



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
Michigan Occupational Safety & Health Administration  
(MIOsha)

STEVEN HILFINGER  
DIRECTOR

March 3, 2011

Mr. Rick LeMaster  
Rick LeMaster, LLC  
1703 East Michigan Avenue  
Jackson, MI 49202-3643

RECEIVED

APR 12 2011

RE: Inspection I#313343030(30)

AIR QUALITY DIV.

Dear Mr. LeMaster:

On December 9, 2010, in response to a referral, the Michigan Occupational Safety and Health Administration (MIOsha), Construction Safety and Health Division began an investigation at your worksite located at 2400 East Ganson Street in Jackson, Michigan.

During our investigation, material bulk sampling of suspect asbestos, lead and cadmium containing materials was conducted and submitted to our laboratory for analysis. The results of our tests are summarized on the enclosed Material Sample Data Sheet.

This investigation has resulted in at least one citation. Please review the citation(s) for information regarding the specific violation(s), penalties, abatement requirements, deadlines, settlement agreement instructions, and appeal information.

Enclosed you will find an Inspection Findings for Complaint and Referral Issues form (IFCRI form) addressing the specific complaint and/or referral items. You may also find recommendations and supplemental information on occupational safety and health.

MIOsha standards as well as additional training materials are available online at [www.michigan.gov/miosha](http://www.michigan.gov/miosha). You may also wish to contact the MIOsha Consultation, Education and Training (CET) Division. The CET Division conducts safety and health surveys in the workplace (full or partial) without fines or penalties, at no charge, and can be reached by calling (517) 322-1809.

If you have any questions concerning these matters, please contact me at (517) 322-5789. Your personal support and interest in the safety and health of your employees is appreciated.

Sincerely,

Scott A. Thelen, Industrial Hygienist  
Construction Safety and Health Division  
Asbestos Program

SAT:lv

DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

CONSTRUCTION SAFETY AND HEALTH DIVISION – ASBESTOS PROGRAM  
7150 HARRIS DRIVE • P.O. BOX 30671 • LANSING, MICHIGAN 48909-8171  
[www.michigan.gov/asbestos](http://www.michigan.gov/asbestos) • E-mail: [asbestos@michigan.gov](mailto:asbestos@michigan.gov)  
517.322.1320 • FAX 517.322.1713

# INSPECTION FINDINGS FOR COMPLAINT AND REFERRAL ISSUES

Michigan Department of Energy, Labor & Economic Growth

MIOSHA

Est. Name: Rick LeMaster, LLC

Insp#: 313343030

CSHO: Q5258

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Site Address:

2400 East Ganson Street, Jackson, MI

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Inspection Dates:

313343030

Complaint#:

202383550

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**ALLEGED HAZARD:** Employees are not utilizing proper work practices, personal protection equipment (PPE) or respiratory protection for potential asbestos containing materials when conducting salvage operations.

**INSPECTION FINDINGS:** Based upon our review of analytical reports of material samples obtained on site, employees of Rick LeMaster, LLC did remove asbestos containing materials during removal of piping and mechanical equipment. Statements of Mr. Rick LeMaster confirmed that the employees did not utilize wet methods, adequate isolation, or high efficiency particulate air (HEPA) vacuums for clean-up of asbestos wastes and debris. Employees were not provided with respiratory protection or disposable coveralls. Decontamination procedures were not utilized. We also determined that the employees who performed the Class I asbestos work were not properly trained to do so. These violations were addressed in the enclosed Citation 1, Items 1a, 2a, 2b, 2d-2g and 3a-3b.

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**ALLEGED HAZARD:** Employees are leaving asbestos-containing debris on the ground during salvage operations.

**INSPECTION FINDINGS:** Employees of Rick LeMaster, LLC did remove asbestos containing materials during removal of piping and mechanical equipment. During the salvage operations the material was left on the ground as employees prepared it for recycling. These violations were addressed in the enclosed Citation 1, Item 2c.

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# SAFETY/HEALTH RECOMMENDATIONS

Michigan Department of Labor & Economic Growth

## MIOSHA

General Industry Safety & Health Division  
7150 Harris Drive, P.O. Box 30644  
Lansing, MI 48909-8144  
Phone: (517) 322-1831  
Fax: (517) 322-6353

Construction Safety & Health Division  
Asbestos Program  
7150 Harris Drive, P.O. Box 30671  
Lansing, MI 48909-8171  
Phone: (517) 322-1320  
Fax: (517) 322-1713

Est. Name: Rick LeMaster, LLC

I#313343030

CSHO: Q5258

### IT IS RECOMMENDED THAT YOUR COMPANY

#### Asbestos

We strongly recommend that you carefully review the enclosed MIOSHA asbestos standards. There are two MIOSHA asbestos standards that directly impact work activities with buildings containing asbestos: Part 305 – the Asbestos for General Industry Standard (29 CFR 1910.1001) and Part 602 – the Asbestos Standards for Construction (29 CFR 1926.1101).

