



Division of Occupational Safety and Health  
Occupational Health Clinics

July 28, 2020

**CERTIFIED MAIL**

Dr. Ilene P. Tracey, Interim Superintendent  
City of New Haven  
Public Schools  
54 Meadow Street  
New Haven, CT 06519

**RE: Inspection #1477169**  
Metropolitan Business Academy  
Interdistrict Magnet High School  
115 Water Street  
New Haven, CT 06511

Dear Dr. Tracey:


Enclosed you will find citations for violations of Connecticut's Occupational Safety and Health Act which may have accompanying proposed penalties.

Also enclosed is a booklet which explains your rights and responsibilities under the Act. As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. The informal conference provides an opportunity to resolve disputed matters pertaining to the citations without the necessity of recourse to the contest period litigation process.

Please be advised that when an informal conference is scheduled, it is mandatory that the "Notice to Employees of Informal Conference" on page 4 within the "Citation and Notification of Penalty", be posted.

If you have any questions about the enclosed citations, penalties, abatement dates, CONN-OSHA program or informal conference, please contact me.

Very truly yours,

  
Kenneth C. Tucker III  
CONN-OSHA Director

kct/cfj

encs.

cc: Michael Crocco, Principal  
Michael Pinto, Chief Operating Officer  
Evonne Duzant, Workers' Compensation Coordinator

## 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

### Citation and Notification of Penalty

**To:** Dr. Iline P. Tracey, Interim Superintendent  
City of New Haven  
Public Schools  
54 Meadow Street  
New Haven, CT 06519

**Inspection Number:** 1477169  
**Inspection Date(s):** 03/10/2020-03/10/2020  
**Issuance Date:** 07/28/2020  
**CSHO ID:** E5404  
**Optional Report No.:** 544

**Inspection Site:**

Metropolitan Business Academy  
Interdistrict Magnet High School  
115 Water Street  
New Haven, CT 06511

*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.*

This Citation and Notification of Penalty (this Citation) describes violations of the Connecticut Occupational Safety and Health Act. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalty(ies) proposed, unless within 15 working day (excluding weekends and state holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the State of Connecticut, Department of Labor, Division of Occupational Safety and Health (CONN-OSHA) 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 Review Commission or a court.

**Posting** – The law requires that a copy of this Citation and Notification of Penalty 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 the employer’s operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated or for 3 working days (excluding weekends and state holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

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

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the CONN-OSHA Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 4 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been 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 amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. 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. Unless you inform the CONN-OSHA Director in writing that you intend to contest the citation(s) and /or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Connecticut Occupational Health and Safety Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet.) Make your check or money order payable to "CTDOL CONN-OSHA". Please indicate the Inspection Number on the remittance.

CONN-OSHA does not agree to any restrictions, 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 CONN-OSHA promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the CONN-OSHA office in writing of the abatement steps you have taken and of their 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 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 may file a complaint no later than 180 days after the discrimination occurred with the CONN-OSHA office at the address shown above.

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

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the CONN-OSHA office at the address shown above and postmarked within 15 working days (excluding weekends and state holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [www.OSHA.gov](http://www.OSHA.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

## **NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with CONN-OSHA to discuss the Citation(s) issued on 07/28/2020. The conference will be held at the CONN-OSHA office located at 38 Wolcott Hill Road Wethersfield, CT 06109 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**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

INVOICE - *Penalty NOT Amended*

**Facility Name:** City of New Haven Public Schools MBAIM High School

**Inspection Site:** 115 Water Street, New Haven, CT 06511

**Issuance Date:** 07/28/2020

**Summary of Penalties for Inspection Number:** 1477169

Citation 1, Willful - Serious	\$7000.00
Citation 1, Willful - Serious	\$6000.00
Citation 2, Serious	\$1200.00
<b>TOTAL PROPOSED PENALTIES:</b>	<b>\$14200.00</b>

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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

Facility Name: City of New Haven Public Schools MBAIM High School  
Inspection Site: 115 Water Street, New Haven, CT 06511

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

31-372-101

1910.151(c): Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use.

Locations:

- A. Room 208
  - 1. The handle which operates the "Bradley" eyewash was broken off and no inspection tags or other means to verify inspections were available to indicate that periodic inspections of the equipment occur.
  
