

To:
Virgin Islands Water and Power Authority
and its successors
P.O. Box 1450
Charlotte Amalie, VI 00804

Inspection Number: 1263223
Inspection Date(s): 09/13/2017-09/13/2017
Issuance Date: 03/08/2018

Inspection Site:
#22 10th Street Sugar Estate
St Thomas, VI 00804

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

**Attention: Lawrence Kupfer, Executive Director/
Chief Executive Officer**

This Notification of Violation and Order to comply (this Citation) describes violations of the Occupational Safety and Health Act of 1973. You must abate the violations referred to in this Citation by the dates listed within 15 working days (excluding weekends and Federal/Local holidays) from your receipt of this Notification of Violation and Order to Comply you mail a notice of contest to the Department of Labor-Division of Occupational Safety and Health at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Commissioner of Labor or a court.

Posting - The law requires that a copy of this Notification of Violation and Order to Comply be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until violations(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal/Local holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s).

If you are considering a request for an informal conference to discuss any issues related to this Notification of Violation and Order to Comply, you must schedule it early enough to allow time to contest after the informal conference. Please keep in mind that a written letter of intent to contest must be submitted to Area Director within 15 working days of your receipt of this Citation. The contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 3 Notice to Employees next to this Notification of Violation and Order to Comply as soon as the time, date, and place of the informal conference have

en determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which can usually resolve this matter without litigation or contest.

Right to Contest - You have the right to contest this Notification of Violation and Order to Comply. You may contest all citation items or only individual items. You may contest proposed abatement dates without contesting the underlying violations. Unless you inform the Director in writing that you intend to contest the citation(s) within 15 working days after receipt, the citation(s) will become a final order of the Commissioner of Labor and may not be reviewed by court or agency.

Requirement of Corrective Action - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abate Certification to the Director issuing the citation and identified above. The Certification must be sent by within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating the abatement is completed must accompany the certification. Where the citation is classified as Serious and the citation states that abatement certification is required, documents such as those described above are required to be submitted along with abatement certification. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

Abatement verification document must contain the following information: 1) Your name and address; 2) the citation number (found on the front page); 3) the citation and citation item number(s) to which the submission applies; 4) a statement that information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date of the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

Posting - Also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to the Director. The copy must also be posted at the location where the violation appeared and the corrective action took place.

Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against must file a complaint **no later than 30 days** after the discrimination occurred with the V.I. Department of Labor-Occupational Safety and Health Office at the address shown above.

Rights and Responsibilities - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Contest - The law gives an employee or his/her representative the opportunity to object to any abatement date if he/she believes the date to be unreasonable. The contest must be mailed to the Department of Labor-Occupational Safety and Health office at the address shown above and postmarked within 15 working days (excluding weekend and Federal/Local holidays) of the receipt by the employer of this Citation and Notification of Violation.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with DOSH to discuss the Citation(s) issued on 03/08/2018. The conference will be held at the DOSH office located at Division of Occupational Safety & Health,

4401 Sion Farm, Christiansted, VI 00820 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

V.I. DEPARTMENT OF LABOR
Division of Occupational Safety & Health

Inspection Number: 1263223
Inspection Date: 09/13/2017-09/13/2017
Issuance Date: 03/08/2018
CSHO ID: W7622



Citation and Notification of Penalty

Company Name: VI WATER AND POWER AUTHORITY
Inspection Site: #22 10th Street Sugar Estate St Thomas, VI 00804

Citation 1 Item 1

Type of Violation: Willful-Serious

29 CFR 1910.269(I)(3)(iii); 24 V.I. R&R 36(b)(1)-(1)*, (Note: *applicable CFR): The employer shall ensure that no employee approaches or takes any conductive object closer to exposed energized parts than the employer's established minimum approach distance, unless:

On or about 9-12-17:

Location: 10th Street Sugar Estate

a) The employer (Virgin Islands Water and Power Authority) failed to ensure that the employee working on or around exposed energized lines remained at a safe distance. The employer did not implement minimum approach distance protocols to ensure the safety of Employee #1 (victim). Without the availability and use of a "Shotgun stick/Hot stick" (live line tool), Employee #1(victim) navigated the aerial lift bucket closer to the electrical equipment being repaired. Employee #1 (victim) made accidental contact, about the body, with exposed energized lines resulting in death by electrocution.

