



U.S. Department of Justice

Federal Prison System  
United States Penitentiary

Office of the Warden

#1 Federal Way, P.O. Box 019000  
Atwater, California 95301

January 25, 2005

Connie Hunt, Director  
Occupational Safety and Health Administration  
71 Stevenson Street, Suite 420  
San Francisco, California 94105

OSHA Complaint #203588074

Dear Mrs. Hunt:

This correspondence is in response to your letter concerning hazardous working conditions at the United States Penitentiary, Atwater, California.

The United States Penitentiary Atwater, California is a Maximum Security Male Institution, consisting of 11 General housing units and 2 Special Housing Unit, and a Satellite Prison Camp with a capacity of approximately (1500) Fifteen Hundred Inmates.

The United States Penitentiary / Satellite Prison Camp Atwater, California, operates a Federal Prisons Industries (UNICOR) Computer Recycling Program.

UNICOR recycles out dated and broken computers, televisions, and other electronic devices for other Federal, State and County agencies. All of the recyclable components are disassembled and separated by inmate labor, which lowers the amount of hazardous waste entering the landfills.

If I can provide you with any additional information, please advise.

Sincerely,

Paul M. Schultz  
Warden, USP Atwater, CA

Attached is a detail response of your letter, dated January 24, 2005.

1. Staff members and Inmates employees are required to consume food and or beverages in an area with identified toxic material contamination in violation of 1940.141(g)(2). The Unicolor lunchroom surfaces, including but limited to tables, are contaminated with lead, cadmium and barium from work processes, compress air cleaning process and employees clothing. The lunchroom is not sealed off from the workroom area.

**RESPONSE:**

1. We have conducted wipe testing on September 28 - 30, 2004, to comply with 1910.132(d)(1) to assess the work place to determine if hazards are present and 1910 -Subpart I Appendix B to assist with identifying sources of hazards to employee's and inmates, which harmful dusts were considered in the food service area.

A. Two wipe tests were taken in two different location of the Food Service area:

1. One sample was at the dinning room table that is used and cleaned daily and had low but detected levels of Barium, and Cadmium.
2. Second Sample was at taking from a smooth, slanted top of a cabinet along the wall that had low but detected levels of Barium, Cadmium, and Lead.

**NOTE:** Attached you will find a copy of the Environmental and Occupational Analytical Data results conducted by Matthew Korbela, National Industrial Hygienist.

B. The Federal Prison Industries (UNICOR) will conduct random biological monitoring, especially in the Factory and Warehouse production areas, the results of which will be used to assess the need for more extensive monitoring.

C. All air hoses and guns will be removed immediately to ensure hazardous metals don't become airborne and cross contaminating the food.

D. We are currently looking at isolating the food service area from the factory operations. This will include doors, walls, and ceiling surfaces, and isolation from the factory air ventilation to prevent cross contamination. Also, we may close down the food service operation to fully comply with OSHA 1910.141(g)(2).

**NOTE:** Attached you will find photos of the food service area.

2. The food service facility and operations handling food consumed by staff members and inmates employees is not carried out in accordance with sound hygienic principles. The food dispensed is not processed, prepared, handled and stored in such a manner to protect against contamination from lead, cadmium and barium particulates that disperses throughout the Unicor, from work processes, employees clothing and aerosolized particles resulting from compressed air utilized for cleaning. 1910.141(h).

**RESPONSE:**

1. All food items are prepared from the institution Food Service area. This food is then transported in hot and cold food box carts through the UNICOR Factory to the Food Service satellite feeding area. These hot or cold carts are placed into stationary coolers and food warmer's until the serving of the noon meal. The only potential for cross contamination when the food is placed on the serving line.

**NOTE:** Attached you will find photos of the food service area.

2. All air hoses and guns will be removed immediately to ensure hazardous metals don't become airborne throughout the factory to ensure staff and inmate employees clothing and food don't become cross contaminated.

3. We are currently looking at isolating the food service area from the factory operations. This will include doors, walls, and ceiling surfaces, and isolation from the factory air ventilation to prevent cross contamination. Also, we may close down the food service operation to fully comply with OSHA 1910.141(g)(2).

**NOTE:** Attached you will find photos of the food service area.

4. The Factory Manager is currently purchasing wet wipes and HEPA Vacuums for all Factory and Warehouse work stations to have the staff and inmate workers clean the working surfaces and clothing prior to returning home or the housing units.

**NOTE:** Purchase requests will be provided upon request.

5. The Factory Manager has developed personal hygiene measures and provided training to all Staff and inmate employees.

**NOTE:** Attached you will find the personal hygiene measure and signature sheets from staff and inmate employees who were provided the training.

6. The Factory Manager will look at building or identifying a change room equipped with storage facilities for street clothes for the staff and inmate clothing for the inmate employees and separate storage facilities for the protective clothing, which will be provide to comply with 1910.141(e).

