

**U.S. Department of Labor** Occupational Safety and Health Administration  
2300 Main Street  
Suite 168  
Kansas City, MO 64108



07/09/2021

SRZ MGMT HOLDINGS LLC  
and its successors  
251 Little Falls Drive  
Wilmington, DE 19808

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (816) 483-9531.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,

*for Kimberly R. Robinson*

**Karena Lopez**  
Area Director

Enclosures

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
2300 Main Street  
Suite 168  
Kansas City, MO 64108



## Citation and Notification of Penalty

**To:**  
SRZ MGMT HOLDINGS LLC  
and its successors  
251 Little Falls Drive  
Wilmington, DE 19808

**Inspection Number:** 1534192  
**Inspection Date(s):** 02/01/2021 - 02/01/2021  
**Issuance Date:** 07/09/2021

**Inspection Site:**  
410 W Benton  
Monett, MO 65708

*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 by calling (816) 483-9531. 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 at [www.pay.gov](http://www.pay.gov). At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

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

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

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

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

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

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

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

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

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://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 07/09/2021. The conference will be held by telephone or at the OSHA office located at 2300 Main Street, Suite 168, Kansas City, MO 64108 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1534192**

Company Name: SRZ MGMT HOLDINGS LLC  
Inspection Site: 410 W Benton, Monett, MO 65708  
Issuance Date: 07/09/2021

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, 2300 Main Street, Suite 168, Kansas City, MO 64108.**

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:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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

29 CFR 1926.1101(d)(5): As supervisor of the entire project, the general contractor did not ascertain whether the asbestos contractor was in compliance with the asbestos standard, and did not require such contractor to come into compliance with this standard:

The employer is failing to protect its employees and the employees of other employers from hazards associated with Class II asbestos work. This was most recently documented on or about January 11, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. The employer exposed its employees and employees of other employers to asbestos during Class II asbestos work, the removal of the flooring materials and mastic/glue, and failed to require the contractor to come into compliance with this standard.

29 CFR 1903.19(d) (1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 04, 2021  
\$9,557.00



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

**Inspection Number:** 1534192  
**Inspection Date(s):** 02/01/2021 - 02/01/2021  
**Issuance Date:** 07/09/2021



**Citation and Notification of Penalty**

**Company Name:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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

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

The employer is failing to protect its employees and the employees of other employers from hazards associated with Class II asbestos work. This was most recently documented on or about January 11, 2021, and at times prior to at Bentonview Park Health and Rehabilitation located at 410 Benton Street, Monett, Missouri 65708. MGMT Holdings employees and the employees of other employers were exposed to airborne asbestos when Class II asbestos work was not performed in regulated areas.

29 CFR 1903.19(d) (1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 04, 2021
Proposed Penalty:	\$9,557.00

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:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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

29 CFR 1926.1101(f)(1)(i): Where exposure monitoring was required under 29 CFR 1926.1101, the employer did not perform monitoring to determine accurately the airborne concentrations of asbestos to which employees were or potentially were exposed:

The employer is failing to protect employees and the employees of other employers on-site from hazards associated with asbestos. This was most recently documented on or about January 11, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. This employer and a contractor performed Class II asbestos work without the use of enclosures or regulated areas. The employer did not conduct monitoring to determine employee exposure of its own employees or the employees of other employers on-site.

29 CFR 1903.19(d) (1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 04, 2021  
\$9,557.00



**Citation and Notification of Penalty**

**Company Name:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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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 4 a** 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:

The employer is failing to protect its employees and the employees of other employers from hazards associated with asbestos. This was most recently documented on or about January 11, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. The employer failed to implement engineering and work practices required by this section during Class II work, removal of asbestos-containing flooring materials including mastic.

29 CFR 1903.19(d) (1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: August 04, 2021  
Proposed Penalty: \$9,557.00

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:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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

29 CFR 1926.1101(g)(8)(i): For jobs removing vinyl and asphalt flooring materials which contain asbestos of for which buildings constructed no later than 1980, where the employer did not verify the absence of asbestos-containing material pursuant to 29 CFR 1926.1101(g)(8)(i)(I), the employer did not ensure that employees complied with work practices described in 29 CFR 1926.1101(g)(8)(i)(A) through (g)(8)(i)(I) and that employees were trained in these practices pursuant to 29 CFR 1926.1101(k)(9):

The employer is failing to protect its employees and the employees of other employers on-site from hazards associated with Class II asbestos work. This was most recently documented on or about January 11, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. The employer failed to ensure that its employee and the employees of a contractor removing vinyl asbestos-containing flooring materials, including mastic/glue were trained on and complied with the work practices as set forth in sections 1926.1101(g)(8)(i)(A- I).

