



October 1, 2014

Michael MacCabe
NYS Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, New York 12233-7016

**Re: Notification of Excavation Activities
Former Albany Laboratories Site, NYSDEC Site No. 401061
CHA Project No. 21645**

Dear Mr. McCabe:

As required by the Site Management Plan, CHA has prepared this letter, on behalf of Columbia Eagle LLC and BBL Construction Services (Contractor) to provide notification to the New York State Department of Environmental Conservation (NYSDEC) of upcoming intrusive activities on the Former Albany Laboratory Site (Site). All intrusive activities will be conducted in accordance with the Site Management Plan which was approved by the NYSDEC on May 22, 2014, specifically Section 7.0 – Excavation Work Plan (EWP). Details of the intrusive activities are further discussed below.

Summary of Intrusive Activities:

Excavation activities will include work in the northern portion of the Site at the south end of the footprint of the building (building foundation) located at the former 140 State Street and will include the removal of a portion of the existing building foundation, excavation for new foundations, and localized grading for the construction of the proposed building at 140 State Street. Additional excavation activities will take place in the former 67 Howard Street portion of the Site and will include excavation for foundations for a new parking garage, a portion of which will be constructed on that portion of the Site. The areal extent and depth of the excavation is shown on the attached Figure 1.

There are also excavations that will be made for a grease trap tank and a concrete pad for a generator and are shown on Figure 1. Depending on sequencing of construction related to work at 144 State Street these two excavations may be completed prior to, during or after the main garage foundation excavation work. If they are done before or concurrent with the garage foundation excavation they will be completed per the SMP and this notification letter. If they were to be completed following backfill with clean fill, these two items would not necessarily require notification as they could be installed above the delineation barrier and clean soil cover.

In order to characterize excavated soils for disposal, pre-characterization samples will be collected. Pre-characterization samples will be collected either during test pits installed prior to excavation or during stockpiling of soil during excavation. If excavated soil is stockpiled prior to disposal, soil will be stockpiled according to procedures outlined in the Site Management Plan (SMP). Pre-characterization sampling is further described below.

If test pits are installed, they will be scheduled for the week of October 6, 2014 and will be completed in one day. Excavation activities in the area of former 140 State Street are tentatively scheduled to commence during the week of October 27, 2014 and will be completed in 2-3 days. Excavation activities in the area of the proposed garage are tentatively scheduled to commence during the week of November 3, 2014 with a 3-week duration. As activities approach, exact dates will be provided to NYSDEC, particularly if the schedule changes from that outlined above.

All components of the EWP are expected to be implemented during the planned excavation work and intrusive activities. The Contractor's Health and Safety Plan is attached and describes safety procedures which will be followed during all intrusive activities. Air monitoring will be performed during all intrusive activities where there is a potential to come into contact with existing soil/fill in accordance with the New York State Department of Health (NYSDOH) *Generic Community Air Monitoring Plan (CAMP)*, and Appendix 1A and 1B of DER-10.

Summary of Environmental Conditions

Grossly contaminated soils are not anticipated to be encountered in the work area. The source soil removal completed as an IRM was conducted to address the VOCs at the Site and impacts to the adjacent former 138 State Street property. This previous excavation removed the historical source of soil contamination at the Site; however there may be residual concentrations of VOCs, SVOCs and metals in the surface/subsurface soil.

Disposal Facility/Pre-Disposal Testing

All soil and debris will be disposed of at the City of Albany Landfill located at 525 Rapp Road in Albany New York. Soil will be disposed of as Petroleum Contaminated Soils (PCS), and concrete and building debris will be disposed of as Construction and Demolition Debris. Disposal characterization sampling of soil will be performed at a rate of 1 sample per 1,000 Tons, per Albany Landfill requirements. To determine the number of samples required, it was assumed that 1 cubic yard (CY) is approximately equal to about 2 Tons, therefore to comply with Albany Landfill requirements, samples will be collected at a rate of 1 sample per 500 CY. It is estimated that approximately 250 CY of soil will be excavated from the former 140 State Street area of the Site for the building foundation work and 1,800 CY of soil will be excavated from the former 67 Howard Street portion of the Site for the future parking garage. Therefore, four characterization soil samples will be collected from the excavation areas. Disposal characterization results will be submitted under separate cover upon receipt of analytical results from an NYSDOH ELAP accredited laboratory.



