

THE LEAD ABATEMENT ADVISOR

VOLUME EIGHTEEN, ISSUE TWO
FALL 2015

SPECIALIZING IN MOLD, ASBESTOS AND
LEAD TOPICS

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INSIDE THIS ISSUE:

MANAGER AND OWNER SENTENCED TO JAIL FOR WORKER'S DEATH.....	1
GUN RANGE CITED FOR EXPOSING EMPLOYEES TO LEAD & ARSENIC.....	2
EXPOSURE TO COMMON FLAME RETARDANTS MAY CONTRIBUTE TO ADHD.....	3
OHIO NEWS.....	4
OSHA UPDATE.....	5
EPA UPDATE.....	6
CITATIONS & PENALTIES.....	7
LEAD EXPERTS TRAINING SCHEDULE 2015-2016.....	8

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The Lead Abatement Advisor is prepared by Lead Experts, Inc. to inform its clients and friends of developments in lead-based paint hazard evaluation and control, safety management, environmental compliance, and new developments in the environmental remediation field. The newsletter is available free of charge to interested parties. The articles appearing in this newsletter do not constitute legal or other advice or opinion. The views expressed in this newsletter are not necessarily those of Lead Experts, Inc. The application of various laws and regulations to your business operations may depend on many specific facts. Questions regarding your operation relative to the topics discussed in this newsletter should be directed to a qualified professional. For more information, call us at (800) 259-8930 or info@leadexperts.org

MANAGER AND OWNER SENTENCED TO JAIL FOR WORKER'S DEATH

In August, Richard Liu, owner of U.S. Sino Investment, and project manager Dan Luo were sentenced to two years in prison, for involuntary manslaughter after a worker was killed in a trench cave-in in 2012.

Raul Zapata Mercado, was killed on a construction site in Milpitas, CA, when a 12-foot trench wall collapsed, burying him alive. He had only worked for the company for two weeks.

The crew had been working on a home when a local building inspector issued a stop-work notice after several days of heavy rain. The inspector felt that cave-ins could be likely because of the recent weather. However, Luo did not have the workers stop, even after a second inspector issued another stop-work notice. Although the site only had a permit for excavating no deeper than five feet, the worker was buried under 12 feet of dirt when the trench collapsed.

From the OSHA investigation that followed, regulators concluded U.S. Sino:

- Did not shore the excavation walls;
- Did not retain competent person for the excavation;
- Failed to provide workers' compensation insurance, and
- Did not provide Mercado and other workers with required head protection.

OSHA fined the company almost \$170,000, and they are also facing up to \$1.5 million in additional fines for labor code violations.

Last year, a company president barely managed to escape jail time after pleading no contest to felony charges after a worker fell 13-feet to his death. Instead, he'll pay a settlement to the victim's widow and the government, and he'll be on probation for three years.

While CEOs and company leaders are often the target of these criminal prosecutions, regulators will go after other managers as well. In this case, the project manager who ignored stop-work orders was arrested. In another recent case, a safety manager and plant operations director face up to three years in jail after a worker was burnt to death in an industrial oven.

GUN RANGE CITED FOR EXPOSING EMPLOYEES TO LEAD

Following a medical referral of high blood-lead levels in an employee, Kremer's Guns in Celina, has been cited by OSHA's Toledo office.

"Lead exposure can cause multiple serious health hazards that have life-long consequences — but it's easily preventable," said OSHA's Toledo director, Kim Nelson.

"Eliminating exposure, using engineering controls and personal protective equipment such as clothing and respirators, as well as, properly cleaning lead dust and particles can limit worker exposure and prevent them from transporting lead contamination home," said Nelson.

OSHA found the company:

- Overexposed workers to lead;
- Did not monitor worker's exposure to lead and arsenic;
- Failed to train workers on lead, arsenic, chemical hazards;
- Lacked a respiratory protection program;
- Failed to provide protective clothing such as shoe covers;
- Allowed employees to wear work clothing home, potentially exposing others to lead;
- Did not provide showers, a separated lunch facility to prevent contamination, and ingestion, and
- Lacked housekeeping procedures to remove lead and prevent employee exposure.

The range received 23 citations, for exposing workers to lead and arsenic, with proposed penalties of \$61,200.

