



**U.S. Department of Justice**

Office of the Deputy Attorney General

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*Bradley Weinsheimer*  
Associate Deputy Attorney General

*Washington, D.C. 20530*

June 20, 2024

The Honorable Hampton Dellinger  
Special Counsel  
U.S. Office of Special Counsel  
1730 M. Street, N.W., Suite 300  
Washington, D.C. 20036-4505  
Via email

Re: OSC File No. DI-24-000141 (USMS Hearing Conservation Program)

Dear Mr. Dellinger:

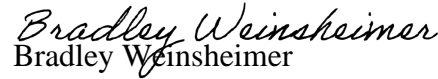
Your office referred to the Department of Justice (Department) for investigation a whistleblower disclosure that employees at the U.S. Marshal Service (USMS) engaged in conduct that may constitute a violation of law, rule, or regulation, and a substantial and specific danger to public health. Specifically, the whistleblower alleged that the USMS has failed to implement a Hearing Conservation Program pursuant to Occupational Safety and Health Administration (OSHA) regulations and the DOJ Occupational Safety and Health Program, DOJ Order 1779.2B. The allegation related to the USMS providing employees who carry firearms appropriate hearing tests. Authority has been delegated to me to review and sign the Department's response, in accordance with 5 U.S.C. 1213(d).

As reflected in the attached report, the USMS Office of Professional Responsibility, Internal Affairs conducted an investigation of this allegation and prepared a report of its findings, which is attached. As stated in the report, the allegations is not sustained insofar as the USMS did establish and implement a Hearing Conservation Program (HCP) in June 2012 that was revised as recently as 2021. The USMS HCP provision regarding the need for annual audiograms exceeds the requirement of the OSHA regulations and letter guidance inasmuch as it calls for annual audiograms for categories of employees based exclusively on position classification rather than based on the determination that the individual employee had been exposed at or above an 8-hour time-weighted average of 85 decibels, as required by 29 C.F.R. section 1910.95(g)(6). The USMS conducts biennial audiograms on all operational employees as part of the Periodic Medical Examination program.

The allegation is sustained with respect to the USMS not following its own HCP by not providing all operational employees annual audiograms. Through the course of the investigation, it was determined that the USMS is in compliance with OSHA regulations regarding when audiograms are required due to excessive noise exposure. The USMS HCP is overly prescriptive in the need for annual audiograms for all employees when weighed against the personal protective equipment mandated on firearms ranges, corresponding reduction of noise below the OSHA threshold, and the active monitoring of employee hearing through the PME program. The USMS will modify the HCP to be consistent with the OSHA regulations regarding the need for an annual audiogram.

I trust you will find this responsive to your concerns.

Sincerely,

  
Bradley Weinsheimer  
Associate Deputy Attorney General

Enclosures



**United States Department of Justice  
United States Marshals Service  
Office of Professional Responsibility  
Internal Affairs**

**USMS Investigation Number: 24-0308  
OSC File DI-24-000141**

[REDACTED]  
**Assistant Director  
Arlington, Virginia**

[REDACTED]  
**Deputy Assistant Director  
Arlington, Virginia**

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**Approve**

[REDACTED]

[REDACTED], Assistant Director

**Date:** \_\_\_\_\_

**United States Department of Justice  
United States Marshals Service  
Office of Professional Responsibility  
Internal Affairs**



**CASE SUMMARY**

<b>Case Number:</b> 24-0308	<b>Date Complaint Received:</b> 12/19/2023
<b>Date Complaint Occurred:</b> Various	<b>Date Referred By DOJ/OIG:</b> 12/19/2023
<b>ALLEGATION(S):</b> Waste, Abuse, or Mismanagement	
<b>COMPLAINANT(S):</b> [REDACTED], (former) Assistant Chief	
<b>ADDRESS:</b> Management Support Division, Environmental Safety and Occupational Health	
<b>INVESTIGATED BY:</b> [REDACTED], Acting Chief Inspector	