29 CFR 1903.19(d) (1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 04, 2021
Proposed Penalty:	\$0.00

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:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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

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

The employer is failing to protect its employees and the employees of other employers onsite from hazards associated with Class II asbestos work. This was most recently documented on or about January 11, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. The employer did perform or require the contractor to perform an exposure assessment documenting the absence of asbestos the employer failed to set up critical barriers at all openings, place impermeable drop cloths on surfaces, and set in place isolation methods for airborne migration of Class II asbestos.

29 CFR 1903.19(d) (1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 04, 2021  
\$9,557.00



**Citation and Notification of Penalty**

**Company Name:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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

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

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

The employer is failing to protect its employees and the employees of other employers on-site from hazards associated with Class II asbestos work. This was most recently documented on or about January 11, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. Employees removed asbestos-containing flooring materials, including mastic/glue without the employer having implemented a respiratory protection program that covered each employee who performed Class II asbestos removal in a state not substantially intact and when a negative exposure assessment had not been conducted for Class II asbestos work.

29 CFR 1903.19(d) (1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 04, 2021  
\$9,557.00



**Citation and Notification of Penalty**

**Company Name:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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

29 CFR 1926.1101(h)(3)(i)(A): The employer selected or used filtering facepiece respirator against asbestos fibers:

The employer is failing to protect its employees and the employees of other employers on-site from hazards associated with asbestos. This was most recently documented on or about January 11, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. An employee and employees of the contractor were provided filtering facepiece respirators (N95 and surgical masks) for use when performing Class II asbestos work removing asbestos-containing flooring materials.

29 CFR 1903.19(d) (1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 04, 2021
Proposed Penalty:	\$0.00

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:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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

29 CFR 1926.1101(m)(2)(i)(A): The employer did not make available medical examinations and consultations to each employee covered under 29 CFR 1926.1101(m)(1)(i) prior to assignment of the employee to an area where negative-pressure respirators are worn:

The employer is failing to protect its employees and the employees of other employers on-site from respiratory hazards associated with asbestos. This was most recently documented on or about January 22, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. Employees were exposed to respiratory hazards from asbestos when the employer did not make available medical examination and consultation prior to wearing an N95 filtering facepiece respirator during the assignment on the construction project.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 04, 2021  
\$0.00





**Citation and Notification of Penalty**

**Company Name:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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 7 a** 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:

The employer is failing to protect its employees and the employees of other employers on-site from hazards associated with asbestos. This was most recently documented on or about January 11, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. The employer did not obtain the required negative exposure assessment and failed to provide and require the use of protective clothing during Class II asbestos work, removal of flooring with asbestos-containing flooring materials.

29 CFR 1903.19(d) (1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 04, 2021  
\$9,557.00



**Citation and Notification of Penalty**

**Company Name:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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

29 CFR 1926.1101(i)(3): Contaminated clothing was not transported in sealed impermeable bags, or other closed, impermeable containers and was not labeled in accordance with 29 CFR 1926.1101(k):

The employer is failing to protect its employees and the employees of other employers at the worksite from hazards associated with Class II asbestos work. This was most recently documented on or about January 11, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. The employer failed to ensure that contaminated employee clothing was transported in sealed impermeable bags, or other closed, impermeable containers; employees were allowed to wear personal clothing during Class II asbestos work then wear the same clothing, contaminated with asbestos, out of the facility.

29 CFR 1903.19(d) (1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 04, 2021
Proposed Penalty:	\$0.00

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:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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

29 CFR 1926.1101(j)(2)(i): The employer did not establish a decontamination room or area for employees and equipment, adjacent to the regulated area, consisting of an impermeable drop cloth on the floor or horizontal working surface, for employees engaged in Class I work involving less than 25 linear or 10 square feet of thermal system insulation or surfacing asbestos-containing material and for Class II and Class III asbestos work operations where exposures exceed a permissible exposure limit or where there was no negative exposure assessment produced before the operation:

The employer is failing to protect its employees and the employees of other employers on-site from hazards associated with Class II asbestos work. This was most recently documented on or about January 11, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. The employer did not perform an assessment to establish the absence of asbestos or a negative exposure assessment. and the employer failed to establish a decontamination room or area for employees and equipment; Class II asbestos work was performed, removing flooring, which had asbestos-containing flooring materials.

