

## State of Hawaii

Department of Labor and Industrial Relations  
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION  
830 PUNCHBOWL STREET, ROOM 423  
HONOLULU, HI 96813  
Phone: (808) 586-9116 Fax: (808) 586-9104



**Certified Mail Number:**

## Citation and Notification of Penalty

**To:**  
ABM Industry Groups LLC  
and its successors  
2001 22nd Avenue South  
Seattle, WA 98144

**Inspection Number:** 1305672  
**Inspection Date(s):** 04/02/2018-04/02/2018  
**Issuance Date:** 07/25/2018

**Inspection Site:**  
1580 Makaloa St  
Honolulu, HI 96814

*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 describes violations of the Hawaii Occupational Safety and Health (HIOSH) Law. The penalty listed herein is based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you file a contest in the manner described in the section "Employer's Right to Contest" on page 2 of this Citation and Notification of Penalty. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) which outlines your rights and responsibilities and which should be read in conjunction with this Citation. Issuance of this Citation does not constitute a finding that a violation of the Law has occurred unless there is a failure to contest as allowed by Law or, if contested, the Citation is affirmed by the Hawaii Labor Relations Board (HLRB) 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 State 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 HIOSH Administrator during the 20 calendar 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. If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must 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 Administrator within 20 calendar 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 page 5, 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.

**Employers' Right to Contest** - You have the right to contest this Citation and Notification of Penalty. You may also contest all citation items or only individual items. You may also contest the penalty and/or abatement dates without contesting the underlying violations. To contest you must submit a signed original letter of contest to the Administrator which must be postmarked or, if not mailed, received by the Administrator within 20 calendar days after you receive this Citation and Notification of Penalty. The letter of contest must be a signed original and may not be submitted by facsimile or e-mail. Address your letter of contest to the State of Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty. Once a letter of contest is received, it becomes the jurisdiction of the HLRB. If a timely contest is not filed, the Citation and Notification of Penalty will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency.

**Penalty Payment** - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number found on the front page on the remittance. HIOSH does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** - For each violation which you do not contest, you are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the Citation. For Willful and Repeat violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the Citation is classified as Serious and the Citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the Citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement. The law also requires a copy of all abatement verification documents, required by Section 12-51-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

**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 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty.

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

**Employees' Right to Contest** - 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 signed original contest must be mailed to the Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty and postmarked within 20 calendar days 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 inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [WWW.OSHA.GOV](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.

# ABATEMENT CERTIFICATION

**Company Name:** ABM Industry Groups LLC  
**Inspection Site:** 1580 Makaloa StHonolulu, HI 96814

**Inspection Number:** 1305672  
**Issuance Date:** 07/25/2018

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List the specific method of correction for each citation item and supporting documentation as appropriate in this **Citation and Notification of Penalty** that does not state "Corrected During Inspection" and return to: **Department of Labor and Industrial Relations - Hawaii Occupational Safety and Health Division, 830 Punchbowl Street, Room 423, Honolulu, HI 96813.**

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
How corrected: \_\_\_\_\_

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
How corrected: \_\_\_\_\_

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
How corrected: \_\_\_\_\_

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
How corrected: \_\_\_\_\_

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
How corrected: \_\_\_\_\_

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
How corrected: \_\_\_\_\_

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
How corrected: \_\_\_\_\_

I attest that the information contained in this document is accurate and that the affected employees and their representative(s) have been informed of the abatement activities mentioned above and of their right to examine and copy this and all other abatement documents submitted to HIOSH.

\_\_\_\_\_  
Signature of the Employer or  
Employer's Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**Posting: For posting requirements please refer to Chapter 12-51, Hawaii Administrative Rules.**

**State of Hawaii**

Department of Labor and Industrial Relations  
Hawaii Occupational Safety and Health Division



**NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with the Hawaii Occupational Safety and Health Division (HIOSH) to discuss the Citation and Notification of Penalty issued on 07/25/2018.

The informal conference will be at the HIOSH office located at:

830 PUNCHBOWL STREET, ROOM 423  
HONOLULU, HI 96813

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



**Citation and Notification of Penalty**

**Company Name:** ABM Industry Groups LLC  
**Inspection Site:** 1580 Makaloa St Honolulu, HI 96814

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

29 CFR 1910.23(c)(1) [Refer to 12-60-50(a), HAR]: Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides,  
(i) Persons can pass,  
(ii) There is moving machinery, or  
(iii) There is equipment with which falling materials could create a hazard.

