Demolition Company Liable for Lead Violations

While watching a local news program, several OSHA employees noticed that none of the workers involved with the demolition of Pittsburgh's Three Rivers Stadium were wearing respirators, despite the potential for lead exposure. After two OSHA inspectors showed up at the stadium, the demolition contractor finally implemented a lead protection program, which basically required workers to wear half respirators. OSHA then conducted a full inspection and issued three willful citations for 45 health and safety violations, including failure to protect workers from lead hazards. The contractor appealed the citations, arguing that it didn't realize the potential for lead exposure and was entitled to use "historical data" from another project as its initial exposure assessment. The court disagreed. The contractor couldn't rely on the "historical data method," which allows employers to use monitoring results from a recent project that closely resembles the current project. The two projects were "so dissimilar that they couldn't be considered to 'closely resemble' one another under any meaningful construction of that phrase," the court said.

[*Bianchi Trison Corp. v. Secretary of Labor*,U.S. App. LEXIS 9976, 3rd Cir.,]