**Executive Summary**

Allegations were made that the United States Marshals Service (USMS) failed to implement a Hearing Conservation Program (HCP) pursuant to Occupational Safety and Health Administration (OSHA) regulations (found at 29 C.F.R. section 1910.95 *et seq.* and the DOJ Occupational Safety and Health Program, DOJ Order 1779.2B. The complainant asserted that USMS employees who carry firearms experience noise levels at or above the action level during their semi-annual firearms qualifications and therefore require annual audiograms (or hearing tests) according to the Code of Federal Regulations. Complainant asserts the USMS does not provide its employees within this category with annual audiograms. The USMS contends the personal protective equipment provided to operational employees, which are required to be worn on firearms ranges, attenuates the noise level below the threshold that would trigger the requirement for annual audiograms under the applicable regulations and is consistent with the OSHA interpretation letter dated August 13, 2018.

Between November 2019 and December 2023, the USMS received four citations from OSHA related to these allegations. In one case, the affected employees received an audiogram and the case was closed by OSHA. In two cases, the USMS entered into an Informal Settlement Agreement with OSHA and the cases were closed. In the most recent citation, the USMS performed audiograms on the affected employees, submitted the required documentation to OSHA and is awaiting their response.

The USMS HCP provision regarding the need for annual audiograms exceeds the requirement of the OSHA regulations and letter guidance inasmuch as it calls for annual audiograms for categories of employees based exclusively on position classification rather than based on the determination that the individual employee had been exposed at or above an 8-hour time-weighted average of 85 decibels, as required by 29 C.F.R. section

1910.95(g)(6). The USMS already conducts biennial audiograms on all operational employees as part of the Periodic Medical Examination (PME) program. These biannual audiograms are compared to baseline audiograms to detect any threshold shift in hearing. Give the USMS requirement for double hearing protection on all firearms ranges and the corresponding reduction in noise exposure below the OSHA threshold, data from the biannual audiograms does not support the need for annual audiograms based solely on the fact that operational employees are conducting firearms training.

The allegation is not sustained insofar as the USMS did establish and implement a HCP in June 2012 and it was revised as recently as 2021. The allegation is sustained with respect to the USMS not following its own HCP by not providing all operational employees annual audiograms. Through the course of the investigation, it was determined that the USMS is in compliance with OSHA regulations regarding when audiograms are required due to excessive noise exposure. The USMS HCP is overly prescriptive in the need for annual audiograms for all employees when weighed against the personal protective equipment mandated on firearms ranges, corresponding reduction of noise below the OSHA threshold, and the active monitoring of employee hearing through the PME program. The USMS will modify the HCP to be consistent with the OSHA regulations regarding the need for an annual audiogram.

### **Allegation**

The USMS failed to implement an HCP pursuant to 29 C.F.R. § 1910.95 and Department of Justice (DOJ) Order 1779.2B.

### **Synopsis**

The USMS Office of Professional Responsibility, Internal Affairs (OPR-IA) conducted interviews and established the following facts.

On February 14, 2024, OPR-IA received, through the USMS Office of General Counsel (OGC), a complaint filed with the Office of Special Counsel (OSC) alleging that the USMS had failed to follow 29 C.F.R. § 1910.95 and DOJ Order 1779.2B with regard to the implementation of an HCP.

DOJ Order 1779.2B, dated July 21, 2011, established the DOJ Occupational Safety and Health Program and the responsibilities in connection with program implementation and management. Title 29 C.F.R. § 1910.95 (Occupational noise exposure) states that the employer shall administer a continuing, effective hearing conservation program, “whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 85 decibels.”

The USMS established an Environmental, Occupational, Safety and Health (EOSH) program within the Management Support Division, Office of Construction Management to

oversee the USMS Occupational Safety and Health Program. Agency records reflect the USMS has had an HCP in place since before June 2012. USMS Publication 53C (Pub 53C), which was revised in 2021, sets out the basis for the HCP, applicable regulations, DOJ Orders, and relevant resources; identifies the personnel responsible for various aspects of the program; and provides guidance on exposure assessment and mitigation strategies. As part of the HCP, the USMS mandates the use of personal protective equipment for training exercises and weapons qualifications and annual HCP training by operational employees.

