

U.S. Department of Labor

Occupational Safety and Health Administration
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: 973-263-1003 Fax: 973-299-7161



Citation and Notification of Penalty

To:
BRANTLEY BROTHERS MOVING & STORAGE
CO., INC.
168 ELIZABETH AVE
Newark, NJ 07108

Inspection Number: 1001669
Inspection Date(s): 10/17/2014 - 01/30/2015
Issuance Date: 02/05/2015

Inspection Site:
168 ELIZABETH AVE
Newark, NJ 07108

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

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

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

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

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

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

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

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

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/05/2015. The conference will be held by telephone or at the OSHA office located at 299

Cherry Hill Road, Suite 103, Parsippany, NJ 07054 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1001669

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108
Issuance Date: 02/05/2015

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: U.S. Department of Labor – Occupational Safety and Health Administration, 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054

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: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

29 CFR 1910.36(a)(3): An opening into an exit was not protected by a self-closing fire door that remains closed or automatically closes in an emergency upon the sounding of a fire alarm or employee alarm system:

a) North side exit

Inside stairs serving as an exit component did not have fire doors, exposing employees to a fire hazard.

b) South side exit

Inside stairs serving as an exit component did not have fire doors which remained closed or closed automatically, exposing employees to a fire hazard.

Conditions observed on or about 10/17/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/25/2015
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

29 CFR 1910.36(c)(1): Each exit discharge did not lead directly outside or to a street, walkway, refuge area, public way, or open space with access to the outside:

a) North side exit

The exit enclosure did not provided a continuous protected path of travel to an outside exit discharge, exposing employees to a fire hazard.

b) South side exit

The exit enclosure did not provided a continuous protected path of travel to an outside exit discharge, exposing employees to a fire hazard.

Conditions observed on or about 10/24/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 03/25/2015
Proposed Penalty: \$4900.00



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

29 CFR 1910.36(c)(3): Exit stairs that continue beyond the level on which the exit discharge is located were not interrupted at that level by doors, partitions, or other effective means that clearly indicate the direction of travel leading to the exit discharge:

a) South end exit

Exit stairs that continue beyond the first level where the exit discharge is located, was not interrupted at that level to prevent employee from entering the basement without exit discharge.

b) North end exit

Exit stairs that continue beyond the first level where the exit discharge is located, was not interrupted at that level to prevent employee from entering the basement without exit discharge.

Conditions observed on or about 10/24/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/04/2015
Proposed Penalty:	\$4900.00

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

Inspection Number: 1001669
Inspection Date(s): 10/17/2014 - 01/30/2015
Issuance Date: 02/05/2015



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

29 CFR 1910.37(b)(6): Each exit sign was not illuminated to a surface value of at least five foot-candles (54 lux) by a reliable light source and be distinctive in color:

a) 168 Elizabeth Ave. Newark, NJ

Exit signs indicating direction to exit doors were not illuminated indicating the direction of travel to the nearest exit and exit discharge exposing employees to a fire hazard.

Condition observed on or about 10/17/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/25/2015
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: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

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

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

- a) 168 Elizabeth Ave. Newark, NJ -3rd floor

The employer failed to perform Class I asbestos work, involving the dry removal of approximately 80 linear feet of thermal systems insulation (TSI) from overhead piping, within a regulated area. The insulation was found to contain up to 80% Chrysotile asbestos.

Condition occurred on or about 9/24/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/18/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

29 CFR 1926.1101(g)(4)(ii)(A): For all Class I jobs involving the removal of more than 25 linear or 10 square feet of thermal system insulation or surfacing material; for other Class I jobs where the employer could not produce a negative exposure assessment pursuant to 29 CFR 1926.1101(f)(2)(iii), or where employees were working in areas adjacent to the regulated area, while the Class I work was being performed, the employer did not use critical barriers placed over all the openings to the regulated area, except where activities were being performed outdoors:

a) 168 Elizabeth Ave. Newark, NJ -3rd floor

The employer did not use critical barriers for areas adjacent to Class 1 work where approximately 80 linear feet of thermal systems insulation (TSI) was removed from overhead pipes. The insulation was found to contain up to 80% Chrysotile asbestos.

Condition occurred on or about 9/24/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

02/18/2015



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

29 CFR 1926.1101(g)(4)(vi): For all Class I jobs where the employer cannot produce a negative exposure assessment, or where exposure monitoring shows that a PEL is exceeded, the employer did not ventilate the regulated area to move contaminated air away from the breathing zone of employees toward a HEPA filtration or collection device:

a) 168 Elizabeth Ave. Newark, NJ -3rd floor

Employer did not provide ventilation in the regulated area for employees removing approximately 80 linear feet of thermal systems insulation (TSI) from overhead piping. The insulation was found to contain up to 80% Chrysotile asbestos.

