

U.S. Department of Labor

Occupational Safety and Health Administration
701 Lee Street
Suite 950
Des Plaines, IL 60016
Phone: 847-803-4800 Fax: 847-390-8220



Citation and Notification of Penalty

To:

Fortune Painting Company, Inc.
and its successors
6619 N. Lincoln
Lincolnwood, IL 60712

Inspection Number: 948845**Inspection Date(s):** 11/15/2013 - 05/12/2014**Issuance Date:** 05/12/2014**Inspection Site:**

801 Park Ave.
Wilmette, IL 60091

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 \$50,000 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 05/12/2014. The conference will be held by telephone or at the OSHA office located at 701 Lee Street, Suite 950, Des Plaines, IL 60016 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 948845

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091
Issuance Date: 05/12/2014

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, 701 Lee Street, Suite 950, Des Plaines, IL 60016**

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: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

Construction Reference: 1926.103

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.134 of this chapter.

29 CFR 1910.134(g)(2)(ii)(A): The employer did not ensure that employees left the respirator use area to wash their faces and facepieces as necessary to prevent eye or skin irritation associated with respirator use:

a) On 15 November 2013, the employer did not ensure that employee(s) left the respirator use area to wash their faces and respirator facepieces, as necessary, to prevent eye and skin irritation associated with respirator use. Worker(s) were required to use respiratory protection, and wore 3M Model 7500 Negative Pressure Half Mask Respirators equipped with P100 Model 2091 cartridge filters. Workers were exposed to hazardous chemicals when power sanding and manually scraping old paint containing up to 16.33% Lead; 0.0072% Cadmium and 0.0027% Arsenic. Worker(s) had particulate matter contamination on their face(s) and samples collected on the inner surfaces of their respirator(s) tested positive for up to 6,254 µg Lead; 1.984 µg Cadmium and 1.768 µg Arsenic.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

05/22/2014

Proposed Penalty:

\$3850.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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 2 a Type of Violation: **Serious**

Construction Reference: 1926.1118

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.1018 of this chapter.

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:

a) On or about 15 November 2013, the employer did not determine the airborne concentration of inorganic Arsenic (via personal air monitoring) to which his employee(s) were exposed. Employee(s) were exposed to Arsenic when power-sanding and manually scraping old paint containing up to 0.0027% Arsenic. Worker(s) exhibited gross contamination with particulate matter on the face and hand(s); wipe samples confirming exposure to Arsenic, up to 4.1 µg on workers palms and fingers and up to 1.7 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/27/2014
\$3850.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.1127(d)(1)(i): The employer did not establish the applicability of this standard by determining whether cadmium was present in the work place and whether there was the possibility that employee exposure will be at or above the action level prior to performance of any construction work:

a) On or about 15 November 2013, the employer did not perform an initial determination to assess the presence of Cadmium in the workplace and to evaluate the possibility of employee exposures at or above the action level. Employee(s) were exposed to Cadmium when power sanding and scraping old paint (containing up to 0.0072% Cadmium). Worker(s) exhibited gross contamination with particulate matter on the face and hand(s); wipe samples confirming exposure to Cadmium, up to 7.6 µg on workers palms and fingers and up to 1.9 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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 3 a Type of Violation: **Serious**

Construction Reference: 1926.1118

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.1018 of this chapter.

29 CFR 1910.1018(j)(1)(ii): The employer did not provide at no cost to employees and did not ensure use of gloves, and shoes or coverlets by all employee(s) working in regulated areas or for whom the possibility of skin or eye irritation from inorganic Arsenic existed.

a) On or about 15 November 2013, the employer did not provide and ensure use of appropriate protective shoe coverlets by employee(s) with possible skin and eye irritation due to Arsenic exposure. Employee(s) were exposed to Arsenic when power sanding and scraping old paint containing up to 0.0027% Arsenic. Worker(s) exhibited gross contamination with particulate matter on the face and hand(s); wipe samples confirming exposure to Arsenic, up to 4.1 µg on workers palms and fingers and up to 1.7 µg on the inner surfaces of respirator(s). None of the employee(s) wore protective shoe coverlets.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

05/22/2014

Proposed Penalty:

\$2310.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.1127(i)(1)(ii): The protective work clothing and equipment provided by the employer to prevent contamination of the employee and the employee's garments from airborne cadmium did not include gloves, head coverings, and boots or foot coverings:

a) On or about 15 November 2013, the employer did not provide and ensure use of protective shoe coverlets by employees with skin and eye irritation due to Cadmium exposure. Employee(s) were exposed to Cadmium when power sanding and manually scraping old paint containing up to 0.0072% Cadmium. Worker(s) exhibited gross contamination with particulate matter on the face and hand(s); wipe samples confirming exposure to Cadmium, up to 7.6 µg on workers palms and fingers and up to 1.9 µg on the inner surfaces of respirator(s). None of the employee(s) wore protective shoe coverlets.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

05/22/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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 4 a Type of Violation: **Serious**

Construction Reference: 1926.1118

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.1018 of this chapter.