USMS Pub 53C states that all weapons firing is considered impact noise above 140dBA and currently requires annual audiograms for designated employees whose periodic medical exams (PME's) are less frequent than annual. The current PME cycle for operational employees is biennial. Given this requirement, the USMS HCP actually exceeds the requirements established in Noise Standard at 29 CFR 1910.95(c) when exposure at or above action level of 85 dBA, measured as an 8-hour weighted average, has been effectively attenuated with hearing protection to a level below 85dBA.

On February 22, 2024, OPR-IA conducted a sworn interview with the complainant, [REDACTED]. The Complainant stated that he was employed by the USMS, from December 2022 through October 2023, as an Assistant Chief in EOSH. The Complainant explained the USMS Human Resources Division (HRD), Office of Employee Health Programs performed employee audiograms every two years as part of the agency's fitness for duty exams [denoted as the PME elsewhere in this report]; however, the frequency did not meet OSHA requirements. The Complainant stated that the deficiency in the USMS HCP was identified prior to his tenure with the Agency. The Complainant explained that the USMS received OSHA citations which indicated the USMS was in violation of 29 C.F.R. § 1910.95 (g) (6) for failing to provide annual audiometric testing to employees exposed to workplace noise exceeding an 8-hour TWA of 85 decibels. Between 2019 and 2023, citations were received for the following office locations: Detroit, Michigan; Las Vegas, Nevada; Asheville, North Carolina; and New York, New York. The Complainant described USMS procedures that were to be taken if an OSHA citation was received. Three of the four office citations received were addressed by having employees who had met threshold exposures receiving audiogram testing, and that resolution was accepted by OSHA as resolving the citations. Regarding the OSHA citation for the New York location, the Complainant stated that before leaving the Agency, he was informed that there was insufficient funding to conduct the annual audiograms and the Office of Employee Medical Programs would no longer arrange for them. The Complainant said he subsequently spoke to OSHA, and the information provided to OSHA was the basis for categorizing the citation as a "willful" violation.

On February 26, 2024, OPR-IA conducted a sworn interview with a USMS Industrial Hygienist (IH) who has been employed by the USMS and assigned to EOSH since October 2021. The IH was aware of OSHA citations for Michigan and New York, both of which involved OSHA noise dosimetry testing. The IH explained the 2019 Michigan noise exposure test exceeded the TWA; however, testing in New York in 2023 indicated that

employee exposure did not exceed the TWA. Additionally, the IH stated the USMS HCP, Pub 53C, identifies employees by job classification who are required to comply with the provisions set forth in the HCP and that in accordance with Pub 53C, the Office of Employee Medical Programs, HRD, is responsible for providing this additional testing.

On February 29, 2024, OPR-IA conducted a sworn interview with the Assistant Director (AD) of the Management Support Division (MSD). The AD of MSD stated that USMS Pub 53C identifies employees by job classification and requires annual audiograms. Currently, alternate year tests are performed as part of the periodic medical examination for every USMS operational employee through the Employee Medical Program. The AD of MSD further explained that the USMS had differing results from noise dosimetry testing performed by OSHA. Follow-up by the USMS confirmed threshold limits were exceeded in one location (Detroit), but in another location (New York) the results were under threshold limits.

On April 29, 2024, OPR-IA conducted a sworn interview with the Assistant Chief in the Human Resources Division (HRD) Health Administration Branch who manages the Employee Medical Program. Duties of this position include the administrative management of employee PME's, which are performed by Federal Occupational Health on a biennial basis. The audiograms include audiometric testing to determine whether the employee meets fitness for duty standards for law enforcement officers and to identify any significant change or standard threshold shift in hearing.

The investigation also determined the USMS obtains a baseline audiogram for all operational employees at the time they are hired. As required by the Office of Personnel Management for employees in law enforcement positions, hearing tests are conducted as part of the PME every two years and compared against the baseline audiogram.

On April 30, 2024, the Assistant Director of the HRD confirmed the USMS:

1. Obtains a baseline audiogram at the time an operational employee is hired;
2. Conducts biennial audiograms as part of the PME program. Audiogram tests are performed in an unaided state using an audiometer for measurement. Tone thresholds are evaluated for a range of frequencies individually in each ear for 500Hz, 1000Hz, 2000Hz, 3000Hz; and,
3. Medical personnel compare biennial PME audiogram results against the baseline to identify potential threshold shifts.

