

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



12/07/2021

Compass Resources LLC
and its successors
5280 W 115th Pl, Unit 32
Leawood, KS 66211

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. If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,

Karena T. Lorek

Karena Lorek
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:
Compass Resources LLC
and its successors
5280 W 115th Pl, Unit 32
Leawood, KS 66211

Inspection Number: 1538844
Inspection Date(s): 06/29/2021 - 06/29/2021
Issuance Date: 12/07/2021

Inspection Site:
3115 Troost Avenue
Kansas City, MO 64109

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. 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. 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 12/07/2021. 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: 1538844

Company Name: Compass Resources LLC
Inspection Site: 3115 Troost Avenue, Kansas City, MO 64109
Issuance Date: 12/07/2021

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: Compass Resources LLC
Inspection Site: 3115 Troost Avenue, Kansas City, MO 64109

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) The employer is failing to protect employees from respiratory hazards. This was most recently documented on or about June 29, 2021 at the worksite located at 3145 Troost Ave (Firestone Building) 3119 to 3123 (Shankman Building) and 3125-3133 (Michaelson Building) Troost Ave, Kansas City, Missouri. Employees in these buildings are exposed to respiratory hazards, The employer required employees to wear 3M half-faced, air purifying respirators equipped with P100 cartridges when they conducted demolition activities. The employer did not have a written respiratory protection program.

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: January 04, 2022
Proposed Penalty: \$8,582.00

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: 1538844
Inspection Date(s): 06/29/2021 - 06/29/2021
Issuance Date: 12/07/2021



Citation and Notification of Penalty

Company Name: Compass Resources LLC
Inspection Site: 3115 Troost Avenue, Kansas City, MO 64109

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) The employer is failing to protect employees from respiratory hazards. This was most recently documented on or around June 29, 2021 at the worksite located at 3145 (Firestone Building) 3119 to 3123 (Shankman Building) and 3125-3133 (Michaelson Building) Troost Ave, Kansas City, Missouri. Employees in these buildings are exposed to respiratory hazards when conducting demolition and other clean up activities. The employer did not provide a medical evaluation to each employee required to wear a respirator before the employee was fit tested.

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: January 04, 2022
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.

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

Inspection Number: 1538844
Inspection Date(s): 06/29/2021 - 06/29/2021
Issuance Date: 12/07/2021



Citation and Notification of Penalty

Company Name: Compass Resources LLC
Inspection Site: 3115 Troost Avenue, Kansas City, MO 64109

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

29 CFR 1926.51(a)(1): An adequate supply of potable water was not provided in all places of employment:

(a) The employer is failing to protect employees from health related complications including, but not limited to, dehydration and muscle cramping. The employer failed to provide an adequate supply of potable water. The jobsite does not provide a source for potable water and the only source of water was used for the demolition process, providing water for concrete saws. This was most recently documented on July 29, 2021 at the worksite located at 3145 (Firestone Building) 3115-3123 (Shankman Building), and 3125-3133 (Michelson Building) Troost Ave, Kansas City, Missouri.

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: | January 04, 2022 |
| Proposed Penalty: | \$6,436.00 |

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: Compass Resources LLC
Inspection Site: 3115 Troost Avenue, Kansas City, MO 64109

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 1926.403(b)(1):Employer did not ensure that electrical equipment is free from recognized hazards that are likely to cause death or serious physical harm to employees:

(a) The employer is failing to protect employees from exposure to electrical shock and fire hazards. This was most recently documented on June 29, 2021 at the worksite located at 3119 to 3123 (Shankman Building) Troost Ave, Kansas City, Missouri. In the break room/tool room there were two outlets with burn marks on the face of the outlet. The outlet was not removed from service, tagged, or communicated not to use.

