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## Notice of Violation and Order to Comply

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**To:**  
NYC Sheriff's Office  
30-10 Starr Avenue Astoria, NY 11101

**Inspection Number:** 1641274  
**Inspection Date(s):** 01/06/2023-01/23/2023  
**Issuance Date:** 09/18/2023  
**CSHO ID:** K0915

**Inspection Site:**  
30-10 Starr Avenue  
Astoria, NY 11101

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

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This Notice of Violation and Order to Comply (this Notice) describes violations of the Public Employee Safety and Health Act of 1980. You must abate the violations cited in this Notice by the dates listed below. An employer who wishes to file an appeal of the violation(s) cited, including but not limited to appeals which raise issues concerning the application of the cited standard(s) to the employer or to the violation(s) cited, as well as issues concerning the appropriateness of the abatement period(s), must do so within 60 days of the issuance date of this Notice by filing a petition with the Industrial Board of Appeals. Appeals of the violation(s) cited, including but not limited to appeals raising the issues listed above, will be considered time barred if not filed within the 60 day period. The details of such appeal process are set forth at 12 NYCRR Part 65 et seq and Section 101 of the Labor Law. Additional information may also be obtained from the Industrial Board of Appeals at their website: [www.labor.state.ny.us/iba](http://www.labor.state.ny.us/iba).

**Posting** - The law requires that a copy of this Notice be posted immediately in a prominent place at or near the location of the violation(s) cited below. This Notice must remain posted until the violation(s) cited below have been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer.

**Penalty Assessment** - An employer that fails to correct a violation by its abatement date is subject to a **PER DAY** penalty assessment. We will assess a penalty of up to \$50 per day for each non-serious violation, and up to \$200 per day for each serious violation, until the violations are corrected. The penalty assessed for each violation will appear in the Failure to Abate notice.

**Informal Conference** - If an informal conference is requested, it must be made to the nearest PESH district office by telephone or letter, within 20 working days from the date of issuance given on this Notice.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

**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 30 days after the discrimination occurred with the PESH district office at the address shown above.

**Employer Rights and Responsibilities** - The enclosed booklet (P907) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** - An employee (or an authorized employee representative) may object to the abatement date set for a violation if the employee believes the date to be unreasonable. The objection must be filed at the nearest PESH district office within fifteen (15) working days (excluding weekends and State holidays) from the posting of this Notice.





## Notice of Violation and Order to Comply

**Establishment:** NYC Sheriff's Office  
**Inspection Site:** 30-10 Starr Avenue Astoria, NY 11101

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

**November 22, 2023**

**Citation 1 Item 4**

Type of Violation: **Serious**

29 CFR 1910.134(k): The employer did not provide to employees required to use respirators, annual and more often if necessary, effective respiratory protection training that was comprehensive and understandable.

Location: NYC Sheriff's Office, 30-10 Starr Avenue, Astoria, NY 11101.

On or about January 6, 2023, the employer provided tight-fitting N95 particulate respirators to employees for mandatory use to protect them from exposure to airborne marijuana and/or other illicit products.

The respiratory protection training must be comprehensive, understandable and reviewed annually or more often if necessary. Employer must provide effective site specific training to respirator users, including: why the respirator is necessary and how improper fit, use, or maintenance can compromise the protective effect of the respirator. Limitations, capabilities of the respirator, medical signs or symptoms that would limit or prevent the use of the respirator and use in emergency situations. Retraining is required whenever there are changes in the workplace, when new types of respirators are used, if inadequacies are noticed, or employee knowledge or use indicates a need.

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

**November 22, 2023**

**Citation 1 Item 5**

Type of Violation: **Serious**

29 CFR 1910.157(g)(2): The educational program to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage firefighting was not provided to all employees upon initial employment, and at least annually thereafter.

On or about January 6, 2023, the employer provided fire extinguishers in the workplace that were intended for employees to fight incipient stage fires.

The employer failed to provide affected employees with training on incipient stage firefighting with portable fire extinguishers, or in lieu of such training, develop a fire safety policy which requires the immediate and total evacuation of employees from the workplace upon the sounding of a fire alarm signal and which includes an emergency action plan and a fire prevention plan which meet the requirements of 29 CFR 1910.38 and 29 CFR 1910.39 respectively.

At the time of the inspection, a large number of electronic smoking devices (E- Vapes products) were observed stored in the workplace. Electronic smoking devices (E -vapes, vape pen or E-cigarettes) are lithium-ion battery-operated devices which can cause or contribute to fires.

**NOTE:** An emergency action plan must include at a minimum:



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1. Procedures for reporting a fire or other emergency;
  2. Procedures for emergency evacuation, including type of evacuation and exit route assignments;
  3. Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;
  4. Procedures to account for all employees after evacuation;
  5. The name and job title of every employee who may be contacted by employees who need more information about the plan or an explanation of their duties under the plan.

A fire safety plan must include at a minimum:

- (1) A list of all major fire hazards, proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard;
- (2) Procedures to control accumulations of flammable and combustible waste materials;
- (3) Procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent the accidental ignition of combustible materials;
- (4) The name or job title of employees responsible for maintaining equipment to prevent or control sources of ignition or fires; and
- (5) The name or job title of employees responsible for the control of fuel source hazards.

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

**November 22, 2023**

Citation 1 Item 6

Type of Violation: **Serious**

29 CFR 1910.1200(h)(3)(iii): Employee hazard communication training did not include the measures employees can take to protect themselves from chemical hazards, including specific procedures the employer had implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures and personal protective equipment to be used.

Location: NYC Sheriff's Office, 30-10 Starr Avenue, Astoria, NY 11101.

On or about January 6, 2023, employees while performing assigned job duties were potential exposed to hazardous substances such as nicotine, THC (Tetrahydrocannabinol), heroin, cocaine, ecstasy pills, OxyContin, fentanyl and other illicit products.

Employees job duties include the inspection of smoke shops and bodegas, seizure, testing, handling; sorting, weighing, packing and the transportation of illegal marijuana, liquid THC and nicotine vape products, heroin, cocaine, ecstasy pills, OxyContin, fentanyl and other illicit products.

Employees did not receive training specifically on how to safely handle seized illegal products. The training must include site specific information, specific to job duties of Deputy Sheriffs, precautions to prevent exposures to seized illegal products, potential exposure routes of hazardous chemicals and how to safely collect, handle, process and store seized illegal products.

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

**November 22, 2023**

See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.

New York State Department of Labor  
Public Employee Safety and Health Bureau

Inspection Number: 1641274  
Inspection Date: 01/06/2023-01/23/2023  
Issuance Date: 09/18/2023  
CSHO ID: K0915



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### Citation 2 Item 1

Type of Violation: **Non Serious**

12 NYCRR Part 801.40(a): The employer failed to provide copies of the records the employer keeps under Part 801, within four (4) business hours, regardless of where the records are maintained, when an authorized government representative asks for the records.

Location: NYC Sheriff's Office, 30-10 Starr Avenue, Astoria, NY 11101.

On or about January 6, 2023, the employer did not provide a copy of the Log of Work-Related Injuries and Illnesses (SH 900) for calendar years 2019, 2020 and 2021, which were requested at the time of the inspection.

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

**October 31, 2023**

*Alex Hippolyte*

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Alex Hippolyte  
Supervising Safety and Health Inspector