

Illinois Department of Labor
Illinois OSHA
Lincoln Tower Plaza
524 South 2nd Street, Suite 400
Springfield, IL 62701
Phone: 217-782-9386 Fax: 217-785-8776
E-mail: DOL.Safety@illinois.gov



Citation and Notification of Penalty

April 5, 2022

Dear Mayor Lee,

This letter includes citations for violations found during a workplace inspection by Illinois OSHA. Please review and act within the noted deadlines. Do not hesitate to contact your assigned inspector if you have any questions.

Sincerely,

Erik Kambarian

IL OSHA Division Manager (Acting)

Your Citation Summary

City of Sterling - Fire Dept.
212 3rd Avenue, Skip Lee, Mayor
Sterling, IL 61081

Inspection # 1567974

You must correct each violation by the date(s) listed in the Citation and Notification of Penalty. Each violation may have a different correction deadline. Please contact your inspector as soon as possible if you believe you will not meet a correction deadline.

Total Amount Due: \$24000.00

Payment is due 15 working days after receipt of this letter. Failing to correct violations may result in per day, per violation financial penalties.

Choose an option and act within 15 working days.

Post a copy of the citation at or near the place where each violation occurred or in a prominent place where it will be readily observable by all affected employees, even if you plan to contest.

Option #1 – Correct Violations

I will ensure the cited violations are corrected by the deadlines, and do not contest. See next page for details.

Option #2 – Informal Conference

I would like to discuss the citation with IL OSHA. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate). See next page for details.

Option #3 – Formal Contest

I would like to contest the citation, penalties, and/or correction deadlines through a formal legal process. See next page for details.

Questions or Concerns?

Contact your assigned inspector

Call: (217) 782-9386

E-mail:

DOL.Safety@illinois.gov

Option #1 – Correct Violations



1. Correct violations, then complete and e-mail or mail your assigned inspector the attached “ABATEMENT CERTIFICATION” along with the appropriate evidence of repair or corrective action (e.g. photos, purchase orders, documentation, records, etc.). **Mail must be postmarked within 10 calendar days after each violation's correction deadline and include any required evidence.**



2. Within 15 working days after receipt of this letter, pay the **Total Amount Due** (if applicable) by check or money order payable to “Illinois Department of Labor.” **Include Inspection # 1567974 on the payment.** IDOL does not agree to any restrictions, conditions, or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

Option #2 – Discuss with IL OSHA at an Informal Conference



1. Call (217) 782-9386 or e-mail DOL.Safety@illinois.gov as soon as possible to schedule a meeting with IL OSHA. The meeting must occur **within 15 working days** of receiving this citation. Be prepared to provide supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation****



2. Fill in and post the attached “Notice to Employees of Informal Conference” after the meeting is scheduled.

Option #3 – Formally Contest the Citation



E-mail (DOL.Safety@illinois.gov) or mail (Springfield Office) a letter of intent to legally contest, postmarked within **15 working days** after the receipt of this letter. Address this letter to the IL OSHA Division Manager. After 15 working days the citation is final and cannot be appealed.

Authority – Illinois Occupational Safety and Health Act [820 ILCS 219/1-925] and Administrative Rules [56 Ill. Admin. Code Part 350].

Employer Discrimination Unlawful – The Act prohibits discrimination by an employer against an employee for exercising any rights provided by the Act. An employee who believes that he/she has been discriminated against may file a complaint within 30 calendar days after the discrimination occurred with Illinois OSHA.

Notice to Employees – The Act gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to Illinois OSHA and postmarked within 15 working days of the receipt by the employer of this Citation.

Inspection Data – Under the Electronic Freedom of Information Act, information related to your inspection will be published at www.OSHA.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

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NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with Illinois OSHA to discuss the Citation(s) issued on 04/05/2022. The conference will be held:

Date: _____

Time: _____

Location: _____

Representatives of employees have a right to attend an informal conference.

ABATEMENT CERTIFICATION

**Illinois Department of Labor
Illinois OSHA**

Inspection # 1567974
Mr. Skip Lee - Mayor
City of Sterling - Fire Dept.
212 3rd Avenue
Sterling, IL 61081

Instructions:

1. Please complete this abatement certification form and e-mail or mail it to your assigned inspector before the abatement date indicated on each citation.
2. Enter the date you corrected the hazard and describe the corrective actions taken to remove the hazard.
3. Enclose additional supporting documentation (receipts, photos, proof of training, written programs etc.).