(b) The employer is failing to protect employees from exposure to electrical shock and fire hazards. This was most recently documented on August 25, 2021 at the worksite located at 3125-3133 (Michaelson Building) Troost Ave, Kansas City, Missouri. Employees used flexible cords that showed melting and burn-charring around the cord plug due to electrical current overloading. Employees continued to use the damaged cords on a daily basis to power lighting, fans, rotary hammer drills, and other assorted electrical devices required to perform the demolition work.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------------|
| Date By Which Violation Must be Abated: | January 04, 2022 |
| Proposed Penalty: | \$13,653.00 |



Citation and Notification of Penalty

Company Name: Compass Resources LLC
Inspection Site: 3115 Troost Avenue, Kansas City, MO 64109

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

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe condition(s) and the regulation(s) applicable to his work environment to control or eliminate any hazard(s) or other exposure to illness or injury

(a) The employer is failing to protect employees from exposure to electrical shock and fire hazards. This was most recently documented on June 29, 2021 at the worksite located at 3119 to 3123 (Shankman Building), 3125-3133 (Michaelson Building) Troost Ave, Kansas City, Missouri. Throughout the worksite there were instances of damaged electrical insulation, burn marks on electrical equipment, and improper use of electrical cords. Compass Resources LLC does not provide training to employees which would allow them to recognize and avoid unsafe conditions, or to understand and follow the OSHA Standards that apply to construction work, to include the proper use of extension cords and electrical equipment.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------------|
| Date By Which Violation Must be Abated: | January 04, 2022 |
| 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.

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

Inspection Number: 1538844
Inspection Date(s): 06/29/2021 - 06/29/2021
Issuance Date: 12/07/2021



Citation and Notification of Penalty

Company Name: Compass Resources LLC
Inspection Site: 3115 Troost Avenue, Kansas City, MO 64109

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

29 CFR 1926.403(b)(1)(iii): Safety of equipment was not determined on the basis of electrical insulation.

(a) The employer is failing to protect employees from exposure to electrical shock and fire hazards. This was most recently documented on August 25, 2021 at the worksite located at 3125-3133 (Michaelson Building) Troost Ave, Kansas City, Missouri. On the outside of the building near the forklift there was a flexible cord with damage to the insulation. An employee was charging a forklift battery with a battery charger with the flexible cord that was damaged.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------------|
| Date By Which Violation Must be Abated: | January 04, 2022 |
| 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: Compass Resources LLC
Inspection Site: 3115 Troost Avenue, Kansas City, MO 64109

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

29 CFR 1926.403(b)(2): Listed, labeled, or certified equipment was not installed and used in accordance with instructions included in the listing, labeling, or certification:

(a) The employer is failing to protect employees from exposure to electrical shock, burns, and fire hazards. This was most recently documented on August 25, 2021 at the worksite located at 3119 to 3123 (Shankman Building) Troost Ave, Kansas City, Missouri. Employees in these buildings were exposed to electrical hazards when an extension cord was plugged into a power strip containing extension cord which was powering a refrigerator and a microwave, which was not used in accordance with instructions included in listing, labeling, or certification. Employees accessed a General Electric (model TXB18SLS) refrigerator that was powered by an extension cord, contrary to manufacturer recommendations.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------------|
| Date By Which Violation Must be Abated: | January 04, 2022 |
| Proposed Penalty: | \$12,873.00 |

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: Compass Resources LLC
Inspection Site: 3115 Troost Avenue, Kansas City, MO 64109

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

29 CFR 1926.405(g)(2)(iv):Flexible cords were not connected to devices and fittings so that strain relief is provided to prevent pull from being directly transmitted to joints or terminal screws:

(a)The employer is failing to protect employees from exposure to electrical shock and fire hazards. This was most recently documented on August 25, 2021 at the worksite located at 3119 to 3123 (Shankman Building) Troost Ave, Kansas City, Missouri. In the hallway area leading to a break room area there was a flexible cord that was suspended by another flexible cord. The two cords were tied together, creating stress on the flexible cord connector on each side. Employees working in the Shankman building were using flexible cords to power a refrigerator and microwave.