Condition occurred on or about 9/24/2014

Note: This paragraph applies to Class I operations where the employer cannot produce a negative exposure assessment or where exposure monitoring shows that the PEL is exceeded.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

02/18/2015



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

29 CFR 1926.1101(k)(7)(i): Warning signs that demarcated the regulated area were not provided and displayed at each location where a regulated area was required to be established:

a) Warehouse - 3rd floor

The employer failed to post warning signs to demarcate the regulated area where workers were performing dry removal of approximately 80 linear feet of thermal systems insulation (TSI) from overhead piping. The insulation was found to contain up to 80% Chrysotile asbestos.

Condition occurred on or about 9/24/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

02/18/2015

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

Inspection Number: 1001669
Inspection Date(s): 10/17/2014 - 01/30/2015
Issuance Date: 02/05/2015



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

29 CFR 1926.1101(f)(2)(i): The employer with a work operation covered by the asbestos standard did not ensure that a "competent person" conducted an exposure assessment immediately before or at the initiation of the operation to ascertain expected exposures during that operation or workplace:

a)168 Elizabeth Ave. Newark, NJ -3rd floor

The employer failed to perform an exposure assessment for workers performing Class 1 asbestos work involving the dry removal of approximately 80 linear feet of thermal systems insulation (TSI) from overhead piping. The insulation was found to contain up to 80% Chrysotile asbestos.

Condition occurred on or about 9/24/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/18/2015
Proposed Penalty:	\$7000.00

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



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

29 CFR 1926.1101(g)(1): The employer did not use engineering controls and work practices in all operations covered by 29 CFR 1926.1101, regardless of the levels of the exposure:

a) 168 Elizabeth Ave., Newark NJ - 3rd floor

The employer failed to use vacuum cleaners equipped with HEPA filters, wet methods or wetting agents during Class I asbestos work where employees performed dry removal of thermal systems insulation (TSI) from overhead piping. The insulation was found to contain up to 80% Chrysotile asbestos.

Condition occurred on or about 9/24/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/18/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

a) 168 Elizabeth Ave. Newark, NJ - 3rd floor

The employer failed to implement a written respiratory protection program for workers performing dry removal of approximately 80 linear feet of thermal systems insulation (TSI) from overhead pipes. Employees were not provided with and did not use respiratory protection during dry removal of such insulation. The insulation was found to contain up to 80% Chrysotile asbestos.

Condition occurred on or about 9/24/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/18/2015
Proposed Penalty:	\$7000.00

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

Inspection Number: 1001669
Inspection Date(s): 10/17/2014 - 01/30/2015
Issuance Date: 02/05/2015



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

29 CFR 1926.1101(h)(3)(iv)(B): The employer did not provide a full facepiece supplied-air respirator operated in the pressure-demand mode and equipped with an auxiliary positive-pressure self contained breathing apparatus, whenever the employees were in a regulated area performing Class I asbestos work for which a negative exposure assessment was not available and the exposure assessment indicated that the exposure level will be above 1 fiber per cubic centimeter as an eight hour time weighted average:

a) 168 Elizabeth Ave. Newark, NJ - 3rd floor

Employees were not provided with and did not use respiratory protection while dry removing approximately 80 linear feet of thermal systems insulation (TSI) from overhead pipes. The insulation was found to contain up to 80% Chrysotile asbestos.

Condition occurred on or about 9/24/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

02/18/2015

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

Inspection Number: 1001669
Inspection Date(s): 10/17/2014 - 01/30/2015
Issuance Date: 02/05/2015



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

29 CFR 1926.1101(i)(1): The employer did not provide and require the use of protective clothing, such as coveralls or similar whole-body clothing, head coverings, gloves, and foot coverings for each employee exposed to airborne concentrations of asbestos that exceed the time weighted average and/or excursion limit in 29 CFR 1926.1101(c) or for which a required negative exposure assessment was not produced:

a)168 Elizabeth Ave. Newark, NJ - 3rd floor

The employer did not provide or require the use of protective clothing for employees performing Class I asbestos work involving the dry removal of approximately 80 linear feet of thermal systems insulation (TSI) from overhead piping. The insulation was found to contain up to 80% Chrysotile asbestos.

Condition occurred on or about 9/24/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/18/2015
Proposed Penalty:	\$7000.00

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

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

Inspection Number: 1001669
Inspection Date(s): 10/17/2014 - 01/30/2015
Issuance Date: 02/05/2015



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

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

a) 168 Elizabeth Ave., Newark, NJ - 3rd floor

The employer did not provide or require the use of a decontamination area for employees performing dry removal of approximately 80 linear feet of thermal systems insulation (TSI) from overhead piping. The insulation was found to contain up to 80% Chrysotile asbestos.