Backfill/Backfill Sources

Approximately 250 CY of imported backfill is estimated for the former 140 State Street portion of the site and another 250 CY for the former 67 Howard Street portion of the site. This estimate is based on the amount of soil to be excavated, the foundations being installed, and final grade that will be established. Backfill will be designated as virgin material. Written documentation of all backfill will be provided under separate cover to the NYSDEC to document that the soil is native material from areas not having supported any known prior industrial or commercial development or agricultural use and is not now, nor has ever been, identified as a suspected depository for chemical, toxic, hazardous, or radioactive wastes.

Based on 500 cubic yards of fill the backfill sampling, per the SMP, will consist of 5 discrete samples and 2 composite samples. Sampling frequency may change if quantities for import are altered, but will comply with the frequencies outlined in the SMP. Five (5) discrete samples from different locations within the fill material pile or borrow source will comprise a composite sample for analysis. VOC analysis will be performed on discrete samples only, while all other testing parameters will be analyzed from the composite sample.

The following analyses will be performed on the imported fill characterization samples:

- TCL VOCs by EPA Method 8260 (discrete samples only).
- TCL SVOCs by EPA Method 8270.
- TCL PCBs by EPA Method 8082.
- Pesticides by EPA Method 8081.
- TAL metals and cyanide by EPA Methods 6010 and 7471.

Gravel, rock or stone, consisting of virgin material from a permitted mine or quarry will be imported without chemical testing, to be used as backfill beneath paved surfaces, buildings, or as part of the final soil cover layer, provided that it contains less than ten (10) percent by weight material which would pass through a size No. 80 sieve.

Site Restoration/Cover

Site restoration at this time is planned as follows. Much of the area impacted by these excavations will be covered by the new foundations and building/garage which is scheduled to be constructed during fall 2014. The portion of the property to be excavated and not covered by the new building footprint will receive a minimum of 1 foot of clean backfill material as a temporary soil cover before 6" of asphalt is placed in the fall of 2014. See Figure 2 for proposed site plan showing new buildings and extent of pavement.

Due to the depth of the excavations outlined above (4'-16') the placement of the demarcation barrier may be much deeper than 1 foot. This will allow for increased ability for future subsurface activities to be conducted that would be at shallow depths above the demarcation barrier and not require an excavation notification and all of the requirements the excavation work plan (Section 7.0 – SMP). Although the ROD and SMP require 2ft of soil cover for the former 140 State Street portion of the



site and a 1 foot soil cover for the former 67 Howard Street portion of the site, asphalt paving or concrete are considered to be an equal or more protective remedy and are acceptable based on our conversations to date with Mr. MacCabe.

Should you have any questions, please feel free to contact me at (518) 453-4547.

Sincerely,

A handwritten signature in black ink, appearing to read 'Seth H. Fowler'.