(b)The employer is failing to protect employees from exposure to electrical shock and fire hazards when flexible cords were not provided strain relief. This was most recently documented on August 25, 2021 at the worksite located at 3119 to 3123 (Shankman Building) Troost Ave, Kansas City, Missouri. In the hallway area leading to a break room area there was a flexible cord that was suspended by another flexible cord. There was a flexible cord that was providing power to a refrigerator and a microwave that was hanging from a higher location, creating stress on the flexible cord connector. Employees working in the Shankman building were using flexible cords to power a refrigerator and microwave.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 04, 2022
Proposed Penalty: \$12,873.00

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: Compass Resources LLC
Inspection Site: 3115 Troost Avenue, Kansas City, MO 64109

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

29 CFR 1926.416(e)(2): Extension cords were fastened with staples, hung from nails, or suspended by wire:

(a) The employer is failing to protect employees from exposure to electrical shock and fire hazards. This was most recently documented on June 29, 2021 at the worksite located at 3119 to 3123 (Shankman Building) Troost Ave, Kansas City, Missouri. In the hallway area leading to a set of stairs there was a flexible cord that was suspended by a nail along the wall. Employees working in the Shankman building used flexible cords that were in place to power lighting, fans, and other assorted electrical devices.

(b) The employer is failing to protect employees from exposure to electrical shock and fire hazards. This was most recently documented on June 29, 2021 at the worksite located at 3119 to 3123 (Shankman Building) Troost Ave, Kansas City, Missouri. Past the hallway and stairs, following the flexible cord to the receptacle, there was a flexible cord that was suspended by a set of wires in the corner of the room. Employees working in the Shankman building used flexible cords that were in place to power lighting, fans, and other assorted electrical devices.

(c) The employer is failing to protect employees from exposure to electrical shock and fire hazards. This was most recently documented on August 25, 2021 at the worksite located at 3119 to 3123 (Shankman Building) Troost Ave, Kansas City, Missouri. In the hallway area leading to a set of stairs there was a flexible cord that was suspended by a nail along the wall. Employees working in the Shankman building used flexible cords that were in place to power a refrigerator and microwave.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------------|
| Date By Which Violation Must be Abated: | January 04, 2022 |
| Proposed Penalty: | \$12,873.00 |

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: Compass Resources LLC
Inspection Site: 3115 Troost Avenue, Kansas City, MO 64109

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

29 CFR 1926.1101(e)(1): Regulated areas did not comply with the requirements 29 CFR 1926.1101(e)(2) through (e)(5):

(a) The employer is failing to protect employees from exposure to asbestos containing materials. This was most recently documented on June 29, 2021 at the worksite located at 3145 Troost Ave (Firestone Building), Kansas City, Missouri. Employees in and around the Firestone Building were exposed to asbestos containing materials while working in and around the building, no signs were posted related to the presence of asbestos in the regulated area. In the building there were piles of debris from the demolition of various materials with the asbestos containing insulation scattered throughout, which meets the criteria to be considered a regulated area. The insulation was not whole, it was discovered to be torn into loose smaller pieces of varying sizes. Exposure to airborne asbestos fibers can cause lung damage, cancers of the lungs, and mesothelioma.

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: | January 04, 2022 |
| Proposed Penalty: | \$13,653.00 |

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: Compass Resources LLC
Inspection Site: 3115 Troost Avenue, Kansas City, MO 64109

Citation 1 Item 8 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):

(a) The employer is failing to protect employees from exposure to asbestos containing materials. This was most recently documented on June 29, 2021 at the worksite located at 3145 Troost Ave (Firestone Building), Kansas City, Missouri. Employees in the Firestone Building were exposed to asbestos containing materials while performing demolition tasks while in and around the building, no survey was conducted to determine the presence, location and quantity of asbestos containing materials and/or presumed asbestos containing material.

