

Indiana Department of Labor
Indiana Occupational Safety and Health Administration
402 West Washington Street
Room W195
Indianapolis, IN 46204-2751
Phone: 317/232-1979 Fax: 317/233-8509



Certified mail # 7003 1018 0003 5730 6756 3-22-10 jto

Safety Order and Notification of Penalty

To:
Amtrak,
and its successors
202 Garstang Street
Beech Grove, IN 46107

Inspection Number: 313196073
Inspection Date(s): 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010

Inspection Site:
202 Garstang Street
Beech Grove, IN 46107

The violation(s) described in this Safety Order 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.

An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

Informal Conference - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any of the results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

Right to Contest - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days

on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s) and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

Posting - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

Penalties - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

Abatement - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

PMAs - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the

prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty.

Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Indiana Department of Labor/IOSHA at the address shown above.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to

the Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 03/22/2010. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

Safety Order 1 Item 1 Type of Violation: **Serious**

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

- a) Coach Shop 2/Superliner I - No asbestos warning signs, or caution tape, were hung around the work area(s) where welding torches and die grinders were used to remove stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%].
- b) Coach Shop 2/Superliner I - No asbestos warning signs, or caution tape, were hung around the work area(s) where an asbestos-containing putty-like flashing material [sample number 001, chrysotile 10%] was removed from stainless steel panels and metal frames.
- c) Coach Shop 2/Superliner I - No asbestos warning signs, or caution tape, were hung around the work area(s) where power drills were used to fasten electrical components to/from transite "fiberboard" panels [sample number 006, chrysotile 20%] lining the electrical locker.

Date By Which Violation Must be Abated:	04/15/2010
Proposed Penalty:	\$2,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

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

Safety Order 1 Item 2a Type of Violation: **Serious**

29 CFR 1926.1101(f)(1)(iii): The employer did not determine representative 8-hour TWA employee exposure on the basis of one or more samples representing full-shift exposure for employees in each work area:

- a) Coach Shop 2/Superliner I - Air monitoring performed by the employer ("The Gibson Study" - Micro Air, Inc. Project #20-10347-B) was not representative of actual work being performed and did not accurately determine the concentrations of airborne asbestos for employees who used welding torches and die grinders to remove sound deadener material [sample number 003, chrysotile 5%].
- b) Coach Shop 2/Superliner I - No air monitoring or other form of assessment was performed to determine employee exposure to asbestos while they used power drills to fasten electrical components to/from transite "fiberboard" panels [sample 006, chrysotile 20%] lining the electrical locker.

Date By Which Violation Must be Abated: 04/15/2010
Proposed Penalty: \$2,500.00

Safety Order 1 Item 2b Type of Violation: **Serious**

29 CFR 1926.1101(f)(6)(i): The employer failed to provide the affected employees or their designated representatives an opportunity to observe the exposure monitoring:

Coach Shop 2/Superliner I - Employees who used welding torches and die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%] were not provided an opportunity to participate in "The Gibson Study" (Micro Air, Inc. Project #20-10347-B) and were not provided access to the results of that study.

Date By Which Violation Must be Abated: 04/15/2010

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

Safety Order 1 Item 3 Type of Violation: **Serious**

29 CFR 1926.1101(f)(3)(i): The employer failed to conduct daily monitoring that was representative of the exposure of each employee assigned to work in regulated areas or who performed Class II work:

- a) Coach Shop 2/Superliner I - Daily air monitoring was not conducted in the shop while employees used welding torches and die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%].
- b) Coach Shop 2/Superliner I - Daily air monitoring was not conducted in the shop while employees removed asbestos-containing putty-like flashing material [sample number 001, chrysotile 10%] from stainless steel panels and metal frames.

