

Virginia Department of Labor and Industry

Occupational Safety and Health Compliance

10515 Battleview Parkway

Manassas, VA 20109

Phone: (703) 392-0900 FAX: (703) 392-0308



Citation and Notification of Penalty

To:
Loudoun County Dept of Fire, Rescue & Emerg Mgmt
and its successors
803 Sycolin Road
Suite 104
Leesburg, VA 20175-5654

Inspection Number: 312228794
Inspection Date(s): 05/26/2008
Issuance Date: 11/24/2008

Inspection Site:
43238 Meadowood Court
Leesburg, VA 20176-5128

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.

Described herein are alleged violations of Virginia's Occupational Safety and Health Laws, standards and/or regulations. Any penalty proposed is based on the corresponding violation. In accordance with Virginia Code §40.1-49.4.B, you must abate all alleged violations by the dates listed and pay the penalties proposed, unless, within 15 working days (excluding weekends and Federal and State holidays) from the date you receive this citation, you submit a notice of contest to the Virginia Department of Labor and Industry Regional Office at the address listed above. Issuance of this citation does not constitute a finding by the Commissioner that you have violated the law, standard or regulation described unless you fail to file a notice of contest or this citation is affirmed by a court of law..

Please read the enclosed booklet entitled Employers Rights in conjunction with this citation to learn your rights and responsibilities.

Posting - Virginia law requires you to immediately post a copy of this Citation in a prominent place at or near the location of the violation(s), or, if it is not practicable because of the nature of your operations to do so, in a place where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) have been abated, or for 3 working days (excluding weekends, State and Federal holidays), whichever is longer. **The penalty amounts may be marked out or covered up prior to posting. It should be noted that these amounts, however, are releasable by the Department in response to a Freedom of Information Act (FOIA) request.**

Informal Conference - You have the right to an informal conference with the VOSH Compliance Manager at which you may present evidence which you believe supports amending either the citation or penalties proposed. An informal conference, which is held during the 15 working day contest period, is optional. If you wish to attend an informal conference, you must contact the VOSH Compliance Manager at the Regional Office listed above.

If you request an informal conference, you must notify your employees of the time and place. Be sure to bring to the conference any documentation of existing conditions as well as abatement steps taken thus far. If conditions warrant, this matter may be resolved amicably without the need for litigation, by way of an Informal Settlement Agreement.

Requesting an informal conference does not extend the 15 working day contest period.

Right to Contest - You have the right to contest this Citation. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **This citation and the penalties proposed will become a final order of the Commissioner of Labor and Industry unless you notify the VOSH Compliance Manager in writing within 15 working days of receiving this citation that you contest the citation or any part thereof.**

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless you contest. Make your check or money order payable to "Commonwealth of Virginia". Please indicate the Inspection Number on the check or money order.

The Virginia Department of Labor and Industry does not agree to any restrictions or 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.

Notification of Corrective Action - For violations which you do not contest, you should notify the VOSH Compliance Manager at the Regional Office promptly, by completing the enclosed Report on Correction of Violations form, that you have taken appropriate corrective action by the date(s) specified in this citation. The form must include abatement steps you have taken and the dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

Employer Discrimination Unlawful - The law prohibits discrimination against an employee who has filed a complaint or who has exercised any rights under the Labor Laws of Virginia. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the Virginia Department of Labor and Industry, Occupational Safety and Health Discrimination Office at Powers-Taylor Building, 13 South Thirteenth Street, Richmond, Virginia 23219.

Notice to Employees - The law gives an employee or his/her representative the opportunity to contest any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Regional Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the employers receipt of this Citation.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with VOSH to discuss the citation(s) issued on 11/24/2008. The conference will be held at the VOSH office located at Occupational Safety and Health Compliance, 10515 Battleview Parkway, Manassas, VA 20109 on _____ at _____.

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

Virginia Department of Labor & Industry

Occupational Safety and Health Compliance

Inspection Number: 312228794
Inspection Dates: 05/26/2008-
Issuance Date: 11/24/2008



Citation and Notification of Penalty

Company Name: Loudoun County Dept of Fire, Rescue & Emerg Mgmt
Inspection Site: 43238 Meadowood Court, Leesburg, VA 20176-5128

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

Title 40.1-51.1(a) Code of Virginia: At this inspection site, 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 fire hazards while engaged in search, rescue and interior structural firefighting activities at a single family residence.

