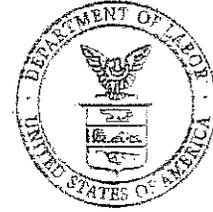


U.S. Department of Labor
Occupational Safety and Health Administration
100 N. Broadway
Suite 470
Wichita, KS 67202



Citation and Notification of Penalty

To:
Custom Crushing & Company
and its successors
7745 Grand Ave
Kansas City, MO 64114

Inspection Number: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019

Inspection Site:
137 Hale Library
Manhattan, KS 66506

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 316-269-6644. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

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

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

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

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$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.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/26/2019. The conference will be held by telephone or at the OSHA office located at 100 N. Broadway, Suite 470, Wichita, KS 67202 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1357388

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506
Issuance Date: 04/26/2019

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, 100 N. Broadway, Suite 470, Wichita, KS 67202

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

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

Inspection Number: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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 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 prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not perform any monitoring to determine the levels of airborne asbestos during operations of removal and clean up of ACM. Employer engaged in mechanically chipping and pulverizing tile without wet methods as well as dry sweeping debris.

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

Date By Which Violation Must be Abated: 05/20/2019
Proposed Penalty: \$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1926.1101(f)(1)(ii): Determinations of employee exposure were not made from breathing zone air samples that were representative of the 8-hour time weighted average and 30-minute short-term exposures for each employee:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not perform any 8-hour time weighted average and 30-minute short-term exposures monitoring to determine the levels of airborne asbestos during operations of removal and clean up of ACM. Employer engaged in mechanically chipping and pulverizing tile without wet methods as well as dry sweeping debris.

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

Date By Which Violation Must be Abated:

05/20/2019

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: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1926.1101(f)(1)(iii): The employer did not determine representative 30-minute short-term employee exposures on the basis of one or more samples representing 30-minute exposures associated with operations that were most likely to produce exposures above the excursion limit for employees in each work area. The employer did not determine representative 8-hour time weighted average employee exposure on the basis of one or more samples representing full-shift exposure for employees in each work area:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not perform any representative 30-minute short-term employee exposures on the basis of one or more samples representing 30-minute exposures associated with operations that were most likely to produce exposures above the excursion limit for employees in each work area monitoring to determine the levels of airborne asbestos during operations of removal and clean up of ACM. Employer engaged in mechanically chipping and pulverizing tile without wet methods as well as dry sweeping debris.

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

Date By Which Violation Must be Abated:

05/20/2019

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

Inspection Number: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1926.1101(f)(3)(i): The employer failed to conduct daily monitoring that was representative of the exposure of each employee assigned to work in regulated areas and performing Class I or II work:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not perform any daily monitoring to determine the levels of airborne asbestos during operations of removal and clean up of ACM. Employer engaged in mechanically chipping and pulverizing tile without wet methods as well as dry sweeping debris.

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

Date By Which Violation Must be Abated:

05/20/2019

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 1 e Type of Violation: **SERIOUS**

29 CFR 1926.1101(f)(4)(ii): Where there was a change in process, control equipment, personnel, work practices, or if the employer had any other reason to suspect that a change may have resulted in new or additional exposure above the PELs, the employer failed to institute exposure monitoring required under 29 CFR 1926.1101(f)(3), regardless of whether a "negative exposure assessment" was previously produced for a specific job: Note: Applicable if change potentially resulted in new or additional exposure above the PEL and/or excursion limit.

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not perform any monitoring where there was a change in process, control equipment, personnel, work practices to determine the levels of airborne asbestos during operations of removal and clean up of ACM. Employer engaged in mechanically chipping and pulverizing tile without wet methods as well as dry sweeping debris.

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

Date By Which Violation Must be Abated:

05/20/2019

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1926.1101(f)(2)(i): The employer failed to ensure that the exposure assessment was conducted in time to comply with requirements which are triggered by the exposure data or the lack of a negative exposure assessment

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not perform an exposure assessment to determine the levels of airborne asbestos during operations of removal and clean up of ACM. Employer engaged in mechanically chipping and pulverizing tile without wet methods as well as dry sweeping debris.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1926.1101(g)(1)(ii): The employer did not use engineering controls and work practices in all operations covered by 29 CFR 1926.1101, regardless of the levels of exposure, in the form of wet methods or wetting agents to control employee exposures during asbestos handling, mixing, removal, cutting, application and cleanup:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. During the cleanup of ACM tile, the employer did not use wetting agents or wet methods while handling, removing and cleaning up the large piles of pulverized tile.

