

*Division of Occupational Safety and Health*

**EMPLOYER NAME:** Town of Colchester, Colchester Hayward Volunteer Fire Department

**CONN-OSHA Inspection Number(s):** 1486205

**INFORMAL SETTLEMENT AGREEMENT**

The undersigned employer/representative and the undersigned official for the State of Connecticut, Department of Labor, Division of Occupational Safety and Health (CONN-OSHA), in the settlement of the citation(s) and penalties which were issued on September 14, 2020, hereby agree as follows:

1. An informal conference was held on September 29, 2020, by teleconference. The citations, their abatements and proposed penalties were discussed.
2. The Employer agrees to correct the violations as cited in the above citation(s) or as amended below.
3. The Employer agrees to pay the proposed penalties, if any, as issued with the above citation(s), if amended by this agreement, as amended below.
4. The Employer and CONN-OSHA agree that the following citation(s) and penalties (if any) are being amended by this agreement:

Inspection 1486205

Town of Colchester, Colchester Hayward Volunteer Fire Department

Citation 1 Item 1	Penalty amended from \$640.00 to \$320.00
Citation 1 Item 2	Penalty amended from \$490.00 to \$245.00
Citation 1 Item 3a	Penalty amended from \$350.00 to \$175.00
Citation 1 Item 4	Penalty amended from \$640.00 to \$320.00
Citation 1 Item 5	Penalty amended from \$280.00 to \$140.00
Citation 1 Item 6	Penalty amended from \$350.00 to \$175.00
Citation 1 Item 7	Penalty amended from \$350.00 to \$175.00
Citation 1 Item 8a	Penalty amended from \$420.00 to \$210.00
Citation 1 Item 9	Penalty amended from \$420.00 to \$210.00

Informal Settlement Agreement

5. The Employer and CONN-OSHA agree that the following citation(s) and penalties (if any) are not being amended by this agreement:

Inspection 1486205

Town of Colchester, Colchester Hayward Volunteer Fire Department

Citation 1 Item 3b, Citation 1 Item 8b, Citation 2 Item 1.

6. Based on the abatement actions taken and to be taken by the Employer, the Total Proposed Penalty amount of ~~\$3940.00~~ is to be reduced to ~~\$1970.00~~ with the understanding that the employer utilize the CONN-OSHA Consultation Program and Training and Education services.
7. The Employer, by signing this Informal Settlement Agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in paragraph 4 of this agreement.
8. The Employer agrees to immediately post a copy of this Informal Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in paragraphs 4 and 5 above. The Informal Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and state holidays), whichever is longer.
9. In consideration of the foregoing amendment(s) the Employer agrees to provide written certification with documentation, at, or prior to, the time of abatement that all items have been abated. The Employer further agrees that payment for the full amount of the amended penalty will be mailed (postmarked) not later than **30 days** from the date of this Informal Settlement Agreement.
10. Failure of the Employer to comply with any of the terms set forth in this Informal Settlement Agreement may cause the amended penalty to revert to the initially proposed amount without further notice



Signature of Employer Representative

SEAN C SHOEMAKER

Printed Name

INTERIM FIRE CHIEF

Position/Title

9/29/20

Date



Signature of CONN-OSHA Official

John Rosa

Printed Name

Program Manager

Position/Title

9/30/2020

Date

NOTICE TO EMPLOYEES

The law gives you or your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest to the abatement dates of the citation(s) amended in paragraph 4 of this Informal Settlement Agreement must be mailed to the Connecticut Department of Labor, CONN-OSHA, 38 Wolcott Hill Road, Wethersfield, Connecticut 06109, within 15 working days (excluding

Revised 5/2020

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Informal Settlement Agreement

weekends and state holidays) of the receipt by the Employer of this Informal Settlement Agreement. You or your representative also have the right to object to any of the abatement dates set for violations referred to in paragraph 3 provided that the objection is mailed to the office shown above within the 15 working day period established by the original citation(s).

Revised 5/2020

**State of Connecticut, Department of Labor**

Division of Occupational Safety & Health

38 Wolcott Hill Road

Wethersfield, CT 06109

Phone: (860) 263-6900 Fax: (860) 263-6940

*Amended*  
**INVOICE**

**Facility Name:** Colchester Hayward Volunteer Fire Department

**Inspection Site:** 52 Old Hartford Road, Colchester, CT 06415

**Issuance Date:** 09/14/2020

**Summary of Penalties for Inspection Number:** 1486205

Citation 1, Serious

~~\$3940.00~~ \$1970.00

Citation 2, Other Than Serious

\$ 0.00

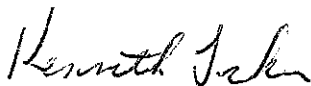
**TOTAL PROPOSED PENALTIES:**

~~\$3940.00~~ \$1970.00

Please remit payment promptly to the Office for the total amount of uncontested penalties summarized above.

