

Iowa OSHA

150 Des Moines Street
Des Moines, IA 50309
Phone: (515) 242-5870
Fax: (515) 281-7995
www.iowaosha.gov
osha@iwd.iowa.gov

Citation and Notification of Penalty

To:

FINK ELECTRIC INC.
and its successors
27056 SOUTH GAYLE AVENUE
Tea, SD 57064

Inspection Number: 1291324
Case File Number: 20688
CSHO: B9253
Inspection Date(s): 01/30/2018-03/01/2018
Issuance Date: 03/09/2018

Inspection Site:

316 Perry Street
Sioux City, IA 51103

This Citation of Notification of Penalty (Citation) alleges violations of the Iowa Occupational Safety and Health Act and proposes penalties. Fifteen working days after you receive this Citation, the allegations and proposed penalties will become final unless you reach a settlement agreement with Iowa OSHA or contest the Citation. After 15 working days have passed, there will be no further chance to challenge these allegations and penalties.

Each violation described in this Citation is alleged to have occurred on or about the days the inspection was made unless another date is noted.

Contest. You may contest in writing all or part of the Citation. You may file a notice of contest yourself or hire an attorney to help you at your own expense.

Notice to employees. A copy of the Citation must be posted immediately in a prominent place near the location where each violation occurred. If posting near the site of each violation is not feasible, the Citation must be posted where it will be easily seen by all affected employees. The Citation must remain posted until the violation is corrected or for 3 working days, whichever is longer.

Payment. In the absence of a contest or settlement agreement, the penalties must be paid within 15 working days. Make your check or money order payable to "Iowa OSHA" and note the inspection number on it. Iowa OSHA does not agree to any restriction, condition, or endorsement put on any check or money order, and will cash the check or money order as if the restriction, condition or endorsement does not exist.

Working days. Working days are Monday through Friday excluding State and Federal holidays.

Hazard correction. In the absence of a contest or settlement agreement, each violation must be corrected by the date set in the Citation. You are required to provide documentation of abatement to your employees and to Iowa OSHA. The enclosed form and booklet will help you with this process.

Employee right to contest. An employee or employee representative may contest an abatement date set in the Citation. The contest must be mailed to Iowa OSHA within 15 working days of the employer's receipt of this Citation.

Whistleblower protection. An employer may not retaliate against an employee for cooperating with an OSHA inspector, filing an OSHA complaint, or exercising other rights under the OSHA law. An employee may file a complaint within 30 days after retaliation occurred.

Guide to Iowa OSHA Citations. *The Guide to Iowa OSHA Citations* covers topics related to this Citation in more detail. Please review it carefully.

Informal conference. You may request an informal conference or meeting to discuss any part of this Citation. Frequently, citations are settled at informal conferences. Call the number above right away if you wish to schedule an informal conference because after 15 working days an informal settlement agreement is not possible. If you schedule an informal conference you must complete the form on page 3 and post it where affected employees can see it.

NOTICE OF INFORMAL CONFERENCE

An informal conference has been scheduled with Iowa OSHA to discuss the citation(s) issued on 03/09/2018. Employees and/or representatives of employees have a right to attend an informal conference.

Employer: Check and complete one of the following*

The informal conference will be held at Iowa OSHA,

The informal conference will be held at Iowa OSHA,
150 Des Moines Street
Des Moines, IA 50309 on _____.

The informal conference will be held by phone. To participate call:

*This must be completed and posted by the employer *only* if an informal conference is scheduled.

IOWA OSHA

Inspection Number: 1291324
Inspection Date: 01/30/2018-03/01/2018
Issuance Date: 03/09/2018

Citation and Notification of Penalty

Company Name: FINK ELECTRIC INC.
Inspection Site: 316 Perry Street Sioux City, IA 51103

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

IAC 875 - Chapter 26

1926.62(d)(1)(i): Each employer who had a workplace or operation covered by 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 calculated as an 8-hour time-weighted average (TWA):

(a) At the 316 Perry Street, Sioux City Job Site - Employees performed a variety of construction work while renovating the building electrical system. Although lead based paint debris was found on multiple levels of the building, the required exposure assessment for lead was not performed. This deficiency was noted on or about 1-30-18.

<u>Date by Which Violation Must Be Abated:</u>	<u>March 21, 2018</u>
<u>Proposed Penalty:</u>	<u>\$2138.00</u>

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

IAC 875 - Chapter 26

1926.1101(e)(1): All Class I, II, and III asbestos work was not conducted within regulated areas:

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-2018, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. There was no regulated area established for the performance of this Class I asbestos work. As a result, employees were exposed to an unknown level of airborne asbestos fibers.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$2672.00</u>

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

Inspection Number: 1291324
Inspection Date: 01/30/2018-03/01/2018
Issuance Date: 03/09/2018

Citation and Notification of Penalty

Company Name: FINK ELECTRIC INC.
Inspection Site: 316 Perry Street Sioux City, IA 51103

