

U.S. Department of Labor Occupational Safety and Health Administration
401 New Karner Road, Suite 300
Albany, NY 12205



04/18/2023

Amazon.com Services LLC – ALB1 Fulfillment Center
and its successors
1835 U.S. 9
Castleton On Hudson, NY 12033

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, “Employer Rights and Responsibilities Following an OSHA Inspection”, (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (518) 464-4338.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me 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. This information will allow us to close the case.

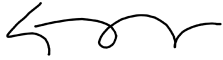
As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 Area Director within 15 working days of your receipt of the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Rita Young". The signature is fluid and cursive, starting with a large "R" and ending with a flourish.

Rita Young, MS
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
401 New Karner Road, Suite 300
Albany, NY 12205



Citation and Notification of Penalty

To:
Amazon.com Services LLC – ALB1 Fulfillment
Center
and its successors
1835 U.S. 9
Castleton On Hudson, NY 12033

Inspection Number: 1610874
Inspection Date(s): 08/01/2022 - 04/18/2023
Issuance Date: 04/18/2023

Inspection Site:
1835 U.S. 9
Castleton On Hudson, NY 12033

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 Occupational Safety and Health Act of 1970. 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 penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office 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 Federal 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 Area Director during the 15 working day contest period by calling (518) 464-4338. During such an 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 Area 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 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 Area 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 Occupational Safety and Health 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 and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide **abatement certification** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that **abatement documentation** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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 U.S. Department of Labor Area 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 U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal 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 these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at 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 OSHA to discuss the citation(s) issued on 04/18/2023. The conference will be held by telephone or at the OSHA office located at 401 New Karner Road, Suite 300, Albany, NY 12205 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1610874

Company Name: Amazon.com Services LLC – ALB1 Fulfillment Center
Inspection Site: 1835 U.S. 9, Castleton On Hudson, NY 12033
Issuance Date: 04/18/2023

List the specific method of correction for each item on this citation in this package that does not read “Corrected During Inspection” and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 401 New Karner Road, Suite 300, Albany, NY 12205.**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Amazon.com Services LLC – ALB1 Fulfillment Center
Inspection Site: 1835 U.S. 9, Castleton On Hudson, NY 12033

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause serious physical harm to employees, in that the employer delayed evaluation, care, and/or treatment from a medical provider beyond onsite medical representatives (OMRs), and returned injured workers to their regular jobs, which resulted in health outcomes such as, but not limited to, worsening of the injury, exacerbation of pain, and limited recovery from work-related injuries/illnesses that required medical treatment, for serious injuries such as but not limited to head concussions, and back injuries:

a. Amazon ALB1 Fulfillment Center, located at 1835 US-9 Castleton-on-Hudson NY 12033: On or about 8/15/22 and thereafter: an employee sustained a back injury while lifting a box. The employee was not referred to an outside appropriately licensed medical provider and therefore received no formal medical evaluation despite persistent or worsening pain or disability. The employee was repeatedly sent back to their regular job, aggravating their injury and was not removed from job tasks despite reported pain levels up to 8 out of 10 and despite clear statements that job activities aggravated their pain. The Administering Medical Care to Amazonians Responsibly and Effectively (AMCARE) staff did not consult the Physician Help Line (PHL). The employee was then removed from work for 30 days and remains on restrictions.

b. Amazon ALB1 Fulfillment Center, located at 1835 US-9 Castleton-on-Hudson NY 12033: On or about 8/15/22 and thereafter: an employee sustained a back injury while pulling cages. AMCARE did not follow their own Conservative Care Protocol and had no examination or reevaluation of symptoms, no consultation with the Physician Help Line, no outside medical referral or actual medical treatment. The employee was seen multiple times in AMCARE without referral to an appropriately licensed medical provider and repeatedly sent back to their regular job, clearly aggravating their back injury as they have ongoing back pain seven months after this injury.