Date By Which Violation Must be Abated:	04/15/2010
Proposed Penalty:	\$2,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

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

Safety Order 1 Item 4a Type of Violation: **Serious**

29 CFR 1926.1101(g)(1)(i): The employer did not use engineering controls and work practices in all operations covered by this section, regardless of the levels of exposure, in the form of vacuum cleaners equipped with HEPA filters to collect all debris and dust containing ACM and PACM:

- a) Coach Shop 2/Superliner I - There were no HEPA-filtered vacuums available in the work area(s) where employees used welding torches and die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%].
- b) Coach Shop 2/Superliner I - There were no HEPA-filtered vacuums available in the work area(s) where asbestos-containing putty-like flashing material [sample number 001, chrysotile 10%] was removed from stainless steel panels and metal frames.
- c) Coach Shop 2/Superliner I - There were no HEPA-filtered vacuums available in the work area(s) where employees used power drills to fasten electrical components to/from transite "fiberboard" panels [sample number 006, chrysotile 20%] lining the electrical locker.

Date By Which Violation Must be Abated:	04/15/2010
Proposed Penalty:	\$2,500.00

Safety Order 1 Item 4b Type of Violation: **Serious**

29 CFR 1926.1101(g)(3)(iii): Dust and debris containing ACM and PACM were dry swept, shoveled or removed by other dry clean-up methods:

- a) Coach Shop 2/Superliner I - Push brooms and shovels were used to perform daily cleanup in the work area(s) where employees used welding torches and die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%].
- b) Coach Shop 2/Superliner I - Push brooms and shovels were used to perform daily cleanup in the work area(s) where asbestos-containing putty-like flashing material [sample number 001, chrysotile 10%] was removed from stainless steel panels and metal frames.

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

c) Coach Shop 2/Superliner I - Whisk brooms and dust pans were used to perform daily cleanup in the work area(s) where employees used power drills to fasten electrical components to/from transite "fiberboard" panels [sample number 006, chrysotile 20%].

Date By Which Violation Must be Abated: 04/15/2010

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

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

Safety Order 1 Item 5a Type of Violation: **Serious**

29 CFR 1926.1101(g)(1)(iii): The employer did not use work practices in all operations covered by this section, regardless of the levels of exposure, in the form of prompt clean-up and disposal of wastes and debris contaminated with asbestos, in leak-tight containers:

- a) Coach Shop 2/Superliner I - Large sections of stainless steel panels and pieces of metal frame(s) coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%] were placed in standard, unlined, open-top dumpsters for disposal.
- b) Coach Shop 2/Superliner I - Construction waste and debris generated by using die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%] and a putty-like flashing material [sample number 001, chrysotile 10%] was swept from the floor and placed into standard, open-top rubbish pails for disposal.

Date By Which Violation Must be Abated: 04/15/2010
Proposed Penalty: \$2,500.00

Safety Order 1 Item 5b Type of Violation: **Serious**

29 CFR 1926.1101(g)(8)(v)(D): The employer did not ensure that removed asbestos containing material be immediately bagged or wrapped, or kept wetted until transferred to a closed receptacle, no later than the end of the work shift when performing Class II removal of asbestos containing material:

- a) Coach Shop 2/Superliner I - Large sections of stainless steel panels and pieces of metal frame(s) coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%] were placed in standard, unlined, open-top dumpsters for disposal.
- b) Coach Shop 2 - Construction waste and debris generated by using die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%] and putty-like flashing material [sample number 001, chrysotile 10%] was swept from the floor and placed into standard, open-top rubbish pails for disposal.

Date By Which Violation Must be Abated: 04/15/2010

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

Safety Order 1 Item 5c 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:

- a) Coach Shop 2 - Large sections of stainless steel panels and pieces of metal frame(s) coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%] were placed in standard, unlined, open-top dumpsters for disposal.
- b) Coach Shop 2 - Construction waste and debris generated from using die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%] and asbestos-containing putty-like flashing material [sample number 001, chrysotile 10%] was swept from the floor and placed into standard, open-top rubbish pails for disposal.

Date By Which Violation Must be Abated: **04/15/2010**

Safety Order 1 Item 5d Type of Violation: **Serious**

29 CFR 1926.1101(k)(8)(i): The employer did not ensure that labels are affixed to all products containing asbestos and to all containers containing such products, including waste containers:

- a) Coach Shop 2 - There was no "Danger - Asbestos" label on the dumpsters used to collect sections of stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%].
- b) Coach Shop 2 - There was no "Danger - Asbestos" label on the rubbish pails used to collect dust and construction debris that was swept from the floor after using die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%] and asbestos-containing putty-like flashing material [sample number 001, chrysotile 10%].

