

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:
Hyatt Corporation
and its successors
2424 Kalakaua Ave
Honolulu, HI 96815

Inspection Number: 1325041
Inspection Date(s): 06/19/2018-08/16/2018
Issuance Date: 11/29/2018

Inspection Site:
2424 Kalakaua Ave
Honolulu, HI 96815

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. If you have any dispute with the accuracy of the information displayed, please contact this office.

ABATEMENT CERTIFICATION

Company Name: Hyatt Corporation
Inspection Site: 2424 Kalakaua Ave Honolulu, HI 96815

Inspection Number: 1325041
Issuance Date: 11/29/2018

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 11/29/2018.

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: Hyatt Corporation
Inspection Site: 2424 Kalakaua Ave Honolulu, HI 96815

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

HAR 12-60-2(b)(3): The employer shall conduct periodic in-house safety and health inspections so that new or previously missed hazards or failures in engineering, work practice, and administrative controls are identified. The in-house inspections will be conducted by individuals who are trained to recognize hazardous conditions, as members of the safety and health committee or a person designated and trained by the employer for the facility's safety and health program.

Establishment - - **The employer did not ensure periodic in house inspections** were conducted pursuant to their requirement to survey the condition of the previously identified asbestos containing materials. On June 19, 2018 and times thereto, **no Program Coordinator or competent person was assigned for such inspections. The last inspections were conducted by third party personnel in 2000 and 2014 respectively.**

Date by Which Violation Must Be Abated: 11/12/2018
Proposed Penalty: \$8,150.00

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

HAR 12-60-2(b)(4)(C): The employer shall ensure that the supervisors and managers understand their responsibilities under the safety and health program and their importance to the safety and health of the workplace. In particular, the training for managers and supervisors shall enable them to: Recognize potential hazards; Maintain safety and health protection in the working area; and Reinforce employee training on the nature of the potential hazards and required protective measures.

Establishment - - **The employer did not ensure supervisors and managers in the Maintenance Department recognized the potential hazards for their maintenance employees** related to the disturbance of potential asbestos containing materials. On June 19, 2018 and times thereto, **maintenance employees did not recognize potential hazards associated with disturbing asbestos containing materials when conducting maintenance operations.** An operations and maintenance program provided by the employer was not known by the employees nor enforced by the managers and supervisors. Such a program is intended for managing asbestos in place for facilities built prior to 1981.

Date by Which Violation Must Be Abated: 11/12/2018
Proposed Penalty: \$8,150.00



Citation and Notification of Penalty

Company Name: Hyatt Corporation
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Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.134(k)(3) [Refer to 12-60-50(a), HAR]: The employer shall provide the training prior to requiring the employee to use a respirator in the workplace.

Establishment - - The employer did not ensure that maintenance employees tasked with using half mask respirators and filtering facepieces received the respiratory training prior to being assigned respirators.

Date by Which Violation Must Be Abated: **11/12/2018**
Proposed Penalty: **\$6,520.00**

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

29 CFR 1910.146(g)(1) [Refer to 12-60-50(a), HAR]: The employer shall provide training so that all employees whose work is regulated by this section acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under this section.

Establishment - - The employer did not ensure that maintenance employees directly affected by the requirements of 1910.146 received the requisite training under paragraph (g).

Date by Which Violation Must Be Abated: **Corrected During Inspection**
Proposed Penalty: **\$8,150.00**

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

29 CFR 1910.147(c)(7)(i): 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: Each authorized employee shall receive training in the recognition of applicable hazardous energy



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sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control. Each affected employee shall be instructed in the purpose and use of the energy control procedures. 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.

Establishment -- The employer did not ensure maintenance employees were provided training in lockout tagout prior to assignment of duties. Duties performed include periodic maintenance and servicing of equipment with the potential for unexpected startup. Condition left uncorrected potentially exposes employees to serious injury.

Date by Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$8,150.00

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

29 CFR 1910.147(f)(2)(i) [Refer to 12-60-50(a), HAR]: Whenever outside servicing personnel are to be engaged in activities covered by the scope and application of this standard, the on-site employer and the outside employer shall inform each other of their respective lockout or tagout procedures.

Establishment - The host employer did not ensure that contractor employees were informed of the employer's lockout tagout procedures specific to work performed on the freezer section in the kitchen area. On or about June 9, 2018, employees from Premier Restoration working on the freezer unit were exposed to live electrical conductors while performing demolition activities. Condition resulted in an employee getting shocked when inadvertently touching a piece of conduit hanging from the ceiling.

Date by Which Violation Must Be Abated:
Proposed Penalty:

11/12/2018
\$11,408.00

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

29 CFR 1926.1101(k)(2)(ii)(B): Building and/or facility owners shall notify the following persons of the presence, location and quantity of ACM or PACM, at the work sites in their buildings and facilities. Notification



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either shall be in writing, or shall consist of a personal communication between the owner and the person to whom notification must be given or their authorized representatives: Employee of the owner who will work in or adjacent to areas containing such material.