c. Amazon ALB1 Fulfillment Center, located at 1835 US-9 Castleton-on-Hudson NY 12033: On or about 12/8/22 and thereafter: an employee injured their back while pulling heavy items out of a trailer onto a conveyor belt. AMCARE staff did not conduct an appropriate evaluation, did not evaluate the effect of continued loading on the injury, did not consult the Physician Help Line, did not refer to an appropriate outside provider, did not implement prompt medical treatment, and did not initiate a workers compensation claim. The employee was repeatedly returned to their regular job, aggravating their back injury.

d. Amazon ALB1 Fulfillment Center, located at 1835 US-9 Castleton-on-Hudson NY 12033: On or about 1/17/23 and thereafter: an employee working on Pack Single, experienced an aggravation to a prior low back injury. The

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Amazon.com Services LLC – ALB1 Fulfillment Center
Inspection Site: 1835 U.S. 9, Castleton On Hudson, NY 12033

employee was inadequately evaluated and received ineffective first aid treatment, with ongoing symptoms and pain recorded as up to 9 out of 10 in intensity. AMCARE failed to follow the Conservative Care Protocols, as there was no formal examination or reevaluation of symptoms and physical state, and no outside medical referral. The employee was returned to their regular job, aggravating the back injury.

e. Amazon ALB1 Fulfillment Center, located at 1835 US-9 Castleton-on-Hudson NY 12033: On or about 10/28/22 and thereafter, an employee sustained a blunt force injury when struck in the head by a box containing a 28-lb. bench press bar while they were working as a stower in the Very Narrow Aisles (VNA). The AUSTIN spreadsheet shows 58 days of restricted/job transfer days. The employer failed to follow Amazon's own policies for the evaluation and management of head injuries. Employer returned employee to full duty, including operating heavy machinery and driving, the day of the injury without consulting PHL or seeking appropriate medical evaluation or clearance following a head injury, likely worsening the injury. Medical records from after the day of injury documented the employee had a concussion.

f. Amazon ALB1 Fulfillment Center, located at 1835 US-9 Castleton-on-Hudson NY 12033: On or about 10/20/22 and thereafter: an employee was injured by a falling box that struck their head while working night shift in "pack singles." AUSTIN documentation noted employee had blood coming out of the ear (a sign of skull fracture noted in Amazon's CCP), but no laceration or abrasion that caused bleeding. The employee subsequently developed a headache but was returned to work. Employer failed to follow their written protocol for the evaluation and management of head injury/concussion and returned worker to regular duty without consulting PHL or monitoring employee during the shift likely worsening the injury.

g. Amazon ALB1 Fulfillment Center, located at 1835 US-9 Castleton-on-Hudson NY 12033: On or about 1/29/23 and thereafter: AUSTIN documentation noted an employee who was picking in the VNA driving an order picker (OP) in the stow area came to a stop and lost consciousness, then slid off the OP platform, fell 3-4 feet and struck head on concrete floor. The employee was treated by AMCARE and was sent out for examination and/or treatment. AUSTIN documentation showed the employee did not return paperwork from their evaluation. The employer failed to follow their written protocols for return to work after syncope when the employee was returned to work (which typically included operating an OP) without medical clearance documentation likely worsening the injury.

h. Amazon ALB1 Fulfillment Center, located at 1835 US-9 Castleton-on-Hudson NY 12033: On or about 9/6/22 thereafter: an employee was struck in the head/back of neck by two tables that fell from 15 feet above. They were seen in AMCARE and AUSTIN documentation showed multiple signs of concussion that worsened as the visit progressed, including an unsteady gait and difficulty opening their eyes. The employer failed to call EMS. The worker was transported to urgent care by a private taxi company and then by ambulance to the emergency department for head and neck injury in a C-spine collar (neck immobilization device needed because of external signs of neck injury). He was diagnosed with a concussion, and out of work until November when they returned with work restrictions. The employer did not follow their protocols for the evaluation and management of head