29 CFR 1963.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:	05/20/2019
Proposed Penalty:	\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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)(3)(iii): Dust and debris containing asbestos containing material and presumed asbestos containing material were dry swept, shoveled or removed by other dry clean-up methods:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. After the tile had been removed, the dry ACM tile was swept into loosely made piles in the containment area. The dry piles were then transferred to plastic bags using a large metal shovel.

29 CFR 1963.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1926.1101(g)(8)(i)(E): Dry sweeping was not prohibited:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. Both small household brooms as well as large push brooms were found to be used onsite. After the tile had been mechanically chipped, pulverized and broken during the removal, employees then used the brooms to sweep the tile into loosely made piles for more convenient clean up.

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

Date By Which Violation Must be Abated:

05/20/2019

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: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

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

29 CFR 1926.1101(g)(8)(i)(G): Floor tiles were not removed intact:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. Although 2 individual hand scrappers were found to be onsite, the employer chose to use a riding "Bronco". The Bronco was used from the beginning of the project and was seen breaking, pulverizing and destroying the ACM tile during removal.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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

Inspection Number: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 5 b Type of Violation: Serious

29 CFR 1926.1101(g)(8)(v)(B): The material was not removed in an intact state when the employer had not demonstrated that intact removal was not possible:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. the employer did not remove the ACM in an intact state. A mechanical chipper was used to remove tiles at a rapid pace. The employer chose to use the Bronco instead of demonstrating intact tile removal was possible

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

Date By Which Violation Must be Abated:

05/20/2019

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1926.1101(g)(8)(v)(C): Cutting, abrading or breaking the material was not prohibited:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer provided a means to remove tile that facilitated cutting, abrading or breaking the material.

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

Date By Which Violation Must be Abated:

05/20/2019

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1926.1101(g)(8)(v)(D): Asbestos-containing material removed was not immediately bagged or wrapped, or kept wetted until transferred to a closed receptacle, no later than the end of the work shift.

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not clean up piles of ACM tile by end of the work day everyday. Multiple large piles of removed, pulverized, ACM tile was observed within the containment areas. The piles were in a dry state and were left for at least 48 hours in the loosely made piles. The employer did not ensure that piles were transferred to a bag, closed receptacle or any other containment object at the end of the work shift.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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(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 from respiratory hazards. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer failed to implement a respiratory program including fit tests, medical exams, training etc.

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

Date By Which Violation Must be Abated:	05/20/2019
Proposed Penalty:	\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 7 b 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:

The employer is failing to protect employees from respiratory hazards. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not have a respiratory program in place including fit tests, medical exams, training etc.

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

Date By Which Violation Must be Abated:

05/20/2019

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 7 c 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: .

The employer is failing to protect employees from respiratory hazards. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not ensure that employees completed a medical exam to determine if they are cleared to wear a respirator.

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

05/20/2019

Date By Which Violation Must be Abated:

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 7 d 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:

The employer is failing to protect employees from respiratory hazards. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not ensure that employees completed a fit test before they were required to wear tight fitting respirators.

29 CFR 1963.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:

05/20/2019

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1910.134(h)(1)(i): Respirators issued for the exclusive use of an employee were not cleaned and disinfected as often as necessary to be maintained in a sanitary condition:

The employer is failing to protect employees from respiratory hazards. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not ensure that employees cleaned and sanitized respirators after leaving the containment room containing ACM.

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

Date By Which Violation Must be Abated:

05/20/2019

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1910.134(h)(2)(i): Respirators were not stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals or were not packed or stored to prevent deformation of the facepiece and exhalation valve:

The employer is failing to protect employees from respiratory hazards. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not ensure that employees stored respirators in a way that protected them from sunlight and contamination. Respirators were placed on a window sill and left after being used in the regulated area containing ACM.

