

Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (618) 632-8612.

U.S. Department of Labor Occupational Safety and Health Administration
11 Executive Drive Suite 11
Fairview Heights, IL 62208
Phone: (618) 632-8612 Fax: (618) 632-5712



August 10, 2015

Dear Joseph Kehrer,

On 02/27/2015, an OSHA compliance officer met with you or your representative as part of an inspection at 301 W Illinois Street Okawville, IL 62271. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,


Aaron Priddy, Area Director

Your Citation Summary

Joseph Kehrer/Kehrer Brothers
Construction, Inc.
Inspection Number: 1043352

Total Amount Due: \$1792000.00
Payment Due Date: 15 working days
after receipt of
this letter

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 40
Your First Correction Deadline is:
8/14/2015

Step 1 – Choose a Response Option and Act within 15 working days

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (618) 632-8612.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call: Aaron Priddy, Area Director, at (618) 632-8612 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

 __ / __

2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

 __ / __

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

 __ / __

2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

 __ / __

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked **within 15 working days**.

 __ / __

U.S. Department of Labor
Occupational Safety and Health Administration
11 Executive Drive
Suite 11
Fairview Heights, IL 62208
Phone: 618-632-8612 Fax: 618-632-5712



Citation and Notification of Penalty

To:
Joseph Kehrer/Kehrer Brothers Construction, Inc.
and its successors
7100 Albers Road
Albers, IL 62215

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015

Inspection Site:
301 W Illinois Street
Okawville, IL 62271

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/10/2015. The conference will be held by telephone or at the OSHA office located at 11 Executive Drive, Suite 11, Fairview Heights, IL 62208 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1043352

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271
Issuance Date: 08/10/2015

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, 11 Executive Drive, Suite 11, Fairview Heights, IL 62208**

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

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area: (Construction Reference: 1926.59)

The employer did not provide effective information and training on the following hazardous chemicals to employees at the facility at the time of their initial assignment or whenever a new hazard was introduced: Asbestos, Silica, Muriatic Acid, and Asphalt/Tar Remover.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$7000.00

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

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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

29 CFR 1926.100(a): Employees were not protected by protective helmets while working in areas where there was a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns:

On or about February 12, 2015 through March 13, 2015, employees performing demolition activities where there was a possible danger of head injury from impact or from falling objects were not protected by protective helmets.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$7000.00

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

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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

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

On or about February 12, 2015 through March 13, 2015, eye and face protective equipment was not used during demolition activities that included floor grinding and overhead sawing.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/14/2015
\$7000.00

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: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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

1926.1100(e)(1): All Class I and II asbestos work was not conducted within regulated areas. All other operations covered by this standard was not conducted within a regulated area where airborne concentrations of asbestos was exceeded, or there was a reasonable possibility that they may have exceeded a PEL:

On or about February 12, 2015 through March 3, 2015, Class I and II asbestos work was not conducted within regulated areas and there was a reasonable possibility that the PEL would be exceeded. Such work within unregulated areas included but was not limited to:

- a.) Removal of asbestos-containing floor tile while not keeping the tile in an intact state.
- b.) Removal of asbestos-containing flooring mastic by aggressive methods such as grinding/sanding.
- c.) Removal of thermal system insulation without using engineering methods, work practices or personal protective equipment to control airborne concentrations of asbestos.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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

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

29 CFR 1926.1101(g)(2): Control methods were not used to achieve compliance as required by 1926.1101(g)(2)(i) through (g)(2)(v):

On or about February 12, 2015 through March 3, 2015, the following control methods were not used to achieve compliance as required during Class I and Class II asbestos work:

- a.) Local exhaust ventilation equipped with HEPA filter dust collection systems;
- b.) Enclosure or isolation of processes producing asbestos dust;
- c.) Ventilation of the regulated area to move contaminated air away from the breathing zone of employees and toward a filtration or collection device equipped with a HEPA filter;
- d.) Use of other work practices and engineering controls that can be shown as feasible;
- e.) Use of respiratory protection when feasible work practices and engineering controls are not sufficient in reducing employee exposures to or below the permissible exposure limit and/or excursion limit.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$7000.00

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

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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

29 CFR 1926.1101(g)(4)(vi): Regulated areas were not ventilated to move contaminated air toward a HEPA filtration or collection device:

On or about March 2-3, 2015, regulated areas were not ventilated for Class I operations involving the removal of TSI around piping.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/14/2015

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: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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

29 CFR 1926.1101(g)(5): Class I asbestos work was not performed using one or more of the control methods required by 29 CFR 1926.1101(g)(5)(i) through (g)(5)(vi):

On or about March 2-3, 2015, Class I asbestos work was not performed using one or more of the following control methods:

- A.) Negative pressure enclosure;
- B.) Glove Bag System;
- C.) Negative Pressure Glove Bag System;
- D.) Negative Pressure Glove Box System;
- E.) Water Spray Process System; and/or
- F.) A small walk-in enclosure that complies with (g)(5)(vi) [A] through [B].

