Indiana Occupational Safety and Health Administration 402 West Washington Street

Room W195

Indianapolis, IN 46204-2751

Phone: 317/232-1979 Fax: 317/233-8509



Certifical Receipt No. 917190 0005 2720 0031 5332 keb 11/27/13

Safety Order and Notification of Penalty

To:

Disposal Alternatives Organization, LLC,

and its successors 2222 Hillside Avenue Indianapolis, IN 46201

Inspection Site:

2222 Hillside Avenue Indianapolis, IN 46201 **Inspection Number:**

317055291

Inspection Date(s):

06/05/2013 - 06/13/2013

Issuance Date:

11/21/2013

The violation(s) described in this Safety Order 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.

An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

Informal Conference - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any of the results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

Right to Contest - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address <u>postmarked</u> within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days

on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s) and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

Posting - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

Penalties - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

Abatement - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

- (1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or
 - (2) The abatement period is extended by the granting of a petition for modification of abatement date.

PMAs - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

- (1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the prescribed abatement period.
 - (2) The specific additional abatement time necessary in order to achieve compliance.
- (3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.
- (4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.
- (5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty.

Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

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 Indiana Department of Labor/IOSHA at the address shown above.

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 Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

Indiana Occupational Safety and Health Administration



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safet	ty order(s) issued
on 11/21/2013. The conference will be held at the IOSHA office located at	402 West
Washington Street, Room W195, Indianapolis, IN 46204 on	_ at
Employees and/or representatives of employees have a	a right to attend
an informal conference.	

Indiana Occupational Safety and Health Administration

Inspection

317055291

Number:

Inspection Dates:

06/05/2013 -

06/13/2013

Issuance Date:

11/21/2013



Safety Order and Notification of Penalty

Company Name:

Disposal Alternatives Organization, LLC

Inspection Site:

2222 Hillside Avenue, Indianapolis, IN 46201

<u>Safety Order 1 Item 1</u> Type of Violation:

Serious

IC 22-8-1.1 Section 2: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to fall hazards from damage to the step rung on the Skyjack SJIII 3219:

Facility - The Skyjack SJIII 3219 step rung was bent and not taken out of service which created a fall hazard for employees accessing the scissor lift. The Skyjack SJIII 3219 was used by employees to replace burned out light bulbs in the ceiling of the facility on a regular and routine basis.

AMONG OTHER METHODS, FEASIBLE AND ACCEPTABLE MEANS OF ABATEMENT MAY INCLUDE: Implementation of Table 2-3. Maintenance and Inspection Schedule in accordance with Section 2, Page 25 of the Skyjack Operating Manual SJ III Series, July 2003 which contained a maintenance and inspection schedule template. Section 1, Page 8 states "An operator should not use any work platform that has been damaged or appears to have worn or missing parts".

Date By Which Violation Must be Abated:

12/18/2013

Proposed Penalty:

\$1,050.00

Safety Order 1 Item 2 Type of Violation:

Serious

29 CFR 1910.23(a)(8)(ii): Every floor hole cover into which persons can accidentally walk was not guarded by a floor hole cover of standard strength and construction.

Facility - Floor drain troughs near the loading area were approximately 12" wide and only partially covered by metal floor plates. Semi trucks and employees entered and exited the loading dock area several times a day.

Date By Which Violation Must be Abated:

12/18/2013

Proposed Penalty:

\$1,050.00

Indiana Occupational Safety and Health Administration

Inspection

317055291

Number:

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06/13/2013

Issuance Date:

11/21/2013

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Safety Order and Notification of Penalty

Company Name:

Disposal Alternatives Organization, LLC

Inspection Site:

2222 Hillside Avenue, Indianapolis, IN 46201

Safety Order 1 Item 3 Type of Violation:

Serious

29 CFR 1910.26(c)(2)(vii): Portable metal ladder(s) having defects were not marked and removed from service for repair:

Facility - The hand railing on the 12 foot mobile ladder stand was damaged, bent over into the stair area creating a fall hazard and effectively reducing the width of the access area. Employees used the mobile ladder stand to access side of semi trucks for cleaning at least monthly.

Date By Which Violation Must be Abated: 12/18/2013 \$1,400.00 **Proposed Penalty:**

Indiana Occupational Safety and Health

Administration

Inspection

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Number:

Inspection Dates:

06/05/2013 -

06/13/2013

Issuance Date:

11/27/2013



Safety Order and Notification of Penalty

Company Name:

Disposal Alternatives Organization, LLC

Inspection Site:

2222 Hillside Avenue, Indianapolis, IN 46201

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

Safety Order 1 Item 4a Type of Violation:

Serious

29 CFR 1910.36(g)(2): An exit route was not at least 28 inches wide at all points:

Facility - The exit route in the southwest section of the facility, where employees were compacting and discarding used cardboard boxes, was 16 inches wide and obstructed by boxes limiting use during an emergency evacuation.

