

U.S. Department of Labor
Occupational Safety and Health Administration
401 New Karner Road
Suite 300
Albany, NY 12205
Phone: 518-464-4338 Fax: 518-464-4337



Citation and Notification of Penalty

To:
Environmental Remediation Services, Inc.
and its successors
311 Rotterdam Industrial Park
Schenectady, NY 12306

Inspection Number: 1129470
Inspection Date(s): 03/01/2016 – 07/08/2016
Issuance Date: 07/18/2016

Inspection Site:
1 River Rd
Schenectady, NY 12306

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. 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 on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. 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 07/18/2016. 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: 1129470

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306
Issuance Date: 07/18/2016

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: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that caused or were likely to cause death or serious physical harm in that employees were exposed to mercury poisoning:

a) On and after 01/18/2016, employees were conducting mercury cleanup and abatement at GE Power and Water and Water, Building 5, Areas 3 and 4 East. Employees were exposed to inhalation and skin absorption hazards from liquid mercury and mercury vapors. Employees complained to employer about symptoms consistent with mercury exposure. Biological monitoring showed mercury levels from 8 to 65 µg/L, which are consistent with respiratory mercury exposure of at least 0.06 mg/m³, which exceeds the NIOSH Recommended Exposure Limit of 0.05 mg/m³.

Employees experienced symptoms such as but not limited to neuropsychiatric problems, kidney damage, permanent balance impairment, and tremors.

Among others, feasible and acceptable methods to correct this hazard include, but are not limited to:

1. Local exhaust ventilation
2. General dilution ventilation
3. Temperature control
4. Skin protection
5. Enclosed power equipment to minimize worker contact with mercury
6. Reorganization of work to minimize exposure

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/21/2016
\$6300.00

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: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

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

29 CFR 1926.65(g)(1)(i): Engineering controls and work practices were not instituted to reduce and maintain employee exposure to or below the permissible exposure limits for substances regulated either in 1926.55 or other pertinent sections of this part, except to the extent that such controls and practices are not feasible:

(a) On and after 01/18/2016, at GE Power and Water, Building 5, Area 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. Employees were exposed to mercury levels above the ACGIH TLV of 0.025mg/m³. The employer did not provide an appropriate combination of engineering controls, work practices, and personal protective equipment.

Note to (g)(1)(i): Engineering controls which may be feasible include the use of pressurized cabs or control booths on equipment, and/or the use of remotely operated material handling equipment. Work practices which may be feasible are removing all non-essential employees from potential exposure during opening of drums, wetting down dusty operations and locating employees upwind of possible hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/17/2016

U.S. Department of Labor
Occupational Safety and Health Administration

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Issuance Date: 07/18/2016



Citation and Notification of Penalty

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

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

29 CFR 1926.102(a)(1): Eye and face protective equipment were not used when machines or operations presented potential eye or face injury from chemical:

(a) On and after 01/18/2016, at GE Power and Water and Water, Building 5, Areas 3 East and 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employer did not provide full face protection from mercury vapors.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/28/2016

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1129470
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Issuance Date: 07/18/2016



Citation and Notification of Penalty

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

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

29 CFR 1910.134(e)(7)(iv): The employer did not provide additional medical evaluations that complied with the requirements of 29 CFR 1910.134 when a change occurred in the workplace conditions that resulted in a substantial increase in the physiological burden placed on an employee: (Construction Reference 1926.103)

(a) On and after 01/18/2016, at GE Power and Water, Building 5, Area 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employer did not reevaluate increased physiological the burden on the respiratory system, circulatory system and the hearts of its employees. The employer did not reevaluate the effectiveness of the respirator once the temperatures rose above 90 degrees which expose employees to heat stress.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/17/2016
Proposed Penalty:	\$6300.00

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: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.134(k)(5)(ii): Retraining was not conducted when inadequacies in the employee's knowledge or use of the respirator indicated that the employee did not retain the necessary training or skill: (Construction Reference 1926.103)

(a) On and after 01/18/2016, at GE Power and Water, Building 5, Area 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employees did not retain the training on respiratory protection in that employees were taking their respirators off within the containment. Employees were not correctly instructed on how often to change them.