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/14/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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

29 CFR 1926.1101(g)(7)(ii): Where a negative exposure assessment was not produced, or where changed job conditions indicated there may be exposure above the PEL or where the employer did not remove the ACM in a substantially intact state, the employer did not use one of the methods listed in sections (A) through (C) of this paragraph for all indoor Class II jobs, in order to ensure that airborne asbestos did not migrate from the regulated area:

On or about February 12, 2015 through March 3, 2015, the employer did not produce a negative exposure assessment for Class II asbestos work and did not remove the ACM in a substantially intact state and did not use one of the following methods:

- A.) Critical barriers over all openings to the regulated area
- B.) Another barrier or isolation method to prevent the migration of airborne asbestos from the regulated area, as verified by perimeter area monitoring or clearance monitoring which meets the criteria set out in paragraph (g)(4)(ii)[B] of this section.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/14/2015

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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**

29 CFR 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:

On or about March 2-3, 2015, the employer did not establish a decontamination area adjacent and connected to the regulated area and did not comply with (j)(1)(i)(A)-(C) of this standard during Class I asbestos work involving over 25 linear or 10 square feet of thermal system insulation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$7000.00

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

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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

29 CFR 1926.1101(j)(2)(i): The employer did not establish a decontamination room or area for employees and equipment, adjacent to the regulated area, consisting of an impermeable drop cloth on the floor or horizontal working surface, for employees engaged in Class I work involving less than 25 linear or 10 square feet of thermal system insulation or surfacing asbestos containing material and for Class II and Class III asbestos work operations where exposures exceed a permissible exposure limit or where there was not negative exposure assessment produced before the operation:

On or about February 12, 2015 through March 3, 2015, the employer did not establish a decontamination room or area for employees and equipment during Class II asbestos work.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/14/2015

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: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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 1926.1101(f)(1)(i): Where exposure monitoring is required under 29 CFR 1926.1101, the employer does not perform monitoring to determine accurately the airborne concentrations of asbestos to which employees are exposed:

The employer does not ensure that monitoring is performed to determine accurately the airborne concentrations of asbestos during Class I or Class II work. The lack of exposure monitoring most recently occurred on or about February 12, 2015 through March 3, 2015, when the employer did not perform monitoring to determine accurately the airborne concentrations of asbestos to which employees were or potentially were exposed during the following Class I and Class II asbestos work:

- A.) Removal of asbestos-containing floor tile while not keeping the tile in an intact state.
- B.) Removal of asbestos-containing flooring mastic by aggressive methods such as sanding.
- C.) Removal of thermal system insulation without using engineering methods, work practice controls or personal protective equipment to control airborne concentrations of asbestos.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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

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

The employer does not ensure that daily monitoring is performed to determine accurately the exposure to asbestos during Class I or Class II work. The lack of exposure monitoring most recently occurred on or about February 12, 2015 through March 3, 2015, when a negative exposure assessment was not completed in accordance with paragraph (f)(2)(iii) and the employer failed to conduct daily monitoring that was representative of the exposure of each employee assigned to work in the regulated areas while performing Class I or II asbestos work at the workplace during operations such as but not limited to:

- A.) Removal of asbestos-containing floor tile while not keeping the tile in an intact state.
- B.) Removal of asbestos-containing flooring mastic by aggressive methods such as sanding.
- C.) Removal of thermal system insulation without using engineering methods, work practice controls or personal protective equipment to control airborne concentrations of asbestos.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/14/2015

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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

29 CFR 1926.1101(g)(1)(ii): The employer did not use engineering controls and work practices in all operations covered by 29 CFR 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:

The employer does not use engineering controls and work practices in the form of wet methods in all operations covered by 29 CFR 1926.1101. This most recently occurred on or about February 12, 2015 through March 3, 2015. The employer did not use engineering controls and work practices in the form of wet methods to control employee exposures during removal, cutting, grinding and cleanup of asbestos-containing floor tiles, flooring mastics, and thermal system insulation.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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