Date By Which Violation Must be Abated: **04/15/2010**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

Safety Order 1 Item 6 Type of Violation: **Serious**

29 CFR 1926.1101(g)(1)(ii): The employer did not use engineering controls and work practices in all operations covered by this section, regardless of the levels of exposure, in the form of wet methods or wetting agents to control employee exposures during asbestos handling, removal, cutting, application, and cleanup:

- a) Coach Shop 2/Superliner I - No water or other wet methods were used to control dust while employees used die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%].
- b) Coach Shop 2/Superliner I - No water or other wet methods were used to control dust while employees removed asbestos-containing putty-like flashing material [sample number 001, chrysotile 10%] from stainless steel body panels and metal frames.

Date By Which Violation Must be Abated:	04/15/2010
Proposed Penalty:	\$2,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

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

Safety Order 1 Item 7a Type of Violation: **Serious**

29 CFR 1926.1101(g)(2)(i): The employer did not utilize local exhaust ventilation equipped with HEPA filter dust collection systems as a control method, to achieve compliance with the TWA permissible exposure limit and/or excursion limit:

- a) Coach Shop 2/Superliner I - There was no local exhaust ventilation while employees used welding torches and die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%].
- b) Coach Shop 2/Superliner I - There was no local exhaust ventilation while employees removed asbestos-containing putty-like flashing material [sample number 001, chrysotile 10%] from stainless steel body panels and metal frames.

Date By Which Violation Must be Abated:	04/15/2010
Proposed Penalty:	\$2,500.00

Safety Order 1 Item 7b Type of Violation: **Serious**

29 CFR 1926.1101(g)(3)(i): High-speed abrasive disc saws were not equipped with point of cut ventilator or enclosures with HEPA filtered exhaust air:

Coach Shop 2/Superliner I - Standard die grinders (without vacuum shrouds) were used by employees while they removed stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%].

Date By Which Violation Must be Abated:	04/15/2010
--	-------------------

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection 313196073

Number:

Inspection Dates: 11/10/2009 -

12/18/2009

Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak

Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

Safety Order 1 Item 8 Type of Violation: **Serious**

29 CFR 1926.1101(g)(7)(ii): The employer did not use critical barriers, isolation methods, or drop cloths to prevent the migration of airborne asbestos during Class II removal of ACM that is not in a substantially intact state:

Coach Shop 2/Superliner I - No dust curtains or other form of containment was used to control dust while employees used welding torches and die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample 003, chrysotile 5%].

Date By Which Violation Must be Abated:	04/15/2010
Proposed Penalty:	\$2,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

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

Safety Order 1 Item 9a 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 paragraph (b) of this section:

- a) Coach Shop 2/Superliner I - Supervisor(s) of the crew that used welding torches and die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample 003, chrysotile 5%] did not have training or experience equivalent to an EPA-accredited Asbestos Supervisor class.
- b) Coach Shop 2/Superliner I - Supervisor(s) of the crew that removed putty-like flashing material [sample 001, chrysotile 10%] from stainless steel body panels and metal frames did not have training or experience equivalent to an EPA-accredited Asbestos Supervisor class.

Date By Which Violation Must be Abated: 04/15/2010
Proposed Penalty: \$2,500.00

Safety Order 1 Item 9b Type of Violation: **Serious**

29 CFR 1926.1101(o)(2): The employer failed to ensure that frequent and regular inspections of the job sites, materials, and equipment were made by the competent person as required by Section 1926.20(b)(2):

- a) Coach Shop 2/Superliner I - There were neither internal inspections nor any review program to ensure safe work practices in the shop where employees used welding torches and die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample 003, chrysotile 5%].
- b) Coach Shop 2/Superliner I - There were neither internal inspections nor any review program to ensure safe work practices in the shop where employees removed asbestos-containing putty-like flashing material [sample 001, chrysotile 10%] from stainless steel body panels and metal frames.

