

U.S. Department of Labor

Occupational Safety and Health Administration
8344 E. R.L. Thornton Freeway
Suite 420
Dallas, TX 75228
Phone: 214-320-2400 Fax: 214-320-2598



Citation and Notification of Penalty

To:
MK Painting Inc
4157 Seventh St.
Wyandotte, MI 48192

Inspection Number: 898601
Inspection Date(s): 03/26/2013 - 06/18/2013
Issuance Date: 09/19/2013

Inspection Site:
600 25th St. NE
Paris, TX 75460

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.

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

Notification of Corrective Action – For each violation which you do not contest, you 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 09/19/2013. The conference will be held by telephone or at the OSHA office located at 8344 E. R.L. Thornton Freeway, Suite 420, Dallas, TX 75228 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 898601

Company Name: MK Painting Inc

Inspection Site: 600 25th St. NE, Paris, TX 75460

Issuance Date: 09/19/2013

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, 8344 E. R.L. Thornton Freeway, Suite 420, Dallas, TX 75228**

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



Citation and Notification of Penalty

Company Name: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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

29 CFR 1910.134(d)(3)(i)(B)(1): The employer did not select a respirator for employee use that maintained the employee's exposure to the hazardous substance, when measured outside the respirator, at or below the maximum use concentration:

(a) The employer does not select respirators that maintain employees exposure to lead, when measured outside the respirator, at or below the maximum use concentration. This violation occurred on April 5, 2013 at a jobsite located at 600 25th St. Paris, TX 75460 ; where an employee who was exposed to lead at an airborne concentration of 1,035 micrograms per cubic meter of air, as an eight- hour time weighted average, was provided with a half mask respirator that had a maximum use concentration of 500 micrograms per cubic meter of air.

(b) The employer does not select respirators that maintain employees exposure to lead, when measured outside the respirator, at or below the maximum use concentration. This violation occurred on April 5, 2013 at a jobsite located at 600 25th St. Paris, TX 75460 ; where an employee who was exposed to lead at an airborne concentration of 760 micrograms per cubic meter of air, as an eight- hour time weighted average, was provided with a half mask respirator that had a maximum use concentration of 500 micrograms per cubic meter of air.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/16/2013

Proposed Penalty:

\$4900.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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

29 CFR 1910.134(e)(1): The employer does not provide a medical evaluation to determine the employees ability to use a respirator before the employee is fit tested or required to use the respirator in the workplace: (Construction Reference: 1926.103)

The employer does not provide a medical evaluation to determine the employees ability to use a respirator. This violation occurred on April 5, 2013 at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not provide medical evaluation to a sandblaster helper and cleanup employee before he wore his respirator at the worksite.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

10/16/2013
\$3500.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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

29 CFR 1910.134(f)(2): The employer did not ensure that an employee using a tight-fitting facepiece respirator is fit tested prior to initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter: (Construction Reference: 1926.103)

The employer does not ensure that each employee using a tight-fitting facepiece respirator is fit tested prior to the initial use of the respirator and whenever a different facepiece is used. This violation occurred on April 5, 2013 at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not provide medical evaluation to a sandblaster helper and cleanup employee before he wore his respirator at the worksite.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/16/2013
Proposed Penalty:	\$3500.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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

29 CFR 1910.134(h)(1): Respirators were not cleaned and disinfected using the procedures in Appendix B-2 of 29 CFR 1910.134 or equivalent procedures recommended by the respirator manufacturer: (Construction Reference 1926.103)

The employer does not ensure that abrasive sandblasting respirators were cleaned and disinfected using the procedures in Appendix B-2 of 29 CFR 1910.134 or equivalent procedures recommended by the respirator manufacturer. This violation occurred on April 5, 2013 at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not ensure that the employees wearing abrasive sandblasting respirators cleaned and disinfected using the procedures in Appendix B-2 of 29 CFR 1910.134 or equivalent procedures recommended by the respirator manufacturer.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/16/2013
Proposed Penalty: \$4900.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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

29 CFR 1910.1018(e)(2): Initial monitoring was not performed for each workplace, or work operation covered by 29 CFR 1910.1018 to accurately determine the airborne concentration of inorganic arsenic to which employees may be exposed: (Construction Reference: 1926.1118)

The employer does not conduct initial monitoring for each employee to determine if they are exposed to inorganic arsenic. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not conduct initial air monitoring for employees performing abrasive sand blasting.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/16/2013
Proposed Penalty:	\$4900.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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

29 CFR 1910.1018(n)(1)(i)(A): A medical surveillance program was not instituted for all employees who were or will be exposed to inorganic arsenic in excess of the action level, without regard to the use of respirators, at least 30 days per year: (Construction Reference: 1926.1118)