The Asbestos for General Industry Standard applies to manufacturing facilities that utilize asbestos in the products they manufacture, to general housekeeping activities in buildings that contain asbestos and to vehicle brake repair activities. In addition, this standard also requires the owner of a pre-1981 building/ facility (excluding an owner occupied residential home) to determine the presence, location and quantity of asbestos-containing materials (ACM) and/or presumed asbestos-containing materials (PACM) within all buildings constructed prior to 1981 and to inform employees or employers of employees who will perform housekeeping activities in these areas of the presence and location of these materials which may be contacted during their work activities.

The Asbestos Standard for Construction applies to the construction, demolition, alteration, repair, maintenance and renovation of structures containing asbestos that entail asbestos disturbance, removal or encapsulation activities. This standard establishes four classes of asbestos work activities. Dependent upon the class(es) of asbestos work activity(ies) that an employer's employees undertake, the standard requires the employer to follow specific work practices/procedures and training requirements. Similar to the Asbestos for General Industry Standard, before performing work subject to the Asbestos Standard for Construction, the owner of a pre-1981 building/facility (excluding an owner occupied residential home) is required to determine the presence, location and quantity of ACM, and/or PACM and to convey their findings to employees and to all employers whose employees work within or adjacent to the areas that contain ACM and/or PACM.

#### Lead

Please be advised, when performing work that involves disturbance of lead containing materials, that many legal obligations, specific work practices, engineering controls and employee training requirements apply [i.e., Part 603, Lead In Construction Standard, (copy enclosed)]. It is the responsibility of the employer to ensure that all applicable rules and regulations are closely followed when working with lead containing materials.

## SAFETY/HEALTH RECOMMENDATIONS (cont.)

<b>Rec#</b>	<b>IT IS RECOMMENDED THAT YOUR FIRM:</b>
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It is important to recognize that paint on all building surfaces may contain lead. An appropriate survey and laboratory analysis for all suspect lead-containing materials should be conducted prior to the start of any renovation or demolition projects in older buildings. If lead is present in any detectable level and the material will be disturbed, provisions of Part 603, Lead In Construction may be applicable. Building lead surveys that only rely upon the use of x-ray fluorescence (XRF) field sampling/analysis equipment or lead spot check kits should be suspect of potentially being deficient. This is because the lead level limit of detection for the types of testing methods are not as low as paint chip laboratory analysis by atomic absorption spectrometry or inductively coupled argon plasma atomic emission spectrometry. Therefore, paint samples that test negative for lead using XRF or lead spot check testing equipment should be re-evaluated for lead content by laboratory analysis. For information regarding the toxicology of lead, we encourage you to refer to the appendices of Part 603.

**MATERIAL SAMPLE DATA SHEET**

Michigan Department of Energy, Labor & Economic Growth  
Michigan Occupational Safety & Health Administration  
Construction Safety & Health Division

I # 313343030

Employer: Rick LeMaster, LLC

Date: 12-9-10

Location: 2400 East Ganson Street, Jackson, MI

IH:

Scott Thelen

Contaminant	Standard/Reference	Limit/Recommendation	Equipment
ASBESTOS	29 CFR 1926.1101	>1% Asbestos	N/A
LEAD	29 CFR 1926.62	Presence of Lead	N/A

Identification/Description	Results	Limit/Recommendation	Note
30-RL-1B White paint chips from cut pipe, found in dumpster at loading dock.	0.26% Lead		3
30-RL-2B Black pipe insulation material found on pipe located in a dumpster at loading dock (outer layer).	ND < 1% Asbestos		1
30-RL-3B Black pipe insulation material found on pipe located in a dumpster at loading dock (inner layer).	ND < 1% Asbestos		1
30-RL-4B Black inner layer from millboard pipe insulation, found in workshop area.	ND < 1% Asbestos		1
30-RL-5B Grey paper insulation material found on workshop table.	ND < 1% Asbestos		1
30-RL-6B White pipe mud from formed debris found on workshop floor.	15% Chrysotile Asbestos		2
30-RL-7B White rubbery pipe coating with copper flecks found on piping on workshop table.	ND < 1% Asbestos		1
30-RL-8B Grey pipe insulation material found on floor of boiler room.	15% Chrysotile Asbestos		2
30-RL-9B Brown fibrous pipe insulation material found on pipe in workshop.	ND < 1% Asbestos		1
Note 1: No action required.			
Note 3: Action required Lead			
Note 2: Action required Asbestos.			

