

U. S. Department of Labor
Occupational Safety and Health Administration
Notice of Alleged Safety or Health Hazards

For the General Public:

This form is provided for the assistance of any complainant and is not intended to constitute the exclusive means by which a complaint may be registered with the U.S. Department of Labor .

Sec 8(f)(1) of the Williams-Steiger Occupational Safety and Health Act, 29 U.S.C. 651, provides as follows: Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists, he shall notify the employees or representative of the employees in writing of such determination.

NOTE: Section 11(c) of the Act provides explicit protection for employees exercising their rights, including making safety and health complaints.

For Federal Employees:

This report format is provided to assist Federal employees or authorized representatives in registering a report of unsafe or unhealthful working conditions with the U.S. Department of Labor.

The Secretary of Labor may conduct unannounced inspection of agency workplaces when deemed necessary if an agency does not have occupational safety and health committees established in accordance with Subpart F, 29 CFR 1960; or in response to the reports of unsafe or unhealthful working conditions upon request of such agency committees under Sec. 1-3, Executive Order 12196; or in the case of a report of imminent danger when such a committee has not responded to the report as required in Sec. 1-201(h).

INSTRUCTIONS:

Open the form and complete the front page as accurately and completely as possible. Describe each hazard you think exists in as much detail as you can. If the hazards described in your complaint are not all in the same area, please identify where each hazard can be found at the worksite. If there is any particular evidence that supports your suspicion that a hazard exists (for instance, a recent accident or physical symptoms of employees at your site) include the information in your description. If you need more space than is provided on the form, continue on any other sheet of paper.

After you have completed the form, return it to your local OSHA office.

NOTE: It is unlawful to make any false statement, representation or certification in any document filed pursuant to the Occupational Safety and Health Act of 1970. Violations can be punished by a fine of not more than \$10,000, or by imprisonment of not more than six months, or by both. (Section 17(g))

Public reporting burden for this voluntary collection of information is estimated to vary from 15 to 25 minutes per response with an average of 17 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An Agency may not conduct or sponsor, and persons are not required to respond to the collection of information unless it displays a valid OMB Control Number. Send comment regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Directorate of Enforcement Programs, Department of Labor, Room N-3119, 200 Constitution Ave., NW, Washington, DC; 20210.

OMB Approval# 1218-0064; Expires: 11-30-2020

Do not send the completed form to this Office.

U. S. Department of Labor
Occupational Safety and Health Administration
Notice of Alleged Safety or Health Hazards

		Complaint Number		
Establishment Name	FEDERAL BUREAU OF PRISONS			
Site Address	320 FIRST STREET NW WASHINGTON, DC 20534			
	Site Phone	202-317-2198	Site FAX	
Mailing Address	320 FIRST STREET NW WASHINGTON, DC 20534			
	Mail Phone	202-317-2198	Mail FAX	
Management Official	Michael Carvajal, Director	Telephone	202-317-2198	
Type of Business	Federal Bureau of Prisons			
HAZARD DESCRIPTION/LOCATION. Describe briefly the hazard(s) which you believe exist. Include the approximate number of employees exposed to or threatened by each hazard. Specify the particular building or worksite where the alleged violation exists.				
PLEASE SEE ATTACHED PAGES FOR COMPLAINT.				
Has this condition been brought to the attention of:		<input checked="" type="checkbox"/> X Employer <input type="checkbox"/> Other Government Agency(specify)		
Please Indicate Your Desire:		<input type="checkbox"/> Do NOT reveal my name to my Employer <input checked="" type="checkbox"/> My name may be revealed to the Employer		
The Undersigned believes that a violation of an Occupational Safety or Health standard exists which is a job safety or health hazard at the establishment named on this form.		(Mark "X" in ONE box) <input type="checkbox"/> Former Employee <input checked="" type="checkbox"/> X Current Employee <input type="checkbox"/> Representative of Employees <input type="checkbox"/> Federal Safety and Health Committee <input type="checkbox"/> Other (specify) _____		
Complainant Name	SHANE FAUSEY, COUNCIL PRESIDENT	Telephone	570-419-1414	
Address(Street, City, State, Zip)	22 Quarry Drive Watsontown, PA 17777			
Signature		Date	3-31-20	
If you are an authorized representative of employees affected by this complaint, please state the name of the organization that you represent and your title:				
Organization Name: Council of Prison Locals 33 Your Title: President				