Date By Which Violation Must be Abated: 04/15/2010

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

Safety Order 1 Item 10 Type of Violation: **Serious**

29 CFR 1926.1101(g)(9): The employer did not follow the work practices and engineering controls for Class III asbestos work specified in section (g)(9)(i) through (v), to minimize the exposure to employees:

Coach Shop 2/Superliner I - Neither local exhaust ventilation nor isolation methods were utilized by employees when they used power drills to fasten electrical components to/from the asbestos-containing transite "fiberboard" panels [sample number 006, chrysotile 20%] lining the electrical locker.

Date By Which Violation Must be Abated:	04/15/2010
Proposed Penalty:	\$2,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

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

Safety Order 1 Item 11a Type of Violation: **Serious**

29 CFR 1926.1101(h)(1)(ii): The employer did not ensure that respirators were worn during Class II work where ACM was not removed in a substantially intact state:

Coach Shop 2/Superliner I - No respirators were worn while employees used welding torches and die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%].

Date By Which Violation Must be Abated:	04/15/2010
Proposed Penalty:	\$2,500.00

Safety Order 1 Item 11b Type of Violation: **Serious**

29 CFR 1926.1101(h)(1)(iii): The employer did not provide respirators and ensure their use during Class II and III asbestos jobs where wet methods were not used:

a) Coach Shop2/Superliner I - No respirators were worn by employees who removed asbestos-containing putty-like flashing material from stainless steel panels and metal frames.

b) Coach Shop 2/Superliner I - No respirators were worn by electricians who used power drills to fastened electrical components to/from asbestos-containing transite "fiberboard" panels [sample number 006, chrysotile 20%] lining the electrical locker. In this instance, wet methods were not a viable option, given the nature of the electrical equipment present in this work area.

Date By Which Violation Must be Abated:	04/15/2010
--	-------------------

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

Safety Order 1 Item 12 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 when a required negative exposure assessment was not produced:

- a) Coach Shop 2/Superliner I - Neither disposable coveralls nor similar apparel was worn while employees used welding torches and die grinders to remove asbestos-containing sound deadener [sample number 003, chryostile 5%] from stainless steel body panels and metal frames.
- b) Coach Shop 2/Superliner I - Neither disposable coveralls nor similar apparel was worn while employees removed asbestos-containing putty-like flashing [sample number 001, chryostile 10%] from stainless steel panels and metal frames.
- c) Coach Shop 2/Superliner I - Neither disposable coveralls nor similar apparel was worn while employees used power drills to fasten electrical components to/from asbestos-containing transite "fiberboard" panels [sample 006, chryostile 20%] lining the electrical locker.

Date By Which Violation Must be Abated:	04/15/2010
Proposed Penalty:	\$2,500.00

Safety Order 1 Item 13 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 all employees who were likely to be exposed in excess of the PEL and for all employees who performed Class I through IV asbestos operations:

- a) Coach Shop 2/Superliner I - No training, or other information about asbestos hazards and safe work practices, was provided to employees who performed Class II work such as using welding torches and die grinders to remove asbestos-containing sound deadener [sample number 003, chryostile 5%] from stainless steel body panels and metal frames.
- b) Coach Shop 2/Superliner I - No training, or other information about asbestos hazards and safe work practices, was provided to employees who performed Class II work such as removing asbestos-containing putty-like flashing material [sample number 001, chryostile 10%] from stainless steel body panels and metal frames.

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

c) Coach Shop 2/Superliner I - No training, or other information about asbestos hazards and safe work practices, was provided to employees who performed Class III work such as using power drills fasten electrical components to/from asbestos-containing transite "fiberboard" panels [sample number 006, chrysotile 20%] lining the electrical locker.

