Notice of Unsafe or Unhealthful Working Conditions

To: GOLDEN GATE NATIONAL RECREATION AREA
    BLDG. 201 FORT MASON
    San Francisco, CA 94123

Inspection Number: 973730.
Inspection Date(s): 04/23/2014 - 06/23/2014
Issuance Date: 08/15/2014

The violation(s) described in this Notice is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Notice of Unsafe and Unhealthful Working Conditions (Notice) describes violations of the Occupational Safety and Health Act of 1970, the Executive Order 12196, and 29 CFR 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters. You must abate the violations referred to in this Notice by the dates listed unless, within 15 working days (excluding weekends and Federal holidays) from your receipt of this Notice you request an Informal Conference with the US Department of Labor OSHA Area Office at the address shown above. Please refer to the enclosed publication “Federal Employer Rights and Responsibilities Following an OSHA Inspection” which outlines the appeals procedure for this Notice and which should be read in conjunction with this form.

Posting – The law requires that a copy of this Notice be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because the nature of the employer’s operations, where it will be readily observable by all affected employees. This Notice must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Notification of Corrective Action – For each violation which you do not appeal, you must provide abatement certification to the Area Director of the OSHA office issuing the Notice and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the Notice indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must
be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A template abatement certification letter is enclosed with this Notice. In addition, where the Notice indicates that abatement documentation is required, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Program Responsibilities** - Section 19(a)(1) of the OSH Act requires the head of each Federal agency to comply with applicable occupational safety and health standards. The intent of this section and Executive Order 12196 is implemented through 29 CFR 1960.8(b). If you are cited for violations of applicable safety and health standards, you have also violated the program element 29 CFR 1960.8(b), which stipulates:

"The head of each agency shall comply with the Occupational Safety and Health Administration standards applicable to the agency."

**Informal Conference** – An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director within 15 working days after receipt of this Notice. As soon as the time, date, and place of the informal conference have been determined please complete the enclosed “Notice to Employees” and post it where the Notice is posted. During such an informal conference you may present any evidence or views you believe would support an adjustment to the Notice. In addition, bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

If you are considering a request for an informal conference to discuss any issues related to the Notice, you must take care to schedule it early enough to allow time to appeal after the informal conference should you decide to do so. Please keep in mind that a written letter of intent to appeal must be submitted by the Agency’s National OSH Manager to the OSHA Area Director within 15 business days of your receipt of the OSHA Notice to request that OSHA’s Regional Administrator review the case.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and notice activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this notice. You are encouraged to review the information concerning your establishment at www.OSHA.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.
NOTICE TO EMPLOYEES

An informal conference has been scheduled with the Occupational Safety and Health Administration (OSHA) to discuss the Notice of Unsafe or Unhealthful Working Conditions (Notice) issued on 08/15/2014. The conference will be held by telephone or at the OSHA office located at 1301 Clay Street, Suite 1080N, Oakland, CA 94612 on ___________ at ___________. Employees and/or representatives of employees have a right to attend an informal conference.
CERTIFICATION OF CORRECTIVE ACTION WORKSHEET – FEDERAL AGENCIES

Inspection Number: 973730
Agency Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965
Issuance Date: 08/15/2014

Employer Instruction: List the specific method of correction for each item on the enclosed notices that does not read “Corrected During Inspection” and return to: U.S. Department of Labor – Occupational Safety and Health Administration, 1301 Clay Street, Suite 1080N, Oakland, CA 94612. Failure to submit a timely certification of corrective action may result in a notification to your agency DASHO.