29 CFR 1926.1101(g)(1)(iii): The employer does not use work practices in all operations covered by 29 CFR 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:

The employer does not ensure that debris contaminated with asbestos is promptly cleaned up and in leak-tight containers. This most recently occurred on or about February 12, 2015 through March 3, 2015, when the employer did not promptly clean-up and dispose of waste and debris contaminated with asbestos in leak-tight containers that resulted from Class I and II asbestos work.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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 4 a Type of Violation: **Willful**

29 CFR 1926.1101(g)(3)(i): High-speed abrasive disc saws were not equipped with point of cut ventilator or enclosures with HEPA filtered exhaust air:

The employer does not ensure that high-speed abrasive disc saws were equipped with point of cut ventilator or enclosures with HEPA filtered exhaust air. This most recently occurred on or about February 12, 2015 through March 3, 2015. High-speed abrasive disc saws equipped with abrasive discs were used to remove asbestos-containing flooring mastics and were not equipped with point of cut ventilator or enclosures with HEPA filtered exhaust air.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 4 b Type of Violation: **Willful**

29 CFR 1926.1101(g)(8)(i)(A): For removing vinyl and asphalt flooring materials which contain ACM or for which in buildings constructed no later than 1980, the employer did not ensure that flooring or its backing was not sanded:

The employer does not ensure that vinyl flooring or its backing that contains asbestos is not sanded. This most recently occurred on or about February 12, 2015 through March 3, 2015. In the former Okawville Elementary School, constructed prior to 1980, the employer directed employees to sand flooring mastics that contained Chrysotile asbestos, exposing employees to the hazards associated with asbestos.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/14/2015

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: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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 5 a Type of Violation: **Willful**

29 CFR 1926.1101(g)(3)(iii): Dust and debris containing asbestos containing material and presumed asbestos containing material were dry swept, shoveled or removed by other dry clean-up methods:

The employer does not ensure that dust and debris containing asbestos containing material was not cleaned-up using dry methods. This most recently occurred on or about February 12, 2015 through March 3, 2015. Dust and debris containing asbestos containing material were shoveled and removed by a push broom, rags, shop vac and leaf blower during and after Class I and Class II asbestos work.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 5 b Type of Violation: **Willful**

29 CFR 1926.1101(g)(8)(i)(E): Dry sweeping was not prohibited:

The employer does not ensure that dry sweeping of asbestos containing material is prohibited. This most recently occurred on or about February 12, 2015 through March 3, 2015. The employer did not ensure that dry sweeping of ACM using a push broom was prohibited during Class II asbestos work.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/14/2015

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: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 6 Type of Violation: **Willful**

29 CFR 1926.1101(g)(8)(i)(G): For removing vinyl and asphalt flooring materials which contain ACM or for which in buildings constructed no later than 1980, floor tiles were not removed intact:

The employer does not ensure that vinyl floor tiles that contain asbestos were removed in an intact state. This most recently occurred on or about February 12, 2015 at the former Okawville Elementary School. The employer did not ensure that vinyl floor tiles containing chrysotile asbestos were removed in an intact state, exposing employees to the hazards associated with asbestos.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 7 Type of Violation: **Willful**

29 CFR 1926.1101(h)(1): For employees who use respirators required by 29 CFR 1926.1101, the employer does not provide each employee an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h)(1)(i) through 29 CFR 1926.1101(h)(1)(ii):

The employer does not ensure that an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h) was provided to employees. This most recently occurred on or about February 12, 2015. The employer did not provide to each employee an appropriate respirator that complied with the requirements of this paragraph during the following work activities:

- a. Class II asbestos work when ACM was not removed in a substantially intact state.
- b. Class II asbestos work that is not performed using wet methods.
- c. Class II asbestos work for which a negative-exposure assessment has not been conducted.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 8 Type of Violation: **Willful**

29 CFR 1926.1101(h)(1): For employees who use respirators required by 29 CFR 1926.1101, the employer does not provide each employee an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h)(1)(i) through 29 CFR 1926.1101(h)(1)(ii):

The employer does not ensure that an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h) was provided to employees. This most recently occurred on or about February 12, 2015. The employer did not provide to each employee an appropriate respirator that complied with the requirements of this paragraph during the following work activities:

- a. Class II asbestos work when ACM was not removed in a substantially intact state.
- b. Class II asbestos work that is not performed using wet methods.
- c. Class II asbestos work for which a negative-exposure assessment has not been conducted.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 9 Type of Violation: **Willful**

