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

March 5, 2020

Richard Davis,
Town of Farmington/ Farmington Fire Department
153 Farmington Falls Road
Farmington, ME 04938

Inspection Number: 1431040

Dear Richard Davis:

The Bureau of Labor Standards completed an inspection on 09/16/2019 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 condition(s) 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(s) is $22,100.00 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 citation(s) 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 penalty(s) and not the violation(s). 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 citation(s), 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.

PHONE: (207) 623-7900 TTY USERS CALL MAINE RELAY 711 FAX: (207) 623-7937
OFFICES LOCATED AT: CENTRAL MAINE COMMERCE CENTER, 45 COMMERCE DR., AUGUSTA, ME 04330

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 $1000.00 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 page(s) 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 violation(s) 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(s) 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 and 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.

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 citation(s) or your fifteen (15) business day options may contact the Bureau of Labor Standards, Workplace Safety and Health Division at (207) 623-7923.

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

ABATEMENT CERTIFICATION WORKSHEET

Town of Farmington/ Farmington Fire Department
313 Farmington Falls Road
Farmington, ME 04938
Issuance Date:03/05/2020

Inspection Number: 1431040

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

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

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

Inspection Number: 1431040
Inspection Date: 09/16/2019-02/13/2020
Issuance Date: 03/05/2020

Citation and Notification of Penalty

Company Name: Town of Farmington/ Farmington Fire Department
Inspection Site: 313 Farmington Falls Road Farmington, ME 04938

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

29 CFR 1910.120(q)(6)(ii): First responders at the operational level did not receive at least eight hours of training or did not have sufficient experience to objectively demonstrate competency in the areas required by 29 CFR 1910.120(q)(6)(ii)(A) through (q)(6)(ii)(F) and/or the employer did not so certify.

Employees of the Town of Farmington Fire Department were exposed to a propane explosion hazard when responding to 313 Farmington Falls Road in Farmington, Maine for the smell of propane inside the building. During the investigation employees performed hazardous materials operation level duties without required annual training.

Acceptable and feasible methods to correct the conditions include but are not limited to: Annually training employees on hazardous material at the level of their response.

Date By Which Violation Must Be Abated: **April 09, 2020**
Proposed Penalty: **$8500.00**

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

T.26Ch.28§2103(1): Protective equipment. The employer did not ensure all firefighters used protective equipment when exposed to hazards in the work environment where firefighters were likely to be exposed. Protective equipment must consist of NFPA approved (1987 Standard or later) protective clothing such as: pants, coat, hood, helmet ensemble including eye and face protection, foot protection, hand protection, and a self-contained breathing apparatus (SCBA).

Firefighters did not don a self-contained breathing apparatus prior to entering an immediately dangerous to life and health (IDLH) atmosphere, multiple firefighters did not don gloves and hoods, they did not deploy chin straps on helmets or place helmet ear flaps down to cover skin, they also did not zip their bunker coat closed prior to entering the building. Additionally, the Incident Commander was located inside the building without any protective equipment such as coat, pants, gloves, helmet, hood, boots and/or SCBA.

Acceptable and feasible methods to correct the conditions include but are not limited to: Retrain all employees on the fire department Standard Operating Manual which identifies when protective gear in to be worn.

Date By Which Violation Must Be Abated: **April 09, 2020**
Proposed Penalty: **$8500.00**

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

Inspection Number: 1431040
Inspection Date: 09/16/2019-02/13/2020
Issuance Date: 03/05/2020

Citation and Notification of Penalty

Company Name: Town of Farmington/ Farmington Fire Department
Inspection Site: 313 Farmington Falls Road Farmington, ME 04938

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

T.26Ch.6561-A: The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees by not calibrating multigas detectors per manufactures recommendations.

Expired calibration gas was found in use in for the MSA Sirius Multigas Detector located on Tower 3. The calibration gas expired April 2006. Calibration records and bump testing prior to use records for the MSA Sirius Multigas Detector were not available.

