

State of Tennessee

Department of Labor and Workforce Development
220 French Landing Drive
Nashville, TN 37243
Phone: 615-741-2793 Fax: 615-253-1623



Citation and Notification of Penalty

To:

Read House Investors LP
d/b/a The Read House Historic Inn and Suites
and its successors
827 Broad St
Chattanooga, TN 37405

Inspection Number: 1271396
Inspection Date (s): 10/03/2017
Issuance Date: 01/19/2018
Reporting ID: 0454723
CSHO ID: E2628
Optional Report #: 001-2018

Inspection Site:

827 Broad St
Chattanooga, TN 37405

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.

On 10/03/2017, an inspection of your establishment/workplace was conducted by the Tennessee Occupational Safety and Health Administration (TOSHA) pursuant to Tennessee Code Annotated §§ 50-3-101 through 50-3-918. This Citation and Notification of Penalty (hereafter referred to as this Citation) allege violations of standards and/or rules promulgated under the provisions of the Code. These alleged violations must be corrected on or before the date indicated with each violation description.

Under the Code, employers have certain responsibilities and rights regarding citations for alleged violations.

EMPLOYER RESPONSIBILITIES

POST THIS CITATION

T.C.A. § 50-3-307(a)(4) and Department of Labor and Workforce Development Rules require this Citation (or a copy) to be immediately posted at or near the location where each alleged violation occurred, or if not practicable, in a prominent place visible to all employees. This Citation must remain posted until the alleged violations are corrected but for no less than three (3) working days. Equipment, referenced in this Citation, that is moved during the correction period, must have a copy of this Citation attached. Failure to post this Citation subjects the employer to a penalty of up to \$3,000.00 for each Citation not posted.

CORRECT THE VIOLATIONS

You must correct each violation by the date listed in this Citation unless you request an extension or file a notice of contest. (See "Formal Contest" below.)

EXTENSION OF CORRECTION DATES

- 1) You may request an extension of the correction date(s) set forth in this Citation(s) when you cannot correct the alleged violation(s) by the date listed because of circumstances beyond your control. The request must be in writing and filed with the TOSHA area office supervisor no later than the end of the business day on the day after the original abatement date. The request must include the following information:
 - a) Steps taken to-date to correct the cited conditions.
 - b) Additional time needed to achieve compliance.
 - c) The reasons additional time is necessary.
 - d) All interim steps being taken to safeguard employees against the cited hazard.
 - e) A dated certification that a copy of the request has been posted and, if appropriate, served on the authorized representative of affected employees.

The employer shall post a copy of the request in a conspicuous place for a period of twenty (20) calendar days. The area supervisor then has ten (10) days after the posting period to grant or deny the request and will inform the employer of such, in writing, by the end of the ten (10) day period.

To request an extension of correction date(s), contact Steve Tobias, Area Supervisor at telephone (423) 634-6424 or fax (423) 634-8179.

NOTIFY TOSHA OF CORRECTIVE ACTION

You must notify Steve Tobias, in writing, when correction of each alleged violation has been completed. Enclosed is the Abatement Certification Form to be used to report corrective action taken for each violation. Instructions for completing this form are also enclosed.

You must also notify your employees and their representatives (if represented) of corrective action taken by posting the Abatement Certification Form, or by other effective means.

For items identified in this Citation as “**Abatement Verification Required**”, you must include additional documentation such as photographs, receipts, work orders, etc. to verify the corrective action taken. Failure to provide this additional documentation to TOSHA will subject the employer to additional penalties of up to \$1,000.00. This additional documentation must also be posted at or near where the violation occurred. Failure to post the additional documentation will subject the employer to additional penalties of up to \$3,000.00.