Date By Which Violation Must be Abated:

12/18/2013

Proposed Penalty:

\$2,450.00

<u>Safety Order 1 Item 4b</u> Type of Violation:

Serious

29 CFR 1910.37(a)(3): Exits doors were not free an obstructed:

Facility - The exit route in the southwest section of the facility, where employees were compacting and discarding used cardboard boxes, was obstructed with boxes placed in front of the exit door.

Date By Which Violation Must be Abated:

Indiana Occupational Safety and Health

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11/27/2013



Safety Order and Notification of Penalty

Company Name:

Disposal Alternatives Organization, LLC

Inspection Site:

2222 Hillside Avenue, Indianapolis, IN 46201

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Safety Order 1 Item 5 Type of Violation:

Serious

29 CFR 1910.110(f)(4)(i): The quantity of LP gas stored inside of building(s) exceeded 300 pounds:

Facility - Ten (10) 50lb propane tanks, 500 pounds total, used for forklift truck fuel were stored indoors and adjacent to the Ferrellgas propylene tanks.

Date By Which Violation Must be Abated: 12/18/2013
Proposed Penalty: \$1,750.00

Indiana Occupational Safety and Health Administration

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317055291

Number:

Inspection Dates:

06/05/2013 -

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Issuance Date:

11/21/2013

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Company Name:

Disposal Alternatives Organization, LLC

Inspection Site:

2222 Hillside Avenue, Indianapolis, IN 46201

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

Safety Order 1 Item 6a Type of Violation:

Serious

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards were present, or were likely to be present, which necessitated the use of personal protective equipment (PPE):

Facility - The workplace was not evaluated for potential hazards such as, but not limited to, foot injuries when performing duties to include moving washers, dryers, and refrigerators, which may require the use of personal protective equipment (PPE).

Date By Which Violation Must be Abated:

12/18/2013

Proposed Penalty:

\$1,050.00

Safety Order 1 Item 6b Type of Violation:

Serious

29 CFR 1910.136(a): The employer did not ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects:

Facility- Foot protection was not worn by all employees who were exposed to potential foot injuries when performing tasks such as, but not limited to, lifting and moving appliances to include air conditioning units, refrigerators, washers, and dryers while wearing tennis shoes and/or sneakers.

Date By Which Violation Must be Abated:

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Safety Order and Notification of Penalty

Company Name:

Disposal Alternatives Organization, LLC

Inspection Site:

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Safety Order 1 Item 7 Type of Violation:

Serious

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

Facility- Two (2) trash compactors in the facility were not identified as confined space locations. Employees were putting trash debris into the trash compactors up to 8 hours/day.

Date By Which Violation Must be Abated:

12/18/2013

Proposed Penalty:

\$1,400.00

<u>Safety Order 1 Item 8</u> Type of Violation:

Serious

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

Facility- Portable fire extinguishers were not properly identified in the location of storage, with several portable fire extinguishers blocked by miscellaneous debris in the facility.

Date By Which Violation Must be Abated:

12/18/2013

Proposed Penalty:

\$1.050.00

Safety Order 1 Item 9 Type of Violation:

Serious

29 CFR 1910.178(I)(1)(i): The employer did not ensure that each powered industrial truck operator was competent to operate a powered industrial truck safely:

Facility- Operators did not have training (formal, practical, and performance evaluation) for powered industrial vehicles such as, but not limited to, the propane powered Yale forklift, who utilize lifts to move equipment to include washers and dryers around the facility.

Date By Which Violation Must be Abated:

12/18/2013

Proposed Penalty:

\$1.400.00

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06/13/2013

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Safety Order and Notification of Penalty

Company Name:

Disposal Alternatives Organization, LLC

Inspection Site:

2222 Hillside Avenue, Indianapolis, IN 46201

Safety Order 1 Item 10 Type of Violation:

Serious

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

Facility - The Tradesman (S/N #03C06378/Model #8032) table saw, used to cut metal parts on a daily basis, had approximately 5 inches of exposed saw blade above the table top.

Date By Which Violation Must be Abated: 12/18/2013
Proposed Penalty: \$3,500.00

Indiana Occupational Safety and Health Administration

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Issuance Date:

11/21/2013

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Safety Order and Notification of Penalty

Company Name:

Disposal Alternatives Organization, LLC

Inspection Site:

2222 Hillside Avenue, Indianapolis, IN 46201

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

Safety Order 1 Item 11a Type of Violation:

Serious

29 CFR 1910.215(a)(4): Grinding machinery was not used with work rest(s) to support offhand grinding work:

Facility- The table-mounted ToolShop 6in variable speed grinder (S/N# 241-1406) did not have a work rest. The bench grinder was used by employees to smooth out rough metal edges after they were cut.

Date By Which Violation Must be Abated:

12/18/2013

Proposed Penalty:

\$1,400.00

Serious Safety Order 1 Item 11b Type of Violation:

29 CFR 1910.215(b)(9): Guard for abrasive wheel machine where the operator stands in front of the machine was not constructed so that the peripheral protecting member could be adjusted to the constantly decreasing diameter of the wheel:

Facility - The table-mounted ToolShop 6in variable speed grinder (S/N# 241-1406) did not have tongue guard. The bench grinder was used by employees to smooth out rough metal edges from metal products on a daily basis.