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date by Which Violation Must Be Abated:
Proposed Penalty:

March 27, 2018
\$0.00

V.I. DEPARTMENT OF LABOR
Division of Occupational Safety & Health

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Citation and Notification of Penalty

Company Name: VI WATER AND POWER AUTHORITY
Inspection Site: #22 10th Street Sugar Estate St Thomas, VI 00804

Citation 1 Item 2

Type of Violation: Willful-Serious

29 CFR 1910.269(p)(4)(ii); 24 V.I. R&R 36(b)(1)-(1)*, (Note *applicable CFR): A designated employee other than the equipment operator shall observe the approach distance to exposed lines and equipment and provide timely warnings before the minimum approach distance required by paragraph (p)(4)(i) of this section is reached, unless the employer can demonstrate that the operator can accurately determine that the minimum approach distance is being maintained

On or about 9-12-2018:

Location: 10th Street Sugar Estate

a) While Employee #1 (victim) was working around energized lines from an aerial lift bucket, the employer (Virgin Islands Water and Power Authority) failed to ensure that the designated employee was competent to observe the required minimum distance approach of Employee #1 (victim) to exposed energized lines. As a result of not providing a timely warning, Employee #1 (victim) came within the minimum approach distance, and accidentally contacted, about the body, the exposed energized lines resulting in death by electrocution.

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

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Citation and Notification of Penalty

Company Name: VI WATER AND POWER AUTHORITY
Inspection Site: #22 10th Street Sugar Estate St Thomas, VI 00804

Citation 1 Item 3

Type of Violation: **Willful-Serious**

29 CFR 1910.269(p)(4)(iii)(A); 24 V.I. R&R 36(b)(1)-(1)*, (Note *applicable CFR): The energized lines or equipment exposed to contact shall be covered with insulating protective material that will withstand the type of contact that could be made during the operation.

On or about 9-12-2017:

Location: 10th Street Sugar Estate

a) The employer (Virgin Islands Water & Power Authority) failed to provide insulated protective material used to cover exposed energized lines.

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date by Which Violation Must Be Abated:
Proposed Penalty:

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\$0.00

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Citation and Notification of Penalty

Company Name: VI WATER AND POWER AUTHORITY
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Type of Violation: Serious

Citation 2 Item 1

29 CFR 1903.4(a); 24 V.I. R&R 36(b)(1)-(1)*, (Note *applicable CFR):
Upon a refusal to permit the Compliance Safety and Health Officer, in exercise of his official duties, to enter without delay and at reasonable times any place of employment or any place therein, to inspect, to review records, or to question any employer, owner, operator, agent, or employee, in accordance with Â§1903.3 or to permit a representative of employees to accompany the Compliance Safety and Health Officer during the physical inspection of any workplace in accordance with Â§1903.8, the Safety and Health Officer shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, materials, records, or interviews concerning which no objection is raised. The Compliance Safety and Health Officer shall endeavor to ascertain the reason for such refusal, and shall immediately report the refusal and the reason therefor to the Area Director. The Area Director shall consult with the Regional Solicitor, who shall take appropriate action, including compulsory process, if necessary.

On or about 9-12-2017:

Location: 10th Street Sugar Estate

a) The employer (Virgin Islands Water and Power Authority) failed to allow the Compliance Safety and Health Officer, in exercise of his official duties, to enter without delay and at reasonable times any place therein, to review records, or to question the employer, or employee(s).

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date by Which Violation Must Be Abated:

March 20, 2018

Proposed Penalty:

\$0.00

VI. DEPARTMENT OF LABOR
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Type of Violation: **Serious**

Citation 2 Item 2

29 CFR-1903.4(c); 24 V.I. R&R-36(b)(1)-(1)*, (Note *applicable CFR):
With the approval of the Regional Administrator and the Regional Solicitor, compulsory process may also be obtained by the Area Director or his designee.

