

29 CFR §1910.22(a) 2) (2001) Housekeeping states that “[t]he floor in every workroom shall be maintained . . . so far as possible, a dry condition”

The BOCA National Fire and Prevention Code Chapter 23 § F-23091.3 states that “[h]azardous materials shall be located in storage cabinets. Materials that are incompatible shall not be stored within the same cabinet.”

The inspection team observed hazardous chemicals such as cleaning solvents and lubricants being stored improperly in the warehouse area. Several of the storage drums containing these chemicals were leaking and chemicals had spilled onto the floor. The team found several areas where electrical wires were hanging from the ceiling and touching the floor. The wires could potentially get wet from the leaking chemicals, thereby creating a fire hazard. The leaking chemicals also pose a safety hazard to employees working in the area who could slip and fall on the wet floor.

The inspection team observed that storage drums and containers of hazardous chemicals being stored in the warehouse and storage areas within the culinary unit were not labeled to identify the contents. Federal law requires that all hazardous chemical containers be labeled to identify the chemicals being stored within.

Because some of the drums containing chemicals were not labeled as to their contents, the team was unable to determine if incompatible materials were being stored separately as required by BOCA regulations. The team did note, however, that these chemicals were being stored with items such as boxes, bags, paper products, and other miscellaneous items that were haphazardly stacked against light fixtures that did not have protective shields. These hazardous chemicals should be separated and stored in fireproof cabinets.

In addition, the inspection team noted that a fire-resistant partition wall did not separate various chemicals as required by federal law. Fire resistant walls are used to segregate chemicals that are incompatible with one another, and also aid in retarding the spread of fire.

Recommendations:

- That D/DOC and CDF management request inspections of the CDF by the District of Columbia Office of Occupational Safety and Health (D.C. OSH) and the District of Columbia Fire Department.
 - That D/DOC and CDF management install fire-proof cabinets for the storage of incompatible hazardous chemicals as required by the BOCA National Fire and Prevention Code.
 - That D/DOC and CDF management install a fireproof wall having a fire-resistance rating of at least two hours as required by 29 CFR §1910.106 (d) (5) (vi) (a) (2001).
 - That D/DOC and CDF management ensure that all drums and containers containing hazardous chemicals are properly labeled and separated as required by 29 CFR §1910.1200 (f) (1) (i) (2001).
 - That D/DOC and CDF management clean and remove spilled chemicals from the warehouse floor area.
 - That D/DOC and CDF management neatly stack and secure all materials up and away from the light fixtures and the passageways.
3. The CDF does not have a Hazardous Communication Written Plan in place as required by federal law.

Background

29 CFR §1910.1200 (e) (1) (2001) Hazardous Communication Written Plan states that “[e]mployers shall develop, implement, and maintain at each work place, a written hazardous communication program”

The inspection team determined that the CDF lacks a written communication plan for employees working with and around hazardous chemicals. This plan includes, container labeling, Material Safety Data Sheets⁶, Employee Training and Information, and Inventory List of Hazardous Chemicals. In addition, the federal office of the Occupational Safety and Health Administration (OSHA) mandates that the employer conduct Hazardous Communication training for all employees. CDF employees stated that they haven’t received any training in the proper

⁶ Material Safety Data Sheets contain information regarding a hazardous material.

handling of hazardous materials. The inspection team asked CDF employees if there was a written plan in place for review. They stated that there was no written plan in place at the CDF.

Recommendation:

That D/DOC and CDF management develop and implement a written Hazardous Communication Plan as required by 29 CFR §1910.1200 (e) (1) (2001).

4. Material Safety Data Sheets (MSDS) were not readily available for review and there were no data sheets in the workplace for each hazardous chemical as required by federal law.

Background

29 CFR §1910.1200 (g) (11) (2001) Hazardous Communication- Material Safety Data Sheets states that “[m]aterial safety data sheets shall be . . . made readily available upon request . . .”

29 CFR §1910.1200 (g) (1) Hazardous Communication- Material Safety Data Sheets states that “[e]mployers shall have a material safety data sheet in the workplace for each hazardous chemical which they use.”

The MSDS were not readily accessible for the OIG inspection team’s review. When the team asked to review the sheets, CDF employees stated that the MSDS were located in a staff member’s office. The team did not receive the sheets during the inspection. OSHA laws require that the employer provide copies of the data sheets and that all copies are readily accessible for review, upon request. The MSDS are to be placed in the same location where the chemicals are stored. The inspection team also noted that the CDF did not have MSDS for each hazardous chemical that was being stored in the warehouse area, as required by law.

