



OSHA Regional News Release

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Region 5

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US Labor Department's OSHA proposes more than \$130,000 in penalties against Chicago-based ERA Valdivia Contractors Inc. for health violations

CHICAGO — The U.S. Department of Labor's Occupational Safety and Health Administration has cited ERA Valdivia Contractors Inc., an industrial painting and **sandblasting** company in Chicago, with \$130,300 in proposed penalties for exposing workers to **dangerous lead materials**.

Based on a November 2009 inspection, OSHA has cited the company with two willful violations and a proposed \$112,000 penalty for failing to provide adequate personal protective equipment to employees working in and around lead while performing abrasive blasting and painting. A willful violation is one committed with intentional, knowing or voluntary disregard for the law's requirement, or plain indifference to employee safety and health.

The employer also has been cited with eight serious citations and a proposed \$18,300 penalty. Some of these citations address the company's alleged failure to ensure workers use respirators in accordance with the conditions of certification; to prohibit the use of respirators by employees with facial hair; and to provide a clean changing area for employees. An OSHA violation is serious if death or serious physical harm can result from a hazard an employer knew or should have known exists.

"Employers must ensure any employee working in and around lead, especially when he or she is abrasive blasting, should be protected from overexposure to this dangerous material," said OSHA Area Director Diane Turek in Des Plaines, Ill. "Those who ignore these health regulations are inviting tragedy into the lives of their workers."

ERA Valdivia Contractors Inc. has been inspected by OSHA 25 times since 1991 and has been issued numerous willful, serious and repeat violations, including many lead violations. The company employs approximately 75 workers.

The company has 15 business days from receipt of its citations and penalties to comply, request an informal conference with OSHA's area director or contest the findings before the independent



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Occupational Safety and Health Review Commission.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to assure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.