Date By Which Violation Must be Abated:

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Safety Order and Notification of Penalty

Company Name:

Disposal Alternatives Organization, LLC

Inspection Site:

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

Safety Order 1 Item 12a Type of Violation:

Serious

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

Facilty - An 110V APC SurgeArrest Personal relocatable power tap (power strip), used to power equipment such as, but not limited to, a ToolShop 6 inch grinder, and was permanently mounted to the shop wall.

Date By Which Violation Must be Abated:

12/18/2013

Proposed Penalty:

\$1,400.00

Safety Order 1 Item 12b Type of Violation: See

Serious

29 CFR 1910.305(g)(1)(iv)[A]: Flexible cords were used as a substitute for fixed wiring:

Facility - Extension cords were used as permanent wiring for industrial electrical equipment such as, but not limited to, the ToolShop 6 inch grinder located near the loading dock area.

Date By Which Violation Must be Abated:

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Company Name:

Disposal Alternatives Organization, LLC

Inspection Site:

2222 Hillside Avenue, Indianapolis, IN 46201

Safety Order 1 Item 13 Type of Violation:

Serious

29 CFR 1910.303(g)(1)(i)[B]: The width of working space in front of electrical equipment was not greater than 30 inches:

Facility- The wall mounted Siemans I-T-E Heavy Duty Enclosed 600 V/30 AMP switch did not have 30 inches or greater of distance for access. The electrical disconnect was blocked by various debris in storage against the wall.

Date By Which Violation Must be Abated:

12/18/2013

Proposed Penalty:

\$1,400.00

Safety Order 1 Item 14 Type of Violation:

Serious

29 CFR 1910.305(a)(2)(x): Flexible cords and cables were not protected from accidental damage, as might be caused by sharp edges, pinch points, and doorways:

Facility - An extension cord used for a portable hand lamp near the loading dock door was not protected against accidental damage from being run over by forklift trucks.

Date By Which Violation Must be Abated:

12/18/2013

Proposed Penalty:

\$1,400.00

<u>Safety Order 1 Item 15</u> Type of Violation:

Serious

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings were not effectively closed:

Facility- Knockouts for a 110V electrical outlet box were missing which potentially exposed employees to live electrical parts inside. Electrical outlets were used to power extension cords for portable hand lamps and tools.

Date By Which Violation Must be Abated:

12/18/2013

Proposed Penalty:

\$1,400.00

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Safety Order and Notification of Penalty

Company Name:

Disposal Alternatives Organization, LLC

Inspection Site:

2222 Hillside Avenue, Indianapolis, IN 46201

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

Serious Safety Order 1 Item 16a Type of Violation:

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

Facility- A written hazard communications program was not established for employees who were required to remove refrigerant gases from air conditioning units for up to 8 hours/day. The employees used Diversified Pure Chem tanks to store the recovered gases.

Date By Which Violation Must be Abated:

12/18/2013

Proposed Penalty:

\$1,750.00

Serious Safety Order 1 Item 16b Type of Violation:

29 CFR 1910.1200(g)(8): The employer did not maintain copies of the required material safety data sheets for each hazardous chemical in the workplace:

Facility- Material Safety Data Sheets (MSDS) were not obtained for employees who were remove refrigerant gas from scrap air conditioning units for up to 8 hour/day. The employees used Diversified Pure Chem tanks to store the gas.

Date By Which Violation Must be Abated:

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Safety Order and Notification of Penalty

Company Name:

Disposal Alternatives Organization, LLC

Inspection Site:

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2222 Hillside Avenue, Indianapolis, IN 46201

Safety Order 1 Item 16c Type of Violation: Serious

29 CFR 1910.1200(h)(1)(i): The employer did not provide information to the employees on the requirements of the Hazard Communication Standard:

Facility- Hazard communications training was not provided for employees who removed refrigerant gas from scrap air conditioning units for up to 8 hour/day. The employees used Diversified Pure Chem tanks to store the gas.

Date By Which Violation Must be Abated:

12/18/2013

Julie C. Alexander, J.D. Director, General Industry

Indiana Occupational Safety and Health Administration 402 West Washington Street Room W195

Indianapolis, IN 46204-2751

Phone: 317/232-1979; Fax: 317/233-8509



INVOICE/DEBT COLLECTION NOTICE

Company Name:

Disposal Alternatives Organization, LLC

Inspection Site:

2222 Hillside Avenue, Indianapolis, IN 46201

Issuance Date: .

11/21/2013

Summary of Penalties for Inspection Number

317055291

Safety Order 01, Serious

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\$24,850.00

Total Proposed Penalties

\$24,850.00

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

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

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).

Julie C. Alexander, J.D.

Director, General Industry

Date