IAC 875 - Chapter 26

1926.1101(f)(1)(i): Where exposure monitoring was required under 1926.1101, the employer did not perform monitoring to determine accurately the airborne concentrations of asbestos to which employees were or potentially were exposed:

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-18, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. There was no air monitoring performed during the performance of this Class I asbestos work. As a result, employees were exposed to an unknown level of airborne asbestos fibers.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$2672.00</u>

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

IAC 875 - Chapter 26

1926.1101(f)(3)(i): The employer failed to conduct daily monitoring that was representative of the exposure of each employee assigned to work in regulated areas and performing Class I or II work:

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-18, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. There was no air monitoring performed during the performance of this Class I asbestos work. As a result, employees were exposed to an unknown level of airborne asbestos fibers.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$0.00</u>

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

IAC 875 - Chapter 26

1926.1101(f)(2)(i): The employer with a work operation covered by the asbestos standard did not ensure that a "competent person" conducted an exposure assessment immediately before or at the

Inspection Number: 1291324
Inspection Date: 01/30/2018-03/01/2018
Issuance Date: 03/09/2018

Citation and Notification of Penalty

Company Name: FINK ELECTRIC INC.
Inspection Site: 316 Perry Street Sioux City, IA 51103

initiation of the operation to ascertain expected exposures during that operation or workplace:

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-2018, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. There was no initial exposure assessment performed to determine expected employee exposure levels to asbestos.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$2672.00</u>

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

IAC 875 - Chapter 26

1926.1101(g)(1)(ii): The employer did not use engineering controls and work practices in all operations covered by 1926.1101, regardless of the levels of exposure, in the form of wet methods or wetting agents to control employee exposures during asbestos handling, mixing, removal, cutting, application and cleanup:

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-2018, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. The asbestos was removed in a dry state. This condition increased the probability of asbestos fibers being released into the air.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$2672.00</u>

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

IAC 875 - Chapter 26

1926.1101(g)(4): Additional engineering controls and work practices and procedures were not used for Class I work as required by 1926.1101(g)(4)(i) through (g)(4)(v):

Inspection Number: 1291324
Inspection Date: 01/30/2018-03/01/2018
Issuance Date: 03/09/2018

Citation and Notification of Penalty

Company Name: FINK ELECTRIC INC.
Inspection Site: 316 Perry Street Sioux City, IA 51103

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-2018, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. The removed pipe was placed on the basement floor, where asbestos debris was allowed to accumulate. There was no barrier system, isolation method, or drop cloths used to control the spread of asbestos fibers during this Class I asbestos work. As a result, employees were exposed to an unknown level of asbestos fibers.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$2672.00</u>

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

IAC 875 - Chapter 26
1926.1101(g)(5): Class I asbestos work was not performed using one or more of the control methods required by 1926.1101(g)(5)(i) through (g)(5)(vi):

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-2018, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. The removed pipe was placed on the basement floor, where asbestos debris was allowed to accumulate. None of the required control methods were used for the performance of this Class I asbestos work.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$0.00</u>

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

IAC 875 - Chapter 26
1926.1101(g)(4)(i): All Class I work, including the installation and operation of the control system, was not supervised by a competent person as defined in 1926.1101(b):

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-2018, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the

IOWA OSHA

Inspection Number: 1291324
Inspection Date: 01/30/2018-03/01/2018
Issuance Date: 03/09/2018

Citation and Notification of Penalty

Company Name: FINK ELECTRIC INC.
Inspection Site: 316 Perry Street Sioux City, IA 51103

building basement. The removed pipe was placed on the basement floor, where asbestos debris was allowed to accumulate. This Class I asbestos project was not supervised by someone acting as the competent person.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$2672.00</u>

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

IAC 875 - Chapter 26

1926.1101(h)(1)(i): **Respirators were not used during all Class I asbestos jobs:**

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-2018, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. The removed pipe was placed on the basement floor, where asbestos debris was allowed to accumulate. Employees did not wear any respiratory protection during the performance of this Class I asbestos work.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$2672.00</u>

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

IAC 875 - Chapter 26

1926.1101(i)(1): The employer did not provide and require the use of protective clothing, such as coveralls or similar whole-body clothing, head coverings, gloves, and foot coverings for each employee exposed to airborne concentrations of asbestos that exceed the time weighted average and/or excursion limit in 1926.1101(c) or for which a required negative exposure assessment was not produced:

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-2018, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. The removed pipe was placed on the basement floor, where asbestos debris was

IOWA OSHA

Inspection Number: 1291324
Inspection Date: 01/30/2018-03/01/2018
Issuance Date: 03/09/2018

Citation and Notification of Penalty

Company Name: FINK ELECTRIC INC.
Inspection Site: 316 Perry Street Sioux City, IA 51103

allowed to accumulate. Employees did not wear full body protective protection to prevent asbestos fibers from getting onto their clothes and body.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$2672.00</u>

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

IAC 875 - Chapter 26
1926.1101(i)(2)(i): Asbestos contaminated clothing was not laundered so as to prevent the release of airborne asbestos in excess of the TWA or excursion limit:

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-2018, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. The removed pipe was placed on the basement floor, where asbestos debris was allowed to accumulate. Although employees did not wear full body protection, there was no laundering of the work clothes to prevent additional exposure to asbestos fibers.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$2672.00</u>

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

IAC 875 - Chapter 26
1926.1101(j)(1)(i): The employer did not establish a decontamination area, consisting of an equipment room, shower area, and clean room in series, adjacent and connected to the regulated area:

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-2018, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. The employer did not establish a decontamination area for employees performing Class I asbestos work.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
---	---

IOWA OSHA

Inspection Number: 1291324
Inspection Date: 01/30/2018-03/01/2018
Issuance Date: 03/09/2018

Citation and Notification of Penalty

Company Name: FINK ELECTRIC INC.
Inspection Site: 316 Perry Street Sioux City, IA 51103

Proposed Penalty: **\$2672.00**

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

IAC 875 - Chapter 26

1926.1101(k)(9)(i): The employer did not institute, at no cost to employees, a training program for each employee who was likely to be exposed in excess of the permissible exposure limit (PEL) and for each employee who performed Class I through IV asbestos operations:

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-2018, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. The employees had not been trained to perform Class I asbestos work.

Date by Which Violation Must Be Abated: **Corrected During Inspection**
Proposed Penalty: **\$2672.00**

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

IAC 875 - Chapter 26

1926.1101(g)(1)(iii): The employer did not use work practices in all operations covered by 1926.1101, regardless of the levels of exposure, in the form of prompt clean-up and disposal of wastes and debris contaminated with asbestos, in leak-tight containers:

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-2018, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. The removed pipe was placed on the basement floor, where asbestos debris was allowed to accumulate.

Date by Which Violation Must Be Abated: **Corrected During Inspection**
Proposed Penalty: **\$42756.00**

Citation 2 Item 2 Type of Violation: **Willful-Serious**

Inspection Number: 1291324
Inspection Date: 01/30/2018-03/01/2018
Issuance Date: 03/09/2018

Citation and Notification of Penalty

Company Name: FINK ELECTRIC INC.
Inspection Site: 316 Perry Street Sioux City, IA 51103

IAC 875 - Chapter 26

1926.1101(k)(3)(ii)(B): The employer did not inform employees who performed work under 1926.1101 of the location and quantity of asbestos containing material and/or presumed asbestos containing material present in the area:

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-2018, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. Prior to removing the pipe and insulation, the employees were not informed of the presence, location, and quantity of asbestos in the work area.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$42756.00</u>

Citation 2 Item 3 Type of Violation: **Willful-Serious**

IAC 875 - Chapter 26

1926.1101(l)(4)(ii): Waste and debris and accompanying dust in an area containing accessible thermal system, surfacing ACM/PACM, or visibly deteriorated ACM was not promptly cleaned up and disposed of in leak tight containers:

(a) At the 316 Perry Street, Sioux City, Job Site - On or about 1-25-2018, employees occupationally participated in the removal of approximately 40 linear feet of asbestos insulated piping, from the building basement. The removed pipe was placed on the basement floor, where asbestos debris was allowed to accumulate.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$42756.00</u>

Jens J. Nissen

IOWA OSHA

Inspection Number: 1291324
Inspection Date: 01/30/2018-03/01/2018
Issuance Date: 03/09/2018

Citation and Notification of Penalty

Company Name: FINK ELECTRIC INC.
Inspection Site: 316 Perry Street Sioux City, IA 51103

Iowa OSHA Administrator

Iowa OSHA

150 Des Moines Street
Des Moines, IA 50309
Phone: (515) 242-5870
Fax: (515) 281-7995
www.iowaosha.gov
osha@iwd.iowa.gov

PENALTY SUMMARY

Company Name: FINK ELECTRIC INC.
Inspection Site: 316 Perry Street Sioux City, IA 51103
Issuance Date: 03/09/2018

Penalty Summary of Inspection Number: 1291324

Citation 1 Item 1, Serious	\$2138.00
Citation 1 Item 2, Serious	\$2672.00
Citation 1 Item 3a, Serious	\$2672.00
Citation 1 Item 3b, Serious	\$0.00
Citation 1 Item 4, Serious	\$2672.00
Citation 1 Item 5, Serious	\$2672.00
Citation 1 Item 6a, Serious	\$2672.00
Citation 1 Item 6b, Serious	\$0.00
Citation 1 Item 7, Serious	\$2672.00
Citation 1 Item 8, Serious	\$2672.00
Citation 1 Item 9, Serious	\$2672.00
Citation 1 Item 10, Serious	\$2672.00
Citation 1 Item 11, Serious	\$2672.00
Citation 1 Item 12, Serious	\$2672.00
Citation 2 Item 1, Willful-Serious	\$42756.00
Citation 2 Item 2, Willful-Serious	\$42756.00
Citation 2 Item 3, Willful-Serious	\$42756.00
TOTAL PENALTIES:	\$159798.00

Make check or money order payable to "**IOWA OSHA.**" Please indicate the inspection number and d/b/a, if company name is different, on the remittance.