a. On May 25, 2008, Loudoun County Department of Fire, Rescue and Emergency Management firefighters from first arriving Engine Company, Reserve Engine 606 and first arriving Truck Company, Tower 606, responded to a two-alarm residential structure fire at 43238 Meadowood Court in Leesburg, VA, at approximately 1:33 p.m.. Search and rescue operations were immediately instituted because a vehicle was parked in the garage and the potential for trapped occupants could not be ruled out. Two firefighters from the Engine Crew proceeded into the structure with a hand line. Two firefighters from the Tower Crew followed approximately 10 seconds later to conduct a primary search, carrying a sledgehammer, a Halligan bar and an Officer's Hook. A second 200-foot hand line had been placed at the front door as well, but was not used. Both crews proceeded to the second floor to check bedrooms, but conditions rapidly deteriorated and several May Day calls were made. Three of the four firefighters were able to exit from B/C corner of the second story using a ladder that had been placed by later arriving fire crews. The fourth firefighter had become separated from the rest during an apparent flash over and was forced to jump out a second story window on the C/D corner of the structure - no ladder was in place at the window. The four firefighters suffered serious injury and were hospitalized, one with extensive burns.

The investigation revealed that due to staffing limitations, there were only three personnel respectively on Reserve Engine 606, and Tower 606. The investigation further revealed that neither the Engine Crew nor the Tower Crew were able to conduct a full "360" of the house prior to search and rescue entry, and there were not enough personnel at the time of entry to man the second hose/handline that had been placed at the front door.

Feasible and acceptable methods, among others, to correct this hazard is for the employer to develop, implement and train employees on the guidance contained in NFPA 1720, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments, 2004 Edition and NFPA 1500, Standard on Fire Department Occupational Safety and Health Programs, 2007 Edition or newer editions of these documents.

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Virginia Department of Labor & Industry

Inspection Number: 312228794

Occupational Safety and Health Compliance

Inspection Dates: 05/26/2008-

Issuance Date: 11/24/2008



Citation and Notification of Penalty

Company Name: Loudoun County Dept of Fire, Rescue & Emerg Mgmt
Inspection Site: 43238 Meadowood Court, Leesburg, VA 20176-5128

Specifically, not only should the Staffing and Response Time guidance for personnel on site (contained in Table 4.3.2 of NFPA 1720) be met, but also the requirements of NFPA 1500, Section 8.5.12 which states that "The assignment of any personnel, including the incident commander, the safety officer, or operators of fire apparatus, shall not be permitted as standby personnel if by abandoning their critical task(s) to assist or, if necessary, perform rescue, they clearly jeopardize the safety and health of any firefighter working at the incident."

Abatement Documentation Required

Date By Which Violation Must be Abated:

12/27/2008

Proposed Penalty:

\$.00

Cynthia D. Rupert, Sr. Safety Engineer
for Mr Paul B Schilinski
Regional Director

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Virginia Department of Labor and Industry
Occupational Safety and Health Compliance
10515 Battleview Parkway
Manassas, VA 20109
Phone: (703) 392-0900 FAX: (703) 392-0308



**INVOICE/
DEBT COLLECTION NOTICE**

Company Name: Loudoun County Dept of Fire, Rescue & Emerg Mgmt
Inspection Site: 43238 Meadowood Court
Leesburg, VA 20176-5128
Issuance Date: 11/24/2008

Summary of Penalties for Inspection Number 312228794

Citation 01, Serious	=	\$0.00
Total Proposed Penalties	=	\$0.00

Pursuant to Virginia Code § 40.1-49.4.A.4(a), the Commissioner of the Department of Labor and Industry has the authority to assess interest on all past-due penalties as well as administrative costs incurred in the collection of the penalties for violations of the Virginia Occupational Safety and Health Laws, regulations, and standards. Interest charges as assessed at an annual rate in accordance with Virginia Code § 2.1-732.

Interest shall accrue from the date on which the citation, either as issued or as amended, becomes a final order of the Commissioner. A citation becomes a final order 15 working days after the date that the employer receives the citation unless the employer files a notice of contest with the VOSH Compliance Manager. Interest is waived if the employer pays the full amount within 30 calendar days of the final order date.

A debt is past-due 30 calendar days after the final order date unless the employer has made a satisfactory payment arrangement with the Commissioner. If the debt remains unpaid for more than 90 days, it will be deemed delinquent and referred to the Office of the Attorney General or another collection agency for collection. All administrative costs incurred in collecting the debt will be added to the amount of the debt.

To avoid potential interest and collection costs, please remit payment promptly for the total amount of the uncontested penalties shown on the citation to the Accounting Office, Virginia Department of Labor and Industry, Powers-Taylor Building, 13 South Thirteenth Street, Richmond, Virginia 23219. You may use the enclosed self-addressed envelope. Please make your check or money order payable to: "Commonwealth of Virginia". Please indicate the Inspection Number on the payment. Do not remit payment to the Regional Office.

Cynthia D. Rupert, Sr. Safety Engineer
for Mr Paul B Schilinski
Regional Director

11/24/08
Date