29 CFR 1910.1018(j)(1)(iii): The employer did not provide at no cost to employees, and did not ensure use when necessary to prevent eye irritation of face shields or vented goggles (compliant with the requirements of 1910.133(a)(2) - (6)), by all employee(s) working in regulated areas or for whom the possibility of skin or eye irritation from inorganic Arsenic existed.

a) On 15 November 2013, the employer did not ensure use of appropriate eye protection equipment (including but not limited to face shields or safety glasses) by employee(s) with possible skin and eye irritation due to Arsenic exposure. Employee(s) were exposed to Arsenic when power sanding and manually scraping old paint containing up to 0.0027% Arsenic. Worker(s) did not wear safety glasses when manually scraping the paint and exhibited gross contamination with particulate matter on the face and hand(s). Wipe samples confirmed exposure to Arsenic, up to 4.1 µg on workers hands and up to 1.7 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

05/22/2014
\$2310.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.62(g)(1)(iii): The employer did not provide, at no cost to the employee, and ensure that the employee used appropriate protective work clothing and equipment that prevented contamination of the employee and the employee's garments, such as, but not limited to face shields, vented goggles, or other appropriate protective equipment which complies with 29 CFR 1910.133:

a) On 15 September 2013, the employer did not ensure use of appropriate eye protection equipment (including but not limited to face shields or safety glasses) by employee(s) with exposure to Lead compounds that may cause skin and eye irritation. Employee(s) were exposed to Lead when power sanding and manually scraping old paint containing up to 16.33% Lead. Worker(s) did not wear safety glasses when scraping old paint and exhibited gross contamination with particulate matter on face and hand(s). Wipe samples confirmed exposure to Lead, up to 10,735 µg on workers hands and up to 6,254 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

05/22/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.1127(i)(1)(iii): The protective work clothing and equipment provided by the employer to prevent contamination of the employee and the employee's garments from airborne cadmium did not include face shields, vented goggles, or other appropriate protective equipment that complies with 29 CFR 1910.133:

a) On 15 November 2013, the employer did not ensure use of appropriate eye protection equipment (including but not limited to face shields or safety glasses) by employees with exposure to Cadmium that may cause skin and eye irritation. Employee(s) were exposed to Cadmium when power sanding and manually scraping old paint containing up to 0.0072% Cadmium. Worker(s) did not wear safety glasses when scraping the paint and exhibited gross contamination with particulate matter on face and hand(s). Wipe samples confirmed exposure to Cadmium, up to 7.6 µg on workers palms and fingers and up to 1.9 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

05/22/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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**

Construction Reference: 1926.1118

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.1018 of this chapter.

29 CFR 1910.1018(j)(2)(ii): The employer did not clean, launder, or dispose of protective clothing required by 29 CFR 1910.1018(j)(1):

a) On or about 15 November 2013, the employer did not clean or launder protective clothing and/or equipment provided to the employee(s) for protection against contamination. Employee(s) washed at home their company-issued apparel (including but not limited to pants, shirts, jackets) as the company did not provide laundry facilities and/or service. Employee(s) were exposed to Arsenic when power sanding and scraping old paint containing up to 0.0027% Arsenic and exhibited gross contamination with particulate matter on the face and hand(s). Wipe samples confirmed exposure to Arsenic, up to 4.1 µg on workers hands and up to 1.7 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/27/2014
\$2310.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.62(g)(2)(ii): The employer did not provide for the cleaning, laundering, and disposal of protective clothing and equipment required by 29 CFR 1926.62(g)(1):

a) On or about 15 November 2013, the employer did not clean or launder the protective clothing and/or equipment provided to the employee(s) for protection against contamination. Employee(s) washed at home their company-issued apparel (including but not limited to pants, shirts, jackets) as the company did not provide laundry facilities and/or service. Employee(s) were exposed to Lead when power sanding and manually scraping old paint containing up to 16.33% Lead; and exhibited gross contamination with particulate matter on the face and hand(s). Wipe samples confirmed exposure to Lead, up to 10,735 µg on workers hands and up to 6,254 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.1127(i)(3)(iv): The employer did not ensure that any laundering of contaminated clothing or cleaning of contaminated equipment in the workplace was done in a manner that would prevent the release of airborne cadmium in excess of the permissible exposure limit:

a) On or about 15 November 2013, the employer did not clean or launder protective clothing and/or equipment provided to the employee(s) for protection against contamination. Employee(s) washed at home their company-issued apparel (including but not limited to pants, shirts, jackets) as the company did not provide laundry facilities and/or service. Employee(s) were exposed to Cadmium when power sanding and manually scraping old paint containing up to 0.0072% Cadmium; and exhibited gross contamination with particulate matter on the face and hand(s). Wipe samples confirmed exposure to Cadmium, up to 7.6 µg on workers palms and fingers and up to 1.9 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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 6 a Type of Violation: **Serious**

Construction Reference: 1926.1118

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.1018 of this chapter.