PAYMENT OF PENALTY

Payment for the penalty is **due in full thirty (30) days from the date of receipt of this Citation and Notification of Penalty** unless a notice of contest is filed. Correction of alleged violation(s) does not excuse you from payment of any penalty which has become a final order of the Department of Labor and Workforce Development. Penalties not paid within thirty (30) days from the date of receipt will be assessed late fees and interest (see the Penalty Notice enclosed). Penalties should be paid by check or money order made payable to: “Treasurer State of Tennessee.” Mail payments to the following address:

State of Tennessee, Department of Labor and Workforce Development
Division of Occupational Safety and Health
Attn: Penalty Payments
220 French Landing Drive
Nashville, TN 37243-1002

EMPLOYER RIGHTS

INFORMAL CONFERENCE

You may request an informal conference to discuss the alleged violations and/or penalties. Informal conferences **must be held within twenty (20) days of the receipt of this Citation and Notification of Penalty**. To schedule an informal conference, contact Steve Tobias, Area Supervisor at telephone (423) 634-6424 or fax (423) 634-8179. Twenty four (24) hours prior to the informal conference post the "Notice to Employees of Informal Conference" and bring a copy of the notice to the informal conference. A copy of the notice is enclosed.

FORMAL CONTEST

You have the right to contest any or all parts of this Citation and/or the penalties before the Tennessee Occupational Safety and Health Review Commission. If you choose to contest, you must submit written notification to the Commissioner of Labor and Workforce Development stating what parts of this Citation and Notification of Penalty you are contesting. Notification **must be received within twenty (20) calendar days of receipt of this Citation and Notification of Penalty**. If you do not contest within the twenty (20) calendar day period, this Citation and Notification of Penalty shall be deemed a final order and not subject to further review by any agency or court (T.C.A. §§ 50-3-307(b) and 50-3-407, and Tennessee Department of Labor and Workforce Development Rules Chapter 0800-01-04).

ADDITIONAL INFORMATION

For additional information, contact Steve Tobias, Area Supervisor, Tennessee Department of Labor and Workforce Development, Division of Occupational Safety and Health, 1301 Riverfront Parkway Suite 202, Chattanooga, TN 37402.

ABATEMENT CERTIFICATION FORM

INSTRUCTIONS

- 1) Complete this form for each cited violation item as follows:
 - a) Enter the citation number and item number in the first column
 - b) Enter the date the item was corrected in the second column
 - c) Explain in detail how each cited violation item was corrected in the third column (See examples below)
- 2) You may request an extension of the correction date(s) set forth in this Citation(s) when you cannot correct the alleged violation(s) by the date listed because of circumstances beyond your control. The request must be in writing and filed with the TOSHA area office supervisor no later than the end of the business day on the day after the original abatement date. The request must include the following information:
 - a) Steps taken to-date to correct the cited conditions.
 - b) Additional time needed to achieve compliance.
 - c) The reasons additional time is necessary.
 - d) All interim steps being taken to safeguard employees against the cited hazard.
 - e) A dated certification that a copy of the request has been posted and, if appropriate, served on the authorized representative of affected employees.

The employer shall post a copy of the request in a conspicuous place for a period of twenty (20) calendar days. The area supervisor then has ten (10) days after the posting period to grant or deny the request and will inform the employer of such, in writing, by the end of the ten (10) day period.

- 3) To request an extension of abatement/correction, contact Steve Tobias, Area Supervisor at telephone (423) 634-6424 or fax (423) 634-8179.
- 4) Mail or fax the completed form to the Area Office shown on the form
- 5) Contact the Area Office Supervisor for additional information or if you have any questions
- 6) Additional copies can be obtained electronically at:
http://tn.gov/assets/entities/labor/attachments/TOSHA_Abatement_Form_2001.pdf

Examples of How to Complete the Form

Citation & Item #	Date Corrected	HOW CORRECTED
1/1	02/16/2008	<p>The unguarded band saw #1234 located in the maintenance area was fitted with a factory made guard purchased from Ajax Equipment Co. The unused portion of the blade is now fully enclosed in a metal guard. Employees have been trained in the proper use of safety equipment.</p> <p>(NOTE: This item was identified as "Abatement/Correction Documentation Required" - We have also enclosed photographs of the newly guarded saw and a copy of the purchase documents from Ajax Equipment the parts supplier.)</p>
2/1a	02/18/2008	A plumbed emergency eyewash and drench shower were installed by ABC Plumbing Co in the acid mixing area. Employees have been trained in the proper use and maintenance of this emergency equipment.
2/1b	02/24/2008	A written hazard communication program has been developed (copy enclosed). All employees have been trained about the haz com program and its components. They have also been trained in the proper use of the specific chemicals they may use in performing their jobs.
2/4	REQUEST EXTENSION OF ABATEMENT PERIOD	<p>We ordered deluge showers on 12/15/15 (P.O. #76) and were informed that they would be shipped 12/16/15. Request extension until 01/17/16. As an interim safety precaution, we temporarily provided rubber water hoses at faucets near the plating tanks. Personal protective equipment is mandatory for this area.</p> <p><i>I certify that a copy of this request was posted on the employee' bulletin board on (date) and that employees have been informed of their rights under the Act.</i></p> <p>OR</p> <p>We ordered deluge showers on 12/15/15 (P.O. #76) and were informed that they would be shipped 12/16/15. Request extension until 01/17/16. As an interim safety precaution, we temporarily provided rubber water hoses at faucets near the plating tanks. Personal protective equipment is mandatory for this area.</p> <p><i>I certify that a copy of this request was posted on the employees' bulletin board on (date) and that employees have been informed of their rights under the Act.</i></p>