(b) On and after 05/04/2016, at GE Power and Water, Building 5, Area 3 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employees did not retain the training on respiratory protection in that employees were observed wearing respirator with tyvek underneath it and employees were taking their respirators off within the containment. Employees were not correctly instructed on how often to change them.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/21/2016
\$6300.00

U.S. Department of Labor
Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.1018(e)(2): Initial monitoring was not performed for each workplace, or work operation covered by 29 CFR 1910.1018 to accurately determine the airborne concentration of inorganic arsenic to which employees may be exposed: (Construction Reference: 1926.1118)

(a) On and after 01/18/2016, at GE Power and Water, Building 5, Area 4 East, for the laborers conducting demo work. Employees were required to remove waste debris containing arsenic by hand and by using HEPA and mercury vacuums. The employer did not perform initial air monitoring to determine what measures were needed to protect employees when the presence of arsenic in bulk samples and in employees biological testing was positive.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/17/2016
\$3600.00

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1129470
Inspection Date(s): 03/01/2016 - 07/08/2016
Issuance Date: 07/18/2016



Citation and Notification of Penalty

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 5 a Type of Violation: **Serious**

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

(a) On and after 01/18/2016, at GE Power and Water, Building 5, Area 4 East, for the laborers removing debris by hand and using HEPA and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, arsenic, soil contaminated with mercury and wood contaminated with mercury and arsenic. Employees were not provided with information and training on the hazardous chemicals they work with or are exposed to in their work area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/21/2016
\$6300.00

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1129470
Inspection Date(s): 03/01/2016 - 07/08/2016
Issuance Date: 07/18/2016



Citation and Notification of Penalty

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

Citation 1 Item 5 b Type of Violation: **Serious**

29 CFR 1926.65(i): The employer did not develop and implement a program, which is part of the employer's safety and health program required in 29 CFR 1926.65(b), to inform employees, contractors, and subcontractors (or their representatives) actually engaged in hazardous waste operations of the nature, level and degree of exposure likely as a result of participation in such hazardous waste operations:

(a) On and after 01/18/2016, at GE Power and Water, Building 5, Areas 3 East and 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employer did not to inform employees actually engaged in hazardous waste operations of the nature, level and degree of exposure likely as a result of participation in such hazardous waste operations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/17/2016

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1129470
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Citation and Notification of Penalty

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1926.51(g): Employees were permitted to consume food or beverage in area(s) exposed to toxic materials:

(a) On and after 01/18/2016 through 3/1/2016, at GE Power and Water, Building 5, Area 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employer provided water for the employees to keep hydrated in the containment area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/19/2016
\$6300.00

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1129470
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Issuance Date: 07/18/2016



Citation and Notification of Penalty

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 7 a Type of Violation: **Serious**

29 CFR 1926.65(b)(1)(ii)(C): The written safety and health program did not incorporate a site-specific safety and health plan:

(a) On and after 01/18/2016, at GE Power and Water, Building 5, Areas 3 East and 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employer provided a 2012 generic safety program which was not a site-specific. No Site-Specific plan was implemented from the initiation of work at the site.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/17/2016
\$6300.00

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

U.S. Department of Labor
Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

Citation 1 Item 7 b Type of Violation: **Serious**

29 CFR 1926.65(b)(1)(ii)(D): The written safety and health program did not incorporate the safety and health training program:

(a) On and after 01/18/2016, at GE Power and Water, Building 5, Areas 3 East and 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employer did not have a safety and health training program for mercury.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/17/2016

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

U.S. Department of Labor
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Citation and Notification of Penalty

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1926.65(c)(2): A preliminary evaluation of the site's characteristics was not performed prior to site entry by a qualified person to aid in the selection of appropriate employee protection methods prior to entry:

(a) On and after 3/01/2016, at GE Power and Water Building 5, Area 3 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as but not limited to, elemental mercury, soil contaminated with mercury and other heavy metals, and wood contaminated with mercury and arsenic. The employer did not provide appropriate selection of personal protective equipment for skin absorption.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/17/2016
\$6300.00

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

U.S. Department of Labor
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Citation and Notification of Penalty

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1926.65(d)(2): A site control program for protecting employees, which was a part of the employer's site safety and health program required in 29 CFR 1926.65(b), was not developed during the planning stages of the hazardous waste cleanup operation and/or modified as necessary as new information became available:

(a) On and after 01/18/2016, at GE Power and Water, Building 5, Areas 3 East and 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employer never developed a site control program to control employee exposure to hazardous substances.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/17/2016
\$6300.00

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Citation and Notification of Penalty