29 CFR 1910.1018(j)(2)(iv): Protective clothing for inorganic arsenic was not removed at the completion of the work shift in change rooms provided for that purpose as prescribed in 29 CFR 1910.1018(m)(1):

a) On 15 November 2013, the employer did not ensure that employee(s) removed all protective clothing at the completion of the work shift only in dedicated change areas. A worker changed only his shirt and jacket on the backyard lawn at the work site, as a dedicated change room did not exist on the premises. Employee(s) were exposed to Arsenic when power sanding and scraping old paint containing up to 0.0027% Arsenic. Worker(s) had particulate matter contamination on face and hands; up to 4.1 µg Arsenic on hands and up to 1.7 µg Arsenic on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:	06/27/2014
Proposed Penalty:	\$3850.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

Construction Reference: 1926.1118

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.1018 of this chapter.

29 CFR 1910.1018(m)(1): Clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment, in accordance with 29 CFR 1910.141(e), were not provided for employees working in regulated areas or in areas subject to the possibility of skin or eye irritation from inorganic arsenic:

a) On 15 November 2013, the employer did not provide to employees with possible skin and eye irritation due to Arsenic exposure, clean change rooms equipped with separate storage facilities for street and protective clothes and equipment. A change room or tent did not exist on the premises, and only one worker partially changed his upper body clothes in the backyard, on the lawn, prior to leaving the work site. Employee(s) were exposed to Arsenic when power sanding and scraping old paint containing up to 0.0027% Arsenic. Worker(s) had particulate matter contamination on face and hands; up to 4.1 µg Arsenic on hands and up to 1.7 µg Arsenic on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.62(d)(2)(v)(C): Until the employer performed an employee exposure assessment as required under 29 CFR 1926.62(d) and determined actual employee exposure, the employer did not provide to employees performing the tasks described in 29 CFR 1926.62(d)(2)(i), (d)(2)(ii), (d)(2)(iii), and (d)(2)(iv) with change areas in accordance with 29 CFR 1926.62(i)(2):

a) On 15 November 2013, the employer did not provide change areas, in the interim, to each affected employee until an exposure assessment determined the actual employee exposure to Lead, as mandated by regulations referenced in this section. The employer did not treat employee exposures as if they were exposed up to ten times (10 X) the Permissible Exposure Level whenever manually scraping and power sanding old paint containing up to 16.33% Lead. Worker(s) had particulate matter contamination on face and hands; up to 10,735 µg Lead on hands and up to 6,254 µg Lead on the inner surfaces of respirator(s). One worker partially changed his upper body clothes in the backyard, on the lawn, prior to leaving the work site.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.62(g)(2)(iv): The employer did not ensure that all protective clothing was removed at the completion of a work shift only in change areas provided for that purpose as prescribed in 29 CFR 1926.62(i)(2):

a) On 15 November 2013, the employer did not ensure that employee(s) removed all protective clothing at the completion of the work shift only in dedicated change areas. A worker changed only his shirt and jacket on the backyard lawn at the work site, as a dedicated change room did not exist on the premises. Employee(s) were exposed to Lead when power sanding and scraping old paint containing up to 16.33% Lead. Worker(s) had particulate matter contamination on face and hands; up to 10,735 µg Lead on hands and up to 6,254 µg Lead on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.62(i)(2)(iii): The employer did not ensure that employees did not leave the workplace wearing any protective clothing or equipment that was required to be worn during the work shift:

a) On 15 November 2013, the employer did not ensure that employee(s) removed all protective clothing worn during the shift, at the completion of work. Employee(s) left the workplace at the end of the day wearing contaminated protective work clothing. A dedicated change room did not exist on the premises and workers did not have available a complete change of clothes. Employee(s) were exposed to Lead when power sanding and scraping old paint containing up to 16.33% Lead. Worker(s) had particulate matter contamination on face and hand(s); up to 10,735 µg Lead on hands and up to 6,254 µg Lead on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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**

Construction Reference: 1926.1118

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.1018 of this chapter.