Notice Number _______ and Item Number _____ was corrected on __________________________
By (Method of Abatement):
________________________________________________________________________________

Notice Number _______ and Item Number _____ was corrected on __________________________
By (Method of Abatement):
________________________________________________________________________________

Notice Number _______ and Item Number _____ was corrected on __________________________
By (Method of Abatement):
________________________________________________________________________________

Notice Number _______ and Item Number _____ was corrected on __________________________
By (Method of Abatement):
________________________________________________________________________________

Notice Number _______ and Item Number _____ was corrected on __________________________
By (Method of Abatement):
________________________________________________________________________________

Notice Number _______ and Item Number _____ was corrected on __________________________
By (Method of Abatement):
________________________________________________________________________________

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

_________________________________________    ______________________________
Signature                                      Date

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review.
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

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

Notice 1 Item 1a   Type of Violation: Serious

29 CFR 1926.1101(g)(7)(i): All Class II work was not supervised by a competent person as defined in 29 CFR 1926.1101(b):

Golden Gate National Recreation Area employees removed floor tiles containing 2% asbestos and associated mastic containing 8% asbestos without an asbestos competent person supervising the work at Capehart Housing quarters 805B.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 10/02/2014
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

Notice 1 Item 1b  Type of Violation: Serious

29 CFR 1926.1101(o)(1): The employer did not designate a competent person on construction worksites, having the qualifications and authorities for ensuring worker safety and health required by 29 CFR 1926.1101(C), General Safety and Health Provisions for Construction 29 CFR 1926.20 through 29 CFR 1926.32:

Golden Gate National Recreation Area did not have an asbestos competent person meeting the requirements of 1926.1101(c) or 1926.20 through 1926.32 with the qualifications and authorities to ensure worker safety and health when removal of asbestos containing vinyl floor tile project took place at Capehart Housing Quarters 805B. A maintenance employee removed the tile without having the necessary training, respiratory protection, personal protective equipment, and a regulated area or safe work practices.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 09/18/2014
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

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

Notice 1 Item 2a 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:

OR IN THE ALTERNATIVE

29 CFR 1926.1101(f)(2)(iii)(A): The employer did not demonstrate that employee exposures were below the permissible exposure limits (PELs) by objective data demonstrating that the product or material containing asbestos minerals or the activity involving such product or material could not release airborne fibers in concentrations exceeding the TWA and excursion limit under those work conditions having the greatest potential for releasing asbestos:

The Golden Gate National Recreation Area did not conduct exposure monitoring required under 1926.1101 or utilize objective data to demonstrate that the vinyl floor tile containing 2% asbestos and associated mastic containing 8% asbestos, could not release airborne asbestos fibers in concentration exceeding the TWA and excursion limits under the work conditions of tile and mastic removal by a maintenance employee in the Capehart Housing Quarters 805B; GGNRA identification numbers FA805B and building 89148 on April 1, 2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 08/21/2014
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

Notice 1 Item 2b Type of Violation: Serious

29 CFR 1926.1101(f)(2)(i): The employer with a work operation covered by the asbestos standard did not ensure that a "competent person" conducted an exposure assessment immediately before or at the initiation of the operation to ascertain expected exposures during that operation or workplace and failed to ensure that the exposure assessment was conducted in time to comply with requirements which are triggered by the exposure data or the lack of a negative exposure assessment:

Golden Gate National Recreation Area removed floor tiles containing 2% asbestos and associated mastic containing 8% asbestos without an asbestos competent person conducting an exposure assessment immediately before at the initiation of the operation to determine potential asbestos exposure in time to comply with the requirements triggered by the exposure data or the lack of a negative exposure assessment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 08/29/2014
U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 973730
Inspection Date(s): 04/23/2014 - 06/23/2014
Issuance Date: 08/15/2014

Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

Notice 1 Item 3 Type of Violation: Serious

29 CFR 1926.1101(g)(7)(ii)(A) or (b): Where the employer had not produced a negative exposure assessment for indoor Class II jobs pursuant to paragraph (f)(2) and the employer did not remove the ACM in a substantially intact state, the employer did not use one of the required methods (critical barriers, other barrier or isolation) to ensure that airborne asbestos did not migrate from the regulated area:

Golden Gate National Recreation Area did not use one of the required methods of critical barriers, other barrier type or isolation to ensure airborne asbestos did not migrate from the required regulated area. In addition, a regulated area was not established for the asbestos tile removal at 805B.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 08/29/2014
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