ABUSEMENT CERTIFICATION FORM

AREA SUPERVISOR

Tennessee Department of Labor and Workforce Development
Division of Occupational Safety and Health
1301 Riverfront Parkway Suite 202
Chattanooga, TN 37402

SUBMITTED BELOW IS THE ACTION(S) TAKEN TO CORRECT THE ALLEGED VIOLATION(S) LISTED ON THE CITATION(S) AS THE RESULT OF INSPECTION NUMBER: 1271396 ISSUED TO:

Read House Investors LP, 827 Broad St, Chattanooga, TN 37405

Citation & Item #	Date Corrected	How Corrected

A COPY OF THE CITATION(S) WAS (WERE) POSTED AS REQUIRED BY TENNESSEE CODE ANNOTATED §50-3-307(a)(4).

Employer Official's Signature

_____/_____/_____
Date

Job Title



State of Tennessee
Department of Labor and Workforce Development
Division of Occupational Safety and Health (TOSHA)

NOTICE TO EMPLOYEES
OF
INFORMAL CONFERENCE

An informal conference has been scheduled with TOSHA to discuss the Citation and Notification of Penalty. The conference will be held at the TOSHA office located at 1301 Riverfront Parkway Suite 202, Chattanooga, TN 37402 on _____ (date) at _____ (time). Employees and/or representatives of employees have a right to attend an informal conference.

Post this notice twenty-four (24) hours prior to the informal conference.

A copy of this notice must be brought to the informal conference.

State of Tennessee

Department of Labor and Workforce Development
220 French Landing Drive
Nashville, TN 37243
Phone: 615-741-2793 Fax: 615-253-1623

Inspection Number: 1271
CSHO ID: E2628
Optional Report #: 001-2018
Inspection Date(s): 10/03/2017
Issuance Date: 01/19/2018

**Citation and Notification of Penalty**

Company Name: Read House Investors LP dba The Read House Historic Inn and Suites
Inspection Site: 827 Broad St Chattanooga, TN 37405

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

29 CFR 1926.1101(e)(1): All Class I, II, and III asbestos work was not conducted within regulated areas.

In that class III asbestos work to repair and replace plumbing pipes that disturbed presumed asbestos containing material in thermal system insulation and pipe cement in guest room crawl spaces was not conducted within regulated areas.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated:
Proposed Penalty:

February 08, 2018
\$2000.00

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

29 CFR 1926.1101(e)(6): The employer did not ensure that all asbestos work performed within regulated areas was supervised by a competent person.

In that class III asbestos work to replace and repair plumbing pipes that disturbed presumed asbestos containing material in thermal system insulation and pipe cement in guest rooms was not supervised by a competent person.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated:
Proposed Penalty:

February 08, 2018
\$0.00

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**Citation and Notification of Penalty**

Company Name: Read House Investors LP dba The Read House Historic Inn and Suites
Inspection Site: 827 Broad St Chattanooga, TN 37405

Citation 1 Item 1 c 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.

In that the employer did not perform asbestos exposure monitoring for employees that were conducting class III asbestos work while replacing and repairing plumbing pipes in guest rooms that disturbed presumed asbestos containing material in thermal system insulation and joint cement.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated:

February 08, 2018

Proposed Penalty:

\$0.00

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

29 CFR 1926.1101(g)(9): Class III asbestos work was not conducted using engineering and work practice controls which minimized the exposure to employees performing the asbestos work and to bystander employees.