Citation/Item Number	Abatement Due Date	Standard Cited	Hazard Corrected Date	Describe Corrective Action Taken to Remove the hazard
Citation 1 Item 1	April 25, 2022	Willful		
Citation 1 Item 2	April 25, 2022	Willful		
Citation 1 Item 3	May 09, 2022	Willful		
Citation 2 Item 1	April 25, 2022	Serious		
Citation 2 Item 2	April 25, 2022	Serious		

I attest that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement activities described in this certification.

Signature

Typed or Printed Name

Citation and Notification of Penalty

Company Name: City of Sterling - Fire Dept.
Inspection Site: 10031 Ridge Road Rock Falls, IL 61071

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

820 ILCS 219/20(a): Illinois Occupational Safety and Health Act. Every public employer must provide reasonable protection to the lives, health, and safety of its employees and must furnish to each of its employees employment and a workplace which are free from recognized hazards that cause or are likely to cause death or serious physical harm to its employees.

On or about December 3-4, 2021, at a one-story residential fire (10031 Ridge Road, Rock Falls, IL), the City of Sterling Fire Department did not provide reasonable protection to firefighters during command of a "mayday" call and a personnel accountability report (PAR), exposing firefighters to respiratory and thermal hazards. For over 30 minutes, it was not known that one firefighter was missing in an immediately dangerous to life or health atmosphere.

Among other methods, one feasible and acceptable means of abatement would be to: 1) ensure strict use of the Passport Accountability System for all structure fire training and all actual structure fires and; 2) ensure 100% individual accountability of all personnel operating in the hazard zone of an incident during a "mayday" call and during a personnel accountability report. A signed Abatement Certification is required.

<u>Date by Which Violation Must Be Abated:</u>	<u>April 25, 2022</u>
<u>Proposed Penalty:</u>	<u>\$8000.00</u>

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

29 CFR 1910.134(g)(4): Procedures for interior structural firefighting. In addition to the requirements set forth under paragraph (g)(3), in interior structural fires, the employer shall ensure that: *At least two employees enter the IDLH atmosphere and remain in visual or voice contact with one another at all times.

On or about December 3-4, 2021, at a one-story residential fire (10031 Ridge Road, Rock Falls, IL), the City of Sterling Fire Department, in multiple instances, did not ensure that at least two firefighters entered the immediately dangerous to life or health (IDLH) atmosphere and remained in visual or voice contact with one another at all times, exposing firefighters to respiratory and thermal hazards. One firefighter in an IDLH atmosphere was out of visual or voice contact with other firefighters for over 30 minutes.

Among other methods, one feasible and acceptable means of abatement would be to: 1) frequently train members expected to serve as interior firefighters and command officers on crew/company continuity, accountability, and this standard and; 2) for command and company officers at structure fires to strictly enforce

Illinois Department of Labor
Illinois OSHA

Inspection Number: 1567974
Inspection Date: 12/10/2021-02/03/2022
Issuance Date: 04/05/2022
CSHO ID: R8531

Citation and Notification of Penalty

Company Name: City of Sterling - Fire Dept.
Inspection Site: 10031 Ridge Road Rock Falls, IL 61071

crew/company continuity, accountability, and this standard. A signed Abatement Certification is required.

<u>Date by Which Violation Must Be Abated:</u>	<u>April 25, 2022</u>
<u>Proposed Penalty:</u>	<u>\$8000.00</u>

Citation 1 Item 3 Type of Violation: **Willful**

29 CFR 1910.156(c)(2): The employer shall assure that training and education is conducted frequently enough to assure that each member of the fire brigade is able to perform the member's assigned duties and functions satisfactorily and in a safe manner so as not to endanger fire brigade members or other employees. All fire brigade members shall be provided with training at least annually. In addition, fire brigade members who are expected to perform interior structural firefighting shall be provided with an education session or training at least quarterly.

On or about and before December 3-4, 2021, the City of Sterling Fire Department did not ensure that training and education was conducted frequently enough for the incident operations chief to perform assigned duties and functions satisfactorily and in a safe manner at a one-story residential fire at 10031 Ridge Road, Rock Falls, Illinois, endangering and exposing firefighters in an immediately dangerous to life or health (IDLH) atmosphere to respiratory, thermal, fall, and struck-by hazards. The employee's training records were requested by IL OSHA. The employee's last documented fire training is dated 11/28/2018.

Among other methods, one feasible and acceptable means of abatement would be to frequently train members expected to serve as command officers at structure fires on topics included in Area 6 (Fire Officer and Incident Commanders) of the Illinois Fire Service Institute 2021 Minimum Fire Training Guide.

<u>Date by Which Violation Must Be Abated:</u>	<u>May 09, 2022</u>
<u>Proposed Penalty:</u>	<u>\$8000.00</u>

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

820 ILCS 219/20(a): Every public employer must provide reasonable protection to the lives, health, and safety of its employees and must furnish to each of its employees employment and a workplace which are free from recognized hazards that cause or are likely to cause death or serious physical harm to its employees.