On April 17, 2024, the Acting Assistant Director of the Training Division (TD) confirmed that in support of the HCP, the TD:

1. Developed HCP training and requires operational employees to complete on-line training in LearnUSMS on an annual basis.
2. Provided documentation related to the personal protective equipment issued to all operational employees during their accession training and it includes earmuffs and foam and molded plugs;
3. Incorporated the requirement for hearing protection in all lesson plans and safety



briefing templates for training and qualification programs that involve firearms. The approved lesson plans and safety briefing cards were provided to OPR-IA and all reiterated the requirement to wear hearing protection.

4. Provided OPR-IA with the recent Noise Exposure Assessment for the Federal Law Enforcement Training Center (FLETC) which was published on May 17, 2022. This assessment confirmed 8-hour Time Weighted Average (8hr TWA) noise exposure exceeded 85dBA; however, the study also was supportive that the OSHA estimated employee exposure when using the mandatory double hearing protection required by FLETC was below the 8hr TWA that would trigger OSHA requirements for annual audiograms. The range conditions, environment, and types of firearms used in this testing, and the requirement for hearing protection, are equivalent to the firearms training conducted by the USMS nationwide.

FLETC IH Noise Study of Firearms (FAD)

Division: FAD multiple ranges: Indoor (IDR) Bldg. 221 and Outdoor multipurpose (ODR)

Location	Class	Noise Source Weapon/ Equipment	Type of Ammo	Sampling Time (minutes)	Peak (dB)	Sample Avg. (dBA)	8hr TWA (dBA)	OSHA Estimated Employee Exposure (TWA-PPE)
Bldg. 221/F	18 shooters	12 ga. Shotgun	12 ga. Remington Frangible rifle slugs, 12 ga. Remington Frangible #4 buckshot	93	137.8	105.3	93.5	65.5
Bldg. 221/C	21 shooters	H&K 2000 handgun	.40 cal Frangible	68	143.1	105.6	91.5	63.5
ODR #6	19 shooters	M-4 (SMW MMP)	.223 Federal 55gr Frangible	141	140.8	102.9	94.1	66.1
ODR #8	12 shooters	Sig 229 Glock 17	.45 cal Winchester Lead 230gr, 9mm Federal Lead 115gr, .357 cal Gold Dot Lead, 9mm+P Gold Dot Lead	120	140.8	101.6	91.4	63.4
Bldg. 221/F	18 shooters	Multiple weapons, .40 cal, 9mm, .357sig, .45 cal	lead ammo	139	144.3	95.2	86.2	58.2
Bldg. 221/F	18 shooters	Multiple weapons, .40 cal, 9mm, .357sig, .45 cal	lead ammo	139	142.3	101.8	92.9	64.9

PPE: FLETC requires double hearing protection w/ NRR of 26 or greater for both inner and outer hearing protection and safety glasses with sashes

An OSHA interpretation letter dated August 13, 2018 provided clarification with respect to firearms training as follows: "A hearing conservation program is not required unless workers are exposed at or above the action level of 85 dBA, measured as an 8-hour time weighted average as required by the Noise standard... Current OSHA enforcement policy regarding 29 CFR 1910.95(c) allows employers to rely on personal protective equipment and a hearing conservation program, rather than engineering and/or administrative controls, when hearing protectors will effectively attenuate the noise to which employees are exposed to acceptable levels". Thus, it is the USMS' understanding that under the relevant regulations, so long as PPE is effective at reducing the noise levels below that of the OSHA threshold, annual audiograms are not required. The USMS is not aware of OSHA expressing the USMS understanding as incorrect.



With that understanding, it should be noted that the requirement for annual audiograms under the USMS HCP, which links the need for an annual audiogram to job classification as opposed to actual noise level, exceeds the requirement under the OSHA regulation. Inasmuch as the purported violations are premised on the HCP provision related to job classification as opposed to the noise level recognized within the regulation, USMS takes the position that while it may not be technically complying with its current HCP, it is indeed complying with the pertinent OSHA regulation. USMS plans to modify its HCP to be consistent with the requirement under the OSHA regulation and above-referenced OSHA interpretation letter. This will both avoid confusion as to the relevant standards and mitigate the burden of having all operational employees, irrespective of exposure, subject to annual audiograms. USMS can then devote appropriate attention on those employees who are in fact subject to excessive noise levels under the regulation to ensure they are properly protected.