% = percent and type asbestos and/or percent lead

ml = milliliter

NA = not applicable  
ND = none detected

> = greater than  
< = less than

# MATERIAL SAMPLE DATA SHEET

Michigan Department of Energy, Labor & Economic Growth  
Michigan Occupational Safety & Health Administration  
Construction Safety & Health Division

I # 313343030

Employer: Rick LeMaster, LLC

Date: 12-9-10

Location: 2400 East Ganson Street, Jackson, MI

IH:

Scott Thelen

Contaminant	Standard/Reference	Limit/Recommendation	Equipment
ASBESTOS	29 CFR 1926.1101	>1% Asbestos	N/A
LEAD	29 CFR 1926.62	Presence of Lead	N/A

Identification/Description	Results	Limit/Recommendation	Note
30-RL-10B Black inner layer from millboard pipe insulation, found in back loading dock area.	Black layer ND < 1% Asbestos Brown Layer ND < 1% Asbestos		1
30-RL-11B White pipe mud insulation material found on ground near loading dock.	15% Chrysotile Asbestos		2
30-RL-12B Cementitious boiler coating with insulation layer found on boiler room floor.	ND < 1% Asbestos ND < 0.03% Lead		1
30-RL-13B White pipe mud insulation material found on loading dock near waste container.	15% Chrysotile Asbestos		2
Note 1: No action required.      Note 2: Action required Asbestos.			
Note 3: Action required Lead.			

% = percent and type asbestos and/or percent lead      ml = milliliter      NA = not applicable      > = greater than  
 Note 1: No action required.      Note 2: Action required Asbestos.      ND = none detected      < = less than  
 Note 3: Action required Lead.



## Citation and Notification of Penalty

**To:**  
Rick LeMaster LLC  
and its successors  
1703 E Michigan Ave  
Jackson, MI 49202-3643

**Inspection Number:** 313343030  
**Inspection Date(s):** 12/09/2010-02/08/2011  
**Issuance Date:** 03/03/2011

**Inspection Site:**  
2400 E Ganson St  
Jackson, MI 49202-3772

**Reporting ID:** 0552630  
**CSHO ID:** Q5258  
**Optional Rptg Nr:**

**SUMMARY:** An inspection at the site noted above has revealed conditions we believe do not comply with the provisions of the Michigan Occupational Safety and Health Act, Act 154 of the P.A. of 1974, as amended (MIOSHA Act). The nature of such alleged violation(s) is described on the citation(s) with reference to the applicable standards, rules, regulations, orders and provisions of the Act. Following is a list of items the employer must consider carefully, to resolve the issues alleged in the citation(s). Following this numbered summary is a more detailed explanation of the requirements.

1. The violation(s) alleged in the citation(s) must be corrected on or before the date(s) shown in the line marked "Date By Which Violation Must Be Abated." Correcting a violation does not eliminate the requirement to pay the penalty nor does payment of the penalty negate having to correct the violation.
2. A copy of the citation(s) must be posted at or near the location of the violation(s) for a minimum of three days or until the item(s) have been corrected, whichever is later.
3. Documentation of abatement must be provided to the issuing Division. Failure to provide such documentation may result in a follow-up inspection.
4. The employer may enter into an informal settlement with the issuing division that can result in up to a 50% reduction in any assessed penalties. The employer should contact the issuing division within 5 workdays upon receiving a citation(s) if interested in an informal settlement.
5. The employer may file a first appeal for modification or dismissal of a citation item and/or any proposed penalty or request an extension of time for abatement. The appeal must be in writing and be postmarked within 15 workdays of receipt (workday is defined below). The first appeal can also result in a penalty reduction of up to 50%.  
If an appeal is untimely, the citation(s) becomes a Final Order of the Board of Health and Safety Compliance and Appeals (Board) and is no longer subject to review by the issuing division. An employee or employee representative may appeal abatement dates.
6. Monetary penalties must be paid within 15 workdays of a citation becoming a Final Order of the Board.
7. The employer may file a request for an extension of time to abate a citation(s) that has become a Final Order of the Board. Such a request must be in writing and received or postmarked no later than 1 working day following the abatement date.

8. It is unlawful to discriminate against an employee for exercising any of his/her rights under MIOSHA.

Note: As defined in statutes, "workday" or "working day" means any day other than a Saturday, Sunday, or state legal holiday. The state legal holidays are:

January 1, New Year's Day  
The third Monday in January, Martin Luther King, Jr. Day  
February 12, Lincoln's birthday  
The third Monday of February, Washington's birthday  
The last Monday of May, Memorial or Decoration Day  
July 4, Independence Day  
The first Monday in September, Labor Day  
The second Monday in October, Columbus Day  
November 11, Veterans' Day  
The fourth Thursday in November, Thanksgiving Day  
December 25, Christmas Day

Please note that whenever January 1; February 12; July 4; November 11; or December 25 fall on a Sunday, the next Monday following is deemed a public holiday (non-working day) for appeal purposes. However, there is no compensating day when one of the five dated holidays falls on a Saturday. Also, when computing the 15 working days, you do not count the date on which it is received; you start with the next working day. Additionally, the count is based on when the citation was received at the employer's location, not when it got to any particular person or office at the employer's location.

**I - CITATIONS:** The nature of the alleged violation(s) is described on the enclosed citation(s). These conditions must be corrected on or before the date(s) shown in the line marked "Date By Which Violation Must Be Abated." The issuing division may be contacted by telephone at the number indicated on the front of the citation for the purpose of discussing any issues related to the inspection or citation(s).

A copy of the citation(s) must be posted at or near the location of the violation for a minimum of 3 days or until the items have been corrected, whichever is later. The MIOShAct provides for civil penalties of up to \$7,000 for each violation for failure to comply with posting requirements.