29 CFR 1910.1018(k)(2): Floors and other accessible surfaces contaminated with inorganic arsenic were cleaned by shoveling and/or brushing where vacuuming or other relevant methods were tried and found not to be effective:

a) On 15 November 2013, the employer did not ensure that Arsenic -contaminated surfaces were not cleaned by brushing and/or shoveling methods. Employee(s) were exposed to Arsenic when power-sanding and manually scraping old paint containing up to 0.0027% Arsenic. Worker(s) had particulate matter contamination on face and hands; up to 4.1 µg hands and up to 1.7 µg on the inner surfaces of respirator(s). At the end of the shift, worker(s) used broom(s) to dry-sweep Arsenic-containing paint debris and placed it into plastic bags.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

05/22/2014
\$3850.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.1127(k)(5): Shoveling, dry or wet sweeping, or brushing was used before vacuuming or other methods that minimize the likelihood of cadmium becoming airborne had been tried and were found not to be effective:

a) On 15 November 2013, the employer did not ensure that Cadmium -contaminated surfaces were not cleaned by brushing and/or shoveling methods. Employee(s) were exposed to Cadmium when power-sanding and manually scraping old paint containing up to 0.0072% Cadmium. Worker(s) had particulate matter contamination on face and hands; up to 7.6 µg Cadmium on hands and up to 1.9 µg Cadmium on the inner surfaces of respirator(s). At the end of the shift, worker(s) used broom(s) to dry-sweep Cadmium-containing paint debris, and placed it into plastic bags.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

05/22/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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 8 a Type of Violation: **Serious**

Construction Reference: 1926.1118

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.1018 of this chapter.

29 CFR 1910.1018(m)(2)(i): Employees working in regulated areas, or subject to the possibility of skin or eye irritation from inorganic arsenic were not required to shower at the end of the work shift:

a) On 15 November 2013, the employer did not ensure that employees with possible skin and eye irritation due to Arsenic exposure, showered at the end of the work shift. Employee(s) were exposed to Arsenic when power sanding and scraping old paint containing up to 0.0027% Arsenic. Worker(s) had particulate matter contamination on face and hands; up to 4.1 µg Arsenic on hands and up to 1.7 µg Arsenic on the inner surfaces of respirator(s). Shower facilities or soap were not available in the work area, running water was provided from a garden hose. Employee(s) did not shower or wash hands and faces at the end of the shift, prior to leaving the work site.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

06/27/2014
\$3850.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

Construction Reference: 1926.1118

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.1018 of this chapter.

29 CFR 1910.1018(m)(6): The employer did not ensure that employees were not exposed to skin or eye contact with liquid or particulate inorganic arsenic which was likely to cause skin or eye irritation:

a) On 15 November 2013, the employer failed to ensure that employees did not have skin and eye exposures to inorganic Arsenic which may cause irritation. Employee(s) were exposed to Arsenic when power sanding and scraping old paint containing up to 0.0027% Arsenic. Worker(s) had particulate matter contamination on face and hands; up to 4.1 µg Arsenic on hands and up to 1.7 µg Arsenic on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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 9 a Type of Violation: **Serious**

Construction Reference: 1926.1118

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.1018 of this chapter.

29 CFR 1910.1018(o)(1)(i): The employer did not ensure employee participation in the training program required for each employee who is subject to inorganic arsenic exposure above the action level, without regard to respirator use, or for whom there is a possibility of skin or eye irritation from inorganic arsenic:

a) On or about 15 November 2013, the employer did not institute a training program with employee participation for workers who were exposed to inorganic Arsenic and for whom the possibility of skin or eye irritation existed. Employee(s) were exposed to Arsenic when power-sanding and manually scraping old paint containing up to 0.0027% Arsenic. Worker(s) exhibited gross contamination with particulate matter on the face and hand(s); wipe samples confirming exposure to Arsenic, up to 4.1 µg on workers palms and fingers and up to 1.7 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

06/27/2014

Proposed Penalty:

\$2310.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

Construction Reference: 1926.1118

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.1018 of this chapter.

29 CFR 1910.1018(o)(1)(ii): Training was not provided for employee(s) at the time of initial assignment to an area where employees are subject to inorganic arsenic exposure above the action level, or for whom there is a possibility of skin or eye irritation from inorganic arsenic:

a) On or about 15 November 2013, the employer did not provide information on Arsenic to each affected employee, covering the elements listed in paragraphs (A) through (F) of this section. Worker(s) did not receive information on Arsenic, including but not limited to the quantity, location, manner of use and nature of operations that could result in Arsenic exposure; the use and limitations of respirators; the applicable engineering controls and work practices. Employee(s) were exposed to Arsenic when power-sanding and manually scraping old paint containing up to 0.0027% Arsenic. Worker(s) exhibited gross contamination with particulate matter on the face and hand(s); wipe samples confirming exposure to Arsenic, up to 4.1 µg on workers palms and fingers and up to 1.7 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

Construction Reference: 1926.1118

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.1018 of this chapter.

