

OSHA Enforcement: Hazardous Material Remediation Contractor Proposed Penalty Assessment

Arkansas Environmental, Energy, and Water Law Blog



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The United States Occupational Safety and Health Administration ("OSHA") issued an August 3rd news release stating that it was proposing to assess \$142,000 in penalties to Environmental Remediation Services ("ERS") for alleged violations.

OSHA alleges that the Schenectady, New York hazardous materials remediation contractor did not provide proper safeguards to workers doing mercury removal work at the General Electric Co. Power and Water Main Plants State Superfund site in Schenectady, New York.

ERS employees are stated to have complained about mercury exposure and lack of personal protective equipment. The employees were stated to be removing liquid mercury and mercury-contaminated soil and wood from the third and fourth floors of Building 5 of the Main Plant.

OSHA alleges that ERS failed to implement measures such as ventilation, protective equipment, or reorganizing work to reduce employees' exposure levels. The agency further alleges that ERS did not comply with certain requirements for protecting employees engaged in hazardous waste operations that include:

- Inform the employees doing the work about the nature, level and degree of their exposure to hazardous materials
- Implement a site specific health and safety program for the jobsite and have a safety and health program or mercury
- Provide appropriate election of personal protective equipment to workers to prevent skin absorption of hazardous substances
- Develop a site control program to minimize employees' exposure to hazardous substances
- Train employees on safe work practices, use of engineering controls and medical surveillance requirements
- Provide medical exams and consultations for employees who reported signs or symptoms of possible exposure to hazardous substances
- Conduct an initial assessment of employees' exposure to hazardous substances
- Address limitations of personal protective equipment
- Perform initial air monitoring for arsenic
- Provide employees with information and training on hazardous chemicals with which they work
- Prevent employees from consuming water in mercury contaminated areas
- Evaluate the effectiveness of respirators used by workers when temperatures rose about 90 degrees
- Retrain employees on respiratory protection requirements

ERS has 15 days from receipt of the OSHA citations and proposed penalties to comply, request a conference with OSHA's Area Director or contest the findings before the Independent Occupational Safety and Health Review Commission.

[A copy of the news release can be downloaded here.](#)