Establishment - - The employer (building owner) did not notify employees of the presence, location and quantities of asbestos containing materials with the facility. Maintenance employees were not provided information of the presence of asbestos containing materials within the freezer section discovered on or about June 9, 2018. Maintenance employees received official notification from management on June 14, 2018 that materials were non friable. Between June 9 and June 14, maintenance employees had entered the freezer section and kitchen employees working adjacent to the freezer section were also not provided notification.

Date by Which Violation Must Be Abated: 11/12/2018
Proposed Penalty: \$8,150.00

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

29 CFR 1926.1101(k)(2)(ii)(D): Building and/or facility owners shall notify the following persons of the presence, location and quantity of ACM or PACM, at the worksites in their buildings and facilities. Notification either shall be in writing, or shall consist of a personal communication between the owner and the person to whom notification must be given or their authorized representatives: Tenants who will occupy areas containing such material.

Establishment - - The employer did not notify building tenants of the presence, location and quantities of a ACM discovered via surveys performed. Commercial tenants occupy spaces within the establishment that may have been previously identified in surveys as containing ACM.

Date by Which Violation Must Be Abated: 11/12/2018
Proposed Penalty: \$0.00

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

29 CFR 1926.1101(k)(9)(v) [Refer to 12-60-50(a), HAR]: Training for Class III employees shall be consistent with EPA requirements for training of local education agency maintenance and custodial staff as set forth at 40

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CFR 763.92(a)(2). Such a course shall also include "hands-on" training and shall take at least 16 hours. Exception: For Class III operations for which the competent person determines that the EPA curriculum does not adequately cover the training needed to perform that activity, training shall include as a minimum all the elements included in paragraph (k)(9)(viii) of this section and in addition, the specific work practices and engineering controls set forth in paragraph (g) of this section which specifically relate to that activity, and shall include "hands-on" training in the work practices applicable to each category of material that the employee disturbs.

Establishment - - The employer did not ensure that maintenance employees received the requisite training under paragraph (k)(9)(v). **Employees that conducted "hands-on" approach, on or before June 19, 2018 were not adequately trained or informed regarding asbestos handling, PPE and good work practices.** Employees were not aware of the Asbestos operations and maintenance (O&M) program that states engineering and maintenance personnel shall be trained to recognize and damage to ACM and advised in the special techniques and procedures required in working around ACM.

Date by Which Violation Must Be Abated:
Proposed Penalty:

11/12/2018
\$7,335.00

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

29 CFR 1926.1101(k)(9)(vi)[Refer to 12-60-50(a), HAR]: Training for employees performing Class IV operations shall be consistent with EPA requirements for training of local education agency maintenance and custodial staff as set forth at 40 CFR 763.92(a)(1). Such a course shall include available information concerning the locations of thermal system insulation and surfacing ACM/PACM, and asbestos-containing flooring material, or flooring material where the absence of asbestos has not yet been certified; and instruction in recognition of damage, deterioration, and delamination of asbestos containing building materials. Such course shall take at least 2 hours.

Establishment - - The employer did not ensure that janitors and custodial employees received the requisite training under paragraph (k)(9). **On June 19, 2018 maintenance and custodial employees performing Class IV operations were not informed regarding the location of ACM/PACM, asbestos containing floor material that were recognized in the "Targeted Hazardous Materials Assessment Survey" document dated January 23, 2014 stated on page 4 and table 1, table 2 page 2, 5, and 6.**

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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Hawaii Occupational Safety and Health Division

Inspection Number: 1325041
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Citation and Notification of Penalty

Company Name: Hyatt Corporation

Inspection Site: 2424 Kalakaua Ave Honolulu, HI 96815

Date by Which Violation Must Be Abated:

11/12/2018

Proposed Penalty:

\$0.00

NORMAN AHU
Administrator

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



SUMMARY OF PENALTIES

Company Name: Hyatt Corporation
Inspection Site: 2424 Kalakaua Ave Honolulu, HI 96815
Issuance Date: 11/29/2018

Summary of Penalties for Inspection Number: 1325041

Citation 1 Item 1, Serious	\$8,150.00
Citation 1 Item 2, Serious	\$8,150.00
Citation 1 Item 3, Serious	\$6,520.00
Citation 1 Item 4, Serious	\$8,150.00
Citation 1 Item 5, Serious	\$8,150.00
Citation 1 Item 6, Serious	\$11,408.00
Citation 1 Item 7a, Serious	\$8,150.00
Citation 1 Item 7b, Serious	\$0.00
Citation 1 Item 8a, Serious	\$7,335.00
Citation 1 Item 8b, Serious	\$0.00
TOTAL PENALTIES:	\$66,013.00

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.