Quotable

"People often say that this or that person has not yet found himself. But the self is not something one finds, it is something one creates." — Thomas Szasz

"Gratitude is a quality similar to electricity. It must be produced and discharged and used up in order to exist at all." — William Faulkner

"A man who is tired of complaining is tired of life." — Julian Baggini

COMMON FLAME RETARDANTS MAY CONTRIBUTE TO ATTENTION PROBLEMS IN CHILDREN

Prenatal exposure to some flame retardants widely-used in consumer products is associated with attention problems in children ages three through seven, according to a new study by researchers at the Columbia Center for Children’s Environmental Health. The research is the first to show the effects of prenatal exposure to polybrominated diphenyl ethers (PBDEs) on children’s development, during both the preschool and school age periods. Results appear in the journal of *Neurotoxicology and Teratology*.

PBDEs are found in textiles, plastics, wiring, and furniture containing polyurethane foam to reduce flammability. Since PBDEs are not chemically bound to these materials, they migrate into the environment over time. Humans are commonly exposed to the chemicals through accidental ingestion of house dust and by eating foods with accumulated PBDEs. While PBDEs were phased out in 2004, they remain ubiquitous in the environment.

Researchers followed 210 mother-child pairs, from birth through early childhood. Beginning at age 3, researchers assessed child behavior, repeating the test ever year through age 7. Cord blood samples were analyzed to assess prenatal exposure to the chemicals.

At ages 3, 4, and 7 years, children with the highest exposure to certain PBDEs had approximately twice the number of reported attention problems compared to the other children in the study.

Results support previous peer-reviewed epidemiological studies reporting associations between prenatal PBDE exposure and symptoms of inattention, hyperactivity, and impulsivity among children.

“These findings reinforce the decision to phase-out the use of PBDEs in consumer products and support the need to develop programs for safely disposing of products containing PBDEs that are still in use,” says senior author Julie Herbstman, assistant professor of Environmental Health Sciences.

Quotable

“Quiet minds cannot be perplexed or frightened, but go on in fortune or misfortune at their own private pace, like a clock during a thunderstorm.” — Robert Louis Stevenson

OHIO NEWS

From the annual report of the Ohio Lead Advisory Council; A total of 4,719 children had lead poisoning in 2013. An additional 3,161 children tested at 5 or above but were not included because the test was not confirmed with a venous test.

Fifty-seven homes have been abated as of the beginning of the year from the HUD Lead-Based Paint Hazard Control Grant administered by the Ohio Department of Health(ODH). Of the \$2.5 million grant, \$845,575 has been expended.

ODH is finalizing contracts with agencies for lead poisoning services. Contracts include investigations for children testing between 5 and 9 micrograms per deciliter. An investigation will mean a phone call to the parent or guardian to discuss the lead level and offer education.

Lead Hazard Control Reduction Demonstration & Healthy Home initiative funding

The State of Ohio will be awarded **\$2,906,610** in Lead Hazard Control grant funds and **\$325, 000** in Healthy Home initiative funding. The State will address lead hazards, conduct Healthy Housing assessments in **200** housing units, and intervene when hazards are identified as funding allows.

Cuyahoga County will be awarded **\$2,906,610** in Lead Hazard Control grant funds and **\$325,000** in Healthy Home initiative funding. The County will address lead hazards and perform healthy homes assessments in **230** housing units. The County plans to intervene in **180** of those units. The County will collaborate with the Cuyahoga County Department of Development, City of Cleveland Heights, Environmental Health Watch, Lutheran Metropolitan Ministry, and Ohio Means Jobs.

The City of Cleveland will be awarded **\$3,389,272** in Lead Hazard Reduction Demonstration grant program funding and **\$325,000** in Healthy Homes initiative funding. The City of Cleveland will address lead hazards and perform healthy homes assessments in **220** housing units. The City of Cleveland will collaborate with numerous partners including the Cleveland Department of Public Health, Cleveland Housing Solutions, Environmental Health Watch and Neighborhood Connections.

The City of Akron will be awarded **\$3,389,272** in Lead Hazard Reduction Demonstration grant program funding and **\$325,000** in Healthy Homes initiative funding. The City of Akron will address lead hazards and perform healthy homes assessments in **250** housing units for low and very low-income families with children. The City of Akron will collaborate with partners including the Summit County Health Department.

OSHA UPDATE

Preventing cold stress, slips on snow and ice

Snow and ice create slips, trips and falls hazards for workers. Employers should clear snow and ice from walking surfaces and spread deicer as quickly as possible after a storm. When walking on snow or ice is unavoidable, employers should ensure that workers are equipped with footwear with good traction and insulation. Employers should also instruct workers to take short steps and walk at a slower pace so they can react quickly to a change in traction.

