



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
WORKPLACE SAFETY AND HEALTH DIVISION
45 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0045

LAURA A. FORTMAN
COMMISSIONER

MICHAEL ROLAND
DIRECTOR

August 1, 2023

Lynne Davis, Office Manager
Town of Lebanon
15 Upper Guinea Road
Lebanon, ME 04027

Inspection Number: 1681205

Dear Lynne Davis

The Bureau of Labor Standards completed an inspection on June 22, 2023 in which workplace conditions were found that violate Occupational Safety and Health rules. SEE: Title 26 MRSA Chapter 6; 29 CFR parts 1910 & 1926. The unsafe conditions identified are listed in the enclosed citation document attached to this report along with the reference to the applicable Safety and Health standard or regulation that applies. All unsafe conditions identified must be corrected by the abatement date indicated on the report.

The enclosed citations will become a final order within fifteen (15) business days from the day it was received, unless you request a penalty discussion or file an appeal (see employer options) within the specified time frame listed above. The total amount of the proposed penalty for the citations is \$1,400 payable to the "Treasurer, State of Maine".

Employer options (within 15 business days):

Informal Conference: Within fifteen (15) days of receipt, you have the option of meeting with the Bureau Director or their designee to present any evidence which you believe would support an adjustment to the citations and/or penalties. Please keep in mind, an informal conference does not take the place of a written request letter for a penalty discussion or formal appeal. An informal conference is not required and does not need to be in writing. If you choose to request an informal conference, it is highly recommended to call our office to schedule this informal conference as soon as you get this report. The informal conference does not delay or replace the contest time period for the two options below.

Penalty Discussion: If you intend to correct all hazards identified and wish to work with the Workplace Safety & Health Division to possibly reduce the penalty amount, you may request a "Penalty Discussion", in writing within fifteen (15) days of receipt of this report. (We will contact you to have a penalty discussion after receipt of the completed "Abatement Certification" form). This discussion will pertain only to the penalties and not the violations. All proposed penalties will be stayed until after the penalty discussion.

Or

Formal Appeal: You may file a formal appeal of any citation, abatement date, or penalty within fifteen (15) days of receipt of this report. Please be specific as to what citations, abatement date or penalty you wish to appeal. If a request for a formal appeal is received, the Director will set a time and date for a hearing with the Maine Board of Occupational Safety & Health (BOSH). All proposed penalties will be stayed until after the formal appeal is heard.



Citation and Notification of Penalty

Company Name: Town of Lebanon/ Lebanon Road Department

Inspection Site: 205 Shapleigh Road Lebanon, ME 04027

As the employer, you must respond in writing to the Director of the Bureau or their designee, at the address above, within fifteen (15) business days of receipt of this report stating what option you intend to choose toward correction of the hazards. If no response is received within that time frame you accept all citations, dates of correction, any penalties assessed, and the citation report will become a final order. We strongly recommend that any correspondence be sent by certified mail. Failure to correct violations may result in additional penalties of up to a \$1,000.00 per violation, for each day hazards are not corrected.

Extension of Abatement Date(s):

An employer may ask for an extension of an abatement date. The request must be in writing and received prior to the assigned abatement date. Please be specific as to the citation(s) you are asking an extension for and the reason for the extension.

Dates to Remember:

- Respond in writing, to the Director or the Bureau within fifteen (15) business days of receipt of this report indicating what option you choose.
- All citations must be corrected by the abatement date listed on the citation pages of this report.
- Once the hazards have been corrected, the completed "abatement certification form" included in this report must be received by the Bureau within ten (10) business days after the citation abatement date.

Posting Requirements:

The law requires that a copy of this Citation and notice of penalty be posted immediately in a prominent place at or near the location of the violations cited herein, or, if this 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 violations cited herein have been abated.

Employer Discrimination Unlawful:

The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under that 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 Maine Department of Labor, Bureau of Labor Standards at the address above.

Maine Department of Labor
Bureau of Labor Standards
Workplace Safety & Health Division

Inspection Number: 1681205
Inspection Date: 06/22/2023-06/22/2023
Issuance Date: 08/01/2023



Citation and Notification of Penalty

Company Name: Town of Lebanon/ Lebanon Road Department

Inspection Site: 205 Shapleigh Road Lebanon, ME 04027

The statutory authority for this order is established at Title 26 MRSA, sections 44, 44-A, 45, 46 and 565 et seq. anyone having questions regarding the enclosed citations or your fifteen (15) business day options may contact the Bureau of Labor Standards, Workplace Safety and Health Division at (207) 623-7923.