29 CFR 1926.1101(h)(1): For employees who use respirators required by 29 CFR 1926.1101, the employer does not provide each employee an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h)(1)(i) through 29 CFR 1926.1101(h)(1)(ii):

The employer does not ensure that an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h) was provided to employees. This most recently occurred on or about February 12, 2015 through March 3, 2015, the employer did not provide an appropriate respirator that complied with the requirements of this paragraph to an employee during the following work activities:

- a. Class I asbestos work.
- b. Class II asbestos work when ACM was not removed in a substantially intact state.
- c. Class II asbestos work that is not performed using wet methods.
- d. Class II asbestos work for which a negative-exposure assessment has not been conducted.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 10 Type of Violation: **Willful**

29 CFR 1926.1101(h)(1): For employees who use respirators required by 29 CFR 1926.1101, the employer does not provide each employee an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h)(1)(i) through 29 CFR 1926.1101(h)(1)(ii):

The employer does not ensure that an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h) was provided to employees. This most recently occurred on or about February 12, 2015 through March 3, 2015, the employer did not provide an appropriate respirator that complied with the requirements of this paragraph to an employee during the following work activities:

- a. Class I asbestos work.
- b. Class II asbestos work when ACM was not removed in a substantially intact state.
- c. Class II asbestos work that is not performed using wet methods.
- d. Class II asbestos work for which a negative-exposure assessment has not been conducted.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 11 Type of Violation: **Willful**

29 CFR 1926.1101(h)(1): For employees who use respirators required by 29 CFR 1926.1101, the employer does not provide each employee an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h)(1)(i) through 29 CFR 1926.1101(h)(1)(ii):

The employer does not ensure that an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h) was provided to employees. This most recently occurred on or about February 12, 2015 through February 13, 2015, the employer did not provide an appropriate respirator that complied with the requirements of this paragraph to an employee during the following work activities:

- a. Class II asbestos work when ACM was not removed in a substantially intact state.
- b. Class II asbestos work that is not performed using wet methods.
- c. Class II asbestos work for which a negative-exposure assessment has not been conducted.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 12 Type of Violation: **Willful**

29 CFR 1926.1101(h)(1): For employees who use respirators required by 29 CFR 1926.1101, the employer does not provide each employee an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h)(1)(i) through 29 CFR 1926.1101(h)(1)(ii):

The employer does not ensure that an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h) was provided to employees. This most recently occurred on or about February 15, 2015 through February 21, 2015. The employer did not provide to each employee an appropriate respirator that complied with the requirements of this paragraph during the following work activities

- a. Class II asbestos work when ACM was not removed in a substantially intact state.
- b. Class II asbestos work that is not performed using wet methods.
- c. Class II asbestos work for which a negative-exposure assessment has not been conducted.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 13 Type of Violation: **Willful**

29 CFR 1926.1101(h)(1): For employees who use respirators required by 29 CFR 1926.1101, the employer does not provide each employee an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h)(1)(i) through 29 CFR 1926.1101(h)(1)(ii):

The employer does not ensure that an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h) was provided to employees. This most recently occurred on or about February 12, 2015 through March 3, 2015, the employer did not provide an appropriate respirator that complied with the requirements of this paragraph to an employee during the following work activities:

- a. Class II asbestos work when ACM was not removed in a substantially intact state.
- b. Class II asbestos work that is not performed using wet methods.
- c. Class II asbestos work for which a negative-exposure assessment has not been conducted.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 14 Type of Violation: **Willful**

29 CFR 1926.1101(h)(1): For employees who use respirators required by 29 CFR 1926.1101, the employer does not provide each employee an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h)(1)(i) through 29 CFR 1926.1101(h)(1)(ii):

The employer does not ensure that an appropriate respirator that complies with the requirements of 29 CFR 1926.1101(h) was provided to employees. This most recently occurred on or about February 12, 2015 through March 3, 2015, the employer did not provide an appropriate respirator that complied with the requirements of this paragraph to an employee during the following work activities:

- a. Class II asbestos work when ACM was not removed in a substantially intact state.
- b. Class II asbestos work that is not performed using wet methods.
- c. Class II asbestos work for which a negative-exposure assessment has not been conducted.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

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 15 a Type of Violation: **Willful**

29 CFR 1926.1101(h)(2)(i): The employer failed to implement a respiratory protection program in accordance with 29 CFR 1910.134(b) through (d) [except (d)(1)(iii)], and (f) through (m)], which covers each employee required by 29 CFR 1926.1101 to use a respirator:

The employer does not ensure that a respiratory protection program is implemented for employees that are required by 29 CFR 1926.110 to use a respirator. This most recently occurred on or about February 12, 2015 through March 3, 2015. The employer failed to implement a respiratory protection program when required for the following work activities:

- a. Class I asbestos work.
- b. Class II asbestos work when ACM was not removed in a substantially intact state.
- c. Class II asbestos work that was not performed using wet methods.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 15 b Type of Violation: **Willful**

29 CFR 1926.1101(m)(1)(i)(B): For employees otherwise required by this standard to wear a negative pressure respirator, employers did not ensure employees are physically able to perform the work and use the equipment. This determination was not made under the supervision of a physician:

The employer does not ensure that employees that wear negative pressure respirators are physically able to perform the work through a determination under the supervision of a physician. This most recently occurred on or about February 12, 2015 through March 3, 2015. During Class I and Class II asbestos work, employees used negative pressure respirators and were not medically evaluated to determine their ability to perform the work and use the equipment.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/14/2015

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: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 16 Type of Violation: **Willful**

29 CFR 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 29 CFR 1926.1101(c) or for which a required negative exposure assessment was not produced:

The employer does not provide and require the use of protective clothing for each employee exposed to airborne concentrations of asbestos for which a required negative exposure assessment was not produced. This most recently occurred on or about February 12, 2015 through March 3, 2015. The employer did not provide or require the use of protective clothing when a required negative exposure assessment was not produced for the following asbestos work:

- a. Class I asbestos work.
- b. Class II asbestos work when ACM was not removed in a substantially intact state.
- c. Class II asbestos work that was not performed using wet methods.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 17 Type of Violation: **Willful**

29 CFR 1926.1101(k)(3)(ii): Before work under this standard is performed, employers of employees who will perform such work shall inform employees who will perform such work of the location and quantity of ACM and/or PACM present in the area and the precautions to be taken to ensure that airborne asbestos is confined to the area:

The employer does not ensure that employees who perform asbestos work are informed of the location and quantity of ACM and/or PACM present in the area and the precautions to be taken. This most recently occurred on or about February 12, 2015 through March 3, 2015. The employer did not inform employees that performed asbestos work of the presence, location and quantity of ACM or PACM in the area and the precautions needed to ensure that airborne asbestos is confined to the area.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 18 Type of Violation: **Willful**

29 CFR 1926.1101(k)(9)(i): The employer does not train each employee who is likely to be exposed in excess of a PEL, and each employee who performs Class I through IV asbestos operations, in accordance with the requirements of this section. The employer does not institute a training program and ensure employee participation in the program.

The employer does not ensure that employees who perform Class I through Class II asbestos operations are trained. This most recently occurred on or about February 12, 2015. An employee was directed to perform Class II asbestos work, including removal of floor tile and sanding of mastic flooring. The employee was not provided training in Class II asbestos operations, thereby exposing the employee to the hazards associated with asbestos.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 19 Type of Violation: **Willful**

29 CFR 1926.1101(k)(9)(i): The employer does not train each employee who is likely to be exposed in excess of a PEL, and each employee who performed Class I through IV asbestos operations, in accordance with the requirements of this section. The employer does not institute a training program and ensure employee participation in the program.

The employer does not ensure that employees who perform Class I through Class II asbestos operations are trained. This most recently occurred on or about February 12, 2015 through March 3, 2015. An employee was directed to perform Class II asbestos work, including removal of floor tile and sanding of mastic flooring and Class I asbestos work that included removal of thermal system insulation (TSI). The employee was not provided training in Class I or Class II asbestos operations, thereby exposing the employee to the hazards associated with asbestos.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 20 Type of Violation: **Willful**

29 CFR 1926.1101(k)(9)(i): The employer does not train each employee who is likely to be exposed in excess of a PEL, and each employee who performs Class I through IV asbestos operations, in accordance with the requirements of this section. The employer does not institute a training program and ensure employee participation in the program.

The employer does not ensure that employees who perform Class I through Class II asbestos operations are trained. This most recently occurred on or about February 12, 2015 through March 3, 2015. An employee was directed to perform Class II asbestos work, including removing ceiling tile and working near sanding of asbestos-containing floor mastic. The employee was not provided training in Class II asbestos operations, thereby exposing the employee to the hazards associated with asbestos.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 21 Type of Violation: **Willful**

29 CFR 1926.1101(k)(9)(i): The employer does not train each employee who is likely to be exposed in excess of a PEL, and each employee who performs Class I through IV asbestos operations, in accordance with the requirements of this section. The employer does not institute a training program and ensure employee participation in the program.