Seth H. Fowler, CHMM
Associate

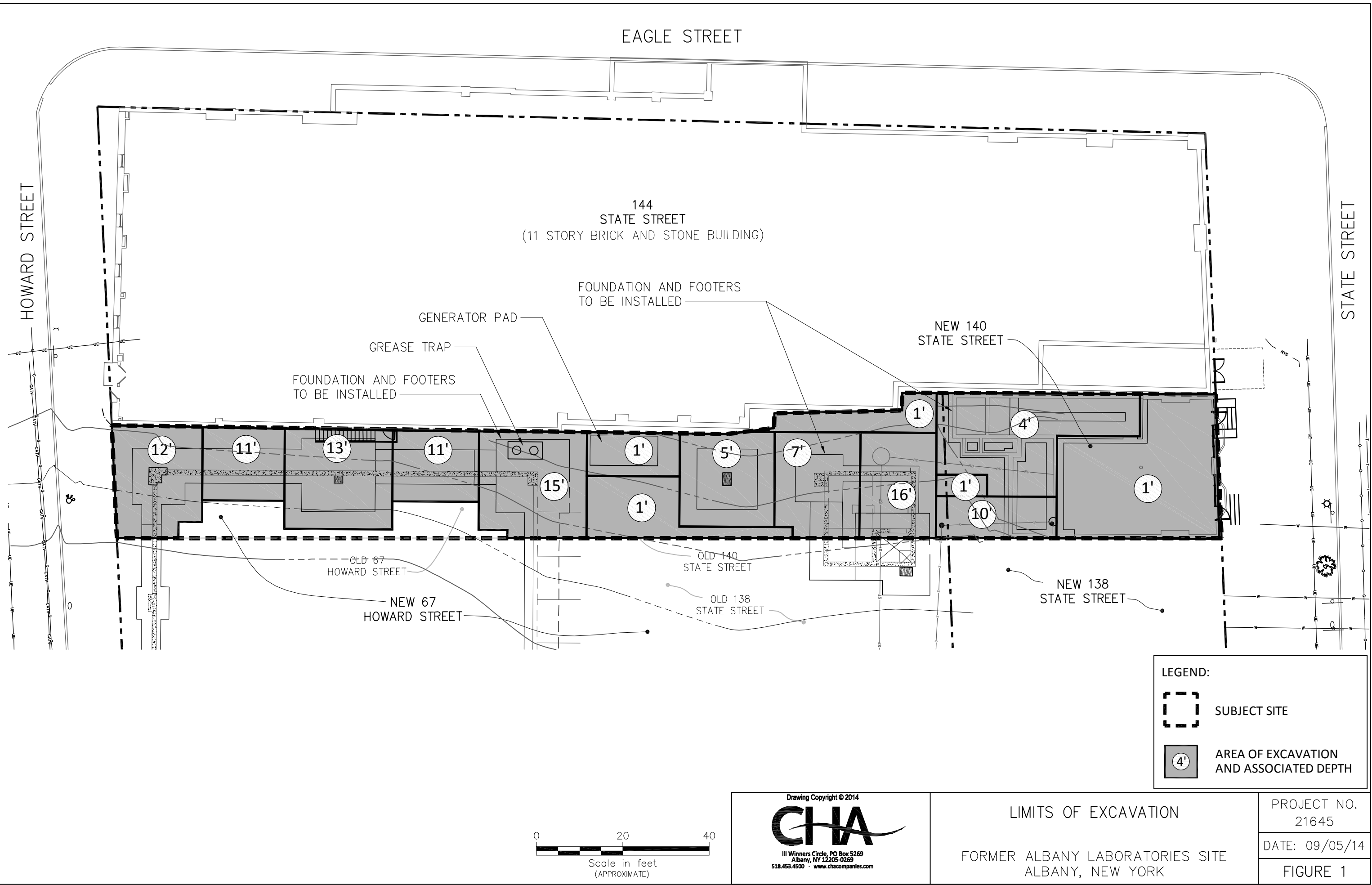
CC: Nick Sturgis – BBL Construction
Frank Emmer – BBL Construction
Brandon Stabler – Columbia Development Companies
Michael Arcangel – Columbia Eagle LLC