29 CFR 1910.1018(p)(1)(ii): The employer did not communicate to employee(s) the hazards of inorganic arsenic, addressing at least the following: cancer; liver effects; skin effects; respiratory irritation; nervous system effects; and acute toxicity effects.

a) On or about 15 November 2013, the employer did not provide employees with training and information which addressed the health hazards of inorganic Arsenic, including but not limited to cancer and adverse health effects to liver, dermal, respiratory and nervous systems as well as acute toxicity effects. Employee(s) were exposed to Arsenic when power-sanding and manually scraping old paint containing up to 0.0027% Arsenic. Worker(s) exhibited gross contamination with particulate matter on the face and hand(s); wipe samples confirming exposure to Arsenic, up to 4.1 µg on workers palms and fingers and up to 1.7 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.62(d)(2)(v)(E): Until the employer performed an employee exposure assessment as required under 29 CFR 1926.62(d) and determined actual employee exposure, the employer did not provide to employees performing the tasks described in 29 CFR 1926.62(d)(2)(i), (d)(2)(ii), (d)(2)(iii), and (d)(2)(iv) with biological monitoring in accordance with 1926.62(j)(1)(i), to consist of blood sampling and analysis for lead and zinc protoporphyrin levels:

a) On or about 15 November 2013, the employer did not institute a medical surveillance program, in the interim, for all employees until an exposure assessment determined the actual employee exposure to Lead, as mandated by regulations referenced in this section. The employer did not treat employee exposures as if they were exposed up to ten times (10 X) the PEL whenever performing manual scraping and power -sanding old paint containing up to 16.33% Lead. Worker(s) had particulate matter contamination on face and hands; up to 10,735 µg Lead on hands and up to 6,254 µg Lead on the inner surfaces of respirator(s). Two work crew members were not enrolled in a medical surveillance program at the time of the inspection.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/27/2014
\$3850.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.62(f)(3)(i)(A): The employer did not select, and provide to employees, the appropriate respirators as specified in 29 CFR 1910.134(d)(3)(i)(A):

a) The employer did not select and provide an appropriate respirator for worker(s) power-sanding and manually scraping old paint containing up to 16.33% Lead. Worker(s) had particulate matter contamination on their face(s) and samples collected on the inner surfaces of their respirator(s) tested positive for up to 6,254 µg Lead which may cause skin and eye irritation. The employer required employee(s) to wear 3M Model 7500 negative pressure Half Mask respirators when Full Face negative pressure respirators were required, thereby exposing employee(s) to lead hazards.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/27/2014
\$3850.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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 12 a Type of Violation: **Serious**

29 CFR 1926.62(i)(5)(i): The employer did not provide adequate handwashing facilities in accordance with 29 CFR 1926.51(f), for use by employees exposed to lead:

a) On 15 November 2013, the employer did not provide adequate hand washing facilities to employees with dermal Lead exposure. Employee(s) were exposed to Lead when manually scraping and power sanding old paint containing up to 16.33% Lead. Worker(s) had particulate matter contamination on face and hands; up to 10,735 µg Lead on hands and up to 6,254 µg Lead on the inner surfaces of respirator(s). There were no hand washing facilities available in the work area, soap was not available and a garden hose was the only source of running water.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/27/2014
\$3850.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.62(i)(5)(ii): When showers were not provided, the employer did not ensure that employees washed their hands and face at the end of the work-shift:

a) On 15 November 2013, the employer did not ensure that workers washed their face and hands at the end of the shift, prior to leaving the work site. Worker(s) had particulate matter contamination on face and hands; up to 10,735 µg Lead on hands and up to 6,254 µg Lead on the inner surfaces of respirator(s). At the end of the day, workers left the site without washing off dermal contamination.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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 13 a Type of Violation: **Serious**

29 CFR 1926.62(l)(1)(i): The employer did not ensure that at least the following Lead hazards were communicated to employee(s): reproductive/developmental toxicity; central nervous system effects; kidney effects; blood effects; and acute toxicity effects.

a) On or about 15 November 2013, the employer did not ensure that each affected employee was trained in at least the health hazards of lead listed in paragraphs (A) through (E) of this section. Employee(s) were exposed to Lead while manual scraping and power sanding old paint containing up to 16.33% Lead. Worker(s) exhibited gross contamination with particulate matter on the face and hand(s); wipe samples confirming exposure to Lead, up to 10,735 µg on workers hands and up to 6,254 µg on the inner surfaces of respirator(s). Workers had limited understanding and knowledge of the health hazards of Lead, including but not limited to reproductive and developmental toxicity; nervous system, renal and acute toxicity. In interviews, workers were able to identify only hematopoietic effects as an adverse health effect of lead exposure.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/27/2014
\$2310.00