Recommendations:

- That D/DOC and CDF management ensure that the Material Safety Data Sheets are readily accessible for review as required by 29 CFR §1910.1200 (g) (11) (2001).
- That D/DOC and CDF management ensure that a Material Safety Data Sheet is completed for each hazardous chemical stored in the facility as required by 29 CFR §1910.1200 (g) (1) (2001).

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5. The CDF management has not complied with federal law regarding written emergency evacuation plans.

Background

29 CFR 1910.38 (a) (1) (a) (2001) Emergency action plan – Scope and Application states that “[an] emergency action plan shall be in writing”

The inspection team was informed by the CDF safety staff that there is no written emergency evacuation plan in place. The absence of an emergency evacuation plan endangers the safe evacuation of CDF employees and inmates in the event of a fire or other emergencies.

Recommendation:

- That DOC and CDF management develop and implement a written emergency evacuation plan as required by 29 CFR 1910.38 (a) (1) (a) (2001).

6. Poor housekeeping practices and vermin contamination were observed throughout the entire CDF.

Background

29 CFR 1910.141 (a) (3) (i) (2001) Housekeeping states that “[a]ll places of employment shall be kept clean to the extent of the nature of the work allows.”

29 CFR 1910.141 (a) (5) (a) (2001) Housekeeping-Vermin Control states that “[e]very enclosed workplace shall be so constructed, equipped and maintained, so as far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin. A continuing and effective extermination program shall be instituted where their presence is detected.”

The inspection team observed poor housekeeping practices throughout the entire CDF. The facility was not maintained in a neat and orderly manner. The team noted that the entire facility suffers from age, neglect and lack of consistent maintenance. CDF employees and inmates fail to adequately clean and maintain the common work areas. In the culinary unit, evidence of rodent droppings was observed in the storage closet where bread racks are stored. Breadcrumbs were spilled on the floors and in the corners of the storage closet. The inspection team noted that these crumbs remained on the floor of the closet for at least two days. Further, the team observed that in the flatware cabinet where large spoons and knives are placed, chemicals, such as tubes of cement glue are also being stored. This could cause cross contamination of the food being prepared.

Recommendations:

- That D/DOC and CDF management establish and enforce a daily general maintenance and cleaning program.
- That D/DOC and CDF management ensure that potentially hazardous materials are not stored with utensils that are used for food preparation.

7. The ventilation and overall indoor air quality inside the CDF was poor or inadequate.

Background

These conditions are in violation of Occupational Safety and Health Standard for 29 CFR 1910.141 (a) (3) (i) Housekeeping and the Occupational Safety and Health Act Section 5 (a) (1) General Duty Clause (1970) which states that “[a]ll places of employment shall be kept clean to the extent that the nature of the work allows.”

The vents and ductwork were covered with large amounts of dirt, dust and grime. The air handling system is old and suffers from lack of general maintenance. The CDF has had a long-standing history of poor indoor air quality according to the health and safety inspection reports submitted by the DOC and DOH inspection staff. The OIG inspection team observed that throughout the entire facility, the overall indoor air quality (IAQ) was poor. In the cellblocks and command units, the Heating and Air Conditioning unit (HVAC) was not operative, or the air flowing from the vents was minimal. These unsanitary conditions create poor indoor air quality or unhealthy, stagnant air within the facility. Impaired air ducts may possibly create harborage for bacteria and cause improper filtration of viruses and air contaminants.

Recommendations:

- That D/DOC and CDF management install a HVAC unit that is properly equipped to filter out harmful air borne contaminants such as bacteria and harmful viruses.
- That D/DOC request that D.C. OSH conduct indoor air quality sampling at the CDF.

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8. The floors, aisles, and passageways in the warehouse area of the CDF were blocked and cluttered with miscellaneous items in violation of federal law regarding safe clearances and passageways.

Background

29 CFR §1910.22 (b) (1) (2001) Housekeeping states that “[s]ufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repairs, with no obstruction across aisles that could create a hazard.”

The inspection team observed floors and passageways in the warehouse storage areas that are blocked and or cluttered with tools, mechanical equipment, cleaning supplies, boxes, paper, expired fire extinguishers and Self Contained Breathing Apparatuses (SCBA’s).

Recommendation:

- That D/DOC ensure that CDF management comply with 29 CFR § 1910.22 (b)(1) (2001) and clear all items from the floors, aisles and passageways.

9. Floors in the passageways to the cellblocks are not maintained in a clean and sanitary condition as required by federal law.

Background

29 CFR 1910.22 (a) (1) (2001) states that “[a]ll places of employment, passageways, storage rooms, and service rooms shall be kept clean, and orderly and in a sanitary condition.”

The OIG inspection team observed that the floors throughout the entire facility are covered with chipping paint and mold.