With respect to the outstanding citation regarding the New York location, USMS submits that based on OSHA's own dosimetry testing, the noise levels did not meet the threshold for exposure (see attached January 2, 2024, letter from OSHA Manhattan Area Office to [REDACTED]). Therefore, annual audiograms are not required under the regulation. Notwithstanding the fact that the threshold was not met, the USMS has conducted audiograms on the employees included within the test in an effort to resolve the outstanding alleged violation.

As for Eastern Michigan (Detroit), Western North Carolina (Asheville), and Nevada (Las Vegas), it is not specifically clear whether an actual violation occurred. The USMS is in receipt of data from Eastern Michigan that the action level was allegedly exceeded during OSHA's testing. Unlike the New York data, however, it is unclear whether the Michigan data considered the measurements when USMS mandated PPE was used (see attached Sampling Summary Sheet for Inspection Number 1407813). The New York data specifically contains a column titled "Protected TWAs" which all showed the noise level below the OSHA threshold. The Michigan data did not contain such a column and the USMS is not aware of any Western North Carolina and Nevada dosimetry data that allegedly supports a violation.

There were no additional, related allegations of wrongdoing discovered during this investigation.

## **Summary and Status of OSHA Citations**

### **November 18, 2019 - Detroit, Michigan** – Type of Violation: **Repeat**

29 CFR 1910.95(g)(6) as required by 1960.8(b): At least annually after obtaining the baseline audiogram, the employer did not obtain a new audiogram for each employee exposed at or above an 8- hour time-weighted average of 85 decibels:

On or about June 13, 2019, the employer did not obtain annual audiograms for all employees exposed to noise levels above an 8-hour time weighted average of 85 dBA during required firearm qualifications. Noise dosimetry showed that employees were exposed to noise levels ranging from 89.7 to 95.3 dBA during a firearms qualification

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation, and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

USMS ACTIONS: USMS issued Abatement Letter: Certificate of Corrective Action to OSHA, REF: 1407813. Affected employees identified in the violation completed audiograms at the Federal Occupational Health Clinic in the Theodore Levin U.S. Courthouse in Detroit, Michigan.

RESULTS: Case Closed

### **December 9, 2021 – Las Vegas, Nevada** – Type of Violation: **Repeat**

29 CFR 1910.95(g)(6): as required by 1960.8(b): At least annually after obtaining the baseline audiogram, the employer did not obtain a new audiogram for each employee exposed at or above an 8-hour time-weighted average of 85 decibels: (a) On or about November 9, 2021, and at times prior, the employer did not obtain annual audiograms for employees exposed to noise levels above an 8-hour time weighted average of 85 dBA during required firearm qualifications.

Notice #1, Item #1, 29 CFR 1910.95(g)(6) as required by 29 CFR 1960.8(b): The employer failed to obtain annual audiograms for all employees exposed to noise levels above an 8-hour time weighted average of 85 dBA during required firearm qualifications. The employer was previously issued a notice for a violation of this Occupational Safety and Health standard and same hazard on November 18, 2019, Inspection # 1407813, date December 13th, 2019, of final order/settlement, and means of abatement.<sup>1</sup>

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<sup>1</sup> It should be noted that there is nothing within the USMS file which indicates that OSHA provided any dosimetry results with respect to the Las Vegas location which might indicate whether or not the regulatory threshold had been met to require annual audiograms. Notwithstanding, the USMS settled the matter by providing audiograms to the operational employees in the office.