Date By Which Violation Must be Abated:	04/15/2010
Proposed Penalty:	\$2,500.00

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

Safety Order 1 Item 14 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 were engaged in Class II and III work or were exposed at or above the permissible exposure limit or excursion limit:

- a) Coach Shop 2 - No medical surveillance was provided to employees who performed class II work such as using welding torches and die grinders to remove stainless steel panels coated with asbestos-containing sound deadener [sample number 003, chrysotile 5%]. This work was performed on a regular, if not daily basis, for a period exceeding several months.
- b) Coach Shop 2/Superliner I - No medical surveillance was provided to employees who performed class II work such as removing putty-like flashing materials [sample number 001, chrysotile 10%] from stainless steel body panels and metal frames. This work was performed on a regular, but infrequent basis, for a period exceeding several months.
- c) Coach Shop 2/Superliner I - No medical surveillance was provided to employees who performed class III work such as using power drills to fasten and unfasten electrical components from transite "fiberboard" panels [sample number 006, chrysotile 20%] lining the interior of the electrical locker. This work was performed on a regular, but infrequent basis, for a period exceeding several months.

Date By Which Violation Must be Abated:	04/15/2010
Proposed Penalty:	\$2,500.00

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

Safety Order 2 Item 1 Type of Violation: **Knowing**

29 CFR 1926.1101(k)(2)(i): Before work subject to this standard began, the building and/or facility owner(s) did not determine the presence, location and quantity of asbestos containing material (ACM) and/or presumed asbestos containing material (PACM) at the work site pursuant to paragraph (k)(1) of this section:

- a) Coach Shop 2/Superliner I - Asbestos containing material such as sound deadener [sample number 003, chrysotile 5%] on the stainless steel panels was not identified as asbestos before employees used welding torches and die grinders to remove those panels and also to remove other areas of sound deadener from other body panels and areas of the metal frames.
- b) Coach Shop 2/Superliner I - Asbestos containing material such as putty-like flashing material [sample number 001, chrysotile 10%] used to seal the junction between the stainless steel walls and floors was not identified as asbestos before employees removed those panels and other areas of putty-like flashing.
- c) Coach Shop 2/Superliner I - Asbestos containing material such as transite "fiberboard" panels [sample number 006, chrysotile 20%] lining the interior of the electrical closet was not identified as asbestos before employees used power drills and screws to repair handrails in the adjacent stair rail. That repair work sometimes disturbed and/or broke the transite "fiberboard" panels inside the electrical closet. Also, electricians used power drills to fasten electrical components to/from the transite "fiberboard".

Date By Which Violation Must be Abated:	04/15/2010
Proposed Penalty:	\$55,000.00

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

Safety Order 3 Item 1 Type of Violation: **Nonserious**

29 CFR 1904.40(a): Copies of records kept under Part 1904 requested by an authorized government representative were not provided within four (4) business hours:

- a) Facility - A copy of the OSHA 300, Log of work-related injuries and illnesses or an equivalent record, for 2009 year-to-date (Jan. 1, 2009 - Nov. 10, 2009) was not provided to the OSHA inspector. Amtrak representatives assured the OSHA inspectors that Amtrak did maintain records of work-related injuries and illnesses on railroad forms that were equivalent in content to the OSHA forms, but declined to provide said records to the inspector despite repeated requests over a period of several weeks.
- b) Facility - A copy of the OSHA 300, Log of work-related injuries and illnesses or an equivalent record, for 2008 was not provided to the OSHA inspector upon written request. Amtrak representatives assured the OSHA inspectors that Amtrak did maintain records of work-related injuries and illnesses on railroad forms that were equivalent in content to the OSHA forms, but declined to provide said records to the inspector despite repeated requests over a period of several weeks.
- c) Facility - A copy of the OSHA 300, Log of work-related injuries and illnesses or an equivalent record, for 2007 was not provided to the OSHA inspector. Amtrak representatives assured the OSHA inspectors that Amtrak did maintain records of work-related injuries and illnesses on railroad forms that were equivalent in content to the OSHA forms, but declined to provide those records to the inspector despite repeated requests over a period of several weeks.
- d) Facility - A copy of the OSHA 300, Log of work-related injuries and illnesses or an equivalent record, for 2006 was not provided to the OSHA inspector. Amtrak representatives assured the OSHA inspectors that Amtrak did maintain records of work-related injuries and illnesses on railroad forms that were equivalent in content to the OSHA forms, but declined to provide those records to the inspector despite repeated requests over a period of several weeks.
- e) Facility - A copy of the OSHA 300A, Summary of work-related injuries and illnesses or an equivalent record, for 2008 was not provided to the OSHA inspector upon written request. Amtrak representatives assured the OSHA inspectors that Amtrak did maintain records of work-related injuries and illnesses on railroad forms that were equivalent in content to the OSHA forms, but declined to provide those records to the inspector despite repeated requests over a period of several weeks.