- B. Prep Room 214B
  - 1. Miscellaneous items, including lights, a chair, and a fan impeded access to a "Bradley" eyewash/shower and no inspection tags or other means to verify inspections were available to indicate that periodic inspections of the equipment occur.
  
- C. Prep Room 314B
  - 1. Miscellaneous items, including a skeleton, chairs, and boxes impeded access to a "Bradley" eyewash/shower and no inspection tags or other means to verify inspections were available to indicate that periodic inspections of the equipment occur.
  
- D. Room 308
  - 1. No inspection tags or other means to verify inspections were available to indicate that periodic inspections of the equipment occur.

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

**October 5, 2020**  
**\$7000.00**

**Citation and Notification of Penalty**

*Amended  
Citation*

Facility Name: City of New Haven Public Schools MBAIM High School  
Inspection Site: 115 Water Street, New Haven, CT 06511

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

31-372-101

1910.1450(e)(3)(iii): The employer did not ensure fume hoods and other protective equipment were functioning properly and did not implement specific measures to ensure proper and adequate performance of such equipment.

Locations:

- A. Room 208
- B. Room 308

1. The employer did not ensure fume hoods were functioning properly and had not implemented specific measures to ensure proper and adequate performance of the hoods.

*NOVEMBER 9, 2020*

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

~~October 5, 2020~~

**Proposed Penalty:**

\$6000.00

SPECIFIC ABATEMENT CERTIFICATION IS REQUIRED  
FOR ALL *WILLFUL* CITATIONS



**Citation and Notification of Penalty**

Facility Name: City of New Haven Public Schools MBAIM High School  
Inspection Site: 115 Water Street, New Haven, CT 06511

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

31-372-101

1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to possible injuries.

Locations:

- A. Prep Room 214B
  - 1. Access to a portable fire extinguisher was impeded by miscellaneous items including lights, a chair, and a fan.
- B. Prep Room 314B
  - 1. Access to a portable fire extinguisher was impeded by miscellaneous items, including a skeleton, chairs, and boxes.

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

**September 14, 2020**  
**\$500.00**

**Citation and Notification of Penalty**

*Amended  
Citation*

Facility Name: City of New Haven Public Schools MBAIM High School  
Inspection Site: 115 Water Street, New Haven, CT 06511

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

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

31-372-101

1910.1450(e)(1): Where hazardous chemicals were used in the workplace, the employer did not develop and carry out the provisions of a written Chemical Hygiene Plan which could protect employees from health hazards associated with hazardous chemicals.

Location:

- A. Metropolitan Business Academy, including, but not limited to, Rooms 208, 214B, 308 & 314B
1. Where hazardous chemicals were used and stored, the employer did not carry out the provisions stated in its written Chemical Hygiene Program including, but not limited to, the following:

- \*Periodically inspecting all areas which use chemicals, for policy compliance.
- \*Conducting a review of any hazardous materials being used/stored.
- \*Ensuring school CHP contacts are apprised of their role and the duties they are responsible for.
- \*Ensuring all chemicals are used strictly following the SDS directions and ensuring SDS are available for all materials.
- \*Ensuring all flammable, toxic materials are used within a laboratory hood or with local exhaust ventilation.
- \*Ensuring all fume hoods are operating within the required parameters.
- \*Ensuring the indicator which will notify the operators if the hood is functioning properly is operating.
- \*Repairing (and shutting down until repaired) fume hoods that are not functioning within required parameters.
- \*Initially and periodically training all employees of the items required by 1910.1450.
- \*Informing employees of the existence, location, availability, and full contents of the NHBOE District "Chemical Hygiene/HazCom Plan".
- \*Ensuring food is not stored with hazardous chemicals.
- \*Ensuring all materials are appropriately contained and labeled.

*NOVEMBER 30, 2020*

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

~~October 5, 2020~~  
**\$700.00**

**Citation and Notification of Penalty**

AMENDED  
CITATION

Facility Name: City of New Haven Public Schools MBAIM High School  
Inspection Site: 115 Water Street, New Haven, CT 06511

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

31-372-101

1910.1450(e)(2): The employer's Chemical Hygiene Plan was not readily available to employees, or employee representatives and upon request, to the Assistant Secretary.

