

NOTICE OF ORDER TO COMPLY

To:
Joseph Criscuolo, Township Administrator
Township of East Brunswick
1 Jean Walling Civic Center Drive
East Brunswick NJ 08816

Inspection Number: 1656129
PEOSH Number: 2009376
Inspection Date (s): 03/13/2023-03/21/2023
Issuance Date: August 7, 2023
CSHO: H3195
Reason: Complaint

Inspection Site:
East Brunswick Public Library
2 Jean Walling Civic Center
East Brunswick NJ 08816

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.

The enclosed Order to Comply describes violations of the Public Employees' Occupational Safety and Health Act. The violations referred to in this Order must be abated by the dates listed unless within 15 working days (excluding weekends and State holidays) from the issuance of this Order to Comply you mail a notice of intent to contest to the Department of Labor and Workforce Development at the address shown above. Please refer to the enclosed Public Employees' Occupational Safety and Health Act which outlines your rights and responsibilities, and which should be read in conjunction with this form. The Order will become the Final Order if no notice of intent to contest is filed as provided for in the Act or, if contested, the Order is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Notice and the Order to Comply be posted immediately in a prominent place at or near the location of each violation cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Order must remain posted until each violation cited herein has been abated, or for 15 working days (excluding weekends and State holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Office of Public Employees' Occupational Safety and Health during the 15 working day contest period by contacting the office shown above. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s).

If you are considering a request for an informal conference to discuss any issues related to the Order to Comply, a written letter of intent to contest must be submitted to the Office of Public Employees' Occupational Safety and Health within 15 working days of issuance of the Order. The contest period is not interrupted by a request for an informal conference.

If you decide to request an informal conference, the Office of Public Employees' Occupational Safety and Health will schedule the conference, which will be conducted within 30 days of receipt of the request. Employees and/or employee representatives will be notified of their right to attend the conference. The Office of Public Employees'

Occupational Safety and Health will arrange for representatives of the Department of Health to conduct conferences requested from Orders to Comply issued pursuant to a certification from the Commissioner of Health that an employer violation has been determined to exist within the Department of Health jurisdiction under the Act.

Any and all supporting documentation of existing conditions as well as any abatement steps taken thus far must be brought to the conference. If conditions warrant, an informal settlement agreement, which amicably resolves this matter without litigation or contest may be entered into.

Right to Contest - You have the right to contest this Order to Comply. You may contest all citation items or only individual items. You may also contest abatement dates without contesting the underlying violations. **Unless you inform the Office of Public Employees' Occupational Safety and Health in writing that you intend to contest the citation(s) and/or abatement dates within 15 working days of the issuance of this Order to Comply, then this Order to Comply shall become a final order.**

Penalties - The Act provides that if the time for compliance with an order of the Commissioner elapses, and the employer has not made a good faith effort to comply, the Commissioner shall impose a civil administrative penalty of up to \$7,000 per day for each violation of a provision of N.J.S.A. 34:6A-25 et seq., or of a standard or regulation promulgated under that act, or of an order to comply. Any employer who willfully or repeatedly violates the requirements of this section or any standard, rule, order or regulation promulgated under that act shall be assessed a civil administrative penalty of up to \$70,000 for each violation. Penalties imposed under this section may be recovered with costs in a civil action commenced by the Commissioner by a summary proceeding under "the penalty enforcement law" (N.J.S.A. 2A:58-1 et seq.) in the Superior Court or a municipal court, either of which shall have jurisdiction to enforce "the penalty enforcement law" in connection with this act. If the violation is of a continuing nature, each day during which it continues after the date given for compliance in accordance with the order of the Commissioner shall constitute an additional separate and distinct offense. If this penalty remains unpaid for more than 30 days, this order shall be recorded on the Judgment docket of the Superior Court.

Penalties will be based upon factors such as gravity of the violation, the probability that an injury or illness would result from the hazard, the good faith efforts of the employer to comply, the presence of meaningful safety and health programs and the history of previous violations.

Request to Delay Issuance of Penalty Order to Comply – When an employer submits a request to delay the issuance of an Order to Comply establishing penalties, the employer shall submit such written request 10 calendar days prior to the abatement date(s) established in the original Order to Comply.

Notification of Corrective Action - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the New Jersey Department of Health and/or New Jersey Department of Labor, PEOSH Program. This certification **must** be sent by you prior to the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

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 180 days after the employee first had knowledge that such discrimination occurred, with the Office of Public Employees' Occupational Safety and Health at the address shown above.

Employer Rights and Responsibilities - The enclosed copy of the Public Employees' Occupational Safety and Health Act outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or an employee 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 Office of Public Employees' Occupational Safety and Health at the address shown above and postmarked within 15 working days (excluding weekends and State holidays) of the issuance of this Order to Comply.

Through Robert Asaro-Angelo, Commissioner
NJ Department of Labor & Workforce Development



BY: _____
Thomas Wilson, Assistant Chief
Office of Public Employees Occupational Safety and Health

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health
(OPEOSH)

NOTICE TO EMPLOYEES

An informal conference has been scheduled with OPEOSH to discuss the Notice of Unsafe or Unhealthy Working Conditions (Notice) issued on August 7, 2023. The conference will be held at the OPEOSH office located at: 1 John Fitch Way, 3rd Floor, P.O. Box 386, Trenton, NJ 08625 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Notice of Unsafe or Unhealthful Working Conditions

Employer Name:	Township of East Brunswick	Inspection Number:	1656129
Inspection Site:	East Brunswick Public Library	Inspection Date:	03/13/2023-03/21/2023
	2 Jean Walling Civic Center	Issuance Date:	August 7, 2023
	East Brunswick NJ 08816	PEOSH Number:	2009376
		CSHO:	H3195
		Reason:	Complaint

Citation 1 Item 1 Violation: **Serious**

29 CFR 1910.1001(j)(3)(ii): Building and facility owners did not maintain records of all information required to be provided pursuant to this section and/or otherwise known to the building owner concerning the presence, location and quantity of ACM and PACM in the building/facility.