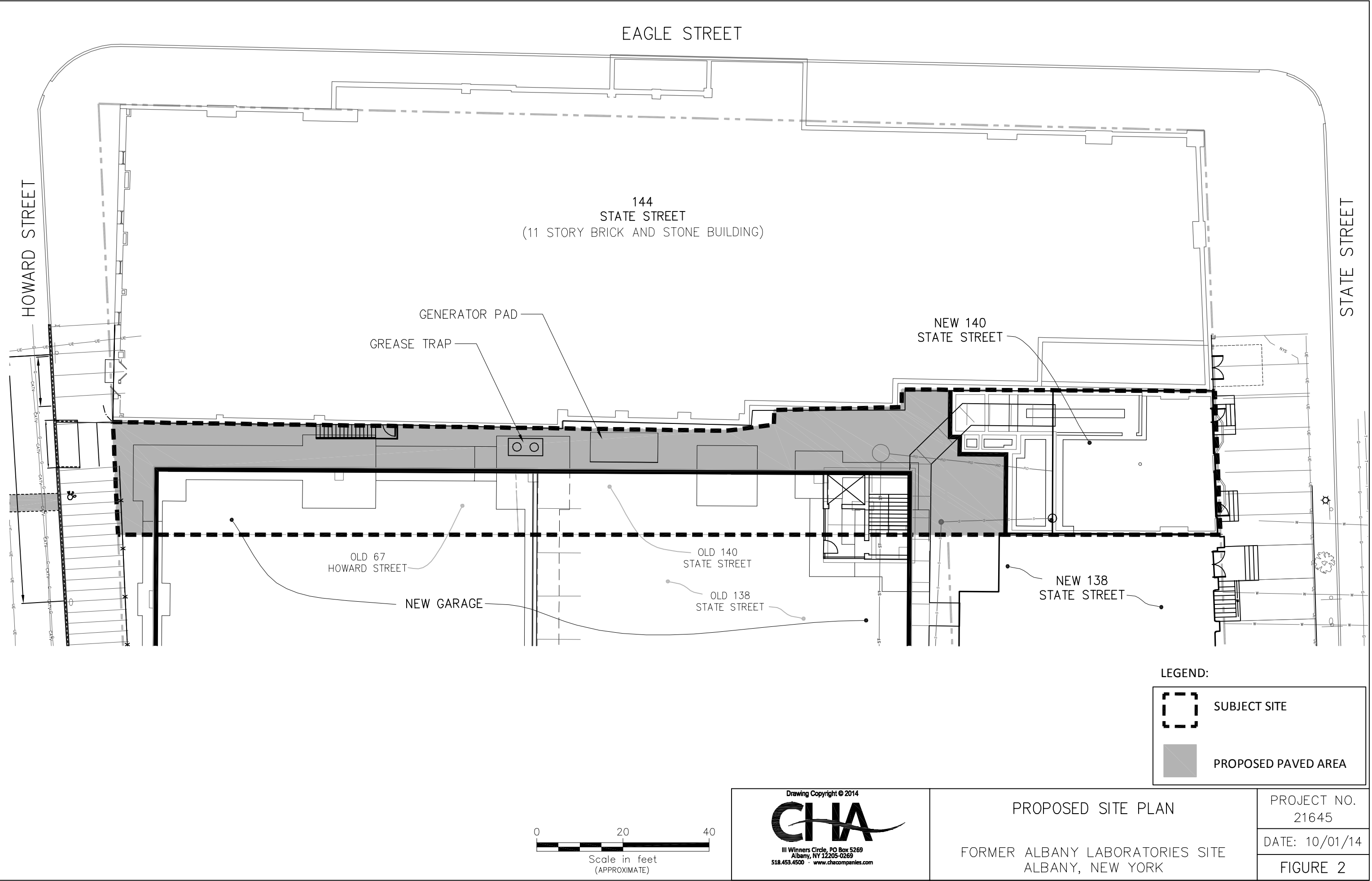
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FIGURES





HEALTH AND SAFETY PLAN



PROJECT SAFETY PROGRAM

JBS

State Street Project

Albany, NY

Project Safety Policy

This Project Safety Program embodies the prevention of accidental injury, occupational illness and property damage. Contractors shall provide and maintain a safe, hazard free workplace for their employees, fellow workers and the general public.

Accident Investigation and Reporting

As per JBS's General Safety Rules for Construction, accidents or injuries regardless of their nature shall be reported to the Project Foreman for immediate attention. The foreman is required to contact their insurance coordinator/safety director and report all accidents as soon as it has been determined that the injured person has been properly cared for. Guidance with appropriate accident investigation will be provided at that time. The Foreman's Report of Jobsite Accident is to be completed by the foreman for all bodily injury accidents and sent to the office as soon as practicable. If the accident involves a subcontractor, a copy of their accident report will be secured for the insurance coordinator/safety director. For motor vehicle accidents, the operator will complete a Driver's Accident Report, provided by the insurance coordinator.

Contractors shall be individually responsible for verbally reporting to OSHA within eight (8) hours upon learning of a fatality or the inpatient hospitalization of three (3) or more employees.

Employee Required Posting

All Federal and State required postings are to be displayed in an area available to all employees.

Hazardous Materials

OSHA 40-hour medical monitoring shall be provided for individuals conducting intrusive activities.

Equipment which encounters subgrade soils will be pressure washed before handling clean soils and/or before demobilized.