The employer does not make available medical surveillance program for employees occupationally exposed to inorganic arsenic at or above the action level. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not provide medical surveillance program for employees occupationally exposed to inorganic arsenic at or above the action level.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/16/2013
Proposed Penalty:	\$4900.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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

29 CFR 1910.1018(o)(1)(i): A training program was not instituted for each employee who is subject to inorganic arsenic exposure above the action level, without regard to respirator use, or for whom there is a possibility of skin or eye irritation from inorganic arsenic: (Construction Reference: 1926.1118)

The employer does not provide an inorganic arsenic training program to employee(s) performing sandblasting operations and cleanup activities where dry expendable abrasives are used. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not provide an inorganic arsenic training program to employee(s) performing sandblasting operations and cleanup activities where dry expendable abrasives are used within the containment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/16/2013
Proposed Penalty:	\$4900.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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 8 a Type of Violation: Serious

29 CFR 1926.62(d)(2)(v)(A): The employer does not provide appropriate respiratory protection in accordance with paragraph (f) of this section for employees performing tasks described in paragraphs (d)(2)(i), (d)(2)(ii), (d)(2)(iii) and (d)(2)(iv):

The employer does not provide appropriate respirators to employee(s) performing cleanup activities where dry expendable abrasives are used. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not provide appropriate respirators to employee(s) performing cleanup activities where dry expendable abrasives are used, including but not limited to vacuuming dry expendable abrasive dust from within the containment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/16/2013
Proposed Penalty:	\$4900.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

Citation 1 Item 8 b Type of Violation: Serious

29 CFR 1926.62(f)(1)(iv): Respirators were not used during periods when respirators were required to provide interim protection for employees while they performed the operations specified in 29 CFR 1926.62(d)(2):

The employer does not provide sandblaster helper and cleanup employees exposed to lead above the PEL with an appropriate respirator. This violation was most recently occurred on April 5, 2013 at a jobsite located at 600 25th St. Paris, TX 75460 ; where sandblaster helper and cleanup employees were not provided an appropriate respirator while being exposed to lead dust from abrasive blasting operations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/16/2013

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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 9 a Type of Violation: Serious

29 CFR 1926.62(d)(2)(v)(B): The employer does not provide appropriate personal protective equipment in accordance with paragraph (g) of this section for employees performing tasks described in paragraphs (d)(2)(i), (d)(2)(ii), (d)(2)(iii) and (d)(2)(iv):

The employer does not provide protective clothing to employee(s) performing cleanup activities where dry expendable abrasives are used. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not provide protective work clothing to employee(s) performing cleanup activities where dry expendable abrasives are used, including but not limited to vacuuming dry expendable abrasive dust from within the containment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/16/2013

Proposed Penalty:

\$4900.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

Citation 1 Item 9 b Type of Violation: Serious

29 CFR 1926.62(g)(1): Where employees were exposed to lead above the permissible exposure limit, without regard to the use of respirators; where employees were exposed to lead compounds which may cause skin or eye irritation (e.g. lead arsenate, lead azide); and as interim protection for employees performing tasks as specified in 29 CFR 1926.62(d)(2), the employer did not provide at no cost to the employee and ensure that each employee used appropriate protective work clothing and equipment that prevented contamination of the employee and the employee's garments:

Abrasives sand blasters and sandblaster helper and cleanup employees are exposed to lead compounds that may cause skin and eye irritation and the employer did not provide appropriate protective work clothing as interim protection for employees performing tasks in 29 CFR 1926.62(d). This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not ensure that employees exposed to lead compounds that cause skin or eye irritation are being provided appropriate work protective clothing and equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/16/2013

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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

29 CFR 1926.62(g)(2)(i): The employer does not provide the protective work clothing required in 29 CFR 1926.62(g)(1) in a clean and dry condition at least daily for employees whose exposure levels, without regard to respirator use, are over 200 micrograms per cubic meter of lead as an 8-hour time weighted average (TWA):

Abrasives sand blasters and sandblaster helper and cleanup employees are exposed to lead above 200 micrograms per cubic meter and the employer does not provide protective work clothing daily. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not ensure that employees exposed to lead above 200 micrograms per cubic meter are being provided clean protective clothing on a daily basis.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/16/2013

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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 10 a Type of Violation: **Serious**

29 CFR 1926.62(d)(2)(v)(E): The employer does not provide biological monitoring in accordance with paragraph (j)(1)(i) of this section, to consist of blood sampling and analysis for lead and zinc protoporphyrin levels for employees performing tasks described in paragraphs (d)(2)(i), (d)(2)(ii), (d)(2)(iii) and (d)(2)(iv):

The employer does not provide biological monitoring to employee(s) performing cleanup activities where dry expendable abrasives are used. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not provide biological monitoring to employee(s) performing cleanup activities where dry expendable abrasives are used, including but not limited to vacuuming dry expendable abrasive dust from within the containment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/16/2013
Proposed Penalty: \$4900.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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