OSHA has winter weather resources available to help employers protect outdoor workers exposed to hazards from the cold, such as frostbite and hypothermia. Workers exposed to cold weather can be at risk of frostbite that causes freezing in the deep layers of skin and tissue and can cause permanent damage. Signs of frostbite include a loss of feeling and a waxy-white or pale appearance in fingers, toes, nose or ear lobes. Workers can also be at risk of hypothermia, which occurs when the body temperature drops to less than 95°F. Symptoms of hypothermia include uncontrollable shivering, slow speech, memory lapses, frequent stumbling, drowsiness and exhaustion.

OSHA's [Cold Stress QuickCard \(available in Spanish\)](#), explains how to protect workers from these life-threatening hazards:

Protecting Workers from Cold Stress

Cold temperatures and increased wind speed (wind chill) cause heat to leave the body more quickly, putting workers at risk of cold stress. Anyone working in the cold may be at risk, e.g., workers in freezers, outdoor agriculture and construction.

Risk Factors

Dressing improperly, wet clothing/skin, and exhaustion.

For Prevention, Your Employer Should:

Train you on cold stress hazards and prevention.

Provide engineering controls, e.g., radiant heaters.

Gradually introduce workers to the cold; monitor workers; schedule breaks in warm areas.

How to Protect Yourself and Others

Know the symptoms; monitor yourself and co-workers.

Drink warm, sweetened fluids (no alcohol).

Dress properly:

Layers of loose-fitting, insulating clothes

Insulated jacket, gloves, and a hat (waterproof, if necessary)

Insulated and waterproof boots

Also see OSHA's [Winter Weather](#) web page for more information.

EPA UPDATE

Lead Dust Testing Requirements

The EPA is expected to issue a final rule requiring a lead clearance for certain high dust generating activities during housing renovation, repair and painting activities. This would make the EPA requirements more in-line with HUD requirements, which have been in place for federally assisted housing since 2001. Existing EPA requirements for RRP rely on a "cleaning verification" method, which may not adequately protect children (the basis for RRP regulation), because the actual level of lead dust remaining following cleaning is not measured.

EPA is also reviewing the relationship between lead-dust and blood lead levels to determine if the existing 2001 standard should be modified. A report from the EPA Science Advisory Board is expected this summer. The report will examine housing, public, and commercial buildings.

EPA Settlements Help Protect Public Against Lead Exposure

The EPA announced 75 enforcement actions from 2014 that require renovation contractors and training providers to protect people from harmful exposure to lead dust and debris, as required by EPA's Lead-based Paint Renovation, Repair, and Painting (RRP) regulations.

Seventy-five settlements were filed from October 2014 through September 2015 for renovations performed on homes and child-care facilities.

In three of the settlements, entities agreed to voluntary fund lead abatement projects, which require removal of lead-based paint and post-construction testing to ensure that no hazardous conditions remain.

Approximately two-thirds of the cases involved failure to obtain EPA certification prior to conducting renovations. The cases reflect an increased focus on ensuring that firms and renovators comply with lead-safe work practices intended to protect children and others from exposure to lead dust.

The RRP Rule provides important protections for children and others vulnerable to lead exposure. Even low levels of lead in the blood of children can result in behavior and learning problems, slowed growth, hearing problems and anemia. In some cases, ingestion of lead can cause seizures, coma and death.

Lead dust and debris from improper renovation activities on properties built prior to 1978 is a major source of lead poisoning. Although using lead-based paint in dwellings was prohibited after 1978, it is still present in more than 30 million homes across the nation.

CITATIONS & PENALTIES

Illinois Construction Companies which Exposed Foreign-Born Workers to Known Asbestos Hazards, Now Face Nearly \$2 Million In Fines

Employees removing floor tiles, insulation and other materials from a former elementary school were exposed to deadly asbestos fibers even though their employers knew of the dangers. OSHA found that Joseph Kehrer, Kehrer Brothers Construction and a Kehrer-affiliated company, D7 Roofing, which employed some of the workers, violated numerous OSHA health standards related to the dangers of asbestos. Many of the workers came to the U.S. to work for Kehrer under the provisions of the H-2B visa program.

"Kehrer Brothers Construction brought non-English speaking workers to the U.S. and knowingly exposed them to asbestos," said OSHA's assistant secretary. "This is outrageous, illegal behavior."

OSHA issued Kehrer Brothers and Joseph Kehrer \$1,792,000 in penalties for willfully exposing at least eight workers to asbestos and placed the company in its Severe Violator Enforcement Program. OSHA also cited D7 Roofing \$147,000 for not training the workers or informing them about the presence of asbestos-containing material and for failing to conduct inspections as required by law.