Each container of hazardous material shall be labeled, tagged, or marked with the identity of the material(s), appropriate hazard warnings, potential health effects, and the name and address of the manufacturer, importer, or other responsible party.

Transportable containers into which hazardous material(s) are transferred from labeled containers and which are intended only for the immediate use by the employee who performs the transfer are not required to be labeled; however, there must be a method of indicating what hazardous material has been used in the container.

JBS will ensure that a risk inspection has been completed prior to completing any task or operation found in the work plan.

JBS will ensure proper employee training and provide employee training records upon request.

A pretask risk assessment will be conducted by the competent person to ensure proper PPE is used and training is provided (if required).

Medical surveillance will be conducted per company requirements or when required by local, state or federal law.

Environmental monitoring will be provided by an outside entity with results provided to JBS upon request.

Project control methods will be put in place to ensure environmental and safety compliance. These controls shall be monitored to ensure compliance.

Decontamination procedures will be in accordance with all local, state and federal guidelines. These procedures will be consistently reviewed and adjusted to ensure compliance.

A site specific emergency action plan (EAP) will be located on the project and modified as needed.

Biological Hazards

Insect/animals – deer ticks, mosquitoes, rabid animals, snakes, turkeys, stray animals.

Site Control Measures

Fencing will be used to control and delineate work areas.

Project Safety Meetings

A safety meeting will be conducted by the JBS Project Foreman on a weekly basis. Attendance by the foreman/competent person for safety of each trade on site is mandatory.

The JBS Project Foreman will select a safety topic for the meeting; topic information is furnished by the JBS Safety Director. All in attendance will receive a copy of the safety meeting topic for that week. Attendance sheets for each individual trade should be utilized as needed.

JBS's General Safety Rules for Construction will be reviewed at the start of each safety meeting. Addressing of site-specific safety issues should be documented; questions and discussions regarding job site safety are encouraged from all attendees.

Project Safety Inspections

A Project Safety Inspection Report will be completed by the JBS Project Foreman on a weekly basis. The JBS Project Foreman will ensure that a Scaffolding Inspection Report is completed on all tubular frame scaffolding owned/leased by JBS before access to the scaffold is permitted. This inspection can only be performed by the designated competent person for scaffolding. The JBS Safety Director must be consulted if there are questions as to the identity of the competent person for scaffold is for this project.

Plan for Work in Confined Spaces

Before any employee enters a confined space the contractor shall designate a competent person to evaluate the potential for a permit-required confined space (PRCS). If work is to be done in a PRCS, the contractor shall comply with the regulations stated in 29 CFR 1910.146 of the OSHA standards.

Severe Weather

Weather conditions shall be monitored and appropriate precautions taken to protect personnel and property from the effects of severe weather. Floods, hurricanes, thunderstorms, and blizzards are a few of the natural disasters that could transpire during this project. Contractors shall provide the type of protection necessary to protect their workforce and property from weather related concerns.

Physical Hazards

Hazards such as the following may be encountered on the site.

- Slip/Trip/Fall (uneven ground, ice, animal burrows, debris, etc.)
- Ultraviolet Rays
- Muscle sprains/strains
- Flying debris (earth moving equipment)
- Noise (e.g. elevated noise levels associated with excavation equipment.
- Heat/Cold Stress

Chemical Hazards

BASED UPON PAST ENVIRONMENTAL INVESTIGATIONS COMPLETED AT THE SITE, PERSONNEL MAY BE EXPOSED TO THE FOLLOWING CHEMICAL HAZARDS DURING INTRUSIVE ACTIVITIES.