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1926.65(e)(2): The training did not thoroughly cover the elements listed in 29 CFR 1926.65(e)(2)(i) through (e)(2)(vii):

(a) On and after 01/18/2016, at GE Power and Water, Building 5, Areas 3 East and 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employer did not train employees on topics including but not limited to safe work practices, safe use of engineering controls and medical surveillance requirements.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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Proposed Penalty:

08/17/2016
\$6300.00

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Company Name: Environmental Remediation Services, Inc.
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 11 a Type of Violation: **Serious**

29 CFR 1926.65(f)(2)(ii): A medical surveillance program was not instituted by the employer for employee(s) who wore a respirator for 30 days or more a year, as required by 29 CFR 1926.103:

(a) On and after 01/18/2016, at GE Power and Water, Building 5, Areas 3 East and 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employer did not provide medical surveillance to employees who wore respirators for more than 30 days.

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Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

Citation 1 Item 11 b Type of Violation: **Serious**

29 CFR 1926.65(f)(3)(i)(D): Medical examinations and consultations were not made available by the employer to each employee covered under 29 CFR 1926.65(f)(2)(i), (ii), and (iv) as soon as possible upon notification by an employee that he/she had developed signs or symptoms indicating possible overexposure to hazardous substances or health hazards or that the employee had been injured or exposed above the permissible exposure limits or published exposure levels in an emergency situations:

(a) On and after 01/18/2016, at GE Power and Water, Building 5, Areas 3 East and 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employer did not provide medical examinations and consultations to employees when signs or symptoms indicating possible overexposure to hazardous substances were reported.

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Citation and Notification of Penalty

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1926.65(g)(5)(x): The personal protective equipment (PPE) program did not address PPE limitations during temperature extremes, heat stress, and other appropriate medical considerations:

(a) On and after 01/18/2016, at GE Power and Water, Building 5, Areas 3 East and 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employer did not address PPE limitations during temperature extremes and heat stress.

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Inspection Date(s): 03/01/2016 - 07/08/2016
Issuance Date: 07/18/2016



Citation and Notification of Penalty

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1926.65(h)(2): Representative air monitoring was not conducted upon initial entry to identify exposure over permissible exposure limits or published exposure levels:

(a) On or about 01/18/2016, at GE Power and Water, Building 5, Area 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury, lead, and cadmium. The employer did not conduct initial assessment of employee's exposures to hazardous substances.

(b) On or about 05/04/2016, at GE Power and Water, Building 5, Area 3 East floor, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employer did not conduct initial assessment of employee's exposures to hazardous substances.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/17/2016
\$6300.00

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: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306

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

29 CFR 1926.65(h)(4): After the actual clean-up phase of the hazardous waste operation commenced, the employer did not monitor those employees likely to have the highest exposures to hazardous substances and health hazards likely to be present above permissible exposure limits or published exposure levels by using personal sampling frequently enough to characterized employee exposures:

(a) On and after 01/18/2016, at GE Power and Water, Building 5, Area 4 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employer did not perform personal monitoring.

(b) On and after 05/04/2016, at GE Power and Water, Building 5, Area 3 East, for the laborers removing debris by hand and using HEPA vacuums and mercury vacuums to remove hazardous materials such as, but not limited to, elemental mercury, soil contaminated with mercury and wood contaminated with mercury. The employer did not perform personal monitoring.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/17/2016
\$63000.00

A handwritten signature in black ink, appearing to read "Robert T. Garvey", written over a horizontal line.

Robert T. Garvey
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
401 New Karner Road
Suite 300
Albany, NY 12205
Phone: 518-464-4338 Fax: 518-464-4337



INVOICE / DEBT COLLECTION NOTICE

Company Name: Environmental Remediation Services, Inc.
Inspection Site: 1 River Rd, Schenectady, NY 12306
Issuance Date: 07/18/2016

Summary of Penalties for Inspection Number	1129470
Citation 1, Serious	\$79200.00
Citation 2, Willful	\$63000.00
TOTAL PROPOSED PENALTIES	\$142200.00

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 on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. 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

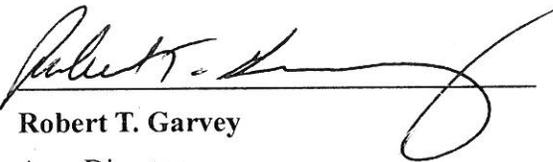
account, the bank will attempt to make the transfer up to 2 times.

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.


Robert T. Garvey

Area Director


Date