Make your check or money order payable to: "CTDOL CONN-OSHA". Please indicate the Inspection Number (indicated above) on the remittance. Send payment promptly to our office at the address listed above.

CONN-OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.



Kenneth C. Tucker III  
CONN-OSHA Director

**Citation and Notification of Penalty**

*Amended  
Citations*

Facility Name: Colchester Hayward Volunteer Fire Department  
Inspection Site: 52 Old Hartford Road, Colchester, CT 06415

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

31-372-101

31-370(a): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to the hazard of outdated personal protective equipment (PPE). Several firefighters have turnout gear that they use to respond to such events as structure fires, motor vehicle accidents, etc., that has exceeded its ten year life span. The requirement for turnout gear's ten year lifespan is specified under The National Fire Protection Association, (NFPA) Standard 1851 and is considered the industry standard.

**Location:**

A. Colchester Hayward Volunteer Fire Department

1. The employer failed to ensure that all turnout gear used to respond to events such as structure fires, motor vehicle accidents, etc., was within the acceptable ten year life span.

One feasible and acceptable abatement method is to fund and purchase new gear for those firefighters that have gear older than 10 years.

**Date by Which Violation Must be Abated:**  
**Proposed Penalty:**

**December 15, 2020**

~~\$640.00~~

\$320.00

**Citation and Notification of Penalty**

*Amended  
Citation*

**Facility Name:** Colchester Hayward Volunteer Fire Department  
**Inspection Site:** 52 Old Hartford Road, Colchester, CT 06415

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

31-372-101

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

Location:

A. Colchester Hayward Volunteer Fire Department

1. The employer failed to complete a hazard assessment which would include a review of tasks that members of the Colchester Hayward Volunteer Fire Department are required to perform during the performance of their job duties and to identify hazards that may be associated with performing those tasks and finally addressing those hazards through Administrative Controls, Engineering Controls or through the use of PPE.

**Date by Which Violation Must be Abated:**

**December 15, 2020**

**Proposed Penalty:**

~~\$490.00~~

*\$245.00*

**Citation and Notification of Penalty**

Facility Name: Colchester Hayward Volunteer Fire Department  
Inspection Site: 52 Old Hartford Road, Colchester, CT 06415

Amended  
Citation

**Alleged violations that involve similar or related hazards and may increase the potential for injuries and/or illnesses have been grouped.**

**Citation 1 Item 3a** Type of Violation: **Serious**

31-372-101

1910.147(c)(4)(i): Lockout/Tagout procedures were not developed for specific equipment within the facilities, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section.

Location:

A. Colchester Hayward Volunteer Fire Department Facilities

1. The employer failed to develop specific lockout/tagout procedures for specific equipment within the Colchester Hayward Volunteer Fire Department facilities such as electrical circuit breaker panels.

**Date by Which Violation Must be Abated:**

**December 15, 2020**

**Proposed Penalty:**

**\$350.00**

\$175.00

**Citation and Notification of Penalty**

*Amended  
Citations*

Facility Name: Colchester Hayward Volunteer Fire Department  
Inspection Site: 52 Old Hartford Road, Colchester, CT 06415

**Citation 1 Item 3b Type of Violation: **Serious****

31-372-101

1910.147(c)(6)(ii): The employer did not certify that periodic inspections of the energy control procedures had been performed.

Location:

A. Colchester Hayward Volunteer Fire Department

1. The employer had a lockout/tagout program, but it was online and corrupt showing that periodic inspections of the program had not been completed.

**Date by Which Violation Must be Abated:**

**December 15, 2020**

**Proposed Penalty:**

**\$0.00**

**Citation 1 Item 4 Type of Violation: **Serious****

31-372-101

1910.156(d): The employer did not maintain and inspect, at least annually, firefighting equipment to assure the safe operational condition of the equipment. Portable fire extinguishers and respirators shall be inspected at least monthly. Firefighting equipment that is in damaged or unserviceable condition shall be removed from service and replaced.

Location:

A. Colchester Hayward Volunteer Fire Department

1. The employer has not completed an annual inspection of all firefighter's turnout gear, including coat, pants helmets, gloves, etc., by a qualified and competent personnel.

**Date by Which Violation Must be Abated:**

**Corrected During Inspection**

**Proposed Penalty:**

**\$640.00**

**\$320.00**

**Citation and Notification of Penalty**

*Amended  
Citations*

Facility Name: Colchester Hayward Volunteer Fire Department  
Inspection Site: 52 Old Hartford Road, Colchester, CT 06415

**Citation 1 Item 5 Type of Violation: **Serious****

31-372-101

1910.176(c): Storage areas were not kept free from accumulation of materials that constituted hazards from tripping, fire, explosion, or pest harborage.