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Company Name: Amazon.com Services LLC – ALB1 Fulfillment Center
Inspection Site: 1835 U.S. 9, Castleton On Hudson, NY 12033

injury/concussion and neck injury including not contacting PHL or EMS, and denying workers compensation claim. Thus, delaying treatment, likely causing stress and worsening the injury.

i. Amazon ALB1 Fulfillment Center, located at 1835 US-9 Castleton-on-Hudson NY 12033: On or about 10/24/22 and thereafter: an employee was picking an item at bottom of bin, stood up and hit head and reported immediate dizziness. Austin documentation revealed employee had suffered a concussion two weeks prior. Employer failed to follow protocols for the appropriate evaluation and management of head injury/concussion including no documentation of any exam elements, no consultation with Physician Help Line (PHL) and no monitoring post-injury for signs of deterioration likely worsening the injury.

j. Amazon ALB1 Fulfillment Center, located at 1835 US-9 Castleton-on-Hudson NY 12033: On or about 9/8/22 and thereafter: an employee was moving items with a tugger vehicle, picked up an item off the floor, turned around and hit their head on fire hydrant pole. The employer failed to follow Amazon's written policies for Blunt Force to Face/Head/Scalp and Head Injury - Concussion, did not consult with Physician Help Line (PHL), did not monitor worker for deterioration after the injury, and allowed worker who had a concussion to return to work without restrictions on day of injury, without appropriate evaluation and medical clearance to operate heavy machinery likely worsening the injury.

Among other methods, implementing a process-based approach with the following feasible and acceptable methods of abatement would eliminate or materially reduce the hazard:

- Implement protocols developed and reviewed by physicians with appropriate training in occupational medicine or other specialties, to include early recognition, evaluation, management of first aid cases, accurate recordkeeping, informing employees of the option for outside medical treatment, and referral for appropriate outside evaluation and treatment based on internal policies and recognized standards of care for occupational injuries and illnesses.
- Reconcile internal contradictions between injury/illness metrics and medical outcomes, OMR scope of practice, Amazon's assignment of clinical responsibilities to EMTs/OMRs/ATs without medical oversight and without alignment to national standards of care.
- Implement oversight of staff in AMCARE to ensure appropriate adherence to protocols appropriate assessment of injuries, and adequate treatment aligned with individual practice, state licensing, and professional expectations, such as physician collaboration.; Including to follow Amazon's written policies for when the associate needs to be referred to an outside medical provider for further evaluation, when 911 needs to be called for the associate's condition, or when PHL should be called, and policies regarding medical clearance to return to work after a medical event/head injury. Ensure that documentation meets professional and state licensure standards.
- Establish quality management program for evaluating care delivered by OMRs, including assessment,
See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Amazon.com Services LLC – ALB1 Fulfillment Center
Inspection Site: 1835 U.S. 9, Castleton On Hudson, NY 12033

documentation, clinical management, and outcomes. Such a program must include a formal audit function for recognition of deficiencies and implementation of corrective actions.

- Identify injury trends for action and include periodic evaluation of the medical management program. Ensure healthcare, including first aid, providers work within the scope of their license.
- Update policies for workers with head injuries to align with national first aid guidelines and require workers with a head injury to be evaluated and cleared by an outside independently licensed healthcare provider prior to operating heavy machinery/driving at work.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

May 22, 2023
\$15,625.00

A handwritten signature in black ink, appearing to read "Rita Young".

Rita Young, MS
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
401 New Karner Road, Suite 300
Albany, NY 12205



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Amazon.com Services LLC – ALB1 Fulfillment Center
Inspection Site: 1835 U.S. 9, Castleton On Hudson, NY 12033
Issuance Date: 04/18/2023

Summary of Penalties for Inspection Number: 1610874

Citation 2 Item 2, Serious \$15,625.00

TOTAL PROPOSED PENALTIES: \$15,625.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.

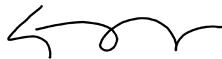
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent

charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Rita Young, MS

Area Director

04/18/2023

Date