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: | January 04, 2022 |
| Proposed Penalty: | \$13,653.00 |



Citation and Notification of Penalty

Company Name: Compass Resources LLC
Inspection Site: 3115 Troost Avenue, Kansas City, MO 64109

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

1926.405(a)(2)(ii)(I):Flexible cords and cables shall be protected from damage. Sharp corners and projections shall be avoided. Flexible cords and cables may pass through doorways or other pinch points, if protection is provided to avoid damage

(a) The employer is failing to protect employees from exposure to electrical shock and fire hazards. This was most recently documented on June 29, 2021 at the worksite located at 3119 to 3123 (Shankman Building) Troost Ave, Kansas City, Missouri. In the break room/tool room there were seven flexible cords feeding through a metal enclosure which had a sharp edge. Employees working in the Shankman or Michaelson buildings were using flexible cords to power lighting, fans, rotary hammer drills, battery chargers and other assorted electrical devices.

(b) The employer is failing to protect employees from exposure to electrical shock and fire hazards. This was most recently documented on June 29, 2021 at the worksite located at 3119 to 3123 (Shankman Building) Troost Ave, Kansas City, Missouri. In the break room/tool room there were four flexible cords feeding through a metal clamp, located above the metal enclosure, which had a sharp edge. Employees working in the Shankman or Michaelson buildings were using flexible cords to power lighting, fans, rotary hammer drills, battery chargers and other assorted electrical devices.

(c) The employer is failing to protect employees from exposure to electrical shock and fire hazards . This was most recently documented on June 29, 2021 at the worksite located at 3119 to 3123 (Shankman Building) Troost Ave, Kansas City, Missouri. Outside the break room/tool room, on the exterior of the building there were seven flexible cords feeding through a sharp corner of a concrete opening in the building. Employees working in the Shankman or Michaelson buildings were using flexible cords to power electrical power lighting, fans, rotary hammer drills, battery chargers and other assorted electrical devices.

Compass Resources LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard, which was contained in OSHA inspection number 1509063, citation number 1, item number 3 and was affirmed as a final order on 06-22-2021, with respect to a workplace located at located at 3115 Troost Ave, KC MO.

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

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

Date By Which Violation Must be Abated:
Proposed Penalty:

January 04, 2022
\$128,733.00

Karena T. Lorek

Karena Lorek
Area Director

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



INVOICE / DEBT COLLECTION NOTICE

Company Name: Compass Resources LLC
Inspection Site: 3115 Troost Avenue, Kansas City, MO 64109
Issuance Date: 12/07/2021

Summary of Penalties for Inspection Number: 1538844

| | |
|-------------------------------------|--------------|
| Citation 1 Item 1a, Serious | \$8,582.00 |
| Citation 1 Item 1b, Serious | \$0.00 |
| Citation 1 Item 2, Serious | \$6,436.00 |
| Citation 1 Item 3a, Serious | \$13,653.00 |
| Citation 1 Item 3b, Serious | \$0.00 |
| Citation 1 Item 3c, Serious | \$0.00 |
| Citation 1 Item 4, Serious | \$12,873.00 |
| Citation 1 Item 5, Serious | \$12,873.00 |
| Citation 1 Item 6, Serious | \$12,873.00 |
| Citation 1 Item 7, Serious | \$13,653.00 |
| Citation 1 Item 8, Serious | \$13,653.00 |
| Citation 2 Item 1, Repeat - Serious | \$128,733.00 |

TOTAL PROPOSED PENALTIES: \$223,329.00

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. 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.

Karena T. Lorek

Karena Lorek
Area Director

12/07/2021

Date

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



December 7, 2021

Compass Resources LLC
and its successors
3115 Troost Avenue
Kansas City, MO 64109

Re: Inspection 1538844:

Dear Mr. Bowman,

The Occupational Safety and Health Administration (OSHA) Kansas City Area Office conducted an inspection of the workplace at 3115 Troost Avenue, Kansas City, Missouri on June 29, 2021 in response to a complaint. During the investigation, it was observed that employees could be exposed to conditions that may result in heat related illness. A workload assessment indicated that employees could be performing tasks that increase risk to heat stress such as, but not limited to: grinding or cutting, drilling concrete, jack hammering, cutting metal, sledgehammer use, and pushing/pulling heavy loads. Further, the lack of defined work-rest and water schedules increase the risk to the development of heat-related illnesses when working indoors or outdoors during heat advisories.