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: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.62(l)(2): The employer did not ensure that each employee was trained in the elements listed in paragraphs (i) through (viii) of this section:

a) On or about 15 November 2013, the employer did not ensure that employee(s) were trained in specific operations resulting in exposure; aspects of respiratory protection; and the applicable engineering controls and work practices and methods to control the exposure, in accordance with the elements listed in paragraphs (i) through (viii) of this section. Employee(s) were exposed to Lead when power sanding and manually scraping old paint containing up to 16.33% Lead. Worker(s) exhibited gross contamination with particulate matter on the face and hand(s); wipe samples confirming exposure to Lead, up to 10,735 µg on workers palms and fingers and up to 6,254 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated: 06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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 14 a Type of Violation: **Serious**

29 CFR 1926.1127(m)(1): The employer did not provide information to employee(s) on at least the following Cadmium hazards: cancer; lung effects; kidney effects; and acute toxicity effects.

a) On or about 15 November 2013, the employer did not provide employees with training and information which addressed the health hazards of Cadmium, including but not limited to cancer and adverse effects to renal and respiratory systems as well as acute toxicity effects. Employee(s) were exposed to Cadmium when power sanding and scraping old paint containing up to 0.0072% Cadmium. Worker(s) exhibited gross contamination with particulate matter on the face and hand(s); wipe samples confirming exposure to Cadmium, up to 7.6 µg on workers palms and fingers and up to 1.9 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated: 06/27/2014
Proposed Penalty: \$2310.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

Citation 1 Item 14 b Type of Violation: **Serious**

29 CFR 1926.1127(m)(4)(i): The employer did not institute a training program for each employee who is potentially exposed to cadmium, ensure employee participation in the program, and maintain a record of the contents of such program:

a) On or about 15 November 2013, the employer did not institute a training program with employee participation for workers who were potentially exposed to Cadmium. Employee(s) were exposed to Cadmium when power sanding and scraping old paint containing up to 0.0072% Cadmium. Worker(s) exhibited gross contamination with particulate matter on the face and hand(s); wipe samples confirming exposure to Cadmium, up to 7.6 µg on workers palms and fingers and up to 1.9 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

Citation 1 Item 14 c Type of Violation: **Serious**

29 CFR 1926.1127(m)(4)(iii): The employer did not ensure that each employee was informed of elements listed in paragraphs (A) through (H) of this section:

a) On or about 15 November 2013, the employer did not provide information and training regarding Cadmium, covering the elements listed in paragraphs (A) through (H) of this section; including but not limited to the quantity, location, and nature of operations that could result in cadmium exposure; applicable engineering controls and work practices; specific measures to protect against exposures; aspects of respiratory protection; the medical surveillance program and access to related records. Employee(s) were exposed to Cadmium when power sanding and scraping old paint containing up to 0.0072% Cadmium. Worker(s) exhibited gross contamination with particulate matter on the face and hand(s); wipe samples confirming exposure to Cadmium, up to 7.6 µg on workers palms and fingers and up to 1.9 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

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

29 CFR 1926.62(d)(1)(i): Each employer who had a workplace or operation covered by 29 CFR 1926.62 did not initially determine if any employee was exposed to lead at or above the action level of 30 micrograms per cubic meter of air (30 mcg/m³) calculated as an 8-hour time-weighted average (TWA):

a) On or about 15 November 2013, the employer did not perform an initial determination to assess if any employee(s) were exposed to Lead at or above the Action Level. Employee(s) were exposed to Lead when power-sanding and manually scraping old paint containing up to 16.33% Lead. Worker(s) had particulate matter contamination on face and hands; up to 10,735 µg Lead on hands and up to 6,254 µg Lead on the inner surfaces of respirator(s). At this work site, the employer only used instant Lead Check test kits to determine the presence of lead in paint.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated: 06/27/2014
Proposed Penalty: \$42350.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

29 CFR 1926.62(d)(1)(iii): The employer did not collect personal samples representative of a full shift, including at least one sample for each job classification in each work area, either for each shift or for the shift with the highest exposure level:

a) On or about 15 November 2013, the employer did not collect personal samples representative of a full shift, including at least one sample for each job classification in each work area to assess worker(s) exposure to Lead. Employee(s) were exposed to Lead when power-sanding and manually scraping old paint containing up to 16.33% Lead. Worker(s) had particulate matter contamination on face and hands; up to 10,735 µg Lead on hands and up to 6,254 µg Lead on the inner surfaces of respirator(s). At this work site, the employer only used instant Lead Check test kits to determine the presence of lead in paint.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

06/27/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

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

Construction Reference: 1926.103

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.134 of this chapter.

29 CFR 1910.134(h)(1)(i): Respirators issued for the exclusive use of an employee were not cleaned and disinfected as often as necessary to be maintained in a sanitary condition:

a) On 15 November 2013, the employer did not ensure that employee(s) wearing tight-fitting respiratory protection cleaned and disinfected the respirators as often as necessary to maintain them in a sanitary condition. Respirators issued for the exclusive use of employee(s) were visibly dirty and contaminated with lead on the inside.