U. S. Department of Labor
Occupational Safety and Health Administration
Notice of Alleged Safety or Health Hazards

The Federal Bureau of Prisons is in violation of The General Duty Clause, 29 CFR 1960.8, [Occupational Safety and Health \(OSH\) Act of 1970](#), Section 5 (a) (1) 29 USC 654(a)(1), which requires employers to furnish to each worker “employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm.”

As a matter of record, this complaint is elevated to and considered an *Imminent Danger Report*, pursuant to OSHA of 1970, Executive Order 12196, 29 CFR 1960.8, Agency’s Responsibilities, BOP Program Statement 1600.011. The agency’s actions described herein are proliferating the spread of a known and deadly contagion both within our prison system and to our surrounding communities. The agency’s actions and inactions are expected to result in death and severe health complications and/or possible life-long disabilities.

Specifically, the Federal Bureau of Prisons, under the direction of N.C. English, Assistant Director of Health Services Division, Jeffery D. Allen, M.D., Medical Director, and Captain Sylvie Cohen, M.D., Branch Chief for Occupational Safety and Health, have directed staff throughout the Bureau of Prisons who have come in contact with, or been in close proximity to, individuals who show or have shown symptoms of COVID-19, to report to work and not be self-quarantined for 14 days per the CDC guidelines. These guidelines state “If a staff member is identified as a close contact of a COVID-19 case (either within the facility or in the community): self-quarantine at home for 14 days and return to work if symptoms do not develop”. Mr. Allen and/or Captain Cohen have advised local Institutions with these staff to order them back to work within 48 hours of suspected infection and/or contact with individuals having symptoms or confirmation of the virus. Furthermore, staff who were screened and ordered home due to possible exposure based on the screening instruments used by the Bureau of Prisons were also ordered back to work within 48 hours.

The Bureau of Prisons also has violated the above standard by continuously moving inmates by bus and/or airlift to various prison sites across the nation. They have authorized movement of infected inmates, inmates suspected of being infected, inmates who have been in close contact or proximity to infected inmates, to areas of the Country that do not have any rate of infections, or to Institutions that otherwise have not shown signs of any introduction of the virus, thus introducing the virus into an uninfected area. This is a failure to follow the CDC guidelines that state where COVID-19 cases exist within an Institution, management strategies such as “Suspend all transfers of incarcerated/detained persons to and from other jurisdictions and facilities (including work release where relevant), unless necessary for medical evaluation, medical isolation/quarantine, care, extenuating security concerns, or to prevent overcrowding” should be implemented.

The Bureau of Prisons has failed to introduce workplace controls to mitigate or prevent exposure or further exposure to the virus. They have not implemented engineering controls such as high efficiency air filters or air scrubbers to minimize the airborne nature of this virus or otherwise improved the ventilation rates in the environment. Administrative controls such as encouraging or

U. S. Department of Labor
Occupational Safety and Health Administration
Notice of Alleged Safety or Health Hazards

mandating potentially sick or exposed workers to stay home for self-isolation for 14 days per CDC guidelines, have not been utilized nor have they issued a mandatory lockdown if prisons, which would result in minimal contact with staff and other inmates in areas where the infection has been introduced. Other controls failed to be implemented are modified operations where social distancing among inmates and staff can be accomplished. They have failed to minimize contact within recreation areas, education areas, counseling/treatment rooms, resulting in multiple inmates and staff coming in dangerously close contact with each other after potentially being exposed to the virus.