USMS ACTIONS: Informal Settlement Agreement; December 22, 2021

RESULTS: Case Closed, OSHA Report ID: 0936500, March 15, 2022

**June 29, 2023 - Asheville, North Carolina** - Type of Violation: **Repeat - Serious**

29 CFR 1910.95(g)(6): "Annual audiogram." At least annually after obtaining the baseline audiogram, the employer shall obtain a new audiogram for each employee exposed at or above an 8-hour time-weighted average of 85 decibels: Asheville Western District Office: On or about May 9, 2023, the employer did not ensure that employees being exposed to noise at or above the 8-hour TWA of 85 decibels were subjected to annual audiograms.<sup>2</sup>

Notice #001, Item 001, 29 CFR 1910.95(g)(6) as required by 29 CFR 1960.8(b): The employer did not obtain annual audiograms for employees exposed to noise levels above an 8-hour time weighted average of 85 dBA during required firearm qualifications. The employer was cited for a violation of the same standard on November 18, 2019, Inspection #1407813, with respect to a workplace in Detroit, Michigan, which became a final order on December 13, 2019.

Notice #001, Item #001, 29 CFR 1910.95(g)(6) as required by 29 CFR 1960.8(b): The employer failed to obtain annual audiograms for all employees exposed to noise levels above an 8-hour time weighted average of 85 dBA during required firearm qualifications. The employer was previously issued a notice for a violation of this Occupational Safety and Health standard and same hazard on December 09, 2021, Inspection # 1563101, with respect to a workplace in Las Vegas, NV, which became a final order date on December 22, 2021.

USMS ACTIONS: Informal Settlement Agreement

RESULTS: Case Closed, OSHA Report ID: 0420300, August 25, 2023

**December 19, 2023 – New York, New York** - Type of Violation: **Willful - Serious**

29 CFR 1910.95(g)(6) as required by 29 CFR 1960.8(b): "Annual audiogram." At least annually after obtaining the baseline audiogram, the employer did not obtain a new audiogram for each employee exposed at or above an 8-hour time-weighted average of 85 decibels (dB). a) U.S. Department of Justice - U.S. Marshals Service located at 500 Pearl Street, New York, NY 10007. On or about September 6, 2023, and times prior, the employer did not obtain annual audiograms for employees exposed to noise levels above an 8-hour time weighted average (TWA) of 85 dBA during required firearm qualifications.<sup>3</sup>

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<sup>2</sup> Similar to the situation in Las Vegas, USMS records do not include the provision of OSHA dosimetry results for the Asheville location to confirm whether the threshold had been met.

<sup>3</sup> As noted above, the outcome of the 2023 dosimetry testing in New York indicated that the threshold for the 8 hr. TWA had not been met with respect to any of the employees.

Notice #001, Item 001, 29 CFR 1910.95(g)(6) as required by 29 CFR 1960.S(b): The employer did not obtain annual audiograms for employees exposed to noise levels above an 8-hour time weighted average of 85 dB A during required firearm qualifications. The employer was cited for a violation of the same standard on June 29, 2023, Inspection #1669027, with respect to a workplace in Asheville, NC, which became a final order on July 25, 2023.

Notice #001, Item 001, 29 CFR 1910.95(g)(6) as required by 29 CFR 1960.8(b): The employer did not obtain annual audiograms for employees exposed to noise levels above an 8-hour time weighted average of 85 dBA during required firearm qualifications. The employer was cited for a violation of the same standard on 12/09/2021, Inspection # 156310 I, with respect to a workplace in Las Vegas, NV, which became a final order on December 22, 2021.

Notice #001, Item 001, 29 CFR 1910.95(g)(6) as required by 29 CFR 1960.8(b): The employer did not obtain annual audiograms for employees exposed to noise levels above an 8-hour time weighted average of 85 dBA during required firearm qualifications. The employer was cited for a violation of the same standard on November 18, 2019, Inspection #1407813, with respect to a workplace in Detroit, Michigan, which became a final order on December 13, 2019.

USMS ACTIONS: USMS issues memorandum to OSHA, January 22, 2024, in response to violations, in disagreement to the validation of findings. USMS contends that time weighted average of 85 dBs were not exceeded during the noise sampling inspection at the USMS Southern District of New York. Annual audiograms would not be required per 29 CFR 1910.95(g)(6). On May 6, 2024, the Chief of the Office of Construction for the USMS held an informal conference with OSHA. To resolve the matter despite the dosimetry threshold not having been met, the USMS provided audiograms for affected employees and submitted this information to OSHA. The completion and submission of audiograms is in compliance with OSHA's recommendations and Pub53C.