Work site at 1580 Makaloa Street, rooftop - Two (2) employees performing maintenance activities on an open-sided floor that measured 10 feet 8 inches above ground level were not guarded by a standard railing on all open sides, except where there was a fixed ladder. Failure to provide guard railing on all open sides exposes employees to a fall hazard with the potential to sustain serious bodily injury.

**Date by Which Violation Must Be Abated:** 29/08/2018  
**Proposed Penalty:** \$9,055.00

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

29 CFR 1910.147(c)(4)(ii) [Refer to 12-60-50(a), HAR]: The procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, the following:  
(A) A specific statement of the intended use of the procedure;  
(B) Specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy;  
(C) Specific procedural steps for the placement, removal and transfer of lockout devices or tagout devices and the responsibility for them; and  
(D) Specific requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

Work site at 1580 Makaloa Street, rooftop - Two (2) employees performing maintenance activities on rooftop heating, ventilation, and air conditioning (HVAC) equipment were not provided with clear and specific rules and techniques to be utilized for the control of hazardous energy, including specific procedural steps for

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**shutting down and securing the HVAC equipment.** The employer's Lockout Tagout Program defers to its clients' procedures. And if procedures are not available from the client, the employer's Lockout Tagout Program instructs readers to adhere to generalized procedures. Failure to provide employees with specific procedural steps to control hazardous energy exposes employees to the potential release of mechanical energy with the potential to sustain serious bodily injury.

**Date by Which Violation Must Be Abated:** 29/08/2018  
**Proposed Penalty:** \$12,675.00

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

29 CFR 1910.147(c)(6)(i) [Refer to 12-60-50(a), HAR]: The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed.

Work site at 1580 Makaloa Street, rooftop - Two (2) employees performing maintenance activities on heating, ventilation, and air conditioning (HVAC) equipment were required to utilize **the employer's energy control procedures.** The employer failed to conduct periodic inspections of its energy control procedures at least annually to ensure that the procedures and the requirements of this standard are being followed.

**Date by Which Violation Must Be Abated:** 29/08/2018  
**Proposed Penalty:** \$12,675.00

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

29 CFR 1910.147(c)(7)(i) [Refer to 12-60-50(a), HAR]: The employer shall provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees. The training shall include the following:

- (A) Each authorized employee shall receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control.
- (B) Each affected employee shall be instructed in the purpose and use of the energy control procedure.

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



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(C) All other employees whose work operations are or may be in an area where energy control procedures may be utilized, shall be instructed about the procedure, and about the prohibition relating to attempts to restart or reenergize machines or equipment which are locked out or tagged out.

Work site at 1580 Makaloa Street, rooftop - One (1) employee who was authorized to perform routine maintenance on heating, ventilation, and air conditioning (HVAC) equipment was not provided with training to ensure that the knowledge and skills required for the safe application, usage, and removal of the energy controls were acquired. Failure to provide training to ensure that employees acquire the requisite knowledge and skills exposes employees to a potential release of hazardous energy, with the potential to sustain serious bodily injury.

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

**29/08/2018**  
**\$12,675.00**

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NORMAN AHU  
Administrator

**State of Hawaii**

Department of Labor and Industrial Relations  
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION  
830 PUNCHBOWL STREET, ROOM 423  
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## SUMMARY OF PENALTIES

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**Company Name:** ABM Industry Groups LLC  
**Inspection Site:** 1580 Makaloa St Honolulu, HI 96814  
**Issuance Date:** 07/25/2018

**Summary of Penalties for Inspection Number: 1305672**

Citation 1 Item 1, Serious	\$9,055.00
Citation 1 Item 2, Serious	\$12,675.00
Citation 1 Item 3, Serious	\$12,675.00
Citation 1 Item 4, Serious	\$12,675.00
<b>TOTAL PENALTIES:</b>	<b>\$47,080.00</b>

Make check or money order payable to the "**Director of Budget and Finance.**" Please indicate the *inspection number and dba, if company name is different, on the remittance.* A fee of \$25.00 will be charged for any returned checks.