(1) An employee wearing a half face respirator 3M Model 7500 equipped with P100 Model 2091 cartridge filters while manually scraping and power-sanding old paint. Upon inspection, the inner surfaces of respirator were visibly contaminated with dust and tested positive for up to 6,254 µg Lead, 1.984 µg Cadmium, and 1.768 µg Arsenic.

(2) An employee wearing a half face respirator 3M Model 7500 equipped with P100 Model 2091 cartridge filters while manually scraping and power-sanding old paint. Upon inspection, the inner surfaces of respirator were visibly contaminated with dust and tested positive for up to 3,891 µg Lead, 1.945 µg Cadmium, and 0.775 µg Arsenic.

Fortune Painting Company Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.134(h)(1)(i), which was contained in OSHA inspection number 531818, citation number 1, item number 2, and was affirmed as a final order on April 12, 2013, with respect to a workplace located at 716 Clinton Pl., Evanston, IL 60202.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

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

Inspection Number: 948845
Inspection Date(s): 11/15/2013 - 05/12/2014
Issuance Date: 05/12/2014



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

Date By Which Violation Must be Abated:
Proposed Penalty:

05/22/2014
\$7700.00

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: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

Citation 3 Item 2 Type of Violation: **Repeat**

Construction Reference: 1926.103

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.134 of this chapter.

29 CFR 1910.134(k)(1)(iv): The employer did not ensure that each user could demonstrate knowledge of how to inspect, put on, remove, use, and check the seals of the respirator:

a) On or about 15 November 2013, the employer did not ensure that employee(s) wearing tight-fitting respiratory protection demonstrated knowledge how to inspect, put on, remove and use the respirator. A worker wearing respiratory protection while manually scraping and power sanding Lead, Cadmium and Arsenic -containing paint, did not perform a user seal check each time he put on the respirator and placed the straps of the respirator over the hat. Samples collected on the inner surfaces of his respirator tested positive for up to 6,254 µg Lead, 1.984 µg Cadmium, and 1.768 µg Arsenic.

Fortune Painting Company Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.134(k)(1)(iv), which was contained in OSHA inspection number 531818, citation number 1, item number 4-b, and was affirmed as a final order on April 12, 2013, with respect to a workplace located at 716 Clinton Pl., Evanston, IL 60202.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:

06/27/2014

Proposed Penalty:

\$7700.00

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: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

Citation 3 Item 3 Type of Violation: **Repeat**

Construction Reference: 1926.103

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.134 of this chapter.

29 CFR 1910.134(m)(2)(i): The employer did not establish a record of the qualitative and quantitative fit tests administered to an employee which included the information required by 29 CFR 1910.134(m)(2)(i)(A) through (m)(2)(i)(E):

a) On or about 15 November 2013, the employer required of the employee(s) removing old paint to wear respiratory protection. Workers were exposed to hazardous chemicals when sanding old paint (containing up to 16.33% Lead; 0.0072% Cadmium and 0.0027% Arsenic) using power tools and manually scraping it. Worker(s) were provided and used 3M Model 7500 Negative Pressure Half Mask Respirators equipped with P100 Model 2091 cartridge filters. The employer's record of the qualitative fit test records administered to employee(s) did not contain all the elements listed in paragraphs (A) through (E) of this section.

Fortune Painting Company Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.134(m)(2)(i), which was contained in OSHA inspection number 313064867, citation number 2, item number 2, and was affirmed as a final order on August 04, 2009, with respect to a workplace located at 6619 N. Lincoln, Lincolnwood, IL 60712.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/27/2014
\$1540.00

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: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

Citation 3 Item 4 Type of Violation: **Repeat**

29 CFR 1926.62(d)(2)(v)(B): Until the employer performed an employee exposure assessment as required under 29 CFR 1926.62(d) and determined actual employee exposure, the employer did not provide employees performing the tasks described in 29 CFR 1926.62(d)(2)(i), (d)(2)(ii), (d)(2)(iii), and (d)(2)(iv) with appropriate personal protective clothing and equipment in accordance with 29 CFR 1926.62(g):

a) On 15 November 2013, the employer did not provide appropriate personal protective equipment including but not limited to shoe coverlets to employees as interim protection, until an exposure assessment determined the actual employee exposure to Lead. Employee(s) were exposed to Lead when power sanding and scraping old paint containing up to 16.33% Lead. Worker(s) had particulate matter contamination on face and hands; up to 10,735 µg on workers palms and fingers and up to 6,254 µg on the inner surfaces of respirator(s). None of the employee(s) wore shoe coverlets.

