



Citation and Notification of Penalty

Company Name: Navillus Contracting, Inc.
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

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

29 CFR 1926.59 referenced to 29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

Navillus Contracting, Inc. Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420.

On or about June 6, 2011

Employees working on site are exposed to a number of hazardous materials to include but is not limited to lead and portland cement.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 01/19/2012
Proposed Penalty: \$ 4000.00



Citation and Notification of Penalty

Company Name: Navillus Contracting, Inc.
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

29 CFR 1926.59 as referenced to 29 CFR 1910.1200(h)(1): Employees were not provided information and training as specified in 29 CFR 1910.1200(h)(2) and (3) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

Navillus Contracting, Inc. Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 6, 2011

The employer did not develop a written hazard communication program including elements that give employees information and training on the hazards of the chemicals/products used daily or give information and training on the hazards of chemicals/products introduced into the workplace.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 12/09/2011



Citation and Notification of Penalty

Company Name: Navillus Contracting, Inc.
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

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

29 CFR 1926.62(d)(1)(i): The employer 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):

Navillus Contracting, Inc. Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 6, 2011

The employer failed to perform an initial assessment that determined if employee exposure to lead was below, at, or over the action level.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 12/09/2011
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: Navillus Contracting, Inc.
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

29 CFR 1926.62(d)(2)(i): Until the employer performed an employee exposure assessment, as required in 29 CFR 1926.62(d), the employer did not treat affected employee(s) as if they were exposed above the PEL, and not in excess of ten (10) times the PEL, and did not implement the protective measures prescribed in 29 CFR 1926.62(d)(2)(v), when affected employee(s) were performing grinding operations on lead coatings or paint covered by this requirement:

Navillus Contracting, Inc. Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 6, 2011

The employer failed to perform an initial assessment that determined employee exposure to lead. The employees were not treated as overexposed and given the proper protective equipment associated with being overexposed to the PEL.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 12/09/2011



Citation and Notification of Penalty

Company Name: Navillus Contracting, Inc.
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

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

29 CFR 1926.62(f)(2)(i): The employer did not implement a respiratory protection program in accordance with 29 CFR 1910.134(b) through (d) (except (d)(1)(iii)), and (f) through (m):

Navillus Contracting, Inc. Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 6, 2011

Employees working on site are directed by management to wear respirators while grinding cement coated in lead based paint. The company failed to establish at the worksite a written respiratory protection program outlining the requirements found in 1910.134(b) through (d) and (f) through (m).

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 01/19/2012
Proposed Penalty: \$ 5000.00



Citation and Notification of Penalty

Company Name: Navillus Contracting, Inc.
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

29 CFR 1926.62(f)(3)(i)(A): The employer did not provide employees with proper HEPA respirator filters when employees are exposed to lead.

Navillus Contracting, Inc. Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 6, 2011

Employees who are exposed to lead were not provided respirators with HEPA filters. Employees were only provided with N-95 Respirators.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 01/19/2012



Citation and Notification of Penalty

Company Name: Navillus Contracting, Inc.
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

29 CFR 1926.62(g)(1)(i): The employer did not provide, at no cost to the employee, and assure the use of appropriate protective work clothing and equipment that prevented contamination of the employee and the employee's garments, such as, but not limited to coveralls or similar full-body work clothing.

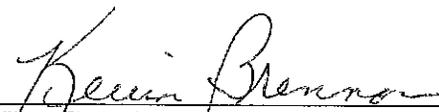
Navillus Contracting, Inc. Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 6, 2011

Navillus Contracting, Inc. failed to provide employees who were exposed to lead with proper protective clothing. Employees were observed to be working only in plain clothes such as jeans and t-shirts. No coveralls or protective suits were provided to reduce employee personal clothing from contamination of lead.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19

Date By Which Violation Must be Abated: 12/15/2011
Proposed Penalty: \$ 5000.00



Kay Gee, Area Director



Citation and Notification of Penalty

Company Name: Tutor Perini Corporation
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

29 CFR 1926.62(c)(1): Employee(s) were exposed to lead at concentrations greater than fifty micrograms per cubic meter of air (50ug/m3) averaged over an eight-hour time period.