Illinois Contractor Faces Fines for Exposing Workers to Lead Paint

OSHA issued four willful, one serious and two repeat violations to Era Valdivia Contractors, Inc., after an inspection found workers were exposed to dangerous lead hazards while sandblasting the steel structure of the Francisco Avenue Bridge in Blue Island, IL. Lead exposure can cause damage to the central nervous, urinary, blood and reproductive systems. The company faces proposed fines of \$287,440.

"OSHA's investigation found that Era Valdivia Contractors had performed tests that indicated dangerous lead exposure in the early stages of the project. The company made a conscious decision not to protect its workers," said Kathy Webb, OSHA's area director in Calumet City. "Era Valdivia Contractors failed to follow the law and its company policy, putting everyone at risk."

OSHA initiated the inspection under its [National Emphasis Program for Lead](#), and after observing employees working with lead without personal protective equipment. Willful violations include failing to provide personal protective clothing, separate changing and hygiene facilities, such as showers, to prevent lead from traveling home. OSHA also issued a serious violation for failing to provide notice to an employee who was overexposed to lead.

2015-2016 LEAD TRAINING SCHEDULE LEAD EXPERTS

Type, Length and Price	Location	Course Dates
<u>Contractor Initial - 40 Hour</u> \$795 Per Trainee	Toledo Cleveland Columbus	May 2 - 6 Dec 7 - 11 Feb 22 - 26 Apr 11 - 15 Jun 13 - 17 Jun 27 - Jul 1
<u>Contractor Refresher - 8 Hour</u> \$195 Per Trainee	Toledo Cleveland Akron	Feb 2 Apr 29 Nov 24 Dec 15 Jan 12 Feb 9 Mar 29 Apr 26 May 17 Jun 21 Jan 7 Mar 15 May 13
<u>Worker Initial</u> \$595 Per Trainee <u>Worker Refresher</u> \$195 Per Trainee	The Contractor Initial and Refresher courses shown above satisfy Ohio Department of Health's requirements for Worker Classes. A Worker enrolling in these classes will be charged the lower fee shown in this section. Please call if you have <u>any</u> questions.	
<u>Inspector Initial - 24 Hour</u> \$475 Per Trainee <u>Inspector Refresher - 8 Hour</u> \$195 Per Trainee	Cleveland Columbus Toledo Cleveland Columbus	Nov 16 - 18 Mar 21 - 23 Apr 4 - 6 **Risk Assessor Refresher classes shown below satisfy the Inspector Refresher** **requirements of the Ohio Department of Health**
<u>Risk Assessor Initial - 16 Hour</u> \$320 Per Trainee <u>Risk Assessor Refresher - 8 Hr</u> \$195 Per Trainee	Cleveland Columbus Toledo Cleveland Akron	Nov 19 - 20 Mar 24 - 25 Apr 7 - 8 Feb 1 Apr 28 Nov 23 Dec 14 Jan 11 Feb 8 Mar 28 Apr 25 May 16 Jun 20 Nov 12 Jan 6 Mar 14 May 12
<u>Renovation, Repair and Painting Certification Initial - 8 Hour</u> \$189 Per Trainee	Toledo Cleveland Akron	Feb 3 Mar 31 Jun 2 Nov 9 Dec 3 Jan 14 Feb 11 Mar 17 Apr 18 May 9 Jun 23 Nov 30 Jan 21 Mar 9 May 19
<u>Renovation, Repair and Painting Refresher (Grandfather) - 4 Hr</u> \$95.00 per Trainee	Toledo Cleveland Akron	Dec 2 Feb 4 Apr 1 Jun 1 Nov 10 Dec 4 Jan 15 Feb 12 Mar 18 Apr 19 May 10 Jun 24 Dec 17 Jan 22 Mar 10 May 20

IF YOU HAVE ANY SPECIAL NEEDS OR NEED A REASONABLE ACCOMMODATION, PLEASE CONTACT US IMMEDIATELY

EPA RRP accredited classes for certification under Section 402 of TSCA

YOU ARE NOT ENROLLED IN ANY CLASS UNTIL YOU RECEIVE WRITTEN CONFIRMATION FROM US. CERTIFICATES WILL NOT BE ISSUED IF YOU ARE LATE TO CLASS. CERTIFICATES ARE HELD UNTIL PAID IN FULL.

Licensing courses approved by the Ohio Department of Health
ODH Requires Refreshers Taken During Second Year of License Period

RRP CLASSES ARE ADDED AS CLASSES FILL UP – CALL FOR ADDITIONAL DATES

On Site Classes Available, Closed Enrollment - Your Location / Your Students - Priced per Day, Call for More Information

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