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

f) Facility - A copy of the OSHA 300A, Summary of work-related injuries and illnesses or an equivalent record, for 2007 was not provided to the OSHA inspector upon written request. Amtrak representatives assured the OSHA inspectors that Amtrak did maintain records of work-related injuries and illnesses on railroad forms that were equivalent in content to the OSHA forms, but declined to provide those records to the inspector despite repeated requests over a period of several weeks.

g) Facility - A copy of the OSHA 300A, Summary of work-related injuries and illnesses or an equivalent record, for 2006 was not provided to the OSHA inspector upon written request. Amtrak representatives assured the OSHA inspectors that Amtrak did maintain records of work-related injuries and illnesses on railroad forms that were equivalent in content to the OSHA forms, but declined to provide those records to the inspector despite repeated requests over a period of several weeks.

Date By Which Violation Must be Abated:	04/15/2010
Proposed Penalty:	\$7,000.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313196073
Inspection Dates: 11/10/2009 - 12/18/2009
Issuance Date: 03/22/2010



Safety Order and Notification of Penalty

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107

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

Safety Order 3 Item 2a Type of Violation: **Nonserious**

29 CFR 1910.1001(j)(4)(i): The employer did not affix warning labels to previously identified asbestos containing materials (ACM) and/or presumed asbestos containing materials (PACM) to notify employees:

Coach Shop 2/Truck Shop - There were no "Danger - Asbestos" labels affixed to presumed asbestos-containing (PACM) such as the remaining 60 linear feet of pipe insulation on the abandoned steam lines at 20' elevation along the north wall.

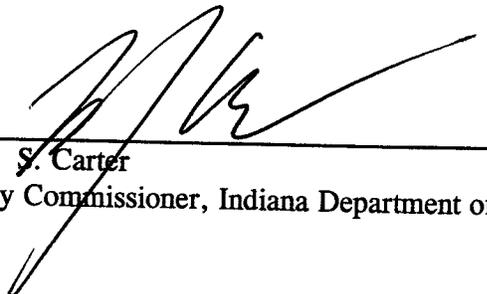
Date By Which Violation Must be Abated: 04/15/2010
Proposed Penalty: \$1,000.00

Safety Order 3 Item 2b Type of Violation: **Nonserious**

29 CFR 1910.1001(j)(7)(iv): The employer did not provide an asbestos awareness training course to employees who perform housekeeping operations in an area which contains asbestos containing materials (ACM) and/or presumed asbestos containing materials (PACM):

Coach Shop 2/Truck Shop - No annual training, or any other information about asbestos, was provided to employees who performed housekeeping activities such as sweeping floors with brooms. One example of the presumed asbestos containing materials (PACM) present in this building was pipe insulation on the abandoned steam lines at 20' elevation along the north wall.

Date By Which Violation Must be Abated: 04/15/2010



Jeffrey S. Carter
Deputy Commissioner, Indiana Department of Labor

Indiana Department of Labor
Indiana Occupational Safety and Health Administration
402 West Washington Street
Room W195
Indianapolis, IN 46204-2751
Phone: 317/232-1979 Fax: 317/233-8509



INVOICE/DEBT COLLECTION NOTICE

Company Name: Amtrak
Inspection Site: 202 Garstang Street, Beech Grove, IN 46107
Issuance Date: 03/22/2010

Summary of Penalties for Inspection Number 313196073

Safety Order 01, Serious	=	\$35,000.00
Safety Order 02, Knowing	=	\$55,000.00
Safety Order 03, Nonserious	=	\$8,000.00
Total Proposed Penalties		\$98,000.00

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

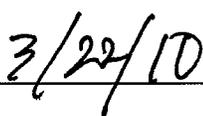
IOSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).



Jeffrey S. Carter
Deputy Commissioner, Indiana Department of Labor



Date