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

Steven L. Greeley, Director
Workplace Safety & Health Division
Bureau of Labor Standards



Citation and Notification of Penalty

Company Name: Town of Lebanon/ Lebanon Road Department

Inspection Site: 205 Shapleigh Road Lebanon, ME 04027

ABATEMENT CERTIFICATION WORKSHEET

Town of Lebanon/ Lebanon Road Department
205 Shapleigh Road
Lebanon, ME 04027
Issuance Date:08/01/2023

Inspection Number: 1681205

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: Workplace Safety & Health Division, 45 State House Station, Augusta Maine 04333-0045.

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

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

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

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

Citation 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

Typed or Printed Name

Title

Maine Department of Labor
Bureau of Labor Standards
Workplace Safety & Health Division

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NOTE: MRSA Title 26 Chapter 3 §46 Any employer who fails to correct a violation for which a citation has been issued under section 45 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the board in the case of any review proceeding initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a civil penalty of not more than \$1,000 for each day during which such failure or violation continues.

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



Citation and Notification of Penalty

Company Name: Town of Lebanon/ Lebanon Road Department

Inspection Site: 205 Shapleigh Road Lebanon, ME 04027

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

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards were present, or were likely to be present, which necessitate the use of personal protective equipment (PPE).

The Town of Lebanon Road Department did not complete a hazard assessment for tasks employees perform which would necessitate the use of personal protective equipment.

Acceptable and feasible methods to correct the conditions include but are not limited to: Perform a hazard assessment of the workplace to identify hazards associated with each task, and the personal protective equipment employees should use to control the hazards. The assessment is required to be certified and dated by the person conducting the assessment. Once complete, train all employees on the assessment, the proper use of PPE, the limitations of the PPE, cleaning, storage, and maintenance, and donning and doffing of PPE.

<u>Date By Which Violation Must Be Abated:</u>	<u>September 04, 2023</u>
<u>Proposed Penalty:</u>	<u>\$700.00</u>

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

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury.

The Town of Lebanon Road Department did not train all employees tasked to control and direct vehicle traffic in a roadway prior to assignment.

Acceptable and feasible methods to correct the conditions include but are not limited to: Train all employees tasked with working in the roadway on the hazards associated with traffic control and working in work zones.

<u>Date By Which Violation Must Be Abated:</u>	<u>September 04, 2023</u>
<u>Proposed Penalty:</u>	<u>\$700.00</u>



Citation and Notification of Penalty

Company Name: Town of Lebanon/ Lebanon Road Department
Inspection Site: 205 Shapleigh Road Lebanon, ME 04027

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

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury.

The Town of Lebanon Road Department did not instruct employees tasked to work in close proximity to construction equipment in the recognition of hazards and avoidance of unsafe conditions such as maintaining a safe distance from heavy equipment in the work zone.

Acceptable and feasible methods to correct the conditions include but are not limited to: Train all employees tasked with working around construction equipment on recognizing and avoiding unsafe conditions and maintaining a safe distance from equipment to prevent injury or death.

<u>Date By Which Violation Must Be Abated:</u>	<u>September 04, 2023</u>
<u>Proposed Penalty:</u>	<u>\$0.00</u>

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

29 CFR 1904.33(a): At this establishment, the employer did not retain (save) the OSHA 300 Log, the privacy case list (if one exists), the annual 300A Summary, and the OSHA 301 Incident Report (or State of Maine Worker's Compensation First Report of Injury) for five (5) years following the end of the calendar year these records covered.

The Town of Lebanon did not complete OSHA recordkeeping forms to record injuries and illnesses such as the OSHA 300 Log and the OSHA 300A Summary or equivalent forms for the last five calendar years.

Acceptable and feasible methods to correct the conditions include but are not limited to: Complete the OSHA 300 Log's and OSHA 300A summaries (or equivalent forms) and maintain five rolling years for all establishments within the Town of Lebanon. Attend an OSHA Recordkeeping Class to become familiar with the process. SafetyWorks! offers an OSHA Recordkeeping class for free, to sign-up for a class visit: www.safetyworksmaine.gov.

<u>Date By Which Violation Must Be Abated:</u>	<u>September 04, 2023</u>
<u>Proposed Penalty:</u>	<u>\$0.00</u>

A handwritten signature in black ink, appearing to read "St. Greeley".

Steven L. Greeley, Director
Workplace Safety & Health Division