3. The Unicorn warehouse, triage, production and storage areas where staff members and inmate employees work are not clean to the extent that the nature of the work allows. The work surfaces are contaminated with lead, cadmium and barium. 1910.141(a)(3)(I). Compressed air utilized to clean the work surfaces only aerosolized the particles where they spread and settle onto the work surface again as well as spread throughout the Unicorn work area and warehouse contaminating other areas.

**RESPONSE:**

1. We have conducted wipe testing on September 28 - 30, 2004, to comply with 1910.132(d)(1) to assess the work place to determine if hazards are present and 1910 -Subpart I Appendix B to assist with identifying sources of hazards to staff and inmate employees, which harmful dusts were considered in the warehouse, triage, production lines, and storage areas.

A. Several wipe tests were taken throughout these different locations:

1. Wipe samples from worker's hands were often below the limit of detection with some showing low levels of barium and lead. The only handle sample with cadmium was at production line #3.

2. The hand samples were among the lowest levels sampled, surface with high levels of hazardous metals were throughout all areas especially the inmate work stations, which could pose cross-contamination exposure to staff and inmate workers through ingestion or inhalation.

**NOTE:** Attached you will find a copy of the Environmental and Occupational Analytical Data results conducted by Matthew Korbek, National Industrial Hygienist.

a. The Factory Manager has developed personal hygiene and sanitation measures, which staff and inmate employees will receive training on.

b. The Factory Manager is currently purchasing wet wipes and HEPA Vacuums for all Factory and Warehouse work stations to have the staff and inmate employees clean the working surfaces and clothing prior to returning home or the housing units.

**NOTE:** Purchase requests will be provided upon request.

c. The Factory Manager is currently developing a clean-up crew to especially clean CRT's spills and place them in a biological monitoring program.  
d. The Factory Manager will conduct random biological monitoring (blood and urine) especially for the production line workers and other work station that indicated high levels of hazardous metals.

e. There is no exhaust ventilation systems to help control air borne contaminates. An aggressive sanitation procedures is currently being implemented to assist Unicolor from minimizing staff and inmate employees exposures.

4. Staff members and inmate employees exposed to lead, cadmium and barium are experiencing skin and eye irritation. They have not been provided with PPE identified in the PPE assessment to ensure protection from absorption, inhalation or physical contact hazards of identified chemicals. 1910.132(d)(1)(i).

**RESPONSE:**

1. The Factory Manager will develop a complaint log book for staff and inmate workers and refer them immediately to health service for treatment. There has been minor complaints from inmate employees each year, about irritation to skin and eyes. Only one staff member has advised the safety office of some minor skin irritation.

2. The Factory Manager will be purchasing the following personal protective equipment (PPE), but limited to for staff and inmate employees.

A. Safety glasses that mold to the face to prevent hazardous metals entering from the staff and inmates employees eyes.

B. Disposable latex or nitrile gloves to wear under the staff and inmate employees regular work gloves.

5. Staff members and inmate employees working in the Unicolor production area are exposed to compressed air utilized for cleaning that exceed 30 psi, during use by inmates. 1910.232(b).

1. All air hoses and guns will be removed immediately to ensure hazardous metals don't become airborne throughout the factory to ensure staff and inmate employees clothing and food don't become cross contaminated.

2. The Factory Manager is currently purchasing wet wipes and HEPA Vacuums for all Factory and Warehouse work stations to have the staff and inmate employees clean the working surfaces and clothing prior to returning home or the housing units.

6. Staff and inmates employees have not received effective information and training on cadmium and barium utilized in the UNICOR warehouse in accordance with 1910.1200(h) (2) and (3). No training on Cadmium and Barium has occurred.

**RESPONSE:**

1. The Factory Manager will develop and training all staff and inmate employees on the following to comply with 1910.1200 (h) (2) and (3):

A. Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or order of hazardous chemicals when being released.

B. The physical and health hazards of the chemicals in the work area.

C. The measures employees can take to protect themselves from these hazards, including procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.

D. The details of the hazardous communication program developed by the employer, including an explanation of the labeling system and the material safety data sheet, and how employees can obtain and use the appropriate hazard information.

7. Staff members and inmate employees assigned to Unicor, duties have not been informed, upon entering into employment and at least annually thereafter, of the requirements of 1910.1020(g) (1) including information on the existence, location and availability of any records covered by this section (sampling data including, but not limited to air sampling and wipe sampling utilized to evaluate the presence of hazardous substances); identification of the person responsible for maintaining and providing access to the records; and each employees right of access to these records. 1910.1020(g) (1).

**RESPONSE:**

1. The Factory Manager will develop a program to ensure that both staff and inmate employees are notified prior to any Unicor employment, and annually thereafter.

2. The Factory Manager has trained staff on the existence, location, and availability of any records, in addition the inmates employees will need to be trained on the information.

3. Upon receipt of all monitoring the Factory Manager will notify the staff and inmates employees individually in writing of the results.

4. Within the same time period the Factory Manager will post the results of the exposure monitoring in an appropriate location that is accessible to all affected staff and inmates employees.

5. The Factory Manager will be designed as the person responsible for maintaining and providing access to the staff and inmate employees, which is the staff and inmate employees right of access to these records.