Acceptable and feasible methods to correct the conditions include but are not limited to: Follow manufacturers recommendations for calibration frequency, train employees on calibration, bump testing and fresh air tests, use manufacturers recommended calibration gas that has not expired.

Date By Which Violation Must Be Abated: **April 09, 2020**
Proposed Penalty: **$850.00**

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

T.26Ch.6561-A: The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees by allowing the Incident Commander functions to be conducted inside a building with a possible propane leak.

At the time of the explosion, the incident commander was conducting overall management of the scene from inside the building where firefighters were investigating a possible propane leak.

Acceptable and feasible methods to correct the conditions include but are not limited to: Retrain all employees on procedures for establishing command, duties of the incident commander and safe locations of a command post.

Date By Which Violation Must Be Abated: **April 09, 2020**
Proposed Penalty: **$850.00**

Citation and Notification of Penalty

Company Name: Town of Farmington/ Farmington Fire Department
Inspection Site: 313 Farmington Falls Road Farmington, ME 04938

Citation 2 Item 3 Type of Violation: **Serious**

T.26Ch.6561-A: The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees.

The Incident Commander did not initiate the employer's accountability system at the beginning of the operation which delayed accountability after the explosion.

Acceptable and feasible methods to correct the conditions include but are not limited to: Retrain all employees on the employer's accountability system and the proper deployment of the assigned accountability tags on the passport system. The employer must ensure that the accountability system is being implemented by all members.

Date By Which Violation Must Be Abated: **April 09, 2020**
Proposed Penalty: **$850.00**

Citation 2 Item 4 Type of Violation: **Serious**

T.26Ch.6561-A: The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees by allowing firefighters to use uninspected fire gear during an emergency response in an IDLH atmosphere.

The Town of Farmington Fire Department did not complete annual fire gear inspections per manufactures recommendations.

Acceptable and feasible methods to correct the conditions include but are not limited to: Annually inspect all fire gear per manufacturers recommendations.

Date By Which Violation Must Be Abated: **April 09, 2020**
Proposed Penalty: **$850.00**

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

Inspection Number: 1431040
Inspection Date: 09/16/2019-02/13/2020
Issuance Date: 03/05/2020

Citation and Notification of Penalty

Company Name: Town of Farmington/ Farmington Fire Department
Inspection Site: 313 Farmington Falls Road Farmington, ME 04938

Citation 2 Item 5 Type of Violation: **Serious**

T.26Ch.28§2103(1): Protective equipment. The employer did not provide each firefighter with the appropriate equipment to protect them from hazards in the workplace which they are likely to be exposed. Protective clothing did not, at a minimum, meet the National Fire Protection Association (NFPA) standards that were in effect in 1987. Protective equipment must consist of: Protective clothing, Helmet ensemble, including eye and face protection, Foot protection, Hand protection, Hearing protection, and Self-contained breathing apparatus.

The Town of Farmington Fire Department allowed firefighters to use non-NFPA complaint fire helmets (Cairns N5A New Yorker) when responding on emergency calls and performing firefighting duties.

Acceptable and feasible methods to correct the conditions include but are not limited to: Only allow NFPA compliant helmets (and all other fire gear) to be used by employees when performing firefighting duties.

Date By Which Violation Must Be Abated: **April 09, 2020**
Proposed Penalty: **$850.00**

Citation 2 Item 6 Type of Violation: **Serious**

T.26Ch.28§2105 (1)(B): The employer did not complete weekly inspection of their self-contained breathing apparatus (SCBA), associated components, air supply devices, personal alert safety system devices and warning devices for the full-time fire department as specified by the manufacturers recommendations.

At the time of the inspection the Town of Farmington Fire Department employed full-time firefighters Monday through Friday during the day. During the six months leading up to the September 16, 2019 building explosion SCBA inspections were being conducted monthly.

Acceptable and feasible methods to correct the conditions include but are not limited to: Inspect all self-contained breathing apparatus (SCBA) and all associated components weekly.

Date By Which Violation Must Be Abated: **April 09, 2020**
Proposed Penalty: **$850.00**

Steven L. Greeley, Director
Workplace Safety & Health Division