29 CFR 1903.19(d) (1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 04, 2021  
\$9,557.00



**Citation and Notification of Penalty**

**Company Name:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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 1926.1101(k)(1)(ii): The employer did not include asbestos in the program established to comply with the Hazard Communication Standard (HCS) (§ 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. The employer did not provide information on at least the following hazards: Cancer and lung effects.

The employer is failing to protect its employees and the employees of other employers on site from hazards associated with asbestos. This was most recently documented on or about January 11, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. The employer failed to ensure their hazard communication program included asbestos hazard information when employees performed Class II asbestos work, removing flooring which had asbestos-containing flooring materials and mastic/glue.

29 CFR 1903.19(d) (1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 04, 2021  
\$9,557.00

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:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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

29 CFR 1926.1101(k)(9)(i): The employer did not ensure participation in the asbestos training program by each employee who was likely to be exposed to asbestos in excess of the permissible exposure limit (PEL), or for each employee engaged in Class I through Class IV asbestos operations:

The employer is failing to protect its employees and the employees of other employers on-site from hazards associated with Class II asbestos work. This was most recently documented on or about January 11, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. The employer did not provide training to the employee performing Class II asbestos work, removing flooring which had asbestos-containing flooring materials and mastic/glue.

29 CFR 1903.19(d) (1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 04, 2021
Proposed Penalty:	\$0.00

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:** SRZ MGMT HOLDINGS LLC  
**Inspection Site:** 410 W Benton, Monett, MO 65708

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**Citation 1 Item 10** 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:

The employer is failing to protect its employees and employees of other employers at the worksite from hazards associated with asbestos. This was most recently documented on or about January 11, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. The employer did not ensure that asbestos waste, scrap, debris, bags, containers, equipment, and contaminated clothing consigned for disposal was collected and disposed of in sealed, labeled, impermeable bags or other closed, labeled, impermeable containers; it was disposed of in a regular waste receptacle.

29 CFR 1903.19(d) (1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 04, 2021  
\$9,557.00

*for Kimberly R Robinson*

**Karena Lorek**  
Area Director



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 two times.

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

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

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

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

*for Kimberly R. Robinson*  
\_\_\_\_\_  
**Karena Lorek**  
Area Director

07-09-2021  
\_\_\_\_\_  
Date



**U.S. Department of Labor** Occupational Safety and Health Administration  
2300 Main Street  
Suite 168  
Kansas City, MO 64108



07/09/2021

SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION  
and its successors  
410 W Benton St.  
Monett, MO 65708

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (816) 483-9531.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,

*for Kimberly R. Robinson*

**Karena Lopez**  
Area Director

Enclosures

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
2300 Main Street  
Suite 168  
Kansas City, MO 64108



## Citation and Notification of Penalty

**To:**  
SRZ OP BENTONVIEW, LLC, dba BENTONVIEW  
PARK HEALTH AND REHABILITATION  
and its successors  
410 W Benton St.  
Monett, MO 65708

**Inspection Number:** 1512946  
**Inspection Date(s):** 02/01/2021 - 02/01/2021  
**Issuance Date:** 07/09/2021

**Inspection Site:**  
410 W Benton St.  
Monett, MO 65708

*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 by calling (816) 483-9531. 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 at [www.pay.gov](http://www.pay.gov). At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

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

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

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

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

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

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

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

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

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://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 07/09/2021. The conference will be held by telephone or at the OSHA office located at 2300 Main Street, Suite 168, Kansas City, MO 64108 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1512946**

Company Name: SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION

Inspection Site: 410 W Benton St., Monett, MO 65708

Issuance Date: 07/09/2021

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, 2300 Main Street, Suite 168, Kansas City, MO 64108.**

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:** SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION  
**Inspection Site:** 410 W Benton St., Monett, MO 65708

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

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

a) Bentonview Park Health & Rehabilitation located at a worksite located at 410 W Benton St, Monett, MO 65708:

On or about January 22, 2021 and at time prior to, the employer did not develop and implement a written respiratory protection program with worksite-specific procedures for respirator use that included all provisions in 29 CFR 1910.134(c)(1)(i) - (ix). The employer required employees to wear respirators throughout their shifts while exposed to suspected or confirmed positive COVID-19 residents.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 04, 2021  
\$9,557.00





**Citation and Notification of Penalty**

**Company Name:** SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION  
**Inspection Site:** 410 W Benton St., Monett, MO 65708

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

a) Bentonview Park Health & Rehabilitation located at a worksite located at 410 Benton St, Monett, MO 65708:

On or about January 22, 2021, the employer did not provide a medical evaluation to determine each employee's ability to use a respirator before requiring the use. The employer required employees to wear respirators while providing care to suspected and confirmed positive COVID-19 residents.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 04, 2021
Proposed Penalty:	\$0.00

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:** SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION  
**Inspection Site:** 410 W Benton St., Monett, MO 65708

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

29 CFR 1910.134(f)(2): Employee(s) using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator:

a) Bentonview Park Health & Rehabilitation located at a worksite located at 410 Benton St, Monett, MO 65708:

On or about January 22, 2021, the employer did not provide a fit test to all employees required to wear respirators. The employer required employees to wear N95 filtering facepiece respirators to protect against the SARS-CoV-2 virus while providing care to suspected and confirmed positive COVID-19 residents.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 04, 2021
Proposed Penalty:	\$0.00

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:** SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION  
**Inspection Site:** 410 W Benton St., Monett, MO 65708

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

29 CFR 1910.134(k)(1): The employer did not provide effective training that covered the required elements in 1910.134(k)(1)(i) - (vii):

a) Bentonview Park Health & Rehabilitation located at a worksite located at 410 Benton St, Monett, MO 65708:

On or about January 22, 2021, the employer did not provide employees with effective training that included the effects of improper fit, limitations, maintenance, and care, medical signs and symptoms preventing effective use, and seal check of filtering facepiece respirators. The employer required employees to wear N95 filtering facepiece respirators to protect against the SARS-CoV-2 virus while providing care to suspected and confirmed positive COVID-19 residents.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 04, 2021
Proposed Penalty:	\$0.00

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:** SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION  
**Inspection Site:** 410 W Benton St., Monett, MO 65708

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**Citation 1 Item 1 e** 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:

The employer is failing to protect employees and the employees of other employers on-site from respiratory hazards associated with Class II asbestos work. This was most recently documented on or about January 22, 2021, and at times prior to at Bentonview Park Health and Rehabilitation, located at 410 Benton St. Monett, Missouri 65708. Employees conducted Class IV asbestos work when they cleaned asbestos-containing dust and debris from horizontal surfaces. Cleaning occurred throughout the facility.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 04, 2021
Proposed Penalty:	\$0.00

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:** SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION  
**Inspection Site:** 410 W Benton St., Monett, MO 65708

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

29 CFR 1926.1101(h)(3)(i)(A): The employer selected or used filtering facepiece respirator against asbestos fibers:

The employer is failing to protect employees and the employees of other employers on-site from hazards associated with asbestos. This was most recently documented on or about January 12, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. Employees were provided with N95 respirators when they cleaned up dust and debris from Class IV asbestos clean-up work. The employer failed to provide employees who conducted Class IV asbestos work, with appropriate respiratory protection.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 04, 2021
Proposed Penalty:	\$0.00

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:** SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION  
**Inspection Site:** 410 W Benton St., Monett, MO 65708

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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 2 a** Type of Violation: **Serious**

29 CFR 1926.1101(d)(3): The employer of employees who were exposed to asbestos hazards did not comply with applicable protective provisions to protect such employees:

The employer is failing to protect employees and the employees of other employers on-site from respiratory hazards related to Class II asbestos work. This was most recently documented on or about January 12, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. Class II asbestos work was performed at the facility without the use of enclosures or regulated areas. Employees had to traverse and work in Class II work areas while performing their normal daily tasks without the use of proper protective equipment.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 04, 2021  
\$9,557.00

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:** SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION  
**Inspection Site:** 410 W Benton St., Monett, MO 65708

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

29 CFR 1926.1101(f)(1)(i): Where exposure monitoring was required under 29 CFR 1926.1101, the employer did not perform monitoring to determine accurately the airborne concentrations of asbestos to which employees were or potentially were exposed:

The employer is failing to ensure employees and the employees of other employers on-site are protected from exposure to Class II asbestos work. This was most recently documented on or about January 12, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. Class II asbestos was performed at the worksite without the use of enclosures or regulated areas. The employer did not conduct monitoring to determine airborne concentrations of asbestos.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 04, 2021
Proposed Penalty:	\$0.00

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:** SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION  
**Inspection Site:** 410 W Benton St., Monett, MO 65708

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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 3 a** Type of Violation: **Serious**

29 CFR 1926.1101(g)(10): Class IV asbestos jobs were not conducted by employees trained pursuant to the asbestos awareness training program set out in 29 CFR 1926.1101(k)(9):