When compliance is achieved, a copy of the citation must be signed and returned to the issuing division along with documentation of abatement.

Documentation of abatement for citation items originally classified as "serious," "repeat," "fail-to-abate," "willful," or "instance-by-instance," require documentation as deemed appropriate by the issuing division. Examples of documentation for these violation classifications are:

- (a) A detailed description of how the violation was abated.
- (b) Work orders or an invoice indicating the corrective work that has been done.
- (c) Photographs of the abated conditions.
- (d) Other forms of conclusive evidence that your employees are no longer exposed to the hazards.

For citation items classified as "other," submitting to the issuing division a signed copy of the citation item indicating the item has been abated is acceptable documentation of abatement. Submitting a document in writing, certifying abatement of the particular citation item is also acceptable for citation items classified as "other."

If the employer does not provide adequate documentation of abatement, a reinspection may be conducted. Failure to correct an alleged violation within the abatement period may result in new or additional proposed penalties.



Correcting a violation prior to the expiration of the abatement date does not eliminate the requirement to pay the penalty. Payment of the penalty does not eliminate the requirement of correcting the violation.

**II - INFORMAL SETTLEMENT:** In addition to the appeal rights afforded by the MIOShAct, the Michigan Occupational Safety and Health Administration has implemented a program for negotiating informal settlement with the employer. This is a program designed to reach abatement of the hazard at the earliest possible opportunity and reduce the need for formal appeals. Payment of the penalty does not eliminate the requirement of correcting the violation.

**II - INFORMAL SETTLEMENT:** In addition to the appeal rights afforded by the MIOShAct, the Michigan Occupational Safety and Health Administration has implemented a program for negotiating informal settlement with the employer. This is a program designed to reach abatement of the hazard at the earliest possible opportunity and reduce the need for formal appeals. The informal settlement can result in a penalty reduction of up to 50% provided the issuing division and the employer agree to a number of specified conditions. These conditions include an agreement by the employer to:

- (a) Not appeal further.
- (b) Abate all items within the abatement period.
- (c) Provide proof of abatement.
- (d) Pay all agreed upon penalties.
- (e) Abide by any other mutually agreed upon actions.

If you are interested in pursuing an informal settlement, you should contact the issuing division within 5 workdays upon receipt of the citation(s), but no later than the 15th workday beyond receipt of the citation(s). If the employer wishes to accept the conditions stated above and the process can be completed within 15 workdays from receipt, then no appeal needs to be filed.

**III - CITATION APPEAL:** An employer may file a first appeal to the issuing division in writing for modification or dismissal of a citation item and/or any proposed penalty or an extension of time for abatement. The first appeal can also result in a penalty reduction of up to 50% providing the issuing Division and the employer agree to the conditions (a) through (e) as stated in Section II, INFORMAL SETTLEMENT (above).

An employee or employee representative may appeal in writing the reasonableness of the abatement date(s). The envelope containing an appeal must be postmarked no later than the 15th workday following receipt of the citation.

If a citation is not appealed within 15 workdays of receipt, then the citation becomes a Final Order of the Board of Health and Safety Compliance and Appeals (Board). Final Order citations are not subject to review by the issuing division unless the Bureau of Hearings establishes good cause for the late appeal.

An appeal must specify the item(s) appealed and that portion of the item (e.g., violation, abatement date, penalty) that is being appealed and include a certification that the appeal has been posted or given to affected employees or their representatives. If the issuing division meets with the employer to discuss an appeal, the issuing division will notify the employee representative and allow attendance at the meeting.

The issuing division will notify an employer of its decision within 15 workdays of the receipt of the employer's written appeal. The decision must be posted at the location of the subject citation.

If an employer, employee or employee representative is not satisfied with this decision, they may file a second appeal. The appeal must be in writing and the envelope containing the second appeal must be postmarked within 15 workdays of the receipt of the issuing division's decision on the first appeal. If the issuing division's decision is not appealed, the citation becomes a Final Order of the Board.

**IV - MONETARY PENALTIES:** Payment must be made within 15 workdays of the date a proposed penalty of a citation becomes a Final Order of the Board. This would be the 30th workday after receipt of each citation item that is not appealed. For payment of a penalty, make a check or money order payable to the "State of Michigan" and remit to the issuing division at the address shown on the citation. Please record the inspection number, citation

and item number on the check, money order or transmittal letter. Payment must be made within 15 workdays of the date a proposed penalty of a citation becomes a Final Order of the Board. This would be the 30th workday after receipt of each citation item that is not appealed. For payment of a penalty, make a check or money order payable to the "State of Michigan" and remit to the issuing division at the address shown on the citation. Please record the inspection number, citation and item number on the check, money order or transmittal letter.