Conditions occurred on or about 9/24/2014

Note: This requirement applies to Class I operations involving over 25 linear or 10 square feet of thermal system insulation or surfacing containing asbestos-containing material or presumed asbestos-containing material.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/18/2015
Proposed Penalty:	\$7000.00

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



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

29 CFR 1926.1101(k)(3)(i): Before the employer permitted its own employees to perform work subject to this standard in areas containing asbestos-containing material (ACM) and presumed asbestos-containing material (PACM), the employer did not identify the presence, location and quantity of asbestos containing material and/or presumed asbestos containing material therein pursuant to 29 CFR 1926.1101(k)(1):

a) 168 Elizabeth Ave. Newark, NJ

The employer did not identify the presence, location and quantity of asbestos for employees performing dry removal of approximately 80 linear feet of thermal systems insulation (TSI) from overhead piping. The insulation was found to contain up to 80% Chrysotile asbestos. In addition, floor tiles were found to contain 6% Chrysotile asbestos.

Condition occurred on or about 10/17/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 03/25/2015
Proposed Penalty: \$7000.00



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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 12 a Type of Violation: **Serious**

29 CFR 1926.1101(k)(1)(ii): The employer did not include asbestos in the program established to comply with the Hazard Communication Standard (HCS) 29 CFR 1910.1200, did not ensure that each employee had access to labels on containers of asbestos and safety data sheets, did not ensure hazard communication training on asbestos in accordance with the provisions of the Hazard Communication Standard 29 CFR 1910.1200 as well as paragraphs (k)(9) and (10) of this section:

a) 168 Elizabeth Ave. Newark, NJ

The employer did not include asbestos in the hazard communication program and ensure that each employee had access to labels, safety data sheets, and training in the hazards of asbestos. Employees performing custodial work were exposed to floor tiles containing 6% Chrysotile asbestos and thermal systems insulation containing up to 80% Chrysotile asbestos.

Condition observed on or about 10/17/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/25/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

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

a) 168 Elizabeth Ave. Newark, NJ -3rd floor

The employer did not provide Class I operation training for employees performing dry removal of approximately 80 linear feet of thermal systems insulation (TSI) from overhead piping. The insulation was found to contain up to 80% Chrysotile asbestos.

Condition occurred on or about 9/24/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

02/18/2015

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

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Inspection Date(s): 10/17/2014 - 01/30/2015
Issuance Date: 02/05/2015



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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

29 CFR 1926.1101(k)(8)(i): Labels were not affixed to all products containing asbestos and to all containers containing such products, including waste containers:

a) 168 Elizabeth Ave. Newark, NJ

The employer failed to affix labels to all products containing asbestos, including but not limited to thermal systems insulation (TSI) around pipes, floor tiles and waste containers. The insulation was found to contain up to 80% Chrysotile asbestos and the floor tile was found to contain 6% Chrysotile asbestos.

Condition occurred on or about 10/17/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/25/2015
Proposed Penalty:	\$7000.00

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

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

Inspection Number: 1001669
Inspection Date(s): 10/17/2014 - 01/30/2015
Issuance Date: 02/05/2015



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

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 14 a Type of Violation: **Serious**

29 CFR 1926.1101(l)(2): Asbestos waste, scrap, debris, bags, containers, equipment, and contaminated clothing consigned for disposal was not collected and disposed of in sealed, labeled, impermeable bags or other closed, labeled, impermeable containers:

a) 168 Elizabeth Ave. Newark, NJ -3rd floor

Employees performed Class I asbestos work involving the dry removal of thermal systems insulation (TSI) from overhead piping which contained up to 80% Chrysotile asbestos. The insulation was transported in an unlabeled, open tote and placed in a unlabeled outdoor dumpster for disposal.

Condition occurred on or about 9/24/2014

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/18/2015
Proposed Penalty:	\$7000.00

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



Citation and Notification of Penalty

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108

Citation 1 Item 14 b Type of Violation: **Serious**

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

a) 168 Elizabeth Ave. Newark, NJ -3rd floor

Employees were exposed to waste and debris generated during Class 1 asbestos work for approximately 10 weeks which was allowed to remain on the work floor. The debris was found to contain up to 80% Chrysotile asbestos.

Condition occurred on or about 10/17/2104

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/04/2015

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

Kris Hoffman
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: 973-263-1003 Fax: 973-299-7161



INVOICE / DEBT COLLECTION NOTICE

Company Name: BRANTLEY BROTHERS MOVING & STORAGE CO., INC.
Inspection Site: 168 ELIZABETH AVE, Newark, NJ 07108
Issuance Date: 02/05/2015

Summary of Penalties for Inspection Number	1001669
Citation 1, Serious	\$89600.00
TOTAL PROPOSED PENALTIES	\$89600.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

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

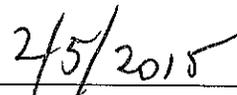
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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

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



Kris Hoffman

Area Director



Date