Location:

A. Equipment Repair Room

1. The equipment repair room has items stored in such a manner to create a possible trip hazard or struck-by hazard.

**Date by Which Violation Must be Abated:**

**October 30, 2020**

**Proposed Penalty:**

**\$280.00**

*\$140.00*

**Citation 1 Item 6 Type of Violation: **Serious****

31-372-101

1910.212(b): Machine(s) designed for fixed location(s) were not securely anchored to prevent walking or moving.

Location:

A. Equipment Repair Room

1. A bench grinder that could be anchored, was found not anchored.

**Date by Which Violation Must be Abated:**

**October 30, 2020**

**Proposed Penalty:**

**\$350.00**

*\$175.00*

State of Connecticut  
Department of Labor  
Division of Occupational Safety & Health

Inspection Number: 1486205  
Inspection Date: 07/29/2020-08/14/2020  
Issuance Date: 09/14/2020

**Citation and Notification of Penalty**

Facility Name: Colchester Hayward Volunteer Fire Department  
Inspection Site: 52 Old Hartford Road, Colchester, CT 06415

*Amended  
Citations*

**Citation 1 Item 7 Type of Violation: **Serious****

31-372-101

1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one eighth of an inch.

Location:

A. Equipment Repair Room

1. A bench grinder was found to have its work-rest approximately one-half inch away from the abrasive wheel.

**Date by Which Violation Must be Abated:**

**October 30, 2020**

**Proposed Penalty:**

**~~\$350.00~~**

*\$175.00*

**Citation and Notification of Penalty**

*Amended  
Citations*

Facility Name: Colchester Hayward Volunteer Fire Department  
Inspection Site: 52 Old Hartford Road, Colchester, CT 06415

**Alleged violations that involve similar or related hazards and may increase the potential for injuries and/or illnesses have been grouped.**

**Citation 1 Item 8a** Type of Violation: **Serious**

31-372-101

1910.253(b)(4)(iii): Oxygen cylinders in storage were not separated from fuel-gas cylinders or combustible materials, a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least 5 feet (1.5 m) high having a fire-resistance rating of at least one-half hour.

Location:

A. Equipment Repair Room

1. Small acetylene and oxygen cylinders were found to be stored together.

**Date by Which Violation Must be Abated:**

**October 30, 2020**

**Proposed Penalty:**

**\$420.00**

*\$210.00*

**Citation 1 Item 8b** Type of Violation: **Serious**

31-372-101

1910.101(b): The in-plant handling, storage, and utilization of all compressed gases in cylinders, portable tanks, rail tankcars, or motor vehicle cargo tanks were not in accordance with Compressed Gas Association Pamphlet P-1-1965, which is incorporated by reference as specified in CFR 1910.6.

Location:

A. Equipment Repair Room

1. Oxygen and acetylene cylinders were found to be stored in an unsecured manner and subject to being knocked over.

**Date by Which Violation Must be Abated:**

**October 30, 2020**

**Proposed Penalty:**

**\$0.00**

State of Connecticut  
Department of Labor  
Division of Occupational Safety & Health

Inspection Number: 1486205  
Inspection Date: 07/29/2020-08/14/2020  
Issuance Date: 09/14/2020

**Citation and Notification of Penalty**

*Amended  
Citation*

Facility Name: Colchester Hayward Volunteer Fire Department  
Inspection Site: 52 Old Hartford Road, Colchester, CT 06415

Citation 1 Item 9 Type of Violation: **Serious**

31-372-101

1910.1030(c)(1)(iv): The Exposure Control Plan was not reviewed and updated at least annually, whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure, and to reflect new or revised employee positions with occupational exposure.

Location:

A. Colchester Hayward Volunteer Fire Department

1. The Fire Department failed to update their exposure control plan since January 2009.

**Date by Which Violation Must be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$420.00**  
*# 2/0. w*

SPECIFIC ABATEMENT CERTIFICATION AND DOCUMENTATION  
IS REQUIRED FOR ALL **SERIOUS** CITATIONS

State of Connecticut  
Department of Labor  
Division of Occupational Safety & Health

Inspection Number: 1486205  
Inspection Date: 07/29/2020-08/14/2020  
Issuance Date: 09/14/2020

**Citation and Notification of Penalty**

*Amended  
Citation*

Facility Name: Colchester Hayward Volunteer Fire Department  
Inspection Site: 52 Old Hartford Road, Colchester, CT 06415

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

31-372-101

1910.157(e)(2): The employer did not ensure that portable fire extinguishers were visually inspected at least monthly.

Location:


A. Colchester Hayward Volunteer Fire Department

1. Portable fire extinguishers were not visually inspected and logged in at least monthly.

**Date by Which Violation Must be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$0.00**

SPECIFIC ABATEMENT CERTIFICATION IS REQUIRED  
FOR ALL **OTHER THAN SERIOUS** CITATIONS

  
Kenneth C. Tucker III  
CONN-OSHA Director