The employer is failing to ensure that employees and the employees of other employers on-site were protected from exposure to Class II asbestos work. This was most recently documented on or about January 22, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 W Benton St, Monett, Missouri 65708. The employer failed to provide awareness training to employees who conducted Class IV asbestos work. Employees were not provided training on the hazards associated when they cleaned up dust and debris from Class II work.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 04, 2021  
\$9,557.00





**Citation and Notification of Penalty**

**Company Name:** SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION  
**Inspection Site:** 410 W Benton St., Monett, MO 65708

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

29 CFR 1926.1101(j)(3): Employers of employees cleaning up debris and materials which is TSI or surfacing ACM or identified as PACM shall provide decontamination facility for such employees which are required by paragraph (j)(2) of this section: d:

The employer is failing to protect employees from exposure to asbestos. This was most recently documented on or about January 22, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 W Benton St, Monett, Missouri 65708. The employer did not provide decontamination facilities for employees, who performed Class IV asbestos work cleaning up debris and materials containing PACM.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 04, 2021
Proposed Penalty:	\$0.00

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:** SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION  
**Inspection Site:** 410 W Benton St., Monett, MO 65708

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

29 CFR 1926.1101(k)(9)(vi): The employer did not provide training for employees performing Class IV operations consistent with the Environmental Protection Agency (EPA) requirements for training of local education agency maintenance and custodial staff as set forth at 40 CFR 763.92(a)(1), and which includes available information concerning the locations of thermal system insulation and surfacing asbestos-containing material and/or presumed asbestos-containing material, asbestos-containing flooring materials, or flooring material where the absence of asbestos has not yet been certified; and instruction in recognition of damage, deterioration, and delamination of asbestos-containing building materials; and did not take at least 2 hours:

The employer is failing to ensure employees and the employees of other employers on-site are not exposed to the hazards of Class II asbestos work. This was most recently demonstrated on or about January 22, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 W Benton St, Monett, Missouri 65708. The employer did not ensure that each employee who conducted Class IV work was trained in recognition of damage, deterioration, and delamination of asbestos-containing building materials associated with Class II asbestos work.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: August 04, 2021  
Proposed Penalty: \$0.00

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:** SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION  
**Inspection Site:** 410 W Benton St., Monett, MO 65708

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

29 CFR 1926.1101(k)(2)(i): Before work subject to this standard began, the building and/or facility owner(s) did not determine the presence, location, and quantity of asbestos-containing material (ACM) and/or presumed asbestos-containing material (PACM) at the worksite pursuant to 29 CFR 1926.1101(k)(1):

The employer is failing to protect employees and the employees of other employers on-site from hazards associated with Class II asbestos work. This was most recently documented on or about January 12, 2021, and at times prior to at Bentonview Park Health & Rehabilitation located at 410 Benton St. Monett, Missouri 65708. The owner failed to protect its employees from the hazard of exposure to asbestos by not determining the presence, location, and quantity of asbestos prior to remodeling work beginning at the facility. No such determination was made prior to the removal of asbestos-containing material (ACM) and/or presumed asbestos-containing material (PACM) at the worksite.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: August 04, 2021  
Proposed Penalty: \$9,557.00

*for Kimberly R Robinson*  
**Karena Lorek**  
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  
2300 Main Street  
Suite 168  
Kansas City, MO 64108



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**INVOICE /  
DEBT COLLECTION NOTICE**

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**Company Name: SRZ OP BENTONVIEW, LLC, dba BENTONVIEW PARK HEALTH AND REHABILITATION**

**Inspection Site: 410 W Benton St., Monett, MO 65708**

**Issuance Date: 07/09/2021**

**Summary of Penalties for Inspection Number: 1512946**

Citation 1 Item 1a, Serious	\$9,557.00
Citation 1 Item 1b, Serious	\$0.00
Citation 1 Item 1c, Serious	\$0.00
Citation 1 Item 1d, Serious	\$0.00
Citation 1 Item 1e, Serious	\$0.00
Citation 1 Item 1f, Serious	\$0.00
Citation 1 Item 2a, Serious	\$9,557.00
Citation 1 Item 2b, Serious	\$0.00
Citation 1 Item 3a, Serious	\$9,557.00
Citation 1 Item 3b, Serious	\$0.00
Citation 1 Item 3c, Serious	\$0.00
Citation 1 Item 4, Serious	\$9,557.00

**TOTAL PROPOSED PENALTIES: \$38,228.00**

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 at [www.pay.gov](http://www.pay.gov). At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or

electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

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

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

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

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

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

*for Kimberly R Robinson*

**Karena Lorek**

Area Director

07-09-2021

Date