After reviewing relevant facts pertaining to this case, OSHA will not issue a citation of the General Duty Clause at this time for failing to protect employees from exposure to heat stress hazards. Improvements could be made, however, to bolster your approach to protecting employees from heat stress. In the interest of workplace safety and health, I recommend that you voluntarily take the necessary steps to materially reduce or eliminate your workers' exposure to the conditions listed above, including, but not limited to, the following:

General Controls.

General controls include training, personal protective equipment (PPE), administrative controls, health screening and heat alert programs.

1. **Training:** inform workers of the following:
 - a. Hazards of heat-related illnesses.
 - b. How to avoid heat-related illnesses by recognizing and avoiding situations that can lead to heat-related illnesses.
 - c. Recognition of signs and symptoms of heat-related illnesses.
 - d. First-aid procedures.
 - e. Employer's program to address heat-related illnesses.

2. Personal Protective Clothing and Equipment:

- a. Hats for work outdoors in the sun.
- b. For indoor work, loosely worn reflective clothing to deflect radiant heat, such as vests, aprons or jackets.
- c. Cooling vests and water-cooled/dampened garments may be effective under high temperature and low humidity conditions. However, be aware that cooling vests can become an insulator when they reach the body's temperature.
- d. In environments where respirator usage is necessary, consult with an industrial hygienist to determine the appropriate clothing to prevent heat stress while still protecting the workers.
- e. Consider the use of dermal patches for monitoring core temperature to better identify when workers need to be removed from the work area.

3. Administrative Controls:

- a. Schedule hot jobs for cooler parts of the work day, and routine maintenance and repair work should be scheduled for the cooler seasons of the year when possible.
- b. Provide adequate cool drinking water on the worksite that is easily accessible and permit employees to take frequent rest and water breaks.
- c. Use relief workers and reduce physical demands of the job.
- d. Have air-conditioned or shaded areas available for water breaks and rest periods.

4. Health Screening and Acclimatization:

- a. New workers should be allowed to get used to hot working environments by using a staggered approach over 7-14 days. For example, begin work with 50% of the normal workload and time spent in the hot environment, and then gradually increase the time over a 7-14 day period. The same should be done for workers returning from an absence of three or more days, staging acclimatization over 3 consecutive days.
- b. Workers should be made aware of the following:
 1. Medications such as the following can increase risk of heat stress:
 - i. Diuretics - water pills
 - ii. Antihypertensives - blood pressure medication
 - iii. Anticholinergics - for treatment of chronic obstructive pulmonary disease (COPD)
 - iv. Antihistamines - allergy medications
 2. Dangers of using drugs and alcohol in hot work environments.
 3. Some conditions, such as pregnancy, fever, gastrointestinal illness, heart disease, and obesity, may increase the risk of heat-related illness. Workers should be advised to check with their doctors if they have any questions. (Please note: the employer is NOT entitled to know whether workers have these conditions, but only whether workers have any health conditions that limits their ability to perform their job duties. In some instances, workers with chronic conditions may need extra time to become acclimatized or may need other accommodations, such as more frequent breaks or restricted work.)
 4. Workers should consult a doctor or pharmacist if they have questions about whether they are at increased risk for heat-related illness because of health conditions they have and/or medications they take.

Management commitment and employee involvement are important to assure that the above efforts are implemented in an effective manner. You may provide the Kansas City Area OSHA Office with progress reports on your efforts to address these conditions voluntarily. If you are unable to address the conditions you are advised to seek assistance from an outside third party.

If you have any questions, please feel free to call Zach Dapron, Compliance Safety and Health Officer at (816) 483-9531.

Sincerely,

Karena T. Lorek

Karena Lorek
Area Director

<https://www.osha.gov/heat-exposure>

https://www.osha.gov/sites/default/files/osha_heattraining_guide_0411.pdf

<https://www.cdc.gov/niosh/mining/UserFiles/works/pdfs/2017-128.pdf>