On or about 9-12-2017:

Location: 10th Street Sugar Estate

a) The employer (Virgin Islands Water and Power Authority) failed to accept the compulsory process through the Director or his designee.

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date by Which Violation Must Be Abated:
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Type of Violation: Serious

Citation 2 Item 3

29 CFR 1903.7(b); 24 V.I. R&R 36(b)(1)-(1)*, (Note *applicable CFR):
Compliance Safety and Health Officers shall have authority to take environmental samples and to take or obtain photographs related to the purpose of the inspection, employ other reasonable investigative techniques, and question privately any employer, owner, operator, agent or employee of an establishment. (See Â§1903.9 on trade secrets.) As used herein, the term employ other reasonable investigative techniques includes, but is not limited to, the use of devices to measure employee exposures and the attachment of personal sampling equipment such as dosimeters, pumps, badges and other similar devices to employees in order to monitor their exposures.

On or about 9-12-2017:

Location: 10th Street Sugar Estate

a) The employer (Virgin Islands Water and Power Authority) failed to allow the Compliance Safety and Health Officer to interview employees, which were witnesses to the accident, in a private manner.

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

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Type of Violation: **Serious**

Citation 2 Item 4

29 CFR 1910.269(a)(2)(ii)(C); 24 V.I. R&R-36(b)(1)-(1)*, (Note *applicable CFR): The minimum approach distances specified in this section corresponding to the voltages to which the qualified employee will be exposed and the skills and techniques necessary to maintain those distances,

On or about 9-12-2017:

Location: 10th Street Sugar Estate

a) The employer (Virgin Islands Water and Power Authority) did not ensure that qualified employees performing work covered by this section were properly trained and/or retrained in the minimum approach distance practices and techniques.

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

March 27, 2018
\$0.00

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Company Name: VI WATER AND POWER AUTHORITY
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Citation 2 Item 5

Type of Violation: **Serious**

29 CFR 1910.269(a)(2)(ii)(D); 24 V.I. R&R 36(b)(1)-(1)*, (Note *applicable CFR): The proper use of the special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools for working on or near exposed energized parts of electric equipment, and

On or about 9-12-2017:

Location: 10th Street Sugar Estate

a) The employer (Virgin Islands Water and Power Authority) failed to ensure that all qualified employees performing hot line work were properly trained and/or retrained in the proper use of the special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools for working on or near exposed energized transmission and/or distribution lines.

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date by Which Violation Must Be Abated:

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Company Name: VI WATER AND POWER AUTHORITY
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Citation 2 Item 6

Type of Violation: **Serious**

29 CFR 1910.269(a)(2)(iv); 24 V.I. R&R 36(b)(1)-(1)*, (Note *applicable CFR): The employer shall determine, through regular supervision and through inspections conducted on at least an annual basis, that each employee is complying with the safety-related work practices required by this section.

On or about 9-12-17

Location: 10th Street Sugar Estate

a) The employer (Virgin Islands Water and Power Authority) failed to determine that each qualified employee performing hotline work is complying with the safety related work practices described in this section (Electric Power Generation, Transmission and Distribution).

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

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Type of Violation: **Serious**

Citation 2 Item 7

29 CFR 1910.269(c)(1)(ii); 24 V.I. R&R 36(b)(1)-(1)* (Note *applicable CFR): The employer shall ensure that the employee in charge conducts a job briefing that meets paragraphs (c)(2), (c)(3), and (c)(4) of this section with the employees involved before they start each job.

On or about 9-12-2017:

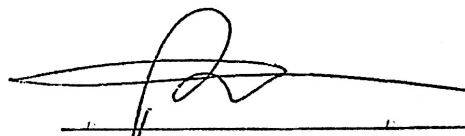
Location: 10th Street Sugar Estate

a) The employer (Virgin Islands Water and Power Authority) failed to ensure, that the employee(s) in charge of the scope of work at 10th Street Sugar Estate held a job briefing with employees assigned to conduct task(s).

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date by Which Violation Must Be Abated:
Proposed Penalty:

March 20, 2018
\$0.00



Dean R. Andrews
Director-VIDOSH

V.I. DEPARTMENT OF LABOR

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