Illinois Department of Labor
Illinois OSHA

Inspection Number: 1567974
Inspection Date: 12/10/2021-02/03/2022
Issuance Date: 04/05/2022
CSHO ID: R8531

Citation and Notification of Penalty

Company Name: City of Sterling - Fire Dept.
Inspection Site: 10031 Ridge Road Rock Falls, IL 61071

On or about December 3-4, 2021, at a one-story residential fire (10031 Ridge Road, Rock Falls, IL), the City of Sterling Fire Department did not provide reasonable protection when a firefighter using a Scott Air-Pak 75 SCBA remained in an immediately dangerous to life or health (IDLH) atmosphere after the SCBA's end of service alarm actuated and did not leave until his air supply was exhausted, exposing the firefighter to respiratory hazards.

Firefighter statement: "I pulled ceiling until I completely ran out of air as my face mask was sucking my face."

Among other methods, one feasible and acceptable means of abatement would be to ensure firefighters maintain an emergency reserve air supply by enforcing the SCBA manufacturer's warning for the Scott Air-Pak 75 stated on pages 3, 7, 10, and 30 of the operating and maintenance instructions manual: "WARNING: THE RESPIRATOR USER MUST IMMEDIATELY LEAVE THE AREA REQUIRING RESPIRATORY PROTECTION WHEN AN END OF SERVICE INDICATOR ALARM ACTUATES. ACTUATION OF ANY END OF SERVICE INDICATOR ALARM WARNS THAT APPROXIMATELY 25% OF FULL PRESSURE REMAINS IN THE AIR SUPPLY CYLINDER (THAT IS APPROXIMATELY ¾ OF THE TOTAL AIR SUPPLY HAS BEEN USED) OR THAT THERE IS A MALFUNCTION IN THE RESPIRATOR. A DELAY IN LEAVING THE AREA AFTER ALARM ACTUATION MAY RESULT IN INJURY OR DEATH." A signed Abatement Certification is required.

<u>Date by Which Violation Must Be Abated:</u>	<u>April 25, 2022</u>
<u>Proposed Penalty:</u>	<u>\$0.00</u>

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

29 CFR 1910.134(g)(3)(iii) Procedures for IDLH atmospheres. For all IDLH atmospheres, the employer shall ensure that: The employee(s) located outside the IDLH atmosphere are trained and equipped to provide effective emergency rescue.

On or about December 3-4, 2021, at a one-story residential fire (10031 Ridge Road, Rock Falls, IL), the City of Sterling Fire Department did not ensure firefighters were trained and equipped to provide effective emergency rescue of a firefighter from an immediately dangerous to life or health (IDLH) atmosphere. Once located, the firefighter's breathing air supply was observed as being completely exhausted, exposing the employee to respiratory hazards. Additionally, two emergency rescue attempts were not effective, exposing the firefighter to struck-by hazards and respiratory hazards.

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Inspection Number: 1567974
Inspection Date: 12/10/2021-02/03/2022
Issuance Date: 04/05/2022
CSHO ID: R8531

Citation and Notification of Penalty

Company Name: City of Sterling - Fire Dept.
Inspection Site: 10031 Ridge Road Rock Falls, IL 61071

Among other methods, one feasible and acceptable means of abatement would be to: 1) train employees and mutual aid companies that serve under direction of the employer on effective emergency rescue and; 2) ensure that a dedicated, trained, and equipped rescue team is available outside the IDLH atmosphere to provide effective rescue to include but not limited to providing a firefighter in distress with emergency breathing air and rapid removal from the IDLH atmosphere. A signed Abatement Certification is required.

<u>Date by Which Violation Must Be Abated:</u>	<u>April 25, 2022</u>
<u>Proposed Penalty:</u>	<u>\$0.00</u>

Illinois Department of Labor
Illinois OSHA

Inspection Number: 1567974
Inspection Date: 12/10/2021-02/03/2022
Issuance Date: 04/05/2022
CSHO ID: R8531

Citation and Notification of Penalty

Company Name: City of Sterling - Fire Dept.
Inspection Site: 10031 Ridge Road Rock Falls, IL 61071

Summary of Penalties for Inspection Number: 1567974

Citation 1 Item 1, Willful	\$8000.00
Citation 1 Item 2, Willful	\$8000.00
Citation 1 Item 3, Willful	\$8000.00
Citation 2 Item 1, Serious	\$0.00
Citation 2 Item 2, Serious	\$0.00

TOTAL PROPOSED PENALTIES: \$24000.00