LOC: Facility Wide

Records were not available for review concerning the presence, location and quantity of all the asbestos containing material and/or presumed asbestos containing material throughout the building.

Note: On June 21, 2023 a copy of the asbestos assessment for the East Brunswick Public Library was provided.

NO FURTHER ACTION REQUIRED

Abated June 21, 2023

Citation 1 Item 2 Violation: **Serious**

29 CFR 1910.1001(j)(7)(iv): The employer did not train employees who performed housekeeping operations in areas containing presumed asbestos-containing material (PACM) and/or other asbestos-containing material (ACM) at least once a year:

LOC: Facility Wide

Annual training records for maintenance staff were not available for review.

Note: On July 15, 2023, records were provided for the training.

NO FURTHER ACTION REQUIRED

Abated July 15, 2023

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Notice of Unsafe or Unhealthful Working Conditions

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Citation 1 Item 3 Violation: **Serious**

29 CFR 1910.1200(e)(1): Employer had not developed or implemented a written hazard communication program included the requirements outlined in 29 CFR 1910.1200(e)(1)(i) and (e)(1)(ii).

LOC: Records, Hazardous Communication Program

The Township of East Brunswick did not provide a current Hazard Communication (Haz Com) Program.

Note: On June 27, 2023, a copy of the Hazard Communication Plan Township of East Brunswick was provided.

NO FURTHER ACTION REQUIRED

Abated June 27, 2023

Citation 1 Item 4 Violation: **Serious**

29 CFR 1910.1200(g)(1): Employers did not have a safety data sheet in the workplace for each hazardous chemical which they use.

LOC: Facility Wide

The employer did not have the Safety Data Sheets (SDS) for the chemicals and/or cleaning products being used at the library.

Note: On July 31, 2023, documentation was received that the SDS are now available.

NO FURTHER ACTION REQUIRED

Abated July 31, 2023

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Notice of Unsafe or Unhealthful Working Conditions

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Inspection Site:	East Brunswick Public Library	Inspection Date:	03/13/2023-03/21/2023
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Citation 1 Item 5 Violation: **Serious**

N.J.A.C. 12:100-7.3(b): In addition to the information that 29 CFR 1910.1200 requires employees to receive, initial and refresher training did not provide the location and availability of the written hazard communication program.

LOC: Records, Hazard Communication Program, Training

Reference: N.J.A.C. 12:100-7.3(b): In addition to the information that 29 CFR 1910.1200 requires employees to receive, initial and refresher training shall address the location and availability of the written hazard communication program, the list(s) of hazardous chemicals, hazardous substance fact sheets, the Right to Know survey, and the Right to Know hazardous substance list; the applicable provisions of the Worker and Community Right to Know Act, N.J.S.A. 34:5A-1 et seq.; an explanation of the Right to Know survey, labeling, hazardous substance fact sheets, the Right to Know hazardous substance list, and the Right to Know poster, and how employees can obtain these documents and use appropriate hazard information from these sources; and distribution of a copy of the Right to Know brochure.

Documentation that all maintenance staff had been provided bi-annual training was not available for review.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:

October 11, 2023

Per Diem Penalty per Violation if not Abated:

\$4500.00

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

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Notice of Unsafe or Unhealthful Working Conditions

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N.J.A.C. 12:100-13.3(a)(8):The employer did not have a written Indoor Air Quality plan that lists the identity and responsibilities of the designated person referred to in N.J.A.C. 12:100-13.3(a) and which shall include procedures for ensuring compliance with the minimum elements listed in N.J.A.C. 12:100-13(a)(i) through (xii).

LOC: Facility Wide

A written plan was not available for review at the time of inspection.

Note: On June 5, 2023, a copy of the Township of East Brunswick Written Indoor Air Quality Program was provided.

NO FURTHER ACTION REQUIRED

Abated June 5, 2023

Citation 2 Item 2 Violation: **Other-than-Serious**

N.J.A.C. 12:100-13.5(a) (OPTION 2): Renovation and/or new construction work in occupied buildings was not isolated to contain air contaminants, dust and debris were not confined to the renovation or construction area by use of measures such as, but not limited to, physical barriers, pressure differentials, and/or performing the work during periods of minimal occupancy.

LOC: a.) Youth Department Area
b.) Office #2

During the renovations, the area was not isolated to contain dust and debris. Dust and debris were observed outside the renovation (construction) area.

Note: The renovations were completed prior to the inspection.

NO FURTHER ACTION REQUIRED

Cessation of Operation

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Signed on August 7, 2023, pursuant to the authority vested by law
in the New Jersey Department of Labor and Workforce Development.

Through Robert Asaro-Angelo, Commissioner
NJ Department of Labor & Workforce Development



BY: _____
Thomas Wilson, Assistant Chief
Office of Public Employees Occupational Safety and Health

DISCRIMINATORY ACTS AGAINST EMPLOYEES ARE UNLAWFUL – N.J.S.A. 34:6A-45 – No person shall discharge, or otherwise discipline, or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this section. Any employee who believes that he has been discharged, disciplined, or otherwise discriminated against by any person in violation of this section, may within 180 days after the employee first has knowledge such violation did occur, file a complaint with the Commissioner of Labor and Workforce Development alleging that discrimination.

c: Complainant
Thomas Wilson, Assistant Chief
John Arthur, East Brunswick Public Library
Rene Garzon, CWA Local 1031