RESULTS: Pending OSHA Response

U.S. Department of Labor

Occupational Safety and Health Administration  
Manhattan Area Office  
201 Varck Street, Room 408  
New York, NY 10014



January 2, 2024

[REDACTED]  
U.S. Department of Justice/ U.S. Marshals Service  
500 Pearl Street Suite 400  
New York, NY 10007

Dear [REDACTED]

Enclosed are sample results from our monitoring performed on November 7 and 15, 2023 at the Blue Mountain Sportsman Center located at 183 Watch Hill Road, Cortlandt Manor, NY 10567 for inspection # 1673372 where operational employees performed weapons qualifications.

We request that you notify your employees of the results of the sampling and maintain these sample results as employee exposure records for all affected employees represented by these results. OSHA regulation 29 CFR 1910.1020 requires employers inform employees exposed to toxic substances or harmful physical agents, when first hired and at least annually thereafter, of the existence, location, and availability of exposure records and the employee's right to access these records. The regulation also requires employers to maintain employee exposure records for at least 30 years, unless a specific safety and health standard requires a different period of time, e.g., 29 CFR 1910.95 requires noise exposure measurement records be retained for two years.

If you have any questions, please contact the office at (212) 620-3200.

Thank you for your continued interest in safety and health.

[REDACTED]  
Area Director

**Sampling Results:****Personal Noise Dosimetry:**

Name	Total Time Sampled (minutes)	Projected TWA <sub>8</sub> (dBA)	NRR Correction (dBA)	Protected TWA <sub>8</sub> (dBA)	OSHA's Action Level (dBA)	OSHA's PEL (dBA)
[REDACTED]	174	98.3	17.5	73.6	85	90
[REDACTED]	175	99.9	17.5	82.4	85	90
[REDACTED]	178	100.5	17.5	83.0	85	90
[REDACTED]	204	97.5	17.5	80.0	85	90
[REDACTED]	204	97.4	17.5	79.9	85	90

**Personal Sampling (air) for: 1591-Lead, Inorganic (as Pb)**

Name	Time Sampled (minutes)	TWA <sub>8</sub> (mg/m <sup>3</sup> )	OSHA's PEL (mg/m <sup>3</sup> )
[REDACTED]	176	0.0222	50
[REDACTED]	196	0.0097	50

**Wipe (hands) Sampling for: 1591- Lead, Inorganic (as Pb)**

Name	Lead (µg)	Reporting Limit (µg)
[REDACTED]	97.672	10
[REDACTED]	120.03	10
[REDACTED]	75.008	10
[REDACTED]	257.48	10



## Sampling Summary Sheet

Establishment: U.S. Marshals Service – Eastern District of Michigan

Inspection Number: 1407813

## Personal Noise Dosimetry

Occupation/Title	Sample Type	Total Time Sampled (minutes)	8 hr. TWA (A.L.)	8 hr. TWA (PEL)	OSHA A.L. (dBA)	OSHA PEL (dBA)
Firearms Instructor (8/23/19)	Personal	128	90.3 dBA	90.1 dBA	85	90
Investigator (8/23/19)	Personal	114	80.9 dBA	80.5 dBA	85	90
Deputy Marshal	Personal	186	95.3 dBA	95.3 dBA	85	90
Deputy Marshal	Personal	185	92.3 dBA	92.2 dBA	85	90
Deputy Marshal	Personal	91	89.7 dBA	89.7 dBA	85	90
Deputy Marshal/ Firearms Instructor	Personal	185	92.6 dBA	92.5 dBA	85	90

## Air Sampling Results

Job Description	Time Sampled (minutes)	Analyte	Analytical Results	OSHA's PEL
Firearms Instructor (8/23/19)	127	Lead	ND	50 µg/m <sup>3</sup>
Investigator (8/23/19)	115	Lead	ND	50 µg/m <sup>3</sup>

TWA = Time-Weighted-Average for an 8-hour shift

A.L. = Action Limit

PEL = Permissible Exposure Limit

dBA= decibels in A-weighted Scale

µg/m<sup>3</sup> = micrograms per cubic meter

ND = Non-Detect