In that three employees were conducting class III asbestos work while repairing or replacing plumbing that disturbed presumed asbestos containing material in thermal system insulation and pipe cement with no engineering or work practice controls to reduce asbestos exposures to the employees performing work or to other workers possibly in the area.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated:

February 08, 2018

Proposed Penalty:

\$0.00

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Company Name: Read House Investors LP dba The Read House Historic Inn and Suites
Inspection Site: 827 Broad St Chattanooga, TN 37405

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

29 CFR 1926.1101(h)(1)(v): The employer did not provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators were not used during: Class III asbestos work when TSI or surfacing ACM or PACM is being disturbed.

In that three employees were conducting class III asbestos work while repairing or replacing plumbing that disturbed presumed asbestos containing material in thermal system insulation and pipe cement and were not using respirators.

ABATEMENT VERIFICATION REQUIRED

<u>Date By Which Violation Must be Abated:</u>	<u>February 08, 2018</u>
<u>Proposed Penalty:</u>	<u>\$0.00</u>

Citation 1 Item 1 f 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.

In that the employer stated that no negative exposure assessment was performed and three employees were conducting class III asbestos work without being provided or required to use protective clothing.

ABATEMENT VERIFICATION REQUIRED

<u>Date By Which Violation Must be Abated:</u>	<u>February 08, 2018</u>
<u>Proposed Penalty:</u>	<u>\$0.00</u>

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**Citation and Notification of Penalty**

Company Name: Read House Investors LP dba The Read House Historic Inn and Suites
Inspection Site: 827 Broad St Chattanooga, TN 37405

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

29 CFR 1926.1101(k)(1)(ii): The employer did not include asbestos in the program established to comply with the Hazard Communication Standard (HCS) (§ 1910.1200), did not ensure that each employee had access to labels on containers of asbestos and safety data sheets, did not ensure hazard communication training on asbestos in accordance with the provisions of the Hazard Communication Standard 29 CFR 1910.1200 as well as paragraphs (k)(9) and (10) of this section. The employer did not provide information on at least the following hazards: Cancer and lung effects.

In that the employer did not ensure that safety data sheets, labels, or hazard communication training for asbestos were included in the hazard communication program for the facility where employees were conducting class III asbestos work.

ABATEMENT VERIFICATION REQUIRED**Date By Which Violation Must be Abated:****February 08, 2018****Proposed Penalty:****\$2000.00****Citation 1 Item 2 b****Type of Violation: Serious**

29 CFR 1926.1101(k)(3)(ii)(B): The employer did not inform employees who performed work under 29 CFR 1926.1101 of the location and quantity of asbestos containing material and/or presumed asbestos containing material present in the area.

In that the employer failed to inform maintenance employees about the location and amount of presumed asbestos containing insulation and pipe cement in the pipe chases in the establishment.

ABATEMENT VERIFICATION REQUIRED**Date By Which Violation Must be Abated:****February 08, 2018****Proposed Penalty:****\$0.00**

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Inspection Number: 1271.
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**Citation and Notification of Penalty**

Company Name: Read House Investors LP dba The Read House Historic Inn and Suites
Inspection Site: 827 Broad St Chattanooga, TN 37405

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

29 CFR 1926.1101(k)(9)(i): The employer did not institute, at no cost to employees, a training program for each employee who was likely to be exposed in excess of the permissible exposure limit (PEL) and for each employee who performed Class I through IV asbestos operations.

In that the employer did not institute a training program for three employees performing Class III asbestos operations.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated:

February 08, 2018

Proposed Penalty:

\$0.00

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

29 CFR 1926.1101(k)(10)(i): The employer did not make readily available to affected employees without cost, written materials relating to employee training program, including a copy of this regulation.

In that the employer did not make a copy of 29 CFR 1926.1101 readily available to employees that conducted class III asbestos work at the facility.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated:

February 08, 2018

Proposed Penalty:

\$0.00

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Issuance Date: 01/19/2018

**Citation and Notification of Penalty**

Company Name: Read House Investors LP dba The Read House Historic Inn and Suites
Inspection Site: 827 Broad St Chattanooga, TN 37405

Citation 1 Item 2 e 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.