Notice 1 Item 4 Type of Violation: Serious

29 CFR 1926.1101(g)(8)(i): For jobs removing vinyl and asphalt flooring materials which contain asbestos, or for which buildings constructed no later than 1980, where the employer did not verify the absence of asbestos containing material pursuant to 29 CFR 1926.1101(g)(8)(i)(l), the employer did not ensure that employees complied with work practices described in 29 CFR 1926.1101(g)(8)(i)(A) through (g)(8)(i)(l) and that employees were trained in these practices pursuant to 29 CFR 1926.1101(k)(9):

Golden Gate National Recreation Area did not ensure maintenance employees engaged in removing asbestos containing vinyl floor tiles were Class II asbestos worker trained as required in 1926.1101(k)(9). The employer did not require HEPA filter vacuums with disposable dust bag(s) and metal floor tool to clean the floor of dust and debris nor did they require scraping of residual adhesive or backing using wet methods, prevent dry sweeping or require the tiles be removed intact.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 10/02/2014
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

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

Notice 1 Item 5a  Type of Violation: Serious

29 CFR 1926.1101(h)(1)(ii): Respirators were not used during Class II work where asbestos containing material was not removed in a substantially intact state:

Golden Gate National Recreation Area did not ensure maintenance employees engaged in removing asbestos containing vinyl floor tile were using tight fitting respirators with HEPA filters when tiles were not removed substantially intact.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 08/29/2014
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

Notice 1 Item 5b  Type of Violation: Serious

29 CFR 1926.1101(h)(1)(iv): Respirators were not used during all Class II and III asbestos jobs where the employer had not produced a negative-exposure assessment:

Golden Gate National Recreation Area did not ensure maintenance employees engaged in removing asbestos containing vinyl floor tiles were using tight fitting respirators with HEPA filters when a negative-exposure assessment had not been produced.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 08/29/2014
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA  
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

Notice 1 Item 5c Type of Violation: Serious

29 CFR 1926.1101(h)(2)(i): The employer failed to implement a respiratory protection program in accordance with 29 CFR 1910.134(b) through (d) [except (d)(1)(iii)], and (f) through (m), which covers each employee required by 29 CFR 1926.1101 to use a respirator:

Golden Gate National Recreation Area did not include maintenance activities while employees removed asbestos containing vinyl floor tile with the required type of respirators and filters.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 10/02/2014
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA  
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

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

Notice 1 Item 6a  Type of Violation: Serious.

29 CFR 1926.1101(k)(2)(ii)(B): The building owner and/or facility owner did not notify employees of the owner who will work in or adjacent to areas containing asbestos containing material or presumed asbestos containing material of the presence, location and quantity:

Golden Gate National Recreation Area did not notify maintenance employees prior to working in Capehart Housing Quarters 805 B of the presence, location and quantity of asbestos containing materials or presumed asbestos containing. A maintenance employee removed vinyl floor tile containing 2% asbestos and the associated mastic containing 8% asbestos without required respiratory protection, PPE or safe work practices. Another employee entered the work area where the disturbed floor tile was being removed without proper respiratory protection and PPE.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 08/29/2014
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

Notice 1 Item 6b 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:

Golden Gate National Recreation Area did not notify maintenance employees prior to working in Capehart Housing Quarters 805 B of the location and quantity of asbestos containing materials or presumed asbestos containing in the work area. A maintenance employee removed vinyl floor tile containing 2% asbestos and the associated mastic containing 8% asbestos without required respiratory protection, PPE or safe work practices. Another employee entered the work area where the disturbed tile was being removed without proper respiratory protection and PPE.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 08/29/2014
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

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

Notice 1 Item 7a   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:

Golden Gate National Recreation Area did not institute a training program for a maintenance employee who performed Class I through IV asbestos operations; an employee removed asbestos containing vinyl floor tile and associated mastic without training, PPE, safe work practices or establishing a regulated area at Capehart Housing Quarters 805B.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 09/18/2014
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