**V - EXTENSION OF TIME TO ABATE:** An employer may file a petition for modification of abatement date(s) (PMA) on an item of a citation that has become a Final Order of the Board. The PMA must be submitted to the issuing division in writing by personal delivery or postmarked no later than one day following the abatement date, and a copy posted near the place the citation was posted. An employer must have made a good faith effort to correct the violation by the abatement date, and has not been or will not be successful because of factors beyond the employer's reasonable control. A PMA must include:

- (a) Steps taken to achieve compliance.
- (b) The specific additional abatement time necessary.
- (c) The reasons the additional time is needed.
- (d) Available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.
- (e) A certification that a copy of the PMA has been posted for employees at the location of the subject citation. The posted copy must remain posted for a minimum of 10 workdays.

If the issuing division or affected employees file an objection to the PMA within 10 workdays of the employer's filing date, the Board will schedule a hearing and advise the employer of the date, time, and place of the hearing.

**VI - EMPLOYEE DISCRIMINATION:** Section 65 of the MIOSHAct, prohibits discrimination against an employee for filing a complaint or exercising any rights under the MIOSHAct, as amended. If an employee believes that he or she was discharged or otherwise discriminated against as a result of filing a complaint, they may file a complaint with the MIOSHA Employee Discrimination Section within 30 calendar days after the violation occurs.

**VII - STATE CONSULTATION EDUCATION AND TRAINING SERVICES:** The MIOSHA Consultation Education and Training (CET) Division offers a wide range of services to help businesses with their health and safety practices. CET services include: helping employers create a Safety and Health Management System, seminars and workshops, onsite consultations, hazard surveys, an equipment loan program and information material. The majority of CET services are provided free of charge to Michigan employers and employees. For information on these services, contact the CET Division at (517) 322-1809 or visit their web site at [www.michigan.gov](http://www.michigan.gov).



## Citation and Notification of Penalty

Company Name: Rick LeMaster LLC  
Inspection Site: 2400 E Ganson St, Jackson, MI 49202-7772

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

#### ASBESTOS STANDARDS FOR CONSTRUCTION, PART 602, 1926.1101(f)(1)

The employer did not perform exposure monitoring to determine accurately the airborne concentrations of asbestos to which employees may be exposed during the asbestos abatement project at 2400 East Ganson Street, Jackson, Michigan.

Perform representative personal air monitoring to determine accurately the airborne concentration of asbestos which each employee may be exposed during asbestos removal, demolition, or renovation operations, as required by 29 CFR 1926.1101(f).

Date By Which Violation Must be Abated:	03/09/2011
Proposed Penalty:	\$ 500.00

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

#### LEAD EXPOSURE IN CONSTRUCTION, PART 603, 1926.62(d)(1)(i)

The employer did not initially determine if any employee saw cutting painted pipes may be exposed to lead at or above the action level of 30 micrograms per cubic meter of air (30 ug/m<sup>3</sup>).

Perform an initial determination in accordance with 29 CFR 1926.62(d)(1)(i-iv) to identify any employee who is exposed to lead at or above the action level. Submit to the department evidence indicating that appropriate monitoring has been conducted.

Date By Which Violation Must be Abated:	03/09/2011
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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: Rick LeMaster LLC  
Inspection Site: 2400 E Ganson St, Jackson, MI 49202-7772

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

##### ASBESTOS STANDARDS FOR CONSTRUCTION, PART 602, 1926.1101(e)(1)

The employer did not conduct Class I asbestos work within a regulated area at the 2400 East Ganson Street, Jackson, Michigan project site.

In the future, ensure that all Class I, II and III asbestos work is conducted within regulated areas that comply with the requirements of paragraphs 29 CFR 1926.1101 (e)(2), (3), (4), (5) and (6) of this standard.

Date By Which Violation Must be Abated:	03/09/2011
Proposed Penalty:	\$ 1500.00

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

##### ASBESTOS STANDARDS FOR CONSTRUCTION, PART 602, 1926.1101(e)(6)

It was determined that the employer did not ensure that Class I asbestos work at the 2400 East Ganson Street, Jackson, Michigan project site, was supervised by a competent person as defined by 29 CFR 1926.1101(o).

Before initiating any asbestos work within a regulated area, ensure that the work will be supervised by a competent person as defined by 29 CFR 1926.1101(o).

Date By Which Violation Must be Abated:	03/09/2011
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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: Rick LeMaster LLC  
Inspection Site: 2400 E Ganson St, Jackson, MI 49202-7772

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

##### ASBESTOS STANDARDS FOR CONSTRUCTION, PART 602, 1926.1101(g)(1)

The department determined that the employer did not utilize the following engineering controls and/or work practices at the 2400 East Ganson Street, Jackson, Michigan project site: HEPA vacuum to collect asbestos dust and debris, wet methods and prompt clean-up and disposal of debris contaminated with asbestos in leak-tight containers.

In the future assure that the work practices and engineering controls required by 29 CFR 1926.1101(g)(1) are utilized on all Class I, II, III or IV projects involving asbestos, regardless of the levels of exposure to employees.