Fortune Painting Company Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.62(d)(2)(v)(B), which was contained in OSHA inspection number 531818, citation number 2, item number 2, and was affirmed as a final order on April 12, 2013, with respect to a workplace located at 716 Clinton Pl., Evanston, IL 60202.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/27/2014
\$19250.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

Citation 3 Item 5 Type of Violation: **Repeat**

29 CFR 1926.62(h)(3): Shoveling, dry or wet sweeping, and brushing were used where vacuuming or other equally effective methods had not been tried or found effective:

a) On 15 November 2013, the employer did not ensure that Lead-contaminated surfaces were not cleaned by dry-sweeping, brushing or shoveling methods. Employee(s) were exposed to Lead when manually scraping and power-sanding old paint containing up to 16.33% Lead. Worker(s) had particulate matter contamination on face and hands; up to 10,735 µg on workers palms and fingers and up to 6,254 µg on the inner surfaces of respirator(s). At the end of the shift, worker(s) used broom(s) to dry-sweep Lead-containing paint debris, and placed it into plastic bags.

Fortune Painting Company Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.62(h)(3), which was contained in OSHA inspection number 531818, citation number 1, item number 6, and was affirmed as a final order on April 12, 2013, with respect to a workplace located at 716 Clinton Pl., Evanston, IL 60202.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/22/2014
\$7700.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

Citation 3 Item 6 Type of Violation: **Repeat**

29 CFR 1926.62(i)(2)(i): The employer did not provide clean change areas as an interim protection for employees performing tasks as specified in 29 CFR 1926.62(d)(2), without regard to the use of respirators:

a) On 15 November 2013, the employer did not provide change areas, as interim protection, to employee(s) performing manual scraping and power sanding of old paint containing up to 16.33% Lead. Worker(s) had particulate matter contamination on face and hands up to 10,735 µg on hands and up to 6,254 µg on the inner surfaces of respirator(s). One worker partially changed his upper body clothes in the backyard, on the lawn, prior to leaving the work site.

Fortune Painting Company Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.62(i)(2)(i), which was contained in OSHA inspection number 313064867, citation number 1, item number 3-A, and was affirmed as a final order on August 4, 2009, with respect to a workplace located at 6619 N. Lincoln, Lincolnwood, IL 60712.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/27/2014
\$7700.00

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: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

Citation 4 Item 1 Type of Violation: **Other-than-Serious**

Construction Reference: 1926.103

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.134 of this chapter.

29 CFR 1910.134(e)(6)(i): The employer did not obtain from the physician or other licensed health care professional (PLHCP) a written recommendation regarding the employee's ability to use the respirator:

a) On or about 15 November 2013, the employer required of the employee(s) removing old paint containing up to 16.33% Lead, 0.0072% Cadmium, and 0.0027% Arsenic, to wear respiratory protection. Worker(s) were provided and used 3M Model 7500 Negative Pressure Half Mask Respirators equipped with P100 Model 2091 cartridge filters. The employer did not obtain a written recommendation from PLHCP in regards to the ability of each employee to use a respirator.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/27/2014
\$770.00



Citation and Notification of Penalty

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091

Citation 4 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1926.62(e)(2)(ii)(A): The written compliance program established by the employer did not include a description of each activity in which lead was emitted, for example, equipment used, material involved, controls in place, crew size, employee job responsibilities, operating procedures, and maintenance practices:

a) On or about 15 November 2013, the employer did not implement prior to the beginning of the job, a written compliance program for Lead exposure, covering following elements: employee job responsibilities, operating procedures and maintenance practices. Employee(s) were exposed to Lead while manual scraping and power tool sanding old paint containing up to 16.33% Lead. Worker(s) exhibited gross contamination with particulate matter on the face and hand(s); wipe samples confirming exposure to Lead, up to 10,735 µg on workers hands and up to 6,254 µg on the inner surfaces of respirator(s).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), 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 of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/27/2014
\$770.00

A handwritten signature in cursive script, appearing to read "Angeline Loftus", written over a horizontal line.

Angeline Loftus
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
701 Lee Street
Suite 950
Des Plaines, IL 60016
Phone: 847-803-4800 Fax: 847-390-8220



INVOICE / DEBT COLLECTION NOTICE

Company Name: Fortune Painting Company, Inc.
Inspection Site: 801 Park Ave., Wilmette, IL 60091
Issuance Date: 05/12/2014

Summary of Penalties for Inspection Number	948845
Citation 1, Serious	\$44,660.00
Citation 2, Willful	\$42,350.00
Citation 3, Repeat	\$51,590.00
Citation 4, Other-than-Serious	\$1,540.00
TOTAL PROPOSED PENALTIES	\$140,140.00

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 \$50,000 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

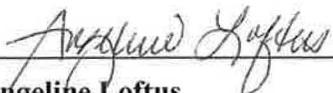
your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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.



Angeline Loftus

Area Director



Date