29 CFR 1926.62(j)(1)(i): The employer does not make available initial medical surveillance, consisting of biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels, to employees occupationally exposed on any day to lead at or above the action level:

- (a) The employer does not make available initial medical surveillance, consisting of biological sampling and analysis for zinc protoporphyrin levels, to employees occupationally exposed to lead at or above the action level. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not provide initial medical surveillance, consisting of biological sampling and analysis for zinc protoporphyrin levels, to employees occupationally exposed to lead at or above the action level.
- (b) The employer does not make available initial medical surveillance, consisting of biological sampling and analysis for lead and zinc protoporphyrin levels, to an employee performing cleanup activities where dry expendable abrasives are used, including but not limited to vacuuming dry expendable abrasive dust from within the containment occupationally exposed to lead at or above the action level. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not provide initial medical surveillance, consisting of biological sampling and analysis for lead and zinc protoporphyrin levels, to employees occupationally exposed to lead at or above the action level.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/16/2013

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

Citation 1 Item 11 Type of Violation: Serious

29 CFR 1926.62(d)(2)(v)(F): The employer does not provide training as required under paragraph (l)(1)(i) of this section regarding 29 CFR 1926.59, Hazard Communication; training as required under paragraph (l)(2)(iii) of this section, regarding use of respirators; and training in accordance with 29 CFR 1926.21, Safety training and education, for employees performing tasks described paragraphs (d)(2)(i), (d)(2)(ii), (d)(2)(iii) and (d)(2)(iv):

The employer does not provide lead training to employee(s) performing cleanup activities where dry expendable abrasives are used. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not provide lead training to employee(s) performing cleanup activities where dry expendable abrasives are used, including but not limited to vacuuming dry expendable abrasive dust from within the containment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/16/2013

Proposed Penalty:

\$4900.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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

29 CFR 1926.62(h)(4): Where vacuuming methods are selected, the vacuums are not equipped with HEPA filters and/ or are not used and emptied in a manner which minimizes the reentry of lead into the workplace:

The employer does not provide HEPA filters for the vacuum system employees were required to use when performing decontamination and housekeeping activities. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not provide HEPA filters for the vacuum system employees were required to use when performing decontamination and housekeeping activities.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/16/2013
Proposed Penalty:	\$3500.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1926.62(m)(2)(i): The employer did not post the following warning signs in each work area where an employee exposure to lead was above the permissible exposure limit: "WARNING LEAD WORK AREA-POSITION NO SMOKING OR EATING":

The employer does not post warning signs near the entrance to the blasting area where employees are exposed to lead above the PEL. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not post warning signs near the entrance to the blasting area where employees are exposed to lead above the PEL.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/16/2013
Proposed Penalty: \$3500.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

Citation 1 Item 14 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:

The employer does not ensure that employees performing spray painting activities are provided with eye and face protection from the overspray of the organic vapor based paints. This violation occurred on March 29, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not ensure that employees were provided with eye and face protection when performing spray painting activities.

Date By Which Violation Must be Abated:

10/16/2013

Proposed Penalty:

\$2800.00



Citation and Notification of Penalty

Company Name: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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 1926.62(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:

The employer did not ensure that employees' exposures to lead did not exceed 50 micrograms per cubic meter of air, as an eight-hour time-weighted average. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 where:

- a) A sandblaster employee was exposed to lead at an eight-hour time weighted-average of 2,963 micrograms per cubic meter of air, approximately 59.2 times the permissible exposure limit of 50 micrograms per cubic meter. Sampling was performed for 254 minutes during one shift. Zero exposure was assumed for the unsampled period of 226 minutes; and
- b) A sandblaster employee was exposed to lead at an eight-hour time weighted-average of 2,815 micrograms per cubic meter of air, approximately 56.3 times the permissible exposure limit of 50 micrograms per cubic meter. Sampling was performed for 255 minutes during one shift. Zero exposure was assumed for the unsampled period of 225 minutes; and
- c) A sandblaster helper and cleanup employee was exposed to lead at an eight-hour time weighted-average of 1,035 micrograms per cubic meter of air, approximately 20.7 times the permissible exposure limit of 50 micrograms per cubic meter. Sampling was performed for 264 minutes during one shift. Zero exposure was assumed for the unsampled period of 216 minutes; and
- d) A sandblaster helper and cleanup employee was exposed to lead at an eight-hour time weighted-average of 760 micrograms per cubic meter of air, approximately 15.2 times the permissible exposure limit of 50 micrograms per cubic meter. Sampling was performed for 228 minutes during one shift. Zero exposure was assumed for the unsampled period of 252 minutes.