Date By Which Violation Must be Abated: 03/09/2011

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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: Rick LeMaster LLC  
Inspection Site: 2400 E Ganson St, Jackson, MI 49202-7772

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

##### ASBESTOS STANDARDS FOR CONSTRUCTION, PART 602, 1926.1101(g)(4)(ii)

The department determined that the employer conducted Class I asbestos work at the 2400 East Ganson Street, Jackson, Michigan project site and did not utilize critical barriers or isolation methods to prevent the migration of airborne asbestos from a regulated area as required for Class I projects exceeding 25 linear feet or 10 square feet, or when an employer has not taken a negative exposure assessment pursuant to 29 CFR 1926.1101(f)(2)(iii).

On future Class I asbestos projects that exceed 25 linear feet or 10 square feet, or for which a negative exposure assessment has not been obtained pursuant to 29 CFR 1926.1101(f)(2)(iii), assure that critical barriers or other isolation methods are utilized to prevent the migration of airborne asbestos from the regulated area.

Date By Which Violation Must be Abated: 03/09/2011

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

##### ASBESTOS STANDARDS FOR CONSTRUCTION, PART 602, 1926.1101(h)(1)

It was determined that the employer did not provide and ensure the use of respirators during Class I asbestos work at the 2400 East Ganson Street, Jackson, Michigan project site.

Ensure that employees are provided and that they utilized respirators whenever they are involved in asbestos work activities as defined in 29 CFR 1926.1101(h)(1)(i-viii).

Date By Which Violation Must be Abated: 03/09/2011

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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: Rick LeMaster LLC  
Inspection Site: 2400 E Ganson St, Jackson, MI 49202-7772

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

##### ASBESTOS STANDARDS FOR CONSTRUCTION, PART 602, 1926.1101(i)(1)

It was determined that the employer did not provide and require the use of protective clothing, such as coveralls or similar whole-body clothing, head covering, gloves and foot coverings, to employees performing Class I asbestos work at the 2400 East Ganson Street, Jackson, Michigan project site, when a negative exposure assessment had not been obtained.

Provide and require the use of protective clothing such as coveralls or similar whole-body clothing, head coverings, gloves and foot coverings for employees as required by 29 CFR 1926.1101(i)(1).

Date By Which Violation Must be Abated: 03/09/2011

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

##### ASBESTOS STANDARDS FOR CONSTRUCTION, PART 602, 1926.1101(j)(1)(i)

The department determined that the employer did not provide a decontamination area for employees that satisfied the requirements of 29 CFR 1926.1101(j)(1)(i) at the 2400 East Ganson Street, Jackson, Michigan project site.

In the future, assure that decontamination areas satisfying the requirements of 29 CFR 1926.1101(j)(1)(i) are provided for employees on Class I asbestos jobs involving over 25 linear or 10 square feet of thermal system insulation or surfacing asbestos containing materials.

Date By Which Violation Must be Abated: 03/09/2011

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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: Rick LeMaster LLC  
Inspection Site: 2400 E Ganson St, Jackson, MI 49202-7772

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

#### LEAD EXPOSURE IN CONSTRUCTION, PART 603, RULE 1926.62(d)(2)(v)

The employer did not provide adequate interim protection, until employee exposure assessments were determined in accordance with 29 CFR 1926.62(d)(2), for employees performing tasks where exposure may be in excess of the permissible exposure limit for lead. Employees were not provided adequate respiratory protection, adequate personal protective clothing, change areas, biological monitoring, or training when saw cutting piping with painted surfaces.

Provide appropriate interim protection as listed in 29 CFR 1926.62(d)(2)(v)(A-F) on jobs where employees may be exposed to lead from the tasks described in paragraphs (d)(2)(i) through (d)(2)(iv), until an initial determination of employee lead exposure is made in accordance with 29 CFR 1926.62(d)(1)(i-iv). Interim protection includes appropriate respiratory protection in accordance with paragraph (f), appropriate personal protective clothing in accordance with paragraph (g), change areas in accordance with paragraph (i)(2), hand washing facilities in accordance with paragraph (i)(5), biological monitoring in accordance with paragraph (j)(1)(i) to consist of blood sampling and analysis for lead and zinc protoporphyrin, and training as required under paragraph (l)(2)(i), paragraph (l)(2)(iii) and 29 CFR 1926.21 [MIOSHA equivalent Construction Safety Standards, Part 1, Rule 114, (2)(d) and (e)]. Submit to the department documentation indicating appropriate interim protection has been provided where applicable.

**Date By Which Violation Must be Abated:** 03/09/2011

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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: Rick LeMaster LLC  
Inspection Site: 2400 E Ganson St, Jackson, MI 49202-7772

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

**ASBESTOS STANDARDS FOR CONSTRUCTION, PART 602, 1926.1101(k)(9)(i)**

It was determined that the employer did not institute an appropriate asbestos training program for all employees who performed Class I asbestos operations at the 2400 East Ganson Street, Jackson, Michigan project site.

Institute a training program for all employees performing Class I asbestos operations. Ensure that the training program is in accordance with 29 CFR 1926.1101(k)(9)(iii).