In that the employer did not institute a medical surveillance program for five employees on site that for a combined total of 30 or more days per year were engaged in Class III work.

ABATEMENT VERIFICATION REQUIRED

Date By Which Violation Must be Abated:

February 08, 2018

Proposed Penalty:

\$0.00

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

TDLWD Rule 0800-01-03-.05(2)(b)2: Copies of records kept under 0800-1-3 requested by an authorized government representative were not provided within four (4) business hours.

In that the employer did not provide OSHA form 300A for 2016 or OSHA 300 logs for 2016-2017 within four hours of request on 10/03/17.

Date By Which Violation Must be Abated:

February 08, 2018

Proposed Penalty:

\$500.00


James Flanagan, Assistant Administrator
Division of Occupational Safety and Health

State of Tennessee

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**Citation and Notification of Penalty**

Company Name: Read House Investors LP dba The Read House Historic Inn and Suites
Inspection Site: 827 Broad St Chattanooga, TN 37405

PENALTY NOTICE

PENALTY PAYMENT DUE

Pursuant to T.C.A. §§ 50-3-402 through 408 your company has been assessed a monetary penalty. To avoid the addition of interest and delinquent fees, payment of this penalty is due in full no later than thirty (30) calendar days from the date you received this Citation and Notification of Penalty unless a notice of contest is filed. Penalties should be paid by check or money order payable to "Treasurer State of Tennessee." Mail payment to the following address:

State of Tennessee, Department of Labor and Workforce Development
Division of Occupational Safety and Health
Attn: Penalty Payments
220 French Landing Drive
Nashville, TN 37243-1002

DELINQUENT FEES AND INTEREST

Pursuant to T.C.A. § 50-3-107 interest and delinquent fees will be assessed for all unpaid penalty amounts that are over thirty (30) calendar days from the date you received this Citation and Notification of Penalty.

Interest charges will be assessed every thirty (30) days, at an interest rate established pursuant to T.C.A. § 67-1-801(a)(1). In addition to the interest applied, a delinquent fee of ten percent (10%) will be assessed for each penalty unpaid at thirty (30), sixty (60), and ninety (90) days to a maximum of thirty percent (30%).

Unpaid penalties are referred to the Attorney General for collection at one hundred eighty (180) days past due.

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Company Name: Read House Investors LP dba The Read House Historic Inn and Suites

Inspection Site: 827 Broad St Chattanooga, TN 37405

SUMMARY OF PENALTIES FOR INSPECTION NUMBER 1271396

Citation 1 Item 1a, Serious	\$2000.00
Citation 1 Item 1b, Serious	\$0.00
Citation 1 Item 1c, Serious	\$0.00
Citation 1 Item 1d, Serious	\$0.00
Citation 1 Item 1e, Serious	\$0.00
Citation 1 Item 1f, Serious	\$0.00
Citation 1 Item 2a, Serious	\$2000.00
Citation 1 Item 2b, Serious	\$0.00
Citation 1 Item 2c, Serious	\$0.00
Citation 1 Item 2d, Serious	\$0.00
Citation 1 Item 2e, Serious	\$0.00
Citation 2 Item 1, Other-than-Serious	\$500.00
TOTAL PROPOSED PENALTIES:	\$4500.00


James Flanagan, Assistant Administrator
Division of Occupational Safety and Health

JAN 19 2018

Date

SUBMIT PAYMENT BY:

FEB 18 2018

TO OUR NASHVILLE OFFICE

INSPECTION NARRATIVE

Inspection #:	1271396
Establishment Name:	Read House Investors LP

OPENING CONFERENCE:

- ☒ Credentials Presented
- ☐ Employee Representative contacted
- ☒ Explained Purpose, Nature and Scope of Inspection
- ☒ Copy of the Complaint Given (if applicable)
- ☒ Explained Prohibitions against Discrimination
- ☒ Discussed Trade Secret information

D.A.R.T. RATE CALCULATION

(Totals from Columns H+I on OSHA 300 X 200,000 divided by man-hours worked)
 The employer had no OSHA 300 or OSHA 300A forms at the time of the inspection.