29 CFR 1963.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:

05/20/2019

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1910.134(k)(1)(i): The employer did not ensure that each employee could demonstrate knowledge of why the respirator was necessary and how improper fit, usage, or maintenance could compromise the protective effect of the respirator:

The employer is failing to protect employees from respiratory hazards. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not ensure that employees could demonstrate knowledge of why the respirator was necessary and how improper fit, usage, or maintenance could compromise the protective effect of the respirator.

29 CFR 1963.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:

05/20/2019

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 8 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 prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. Employer did not ensure and require the use of protective covering while handling bags of ACM that had not been decontaminated. Employees had no coveralls, hood coverings, protective foot coverings or gloves while transferring the ACM material to the dumpster. Coveralls provided were not the correct material for dealing with asbestos.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 9 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 prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not ensure contaminated clothing was sealed and labeled in impermeable bags.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1926.1101(i)(4)(i): The "competent person" did not examine work suits worn by employees at least once per work shift for rips or tears that may occur during the performance of work:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not ensure work suits were being inspected at least once per shift.

29 CFR 1963.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 11 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 not negative exposure assessment produced before the operation:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not construct a decontamination room that had a drop cloth on the floor. The room/area used for decontamination did not contain a drop cloth.

29 CFR 1963.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1926.1101(j)(2)(iii): 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 not negative exposure assessment produced before the operation work clothing was not cleaned with a HEPA vacuum before it was removed:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not provided a HEPA vacuum for employees to use when exiting the regulated area and removing contaminated clothing.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1926.1101(j)(2)(iv): 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 not negative exposure assessment produced before the operation all equipment and containers filled with asbestos containing material was not cleaned prior to removing them from the equipment room or area:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not provided a HEPA vacuum for employees to use to clean bags/containers filled with ACM waste before leaving the regulated area. Employee inside the containment area handed bags to employees outside of the containment area without cleaning the bags of ACM waste with a HEPA vacuum or any other sort of cleaning method. Equipment such as respirators and rubber boots were also worn or taken outside the containment area without being properly cleaned.

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

Date By Which Violation Must be Abated: 05/20/2019
Proposed Penalty: \$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

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

29 CFR 1926.1101(j)(2)(v): 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 not negative exposure assessment produced before the operation, the employer did not ensure that employees enter and exit the regulated area through the equipment room or area.

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not ensure employees were using the equipment room to exit and enter.

29 CFR 1963.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 15 b Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): Employer had not developed or implemented a written hazard communication program which at included the requirements outlined in 29 CFR 1910.1200(e)(1)(i) and (e)(1)(ii):

The employer is failing to ensure that employees are informed of hazards in their workplace. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not implement a Hazard communication plan that listed the chemicals being used onsite, including asbestos. Hazardous chemicals used at the jobsite include but are not limited to: asbestos containing floor tiles (between 6-20% chrysotile), mastic remover and solvents.

29 CFR 1963.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:

05/20/2019

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 16 Type of Violation: **Serious**

29 CFR 1910.1200(g)(1): Employers did not have a safety data sheet in the workplace for each hazardous chemical which they use

The employer is failing to ensure that employees are informed of hazards in their workplace. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not have any SDS sheets available for chemicals being used onsite, including asbestos. Hazardous chemicals used at the jobsite include but are not limited to: asbestos containing floor tiles (between 6-20% chrysotile), mastic remover and solvents.

29 CFR 1963.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 17 Type of Violation: **Serious**

29 CFR 1910.1200(h)(2): The employer did not provide employees with effective information on hazardous chemicals in their work area at the time of their initial assignment and whenever a new chemical hazard the employees have not previously been trained about was introduced into their work area. Employees were not informed of the following: the requirements of this section; any operations in their work area where hazardous chemicals are present; and, the location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and safety data sheets as required by this section.

The employer is failing to ensure that employees are informed of hazards in their workplace. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not have a list of hazardous chemicals and where they were being used or were located on site. Hazardous chemicals used at the jobsite include but are not limited to: asbestos containing floor tiles (between 6-20% chrysotile), mastic remover and solvents.