Notice 1 Item 7b  Type of Violation: **Serious**

29 CFR 1926.1101(k)(9)(ii): Training was not provided prior to or at the time of initial assignment and/or at least annually thereafter for employees likely to be exposed in excess of a permissible exposure limit (PEL) and for employees performing Class I through IV asbestos operations:

Golden Gate National Recreation Area did not institute a train the maintenance employees who performed Class I through IV asbestos operations; an employee removed asbestos containing vinyl floor tile and associated mastic without training, PPE, safe work practices or establishing a regulated area at Capehart Housing Quarters 805B.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 09/18/2014
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

Notice 1 Item 8  Type of Violation: Serious

29 CFR 1926.1101(l)(2): Asbestos waste, scrap, debris, bags, containers, equipment, and contaminated clothing consigned for disposal was not collected and disposed of in sealed, labeled, impermeable bags or other closed, labeled, impermeable containers:

Golden Gate National Recreation Area left asbestos containing vinyl floor tile and associated mastic waste, scrap, and debris in a pile in the yard outside the kitchen prior to it being bagged, sealed, and labeled for disposal.

Date by which Violation must be Abated: Corrected During Inspection
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

Notice 1 Item 9  Type of Violation: **Serious**

29 CFR 1926.1101(n)(1)(i): Where the employer has relied on objective data that demonstrates that products made from or containing asbestos or the activity involving such products or material are not capable of releasing fibers of asbestos in concentrations at or above the permissible exposure limit and/or excursion limit under the expected conditions of processing, use, or handling to satisfy the requirements of 29 CFR 1926.1101(f), the employer did not establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption:

Golden Gate National Recreation Area did not establish and maintain an accurate record of any objective data reasonably relied upon to support their consideration that 12X12 floor tile in the kitchen of Capehart Housing Quarters 805B did not contain asbestos in concentration greater than 1% and/or exceed the TWA or excursion limit prior to allowing a maintenance employee to remove the tile without respiratory protection, PPE, safe work practices, or proper disposal of vinyl floor tile containing 2% asbestos and associated mastic containing 8% asbestos.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 08/27/2014
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

Notice 1 Item 10  Type of Violation: Serious

29 CFR 1926.1101(n)(6): The employer did not maintain a record of where the building owner has communicated and received information concerning the identification, location and quantity of asbestos containing material and presumed asbestos containing material, written records of such notifications and their content was not maintained by the building owner for the duration of ownership and shall be transferred to successive owners of such buildings/facilities:

Golden Gate National Recreation Area (GGNRA) did not maintain a copy of the Army Corp of Engineers "Versar" or "Versa" report provided to them at the time when the Army turned the Capehart Housing Quarters 805B over to the National Park Service/GGNRA in 1994.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 09/18/2014
Notice of Unsafe and Unhealthful Working Conditions

Company Name: GOLDEN GATE NATIONAL RECREATION AREA  
Inspection Site: Capehart Housing Bldg. 805B - Fort Baker, Sausalito, CA 94965

Notice 2  Item 1  Type of Violation: Other-than-Serious

29 CFR 1926.1101(k)(8)(vii): After the building owner or employer identified previously installed presumed asbestos containing material (PACM) and/or asbestos containing material (ACM), labels or signs were not affixed or posted so that employees would be notified of what materials contain PACM and/or ACM, and/or the employer did not post signs in lieu of labels, and/or ensure, to the extent feasible, that employees who come in contact with these signs or labels could comprehend them:

The Golden Gate National Recreation Area (GGNRA) did not label presumed asbestos containing material (PACM) and/or asbestos containing material (ACM) to ensure employees were notified the vinyl floor tiles and associated mastic in Capehart Housing Quarters 805B contained PACM/ACM prior to engaging in asbestos removal.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 08/29/2014

David Shiraishi  
Area Director