Date By Which Violation Must be Abated:	03/09/2011
Proposed Penalty:	\$ 1500.00

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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: Rick LeMaster LLC  
Inspection Site: 2400 E Ganson St, Jackson, MI 49202-7772

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

##### ASBESTOS STANDARDS FOR CONSTRUCTION, PART 602, 1926.1101(k)(3)(ii)

The department determined that the employer performing work subject to the standard (i.e., 1926.1101), did not inform employees performing such work at the 2400 East Ganson Street, Jackson, Michigan project site of the presence, location and quantity of asbestos-containing and/or presumed asbestos-containing materials and did not inform them of the precautions they were required to take to insure airborne asbestos was confined to the work area.

In the future, before work subject to 29 CFR 1926.1101 is begun, the employer performing such work shall notify the persons specified by 29 CFR 1926.1101(k)(3)(ii)(A-B) of the presence, location and quantity of asbestos-containing and/or presumed asbestos-containing materials at the project site and the precautions that they must take to confine airborne asbestos to the immediate work area.

Date By Which Violation Must be Abated: 03/09/2011

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

##### LEAD EXPOSURE IN CONSTRUCTION, PART 603, 1926.62(l)(3)(i)

The employer did not make a copy of these Lead Exposure in Construction standard rules and appendices readily available to all affected employees.

Make a copy of the Lead Exposure in Construction standard rules and appendices readily available to all affected employees. As proof of abatement, submit a protocol for providing this information to affected employees.

Date By Which Violation Must be Abated: 03/09/2011

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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: Rick LeMaster LLC  
Inspection Site: 2400 E Ganson St, Jackson, MI 49202-7772

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

HAZARD COMMUNICATION, PART 430, 1910.1200(e)(1)

The employer did not develop, implement, and maintain a written hazard communication program which describes how the criteria in 29 CFR 1910.1200 (e), (f), (g), and (h) will be met.

Provide a copy of the written hazard communication program to the Department.

Date By Which Violation Must be Abated:	03/09/2011
Proposed Penalty:	\$ 200.00

A handwritten signature in black ink, appearing to read "K. Langworthy", written over a horizontal line.

Keith B. Langworthy  
Acting Health Manager

Michigan Department of Energy, Labor & Economic Growth  
Construction Safety and Health Division  
7150 Harris Dr., PO Box 30671  
Lansing, MI 48909-8171  
Phone: (517)322-1320 FAX: (517)322-1713



## PROPOSED PENALTY INVOICE

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<b>Company Name:</b>	Rick LeMaster LLC	<b>Reporting ID:</b>	0552630
<b>Inspection Site:</b>	2400 E Ganson St Jackson, MI 49202-3772	<b>CSHO ID:</b>	Q5258
<b>Issuance Date:</b>	03/03/2011	<b>Optional Rptg Nr:</b>	

**Summary of Penalties for Inspection Number 313343030**

Citation 1, Serious	= \$	3500.00
Citation 2, Serious	= \$	200.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>3700.00</b>

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Correcting a violation prior to the expiration of the abatement date does not eliminate the requirement to pay the penalty. Payment of the penalty does not eliminate the requirement of correcting the violation.

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

Payment must be made within 15 working days of the date a proposed penalty of a citation item becomes a final order of the board. This would be the thirtieth (30th) working day after receipt of each citation item which is not appealed. For the payment of any penalty, make a check or money order payable to the "State of Michigan" and remit to the Department of Energy, Labor & Economic Growth at the address shown on the citation. PLEASE RECORD THE APPLICABLE INSPECTION NUMBER, CITATION NUMBER(S) AND ITEM NUMBER(S) ON THE CHECK, MONEY ORDER OR YOUR TRANSMITTAL LETTER.

Enclose this invoice page (or a copy thereof) with your payment.

  
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Authorized Signature

Inspection Date(s) December 9, 2010 Michigan Department of Energy, Labor & Economic Growth Citation # 409  
 Date Issued March 3, 2011 CSHD - Asbestos Program Case # 313343030  
7150 Harris Drive, P.O. Box 30671  
Lansing, MI 48909-8171  
Telephone (517) 322-1320  
 Page # 1 of 1