29 CFR 1963.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$3978.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 18 Type of Violation: **Serious**

29 CFR 1910.1200(h)(3): The employee training did not include the requirements of 29 CFR 1910.1200(h)(3)(i) through (h)(3)(iv):

The employer is failing to ensure that employees are informed of hazards in their workplace. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not conduct any HAZCOM training including methods and observations, physical and health properties, measure to take to avoid exposure and the details of hazard communication. Hazardous chemicals used at the jobsite include but are not limited to: asbestos containing floor tiles (between 6-20% chrysotile), mastic remover and solvents.

29 CFR 1963.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 19 Type of Violation: **Serious**

29 CFR 1926.1101(k)(9)(iii): Training for Class I operations and for Class II operations that require the use of critical barriers and/or negative pressure enclosures, was not equivalent in curriculum, training method and length to the EPA Model Accreditation Plan (MAP) asbestos abatement workers training:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about December 5th, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not ensure the employees were trained to the equivalent of the EPA MAP asbestos abatement workers training.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

See pages 3 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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 20 Type of Violation: **Serious**

29 CFR 1926.1101(k)(9)(ii): Training was not provided prior to or at the time of initial assignment and/or at least annually thereafter for employees likely to be exposed in excess of a permissible exposure limit (PEL) and for employees performing Class I through IV asbestos operations:

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about December 5th, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not ensure the employees were trained before starting and completing the asbestos abatement work. .

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

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 21 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 prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not ensure contaminated waste and debris were sealed and labeled in impermeable bags.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 22 Type of Violation: **Serious**

29 CFR 1926.1101(m)(1)(i)(A): The employer did not institute a medical surveillance program for all employees who for a combined total of 30 or more days per year are engaged in Class I, II and III work or are exposed at or above a permissible exposure limit or when no negative exposure assessment was available

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not ensure a medical surveillance program was in place for employees who were completing Class II asbestos work for 30 days or more.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00

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: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

Citation 1 Item 23 Type of Violation: **Serious**

29 CFR 1926.1101(o)(3)(i): On all worksites where employees are engaged in Class I or II asbestos work, the competent person designated in accordance with 29 CFR 1926.1101(e)(6) did not perform or supervise the following duties, as applicable as specified in 29 CFR 1926.1101(o)(3)(i)(A.) through 29 CFR 1926.1101(o)(3)(i)(I):

The employer is failing to prevent employee exposure to asbestos hazards associated with abatement and removal activities. The condition was most recently observed on or about November 2nd, 2018 at the facility located at 137 Hale Library, Manhattan, KS 66506. The employer did not perform or supervise the following activities:

- a) The competent person did not set up the regulated area, enclosure, or containment area.
- b) The competent person did not ensure (by on-site inspection) the integrity of the enclosure or containment.
- c) The competent person did not establish procedures to control entry to and exit from the enclosure or area.
- d) The competent person did not ensure that employees working within the enclosure wear personal protective equipment including but not limited to body coverings such as Tyvek suits, boot coverings, head coverings, and gloves.
- e) The competent person did not ensure through on-site supervision that employees set-up, use, and remove engineering controls, use work practices and personal protective equipment in compliance with all requirements.
- f) The competent person did not ensure that employees use the hygiene facilities and observe the decontamination procedures specified in 1926.1101(j).
- g) The competent person did not ensure through on-site inspection that engineering controls are functioning properly and that employees are using proper work practices.

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: 1357388
Inspection Date(s): 10/31/2018 - 03/11/2019
Issuance Date: 04/26/2019



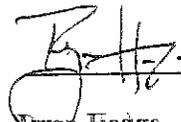
Citation and Notification of Penalty

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506

n) The competent person did not ensure that the notification requirements in 1926.1101(k) were met.
29 CFR 1963.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/20/2019
\$8619.00


Evan Hodge
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
100 N. Broadway
Suite 470
Wichita, KS 67202



INVOICE / DEBT COLLECTION NOTICE

Company Name: Custom Crushing & Company
Inspection Site: 137 Hale Library, Manhattan, KS 66506
Issuance Date: 04/26/2019

Summary of Penalties for Inspection Number	1357388
Citation 1, Serious	\$193596.00
TOTAL PROPOSED PENALTIES	\$193596.00

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

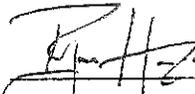
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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 2 times.

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

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

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

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



Ryan Hodge
Area Director

4/26/2019

Date