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/16/2013
Proposed Penalty:	\$49000.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

Citation 2 Item 1 b Type of Violation: Willful

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:

The employer did not institute feasible engineering controls and work practice controls to reduce and maintain employee exposures to lead at or below the permissible exposure limit. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not institute feasible engineering controls and work practice controls and work practices to reduce and maintain employee exposure to lead during abrasive blasting operations at or below the permissible exposure limit.

- a) A sandblaster employee was exposed to lead at an eight-hour time weighted-average of 2,963 micrograms per cubic meter of air, approximately 59.2 times the permissible exposure limit of 50 micrograms per cubic meter. Sampling was performed for 254 minutes during one shift. Zero exposure was assumed for the unsampled period of 226 minutes; and
- b) A sandblaster employee was exposed to lead at an eight-hour time weighted-average of 2,815 micrograms per cubic meter of air, approximately 56.3 times the permissible exposure limit of 50 micrograms per cubic meter. Sampling was performed for 255 minutes during one shift. Zero exposure was assumed for the unsampled period of 225 minutes; and
- c) A sandblaster helper and cleanup employee was exposed to lead at an eight-hour time weighted-average of 1,035 micrograms per cubic meter of air, approximately 20.7 times the permissible exposure limit of 50 micrograms per cubic meter. Sampling was performed for 264 minutes during one shift. Zero exposure was assumed for the unsampled period of 216 minutes; and
- d) A sandblaster helper and cleanup employee was exposed to lead at an eight-hour time weighted-average of 760 micrograms per cubic meter of air, approximately 15.2 times the permissible exposure limit of 50 micrograms per cubic meter. Sampling was performed for 228 minutes during one shift. Zero exposure was assumed for the unsampled period of 252 minutes.

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: 898601
Inspection Date(s): 03/26/2013 - 06/18/2013
Issuance Date: 09/19/2013



Citation and Notification of Penalty

Company Name: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/16/2013

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

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 2 a Type of Violation: Willful

29 CFR 1926.62(d)(1)(i): The employer does not initially determine if any employee is exposed to lead at or above the action level:

(a) The employer does not conduct initial monitoring for each employee to determine if they are exposed to lead at or above the action level for lead. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not conduct initial air monitoring for employees performing abrasive sand blasting.

(b) The employer does not conduct initial monitoring for each employee to determine if they are exposed to lead at or above the action level for lead. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not conduct initial air monitoring for employees performing cleanup of dry expendable abrasives, including but not limited to vacuuming dry expendable abrasive dust from within the containment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/16/2013

Proposed Penalty:

\$49000.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

Citation 2 Item 2 b Type of Violation: Willful

29 CFR 1926.62(d)(1)(iii): The employer did not collect personal samples representative of a full shift, including at least one sample for each job classification in each work area, either for each shift or for the shift with the highest exposure level:

The employer does not collect personal samples representative of a full shift, including at least one sample for each job classification in each work area to determine if they are exposed to lead. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not collect personal samples representative of a full shift, including at least one sample for each job classification in each work area for employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/16/2013

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.1018(k)(4): A written housekeeping and maintenance plan for inorganic arsenic which lists the appropriate frequencies for carrying out housekeeping operations and for cleaning and maintaining dust collection equipment was not kept and available for inspection by the Assistant Secretary: (Construction Reference: 1926.1118)

The employer does not have a written housekeeping and maintenance plan for employees performing housekeeping operations who are exposed to inorganic arsenic which lists appropriate frequencies for carrying out housekeeping operations and for cleaning and maintaining dust collection equipment. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not have a written housekeeping and maintenance plan employees performing cleanup of dry expendable abrasives, including but not limited to vacuuming dry expendable abrasive dust from within the containment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/16/2013

Proposed Penalty:

\$1400.00

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: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460

Citation 3 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.1018(k)(5): A record was not kept of the last check of effectiveness and cleaning or maintenance of the dust collection and/or ventilation equipment: (Construction Reference: 1926.1118)

The employer does not keep records of the last check of effectiveness and cleaning or maintenance of the dust collection system. This violation occurred on April 5, 2013, at a jobsite located at 600 25th St. Paris, TX 75460 ; where the employer did not keep a record of the effectiveness and cleaning or maintenance of the dust collection system when inorganic arsenic is present.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/16/2013
Proposed Penalty: \$700.00

Noel Buitrago
for Stephen Boyd
Area Director

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
8344 E. R.L. Thornton Freeway
Suite 420
Dallas, TX 75228
Phone: 214-320-2400 Fax: 214-320-2598

**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: MK Painting Inc
Inspection Site: 600 25th St. NE, Paris, TX 75460
Issuance Date: 09/19/2013

Summary of Penalties for Inspection Number	898601
Citation 1, Serious	\$60900.00
Citation 2, Willful	\$98000.00
Citation 3, Other-than-Serious	\$2100.00
TOTAL PROPOSED PENALTIES	\$161000.00

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.

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

Noel Buitrago
for
Stephen Boyd
Area Director

09/19/2013
Date