The employer does not ensure that employees who perform Class I through Class II asbestos operations are trained. This most recently occurred on or about February 12, 2015 through March 3, 2015. An employee was directed to perform Class I asbestos work by removing TSI and Class II asbestos work, including removing ceiling tile and working near sanding of asbestos containing floor mastic. The employee was not provided training in Class I and Class II asbestos operations, thereby exposing the employee to the hazards associated with asbestos.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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

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

Inspection Number: 1043352
Inspection Date(s): 02/27/2015 - 08/10/2015
Issuance Date: 08/10/2015



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 22 Type of Violation: **Willful**

29 CFR 1926.1101(k)(9)(i): The employer does not train each employee who is likely to be exposed in excess of a PEL, and each employee who performs Class I through IV asbestos operations, in accordance with the requirements of this section. The employer does not institute a training program and ensure employee participation in the program.

The employer does not ensure that employees who perform Class I through Class II asbestos operations are trained. This most recently occurred on or about February 12, 2015. An employee was directed to perform Class II asbestos work, including removal of floor tile and sanding of asbestos containing floor mastic. The employee was not provided training in Class II asbestos operations, thereby exposing the employee to the hazards associated with asbestos.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 23 Type of Violation: **Willful**

29 CFR 1926.1101(k)(9)(i): The employer does not train each employee who is likely to be exposed in excess of a PEL, and each employee who performs Class I through IV asbestos operations, in accordance with the requirements of this section. The employer does not institute a training program and ensure employee participation in the program.

The employer does not ensure that employees who perform Class I through Class II asbestos operations are trained. This most recently occurred on or about February 12, 2015 through February 13, 2015. An employee was directed to perform Class II asbestos work, including disturbing asbestos containing material through sweeping of floors and dusting of equipment. The employee was not provided training in Class II asbestos operations, thereby exposing the employee to the hazards associated with asbestos.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 24 Type of Violation: **Willful**

29 CFR 1926.1101(k)(9)(i): The employer does not train each employee who is likely to be exposed in excess of a PEL, and each employee who performs Class I through IV asbestos operations, in accordance with the requirements of this section. The employer does not institute a training program and ensure employee participation in the program.

The employer does not ensure that employees who perform Class I through Class II asbestos operations are trained. This most recently occurred on or about February 12, 2015 through March 3, 2015. An employee was directed to perform Class II asbestos work, including removal of floor tile and sanding of mastic flooring and Class I asbestos work that included removal of thermal system insulation (TSI). The employee was not provided training in Class I or Class II asbestos operations, thereby exposing the employee to the hazards associated with asbestos.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2015
Proposed Penalty:	\$70000.00

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Citation and Notification of Penalty

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271

Citation 2 Item 25 Type of Violation: **Willful**

29 CFR 1926.1101(k)(9)(i): The employer does not train each employee who is likely to be exposed in excess of a PEL, and each employee who performs Class I through IV asbestos operations, in accordance with the requirements of this section. The employer does not institute a training program and ensure employee participation in the program.

The employer does not ensure that employees who perform Class I through Class II asbestos operations are trained. This most recently occurred on or about February 15, 2015 through February 21, 2015. An employee was directed to perform Class II asbestos work, including sanding of mastic flooring. The employee was not provided training in Class II asbestos operations, thereby exposing the employee to the hazards associated with asbestos.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from asbestos exposure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/14/2015
Proposed Penalty: \$70000.00

Karl Priddy
For
Aaron Priddy
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
11 Executive Drive
Suite 11
Fairview Heights, IL 62208
Phone: 618-632-8612 Fax: 618-632-5712



INVOICE / DEBT COLLECTION NOTICE

Company Name: Joseph Kehrer/Kehrer Brothers Construction, Inc.
Inspection Site: 301 W Illinois Street, Okawville, IL 62271
Issuance Date: 08/10/2015

Summary of Penalties for Inspection Number	1043352
Citation 1, Serious	\$42000.00
Citation 2, Willful	\$1750000.00
TOTAL PROPOSED PENALTIES	\$1792000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

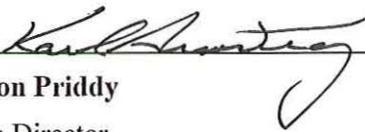
account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



For Aaron Priddy
Area Director

8/10/2015

Date