DESCRIPTION OF WORKSITE:

Describe the building or type of work site:	Read House is a historic hotel originally opened in 1872 and rebuilt in 1926. It is a brick and mortar building that underwent renovations in 2004 and is scheduled for total renovation in December 2017.		
Describe the processes at the work site:	Public hotel.		
PSM processes at the facility :	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A	If yes, explain:	
Combustible Dust areas at the facility:	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A	If yes, explain:	
SEPs brochures given to the employer:	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N		
Safety/Health Management brochure given?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N		
TOSHA Safety and Health poster posted?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N		
OSHA Summary posted? (Feb-Mar)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> N/A		
Non-smoker Protection Act followed?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	If no, refer to legal section (put copy in this file)	

EVALUATION OF SAFETY AND HEALTH MANAGEMENT SYSTEM:

Management Participation:	<ul style="list-style-type: none"> <input type="checkbox"/> 4 - Management provides positive safety and health leadership and is committed to providing necessary resources for safety program, and employees participate in program. <input type="checkbox"/> 3 - Some effort is made by management to be proactive, but safety does not seem to be as important as quality and/or productivity. <input type="checkbox"/> 2 - Management's participation and focus on the program appears more reactionary, for example participating in safety meetings and providing resources after accidents/incidents. <input checked="" type="checkbox"/> 1 - Management does not portray safety and health as a top priority (lack of leadership, resources, and/or lack of employee participation in the safety program).
Comments: There was not a formal safety and health program at the facility. The employer held infrequent discussions with the staff about the work that needed to be completed, but did not address safety and health with the employees. Hazcom training, labeling, and safety data sheets were implemented with the exception of asbestos related exposures.	

Employee Involvement:

- ☐ 4 – Employees are involved in all aspects of the safety program such as conducting site inspections, participating in accident/incident investigations, reporting routine hazards, developing and revising the site safety and health rules, providing presentations at safety and health meetings, assisting in eliminating hazards, etc.
- ☐ 3 – Employees participate in an active safety committee which meets regularly to identify and resolve safety and health hazards.
- ☒ 2 – Employees are somewhat involved in safety meetings and tool box talks.
- ☐ 1 – No effort is made to have employees involved in safety program.

Comments: The maintenance staff held individual job meetings for large maintenance work, but the employer did not have a formal safety and health program at the facility. Hazcom training, labeling, and safety data sheets were implemented with the exception of asbestos related exposures.

Hazard Analysis:

- ☐ 4 - Safety personnel, safety committees and/or consultants perform frequent inspections for the sole purpose of identifying existing and /or potential hazards.
- ☐ 3 - Supervisory personnel with some safety knowledge perform inspections, appears that most hazards are identified.
- ☒ 2 - Infrequent inspections are performed, with limited success at identifying hazards.
- ☐ 1 - No effort is made to conduct safety inspections.

Comments: The complaint alleged asbestos exposures and the employer had contracted a survey of asbestos hazards. The survey did not provide location or quantity of asbestos presence in the building. The employer did not notify the employees of the presence of the asbestos found in the building and did not provide protection from the asbestos to the employees.

Hazard Prevention and Control:

- ☐ 4 - Identified hazards are corrected immediately, effective engineering controls are in place, and appropriate PPE is worn, etc.
- ☐ 3 - Most serious and non-serious hazards are corrected, most engineering controls are in place, and most employees wear appropriate PPE, etc.
- ☐ 2 - Existence of obvious hazards indicate minimal focus on hazard correction and PPE is provided but use is intermittent, etc.
- ☒ 1 - Hazards are left uncorrected, no engineering controls in place, and PPE is not provided.

Comments: The asbestos survey conducted in January of 2017 indicated the presence of asbestos containing materials throughout the building. The survey did not map the existing materials to specify location or quantity of the materials. The employer did not notify the employees of the presence of the ACM or provide them with protection from it.

Employee Training:

- ☐ 4 - Well established training program is in place for new hires and ongoing training in required subjects is documented, and employees are able to recall training.
- ☐ 3 - Ongoing classroom and/or tool box training is conducted and most employees could recall safety and health avoidance measures.
- ☐ 2 - Limited training such as tool box talks are conducted, but there was limited understanding of safety issues by employees.
- ☒ 1 - Safety training is not provided and employees were unable to identify and/or avoid existing hazards.