OSHA's Personal Protective Equipment (PPE) standards, [29 CFR Subpart I](#), [29 CFR 1910.132](#), [29 CFR 1910.133](#), [29 CFR 1910.134](#), and [29 CFR 1910.138](#), 29 CFR 1910.1030, Bloodborne Pathogens, which require using gloves, eye and face protection, and respiratory protection, when respirators are necessary to protect workers, employers must implement a comprehensive respiratory protection program in accordance with the Respiratory Protection standard ([29 CFR 1910.134](#)). While the Agency has followed or implemented fit testing protocols, the Agency has failed to provide the proper N-95 masks to staff who are transporting and have custodial control over hospitalized inmates testing positive for the virus.

To date, there are 28 confirmed inmate cases and 24 confirmed staff cases within the Federal Bureau of Prisons, with one inmate death thus far. There are multiple staff and inmates hospitalized. Below is a listing of all Federal Bureau of Prison sites affected by this complaint under the direction of Director Michael Carvajal.

U. S. Department of Labor
Occupational Safety and Health Administration
Notice of Alleged Safety or Health Hazards

Alderson, WV FPC	Fairton, NJ FCI	Mendota, CA FCI	Terminal Island, CA FCI
Aliceville, AL FCI	Florence, CO FCC	Miami, FL FCI	Terre Haute, IN FCC
Allenwood, PA FCC	Forrest City, AR FCC	Miami, FL FDC	Texarkana, TX FCI
Ashland, KY FCI	Fort Dix, NJ FCI	Milan, MI FCI	Thomson, IL AUSP
Atlanta, GA USP	Fort Worth, TX FMC	Montgomery, AL FPC	Three Rivers, TX FCI
Atwater, CA USP	Gilmer, WV FCI	Morgantown, WV FCI	Tucson, AZ FCC
Bastrop, TX FCI	Glynco, GA	New York, NY MCC	Victorville, CA FCC
Beaumont, TX FCC	Grand Prairie, TX	Oakdale, LA FCC	Waseca, MN FCI
Beckley, WV FCI	Greenville, IL FCI	Oklahoma City, OK FTC	Williamsburg, SC FCI
Bennettsville, SC FCI	Guaynabo, PR MDC	Otisville, NY FCI	Yankton, SD FPC
Berlin, NH FCI	Hazelton, WV FCC	Oxford, WI FCI	Yazoo City, MS FCC
Big Sandy, KY USP	Herlong, CA FCI	Pekin, IL FCI	
Big Spring, TX FCI	Honolulu, HI FDC	Pensacola, FL FPC	
Brooklyn, NY MDC	Houston, TX FDC	Petersburg, VA FCC	
Bryan, TX FPC	Jesup, GA FCI	Philadelphia, PA FDC	
Butner, NC FCC	La Tuna, TX FCI	Phoenix, AZ FCI	
Canaan, PA USP	Leavenworth, KS USP	Pollock, LA FCC	
Carswell, TX FMC	Lee, WV USP	Ray Brook, NY FCI	
Chicago, IL MCC	Lewisburg, PA USP	Rochester, MN FMC	
Coleman, FL FCC	Lexington, KY FMC	Safford, AZ FCI	
Cumberland, MD FCI	Lompoc, CA FCC	San Diego, CA MCC	
Danbury, CT FCI	Loretto, PA FCI	Sandstone, MN FCI	
Devens, MA FMC	Los Angeles, CA MDC	Schuylkill, PA FCI	
Dublin, CA FCI	Manchester, KY FCI	Seagoville, TX FCI	
Duluth, MN FPC	Marianna, FL FCI	SeaTac, WA FDC	
Edgefield, SC FCI	Marion, IL USP	Sheridan, OR FCI	
El Reno, TX FCI	McCreary, KY USP	Springfield, MO MCFP	
Elkton, OH FCI	McDowell, WV FCI	Talladega, AL FCI	
Englewood, CO FCI	McKean, PA FCI	Tallahassee, FL FCI	
Estill, SC FCI	Memphis, TN FCI		