Tutor Perini Corporation Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about July 15, 2011

Employees of a Tutor Perini Corporation subcontractor LVI Demolition, Inc. were found to be exposed to lead at an average concentration higher than fifty micrograms per cubic meter of air (50ug/m3) over an 8 hour work shift. LVI Demolition, Inc. Employees were sampled and found to be exposed to lead at an 8 hour TWA of 127.5 ug/m3. The sampled employee's exposure to lead was approximately 2.5 times the PEL. Respiratory protection was taken into account.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19:

Date By Which Violation Must be Abated:	12/15/2011
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Tutor Perini Corporation
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

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

29 CFR 1926.62(d)(1)(i): The employer did not initially determine if any employee was exposed to lead at or above the action level of 30 micrograms per cubic meter of air (30 ug/m³) calculated as an 8-hour time-weighted average (TWA).

Tutor Perini Corporation, Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 6, 2011

The employer failed to perform an initial assessment that determined the exposure of employees to lead below, at, or over the action level over the course of an eight hour work shift.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 01/19/2012
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: Tutor Perini Corporation
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

29 CFR 1926.62(d)(1)(iv): Full shift samples, used by the employer to comply with 29 CFR 1926.62(d)(1)(iii), were not representative of the monitored employee's regular, daily exposure to lead:

Tutor Perini Corporation, Aqueduct Racetrack 110-00 Rockaway Blvd Jamaica, NY 11420

On or about June 6, 2011

Sampling was conducted to determine employee exposure to lead on June 7, 2011 by the Tutor Perini Corporation. The results of the personal monitoring were not representative of the employees full eight hour exposure to lead. The General Contractor sampled a similar process for approximately 36 minutes while the standard requires that monitoring occur for an employees full shift.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 12/15/2011



Citation and Notification of Penalty

Company Name: Tutor Perini Corporation
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

Citation 1 Item 3a Type of Violation: Serious

29 CFR 1926.62(d)(2)(i): Until the employer performed an employee exposure assessment, as required in 29 CFR 1926.62(d), the employer did not treat affected employee(s) as if they were exposed above the PEL, and not in excess of ten (10) times the PEL, and did not implement the protective measures prescribed in 29 CFR 1926.62(d)(2)(v), when affected employee(s) were performing grinding operations on lead containing coatings or paint covered by this requirement:

Tutor Perini Corporation, Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 6, 2011.

The General Contractor failed to perform an initial assessment determining employee exposure to lead as a result of grinding and torch cutting operations being performed on the site. Employees of Navillus Contracting Inc, without an assessment, were not treated as employees exposed to lead at or above the PEL and were not provided with the proper respiratory protection, clothing, changing, and wash facilities. Employees were provided with N-95 Respirators when the standard calls for at least HEPA or an equivalent respiratory protection. Employees for LVI Demolition, Inc. were not provided with decontamination facilities when their employee was exposed to lead above the PEL.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 12/15/2011
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: Tutor Perini Corporation
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

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

Tutor Perini Corporation, Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 6, 2011

Proper respirators as required by 29 CFR 1926.62 were not provided to employees who, until an initial determination was conducted, were supposed to be treated as exposed to lead at or above the PEL. The General Contractor failed to ensure that employees working for Navillus Contracting, Inc. were wearing the appropriate respiratory protection without an initial assessment being performed. Employees were seen wearing only N-95 Respirators when the standard requires that the employees exposed to lead above the PEL be provided with HEPA filters at a minimum. N-95 is not equivalent to HEPA filtration.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 01/19/2012



Citation and Notification of Penalty

Company Name: Tutor Perini Corporation
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

29 CFR 1926.62(d)(3)(i)(B): In the absence of the employer following either 1926.62(d)(3)(iii) or 1926.62(d)(3)(iv), the employer did not base initial determinations of lead exposure on the employee exposure monitoring results and all previous relevant measurements of airborne lead:

Tutor Perini Corporation, Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 6, 2011

The General Contractor did not base employee exposure to lead while torch cutting on personal monitoring results conducted by Manafort Brothers, Inc. and the personal sampling conducted by LVI Demolition, Inc. Manafort Brothers, Inc. conducted sampling showing employees performing torch cutting operations are exposed to lead above OSHA's PEL. In addition, LVI Demolition, Inc. used representative sampling to meet the requirements of the standard however, none of that information was requested by the site safety manager.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 12/15/2011



Citation and Notification of Penalty

Company Name: Tutor Perini Corporation
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

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

29 CFR 1926.62(e)(2)(i): The employer did not establish and implement a written compliance program to achieve compliance with 29 CFR 1926.62(c) prior to commencement of the job:

Tutor Perini Corporation, Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 6, 2011

The General Contractor failed to create and implement a written program prior to the start of general labor work informing subcontractors and their employees what will be done to ensure employee exposure to lead is not at or above the OSHA PEL. The corporation adopted Affiliated Environmental Services Compliance Program. Affiliated Environmental Services performed the lead abatement on site. This compliance program only covers employees who perform abatement work and fails to cover those employees performing labor work.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 12/15/2011
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: Tutor Perini Corporation
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

29 CFR 1926.62(e)(2)(ii)(H): The written compliance program established by the employer did not include a description of arrangements made among contractors on multi-contractor sites with respect to informing affected employees of potential exposure to lead and with respect to responsibility for compliance with 29 CFR 1926.62 as set forth in 29 CFR 1926.16:

Tutor Perini Corporation, Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 6, 2011

Tutor Perini Corporation officials were provided with the results of lead sampling performed by a third party monitoring company WCD Consultants, LLC. and their subcontractor. Tutor Perini officials failed to inform subcontractors as to the existence of lead containing coatings in a number of areas throughout the worksite such as but is not limited to the stairwells and steel structures located on the third floor grandstand.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 12/15/2011



Citation and Notification of Penalty

Company Name: Tutor Perini Corporation
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

29 CFR 1926.62(h)(1): All surfaces were not maintained as free as practicable of accumulation of lead:

Tutor Perini Corporation, Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 6, 2011

Lead was found to be in amounts of up to 5702 um/cm2 in stairwell "B" and in stairwell "D" was 695.3 um/cm2 inside of the stairwell as well as inside of the N.Y.R.A. Maintenance Room of the facility at a an amount of 20.3553 ug/cm2. In comparison to the Housing and Urban Development guidelines do not allow more than 100 mg/ft2 of lead dust to accumulate on surfaces following lead work (See HUD Guidelines). Based these high amounts of lead on the wipes it was determined that the employer had failed to ensure that all surfaces kept clean and free from lead as reasonably possible.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 12/15/2011
Proposed Penalty: \$ 7000.00

Kecia Blenna
For Kay Gee, Area Director



Citation and Notification of Penalty

Company Name: LVI Demolition Services Inc.
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

29 CFR 1926.62(c)(1): The employer did not ensure that no employees were exposed to lead at concentrations greater than fifty micrograms per cubic meter of air (50 ug/m³) averaged over an 8-hour period:

LVI Demolition Services, Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about July 15, 2011

An employee working for LVI Demolition Services, Inc. was torch cutting on a coated steel structure was found to be exposed to lead over the OSHA Permissible Exposure Limit (PEL) of 50 ug/m³. LVI Demolition, Inc. employees were sampled and found to be exposed to lead at an 8 hour TWA of 127.5 ug/m³. The employee's exposure to lead was approximately 2.5 times the PEL. Respiratory protection factors for the half mask respirator used by the sampled employee were taken into account. The 8 Hour TWA was compared to the protection factor.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 12/22/2011
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: LVI Demolition Services Inc.
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

29 CFR 1926.62(e)(1): The employer did not implement all feasible engineering and work practice controls, including administrative controls, to reduce and maintain employee exposure to lead to or below the permissible exposure limit:

LVI Demolition Services, Inc. Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about July 13, 2011

The employer did not provide employees exposed to lead above the PEL with proper engineering, workplace, and administrative controls in order to reduce or eliminate exposure to lead below the PEL.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated:	12/22/2011
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: LVI Demolition Services Inc.
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

29 CFR 1926.62(f)(2)(i): The employer did not implement a respiratory protection program in accordance with 29 CFR 1910.134(b) through (d) (except (d)(1)(iii)), and (f) through (m):

LVI Demolition Services, Inc., Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about July 13, 2011

The employer failed to implement a site specific respiratory protection program along with the elements required by 29 CFR 1910.134(c)(1). Employees perform various tasks such as torch cutting and breaking down walls which exposes them to lead hazards. In the program submitted to OSHA there was no description of specific tasks performed on site which may lead to a respiratory hazards or a requirement for respirator use.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19

Date By Which Violation Must be Abated: 12/22/2011
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: LVI Demolition Services Inc.
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

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

29 CFR 1926.62(i)(2)(ii): The employer did not assure that change areas were equipped with separate storage facilities for protective work clothing and equipment and for street clothes, that prevented cross-contamination:

LVI Demolition Services, Inc. Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about July 13, 2011

The changing facility provided to employees did not allow employees to separate their street clothes from their work clothes. Employees hang their work clothes on nails in the wall.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 12/22/2011
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: LVI Demolition Services Inc.
Inspection Site: Aqueduct Race Track 110-00 Rockaway Blvd, Jamaica, NY 11420

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

29 CFR 1926.62(i)(3)(i): The employer did not provide shower facilities, where feasible, for use by employees whose airborne exposure to lead was above the PEL:

LVI Demolition Services, Inc. Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420.

On or about July 13, 2011

Employees performing torch cutting operations were exposed to lead over OSHA's PEL. Employees were sampled and found to be exposed to lead at an 8 hour TWA of 127.5 ug/m3. The employee's exposure to lead was approximately 2.5 times the PEL. The employer did not provide to his overexposed employee with shower facilities to decontaminate themselves prior to ending their shift. The 8 Hour TWA was compared to protection factor.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 12/22/2011

Kay Gee

For Kay Gee, Area Director



Citation and Notification of Penalty

Company Name: Blue Diamond Sheet Metal Inc.
Inspection Site: 110-00 Rockaway Blvd., South Ozone Park, NY 11420

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

29 CFR 1926.501(b)(1): Each employee on a walking/working surface with an unprotected side or edge which was 6 feet (1.8 m) or more above a lower level was not protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems:

a) On or about August 10, 2011-Job site at 110-00 Rockaway Blvd. South Ozone Park, NY 11420

Employee installing threaded rods were exposed to a fall of 16'.

WRITTEN ABATEMENT DOCUMENTATION IS NOT REQUIRED.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 4900.00

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

29 CFR 1926.502(d)(15): Anchorage used for attachment for personal fall arrest equipment was not capable of supporting at least 5,000 pounds (22.2 kN) per employee attached:

a) On or about August 10, 2011-Job site at 110-00 Rockaway Blvd. South Ozone Park, NY 11420

Employee was tied off to a 1/2" off thread hanger connected to a clevis hanger which was supporting a 6" black schedule 40 discharge pipe from the boiler for fall protection.

WRITTEN ABATEMENT CERTIFICATION IS NOT REQUIRED.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 3500.00

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



Citation and Notification of Penalty

Company Name: Blue Diamond Sheet Metal Inc.
Inspection Site: 110-00 Rockaway Blvd., South Ozone Park, NY 11420

Citation 2 Item 1 Type of Violation: Repeat

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards:

a) On or about August 10, 2011-Job site at 110-00 Rockaway Blvd, South Ozone Park, NY 11420

Employee exposed to a 16' fall was not able to calculate fall distance, chose a proper tie off anchorage, or chose the correct fall protection equipment for his fall hazard without training.