Recommendation:

- That D/DOC ensure that CDF management cleans, sanitizes and removes the chipping paint and mold from the floors.

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10. The ceiling lights in the cellblocks were broken or covered with cardboard or paper, thereby obstructing proper artificial lighting of the cells in violation of the BOCA National Building Code.

Background

The BOCA National Building Code Chapter 12, § 1205.1 states that “[e]very room or space intended for human occupancy shall be provided with natural or artificial light.”

In addition, the American National Standard Institute (Industrial Lighting) Illuminating Engineering Society states that “[l]ack of illumination prohibits employees from working safely.”

The OIG inspection team observed that in several inmate cells, lights were either missing, broken or obstructed by paper or cardboard. This creates darkness in a cell, thereby causing unsafe conditions for an officer who may have to enter a cell.

Recommendation:

- That D/DOC and CDF management ensure that the lights are repaired or replaced, and that obstructions are removed in order to provide safe and adequate light in the cellblocks.

11. The floors in the culinary unit are old, cracked, warped, and covered with puddles of putrid, stagnant water.

Background

29 CFR §1910.22 (a) (1) (2001) Housekeeping states that “[a]ll places of employment, passageways, storerooms and service rooms shall be kept clean and orderly and in a sanitary condition.”

29 CFR §1910.22 (a) (2) (2001) Housekeeping states that “[t]he floor of every workroom shall be maintained in a clean and, so far as possible a dry condition.”

The inspection team observed that the floor in the culinary unit is constantly wet with water from leaking pipes that are located throughout the kitchen area. The floor has broken, warped, cracked tiles, and as a result, standing puddles of stagnant, putrid water accumulate on the kitchen floor. In addition, the inspection team noted that spilled food was on the floor throughout the culinary unit. These conditions impede free and safe movement of employees. CDF employees stated that the condition of the floors in the culinary unit have been a health and

safety concern for years. DOC and the D.C. Department of Health (DOH) inspection reports indicate that violations for the floor conditions have been cited repeatedly for the past two years.

Recommendations:

- That D/DOC and CDF management repair the leaking pipes and broken floors in the culinary unit.
- That D/DOC and CDF management clean and sanitize all areas of the floor in the culinary unit daily and as frequently as necessary to maintain cleanliness and sanitization.

12. Exhaust hoods located on top of cooking vats in the culinary unit were inoperative. This violates D.C. regulations regarding exhaust systems.

Background

12 DCMR § 503.14 (1) (1986) states that “[e]xhaust systems from all kitchens [with] hoods over cooking equipment . . . not provided nor required by these or other regulations, shall be through an independent duct system or fan discharging to the outside of the building.”

The OIG inspection team observed that in the culinary unit, exhaust fans located on top of the cooking vats (pots) were inoperative. As a result, boiling, hot, steam is emitted from the broken steam pipes, (located at the bottom of cooking vats), and is vented into the open atmosphere. This condition exposes the inmates and CDF employees to heat stress and possible burns to the body. Inmates stated that the steam pipes have been broken for years. The inspection team asked the CDF officer on duty to turn on the exhaust hoods, however, the employee stated that he did not how to operate the exhaust system.

Recommendations:

- That D/DOC and CDF management repair the exhaust equipment in the culinary unit.
- That D/DOC and CDF management train CDF employees on how to properly operate the exhaust equipment.

13. The electrical panel boxes located in the culinary unit had missing or broken covers.

Background

29 CFR 1910.305 (B) (2) (2001) Covers and canopies states that “[a]ll pull boxes, junction boxes, and fittings shall be provided with covers approved for the purpose.”

The OIG inspection team observed during the inspection of the culinary unit, that the electrical panel covers were bent, missing or did not close shut. These conditions create a potential fire and electrocution hazard for CDF employees and inmates.

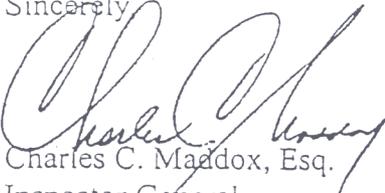
Recommendation:

- That the D/DOC and CDF management ensure that all electrical panels are replaced and repaired as required by 29 CFR 1910.305 (B)(2) (2001).

Please provide your comments on this report by July 5, 2001. Your response should include actions taken or planned, dates for completion of planned actions, and reasons for any disagreements with the issues and recommendations presented.

Should you have questions concerning this report or desire a conference prior to preparing your response, please contact [REDACTED] Director of Planning and Inspections, at 202-727-[REDACTED]

Sincerely,


Charles C. Maddox, Esq.
Inspector General

AL/MEL/jcs