Comments: Individual job task talks were held by the maintenance staff, but no formal safety and health training occurred at the facility. Multiple employee interviews revealed that the employees had received no asbestos training for their jobs. The employees were unaware of the asbestos exposures present in their work areas.

OVERALL RATING OF SAFETY AND HEALTH MANAGEMENT PROGRAM:

Management:	Involvement:	Hazard Analysis:	Prevention:	Training:	Total Average:
1	2	2	1	1	1.4

- | | | |
|-------------------------------------|-----------|---|
| <input type="checkbox"/> | 3.5 - 4.0 | - Effective Safety and Health Program |
| <input type="checkbox"/> | 2.5 - 3.4 | - Adequate Safety and Health Program |
| <input type="checkbox"/> | 1.5 - 2.4 | - Weak Safety and Health Program |
| <input checked="" type="checkbox"/> | 1.0 - 1.4 | - No or Ineffective Safety and Health Program |

Comments: Overall, the company had no form of a safety and health management system. Hazcom training, labeling, and safety data sheets were implemented with the exception of asbestos related exposures. Obvious hazards such as asbestos exposures were observed while on-site. The management had done nothing to protect the employees from the hazardous exposures present.

CLOSING CONFERENCE:

- ☐ No violations observed
- ☒ Review of hazards observed/standards allegedly violated
- ☒ Citations may or may not be issued for some or all apparent violations
- ☒ Monetary penalties may or may not be proposed for violations
- ☒ Abatement period discussed
- ☒ Employer may request extensions of abatement due to factors beyond their control
- ☒ Citations must be posted near where the violation occurred until corrected or for 3 working days
- ☒ Employees can object to the terms of the citation to the Commissioner of Labor and Workforce Development
- ☒ Notice of contest must be made in writing within 20 Days following the receipt of the citation and notification of penalty
- ☒ May request an informal conference with the Area Office Supervisor
- ☒ Notify the Area Office Supervisor in writing when violations are corrected
- ☒ Employer is responsible to ensure employees comply with the standards
- ☒ May be subject to further inspections for safety and health
- ☒ A follow-up inspection may be conducted and additional penalties assessed for violations not corrected
- ☒ Variance and variance procedures discussed
- ☒ Encourage compliance and discuss the availability of abatement assistance for cited violations
- ☒ Closing conference guide provided

Follow up Inspection Recommended: ☐ Y ☒ N

STATUS OF COMPLAINT/REFERRAL ITEMS (if applicable):

Establishment Name: Read House Investors LP

Establishment address: 827 Broad Street Chattanooga TN 37405

Inspection Date: 10/03/17

Inspection #: 1271396

Optional Inspection #: 001-2018

Discussion of Complaint Item from Complaint #: 1254388

- 1) Complaint: The hotel is old and has a lot of asbestos in it.

Status: At the time of the inspection, it was determined that the employer had identified the presence of asbestos in several locations within the building. The employer failed to notify and protect employees that were exposed to asbestos while performing routine maintenance tasks. See citation for details in regard to this item.

- 2) Complaint: Mold behind the wall paper because of years of leaks.

Status: TOSHA does not have a standard that regulates the employer responsibilities for the presence of mold in a work area. The mold complaint was addressed by letter and followed up during the inspection. The employer was advised to treat mold found in the building with a bleach solution. During the inspection, it was noted that plumbing water leaks created the

necessary maintenance work that led to the employee exposure to asbestos containing material on the water pipes in the building. The asbestos exposures were addressed in the citation; however, no citations were issued in regard to this item.

ADDITIONAL INFORMATION (if applicable):

Inspection conducted after no response from employer to CBL correspondence. During the inspection, the employer provided a copy of e-mail response to CBL that was sent to an invalid e-mail address. Phone call to area supervisor indicated that inspection was to be completed.

Complaint was issued as "anonymous"; therefore, no letter of response to the complainant was issued.

Read House Investors LP bought the hotel property 10/06/16 and a full renovation of the building is due to begin in December 2017. The employer conducted a limited asbestos survey to prepare for the renovation, but failed to implement any measures to inform or protect the exposed employees after survey results identified exposure hazards. The employer did not have records for previous asbestos surveys or prior remediation projects for the property. The interviewed maintenance workers were aware that the asbestos survey was conducted but did not know what the results were.