

OSHA File

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
STATE OF HAWAII

In the Matter of)	
Director, Department of Labor)	CASE NO. OSAB 85-7
and Industrial Relations,)	(OSHCO No. N-3074)
Complainant,)	
)	
vs.)	
)	
EARL SCHEIB OF HAWAII,)	
RESPONDENT.)	

FILED
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 STATE OF HAWAII
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DECISION AND ORDER

This occupational safety and health case is before the Board on appeal by Respondent, EARL SCHEIB OF HAWAII, from a citation and notification of penalty issued by the Director of Labor and Industrial Relations dated April 30, 1985. Respondent filed an appeal on May 15, 1985.

The sole issue before the Board is whether Respondent violated §12-202-33(c)(1), Occupational Safety and Health Standards, Hawaii Administrative Rules.

FINDINGS OF FACT

1. On April 4, 1985, Sharon Nakamura, an environmental health specialist with the Division of Occupational Safety and Health, Department of Labor and Industrial Relations, State of Hawaii, took site samplings for employee exposure to lead in the sanding area of Respondent, EARL SCHEIB OF HAWAII'S auto paint shop located at 2312 Kamehameha Highway.
2. The sampling was taken over a 4.5 hour period. The lead exposure level during that period was about 200 micrograms per cubic meter of air. Averaged over an 8-hour



period, the exposure level was over 100 micrograms per cubic meter of air.

CONCLUSIONS OF LAW

We conclude that Respondent, EARL SCHEIB OF HAWAII, violated §12-202-33(c)(1), Occupational Safety and Health Standards, Hawaii Administrative Rules, which provides as follows:

§12-202-33 Lead.

- (c) Permissible exposure limit (PEL);
- (1) The employer shall assure that no employee is exposed to lead at concentrations greater than 50 micrograms per cubic meter of air...averaged over an 8-hour period.

Respondent exposed employees to lead at concentrations greater than 100 micrograms per cubic meter of air averaged over an 8-hour period.

ORDER

The citation and notification of penalty issued by the Director dated April 30, 1985 is hereby affirmed. Respondent, EARL SCHEIB OF HAWAII, is hereby ordered to pay the penalty amount of \$180.00 and to correct the violation if it still exists.

FEB 28 1986

Dated: Honolulu, Hawaii, _____.

Eduardo E. Malapit

EDUARDO E. MALAPIT, Chairman

Carol K. Yamamoto

CAROL K. YAMAMOTO, Member

Ronald Y. Kondo

RONALD Y. KONDO, Member

I do hereby certify that the foregoing is a full, true and correct copy of the original on file in this office.

[Signature]