



OSHA News Release

2007 - 12/03/2007 - U.S. Department of Labor's OSHA fines two New Mexico construction contractors following asbestos exposure inspection

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OSHA Regional News Release

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Region 6

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Contact: Diana Petterson or Elizabeth Todd

Phone: 214-767-4776, ext. 222 or 221

U.S. Department of Labor's OSHA fines two New Mexico construction contractors following asbestos exposure inspection

MESCALERO, N.M. -- The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has cited Maloy Construction Inc., a general construction company, and Deerfield Corp., a plumbing and construction company, both based in Albuquerque, N.M., with 17 safety violations for asbestos exposure at a hospital construction site in Mescalero.

OSHA's district office in El Paso, Texas, began an inspection June 9 when it received a complaint alleging that employees were removing insulation and other materials containing asbestos from a hospital boiler room without using appropriate protective clothing and a protective enclosure to contain the airborne asbestos.

"The OSHA inspection revealed that the two companies failed to take appropriate action to protect their employees," said Rich Tapio, OSHA's area director in Lubbock, Texas.

"Employers must remain committed to keeping the workplace safe and healthful at all times."

OSHA cited Maloy Construction, proposing \$75,600 in fines, for one alleged willful and four alleged serious violations. The willful violation was for failing to assure that Deerfield, the subcontractor, was in compliance with OSHA's asbestos standards. The serious violations include failing to inform other employees in the area of the asbestos work, assessing the exposure, and designating and containing the asbestos materials.

OSHA cited Deerfield, with \$81,900 in proposed fines, for three alleged willful and nine alleged serious violations of its asbestos standards. The willful violations were for failing to regulate the asbestos area, assess the initial exposure and provide protective equipment. The serious violations include failing to launder contaminated clothing, train employees on asbestos removal, label containers for waste and provide a competent person to properly supervise the work area.

A willful violation is one committed with plain indifference to or intentional disregard for employee safety and health. A serious violation exists when there is a substantial probability that death or serious physical harm could result and the employer knew or should have known of the hazard.

The companies have 15 working days from receipt of the citations to comply, request an


informal conference with OSHA's area director in Lubbock, or contest the citations and penalties before the independent Occupational Safety and Health Review Commission. Employers and employees with questions about workplace safety and health can contact OSHA's Lubbock Area Office at 806-472-7681. A toll-free hotline at 800-321-6742 may be used to report workplace accidents, fatalities or situations posing imminent danger to workers.

OSHA operates a vigorous enforcement program, conducting more than 39,000 inspections in fiscal year 2007 and exceeding its inspection goals in each of the last eight years. In fiscal year 2007, OSHA found nearly 89,000 violations of its standards and regulations.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to assure the safety and health of America's working men and women by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit www.osha.gov.

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Occupational Safety & Health Administration
200 Constitution Avenue, NW
Washington, DC 20210