THE BLUE DIAMOND SHEET METAL INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDERD 1926.503(a)(1), OR ITS EQUIVALENT, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 312209703, CITATION NUMBER 01, ITEM NUMBER 001(b), ISSUED ON 09/26/2008 WHICH BECAME A FINAL ORDER DATE ON 10/10/2008.

WRITTEN ABATEMENT CERTIFICATION IS NOT REQUIRED.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$ 7000.00

Kay Gee

Kay Gee, Area Director



Citation and Notification of Penalty

Company Name: Manafort Brothers Inc.
Inspection Site: 110-00 Rockaway Blvd, South Ozone Park, NY 11420

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

29 CFR 1926.62(e)(2)(ii)(F): The written compliance program established by the employer did not include a work practice program which included items required under 29 CFR 1926.62(g), (h), and (i) and incorporated other relevant work practices such as those specified in 29 CFR 1926.62(e)(5):

Manafort Brothers, Inc. Aqueduct Racetrack 110-00 Rockaway Blvd. South Ozone Park, NY 11420

On or about June 30, 2011

The employer failed to create and implement a compliance program that meets the requirements of the lead standard sections (g), (h), (i). The compliance program did not mention ways in which exposure could be reduced such as through the use of PPE, housekeeping, and the use of hygiene facilities.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 01/19/2012
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: Manafort Brothers Inc.
Inspection Site: 110-00 Rockaway Blvd, South Ozone Park, NY 11420

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

29 CFR 1926.62(g)(1)(i): The employer did not provide, at no cost to the employee, and assure the use of appropriate protective work clothing and equipment that prevented contamination of the employee and the employee's garments, such as, but not limited to coveralls or similar full-body work clothing:

Manafort Brothers, Inc. Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

June 30, 2011

Employees of Manafort Brothers, Inc. were not provided with the appropriate protective work clothing to reduce employee exposure to lead. Personal monitoring performed by the employer showed that employees were exposed to lead in excess of 200 ug/m3.

NOTE: THE EMPLOYER IS NOT REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Manafort Brothers Inc.
Inspection Site: 110-00 Rockaway Blvd, South Ozone Park, NY 11420

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

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

29 CFR 1926.62(i)(2)(ii): The employer did not assure that change areas were equipped with separate storage facilities for protective work clothing and equipment and for street clothes, that prevented cross-contamination:

Manafort Brothers, Inc. Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 30, 2011

Employees working for Manafort Brothers, Inc. were exposed to lead as a result of torch cutting demolition operations. Employees were provided with one locker for their personal and work items allowing for personal items to be cross contaminated with lead. Personal monitoring performed by the employer showed that employees were exposed to lead in excess of 200 ug/m3.

NOTE: THE EMPLOYER IS NOT REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Manafort Brothers Inc.
Inspection Site: 110-00 Rockaway Blvd, South Ozone Park, NY 11420

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

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

Manafort Brothers, Inc. Aqueduct Racetrack 110-00 Rockaway Blvd. Jamaica, NY 11420

On or about June 30, 2011

Employees working onsite exposed to lead take their clothes home to be washed. The employer has failed to ensure that employees exposed to lead do not remove contaminated clothing from the site.

NOTE: THE EMPLOYER IS NOT REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM.

Date By Which Violation Must be Abated: Corrected During Inspection



Citation and Notification of Penalty

Company Name: Manafort Brothers Inc.
Inspection Site: 110-00 Rockaway Blvd, South Ozone Park, NY 11420

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

29 CFR 1926.62(j)(2)(iv)(A): The employer did not notify each employee in writing of his or her blood lead level within five working days after the receipt of biological monitoring results:

Manafort Brothers, Inc. Aqueduct Racetrack 110-00 Rockaway Parkway Jamaica, NY 11420

On or about June 30, 2011

The employer failed to provide the results of blood lead testing to his employee in writing within 5 days of receipt of the blood lead test results.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000 AS PER CFR 1903.19.

Date By Which Violation Must be Abated: 12/15/2011
Proposed Penalty: \$ 7000.00

For 
Kay Gee, Area Director