Location:

- A. Metropolitan Business Academy, including, but not limited to, Rooms 208, 214B, 308 & 314B
  - 1. A current copy of the employer's Chemical Hygiene Plan was not readily available to employees.

NOVEMBER 30, 2020

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

~~October 5, 2020~~

**Proposed Penalty:**

\$0.00

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

31-372-101

1910.1450(e)(3)(vii): The employer's Chemical Hygiene Plan did not include the designation of personnel responsible for implementation of the Chemical Hygiene Plan, including the assignment of a Chemical Hygiene Officer; and when appropriate, establishment of a chemical hygiene committee.

Location:

- A. Metropolitan Business Academy
  - 1. The employer did not designate personnel who effectively administered and implemented the employer's written Chemical Hygiene Plan.

NOVEMBER 30, 2020

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

~~October 5, 2020~~

**Proposed Penalty:**

\$0.00

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

Inspection Number: 1477169  
Inspection Date: 03/10/2020-03/10/2020  
Issuance Date: 07/28/2020

**Citation and Notification of Penalty**

AMENDED  
CITATION

Facility Name: City of New Haven Public Schools MBAIM High School  
Inspection Site: 115 Water Street, New Haven, CT 06511

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

31-372-101

1910.1450(e)(3)(viii): The employer's Chemical Hygiene Plan did not provide for additional employee protection for work with particularly hazardous substances, such as select carcinogens, reproductive toxins and substances which have a high degree of acute toxicity.

Location:

- A. Metropolitan Business Academy, including but not limited to Rooms 208, 214B, 308, 314B
  - 1. The employer's Chemical Hygiene Plan did not provide for additional employee protection for work with select carcinogens and/or reproductive hazards including, but not limited to, formaldehyde/formalin, sodium chromate solution, and lead nitrate solution.

NOVEMBER 30, 2020

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

**October 5, 2020**  
**\$0.00**

**Citation and Notification of Penalty**

AMENDED  
CITATION

Facility Name: City of New Haven Public Schools MBAIM High School  
Inspection Site: 115 Water Street, New Haven, CT 06511

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

31-372-101

1910.1450(f)(2): The employer did not provide laboratory employees with information and training at the time of their initial assignment to a work area where hazardous chemicals were present and refresher training at intervals determined by the employer.

Location:

- A. Metropolitan Business Academy including, but not limited to, Rooms 208, 214B, 308 & 314B
  - 1. The employer did not provide laboratory employees with information and training at the time of their initial assignment to a work area where hazardous chemicals were present and refresher training at intervals determined by the employer.

NOVEMBER 30, 2020

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

~~October 5, 2020~~

**Proposed Penalty:**

~~\$0.00~~

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

31-372-101

1910.1450(f)(4)(i)(B): Employee training did not include the physical and health hazards of the chemicals in the work area.

Location:

- A. Metropolitan Business Academy including, but not limited to, Rooms 208, 214B, 308 & 314B
  - 1. Employees were not trained on the physical and health hazards of the chemicals in the work area including, but not limited to, formaldehyde/formalin, sodium chromate solution, and lead nitrate solution.

NOVEMBER 30, 2020

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

~~October 5, 2020~~

**Proposed Penalty:**

~~\$0.00~~

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

Inspection Number: 1477169  
Inspection Date: 03/10/2020-03/10/2020  
Issuance Date: 07/28/2020

**Citation and Notification of Penalty**

AMENDED  
CITATION

Facility Name: City of New Haven Public Schools MBAIM High School  
Inspection Site: 115 Water Street, New Haven, CT 06511

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

31-372-101

1910.1450(h)(1)(ii): The employer did not maintain safety data sheets that were received with incoming shipments of hazardous chemicals and ensure that they were readily accessible to laboratory employees.

Location:

- A. Metropolitan Business Academy including, but not limited to Rooms 308, 314B
  - 1. Safety data sheets were not available for each hazardous chemical.

NOVEMBER 30, 2020

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

**October 5, 2020**

**Proposed Penalty:**

**\$0.00**

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



Kenneth C. Tucker III  
CONN-OSHA Director