**Asbestos Notification Citation**

Employer	Street Address	City	Zip	Phone
Rick LeMaster, LLC	1703 East Michigan Avenue	Jackson, MI	49202	(517) 812-6808
Asbestos Abatement Worksite	Street Address	City	Zip	Phone
Worksite	2400 East Ganson Street	Jackson, MI	49202	
Based on conditions found at the worksite, or information gained through this investigation, it is alleged that you have violated Public Act 135 of 1986. Alleged violations must be corrected by the abatement date(s) noted below. Pursuant to Sec. 307 of this act, penalties as indicated and shall be paid within five (5) working days after becoming a final order.				
Item Number	Standard, Rule, Order or Section of Act Allegedly Violated	Description of Alleged Violation	Abatement Date	Penalty
1a	[Pursuant to Chapter II, Section 220(1), Act 135, P.A. 1986, as amended.]	On December 9, 2010, it was determined that employees of Rick LeMaster, LLC conducted a friable asbestos abatement project at 2400 East Ganson Street in Jackson, Michigan without first obtaining an Asbestos Abatement Contractors License from the DELEG Asbestos Program.	Immediately	\$5,000.00
1b	[Pursuant to Chapter II, Section 220(1), Act 135, P.A. 1986, as amended.]	On December 9, 2010, it was determined that Rick LeMaster, LLC did not notify the department at least 10 days prior to the beginning of a friable asbestos abatement project exceeding 10 linear feet and/or 15 square feet of friable asbestos.	Immediately	Grouped
		<b>Abatement Required:</b> Obtain an Asbestos Abatement Contractors License before conducting friable asbestos abatement projects as required by Chapter II, Section 207(1), Act 135, P.A. 1986, as amended and notify this office as required by Chapter II, Section 220(1), Act 135, P.A. 1986, as amended, prior to the beginning of the asbestos abatement project, and submit the required 1% project fee as required by Chapter II, Section 220(3) whenever conducting abatement activities exceeding 10 linear feet and/or 15 square feet of friable asbestos-containing materials.		

Total \$5,000.00

SEE ATTACHED PAGES FOR PROCESSING PROCEDURES  
 Please refer to the item number in addition to the citation number when directing any questions or correspondences

Authorized signature: 

**MICHIGAN DEPARTMENT OF  
ENERGY, LABOR & ECONOMIC GROWTH  
CITATIONS ISSUED UNDER P.A. 135 OF 1986, AS AMENDED**

**FINDING OF ALLEGED VIOLATION(S)** – An inspection or investigation at the location noted on the face of this citation has revealed conditions which we believe do not comply with the provisions of the Asbestos Abatement Contractor Licensing Act, (Act 135 of the P.A. of 1986, as amended). The nature of such alleged violation(s) is described on this document with reference to applicable standards, rules regulations, orders, and provisions of the Act. These conditions must be corrected on or before the date(s) shown in the column marked “Abatement Date.” Upon reinspection, failure to correct an alleged violation within the abatement period may result in further proposed penalties. Other requirements and employer/employee petition rights are described below:

- I. **CITATIONS** – The Department issuing the citation may be contacted by telephone at the number indicated on the front of this citation for the purpose of discussing any issues raised by the inspection/investigation or citation. This type of informal contact will not be considered a first appeal of the citation which is discussed in Section II.

If a citation is not appealed as prescribed in Section II, the citation, and all items therein, will become a final order of the Michigan Department of Labor & Economic Growth. Final order of the Department means that the citation is not subject to further review or change. The terms of the citation, once it becomes a “final order,” may be enforced against the employer to which it was issued, if not complied with voluntarily.

- II. **APPEAL (PETITION TO THE DEPARTMENT)** – An employer may appeal to the Department in writing for modification or dismissal of citation item(s) and/or any proposed penalty. Written request of any appeal must be postmarked within 20 days of the receipt of a citation. An appeal must specify the item(s) on the citation and that portion of the item (violation, abatement date and/or proposed penalty) which is being appealed. If the Department’s designated representative meets with the employer to discuss a petition, the Department shall notify the employee or representative and allow attendance at the meeting. All proceedings in a hearing shall be conducted pursuant to the procedures applicable to the trial of contested cases under Act No. 306 of the Public Acts of 1969 as amended. The Department will notify an employer of its decision regarding a first appeal within 15 working days of receipt. A party to the preceding may obtain judicial review within 60 days after receipt of the determination of the hearing officer pursuant to Act No. 306 of the Public Acts of 1969, as amended.
- III. **ABATEMENT AND NOTIFICATION OF ABATEMENT** – Items of alleged violation that are not appealed must be corrected by the abatement date specified FOR EACH ITEM in the citation. The employer must notify the Department at the address indicated on the front of this statement when compliance with the ITEM has been achieved. IF THE ITEM IS INDICATED “ABATED” IN THE ABATEMENT DATE COLUMN, NO FURTHER ACTION IS REQUIRED TO NOTIFY THE DEPARTMENT OF ABATEMENT ON THAT ITEM. A copy of the citation labeled “Notification of Abatement” is enclosed. Use the “Notification of Abatement” copy, copy thereof, or letter certifying compliance to notify the Department. Notification must be mailed to the Department within three (3) working days of the abatement date of each item appearing on the face of each citation. All violations (items) when abated are subject to this notification requirement. If an appeal for violations (items) on the citation is filed, the Department must still be notified upon compliance with the remaining violations (items) in the citation.
- IV. **MONETARY PENALTIES** – Payment must be made within five (5) working days of the date a proposed penalty of citation item becomes a final order of the Board. This would be the twenty-fifth (25<sup>th</sup>) working day after receipt of each citation item which is not appealed. For the payment of any penalty, make a check or money order payable to the “State of Michigan” and remit to the Department of Labor & Economic Growth at the address shown on the citation. Checks and money orders should include the citation number and item number(s).

Correcting a violation prior to the expiration of the abatement date does not eliminate the requirement to pay the penalty. Payment of the penalty does not eliminate the requirement to correct the violation item(s).