Possible Chemical Hazard Exposures	
CHEMICAL	TARGET ORGAN
BENZO(A)ANTHRACENE	KIDNEYS AND LIVER
BENZO(A)PYRENE	SKIN, RESPIRATORY SYSTEM, BLADDER, KIDNEYS
BENZO(B)FLUORANTHENE	EYES, HEART, LIVER, KIDNEYS, CNS
TETRACHLOROETHENE	EYES, SKIN, RESPIRATORY SYSTEM, LIVER, KIDNEYS, CNS
TRICHLOROETHENE	EYES, SKIN, RESPIRATORY SYSTEM, HEART, LIVER, KIDNEYS, CNS
DICHLOROETHENE	EYES, RESPIRATORY SYSTEM, CNS
MERCURY	EYES, SKIN, RESPIRATORY SYSTEM, CNS, KIDNEYS

The potential exposure mechanism that can transport particulates from the areas of the inspection and monitoring to other areas of the Site as well as beyond the boundaries of the Site are:

- Dust from intrusive activities
- Direct contact with the soil

If action levels in breathing zone of 5ppm or greater are encountered, excavation work will cease and a PPE contingency plan will be developed.

Fall Protection

All fall hazard exposures on JBS sites will be addressed in accordance with 29 CFR 1926 OSHA Construction Industry Regulations – Subpart M.

Per OSHA regulations workers shall be protected from falling from a walking/working surface with an unprotected side or edge which is six (6) feet or more above a lower level. This shall be accomplished by the use of guardrail systems, safety net systems or personal fall arrest systems (PFAS).

JBS recognizes that per OSHA standards certain tasks which expose workers to falls over 6 feet may be performed without the use of conventional fall protection. Tasks which in some instances may be performed without the adherence to the six foot fall protection rule include but are not limited to:

- Steel Erection (refer to Subpart R of the OSHA Construction Industry Regulations)
- Roofing
- Precast concrete work
- Overhand bricklaying
- Specific forms of residential work

For these instances the safety director assigned to the project will be consulted to ensure fall protection in accordance with OSHA and if applicable site specific standards is achieved.

In the event a trade plans to achieve compliance with OSHA's fall protection standards with the use of a site specific fall protection plan, the plan must be sent to the safety director for review and approval in advance of said plan being implemented. At its discretion JBS can request a preconstruction meeting with the trade to discuss site specific fall hazards and the feasibility of utilizing conventional fall protection versus implementing a fall protection plan.

Upon request, all trades on site will provide the JBS foreman with the identity of their competent person for safety.

Excavations

All excavations shall be in accordance with 29 CFR 1926 Subpart P of the OSHA standards.

The estimated location of utility installations, such as sewer, telephone, fuel, electric, water lines, or any other underground installations that reasonably may be expected to be encountered during excavation work, shall be located prior to opening an excavation.

Excavation inspection and testing

When persons will be in or around an excavation, the excavation, the adjacent areas, and protective systems shall be inspected daily, as needed throughout the work shifts, and after every rainstorm or other hazard-increasing occurrence by a competent person.

If evidence of a situation which could result in possible cave-ins, slides, failure of protective systems, hazardous atmospheres, or other hazardous condition is identified, exposed workers shall be removed from the hazard and all work in the excavation stopped until all necessary safety precautions have been implemented.

In locations where oxygen deficiency or gaseous conditions are known or suspected, air in the excavation shall be tested prior to the start of each shift or more often if directed by the contractor's competent person.

Protective systems

The sides of all excavations in which employees are exposed to danger from moving ground shall be guarded by a support system, sloping or benching of the ground, or other equivalent means. Excavations less than five (5)ft. in depth and which a competent person examines and determines there to be no potential for cave-in do not require protective systems. Protective systems shall have the capacity to resist without failure all loads that are intended or could reasonably be expected to be applied to the system.

Protection from falling material

Employees shall be protected from loose rock or soil which could create a hazard by falling from the excavation wall: special attention shall be given to slopes which may be adversely affected by weather, moisture content, or vibration. Materials, such as boulders or stumps, that may slide or roll into the excavation shall be removed or made safe. Excavated material shall be placed at least two (2) ft. from the edge of an excavation or shall be retained by devices which are sufficient to prevent the materials from falling into the excavation.

Sloping And Benching

Sloping or benching of the ground shall be in accordance with OSHA 29 CFR 1926 Subpart P, Appendix B.

Support Systems

Support Systems shall be in accordance with OSHA standard 29 CFR 1926.652.

General Safety Rules

Accidents or injuries regardless of their nature, shall be reported to the JBS Foreman for immediate attention.

The use of, or being under the influence of, drugs or intoxicating beverages while at this jobsite is strictly prohibited and will lead to immediate dismissal from the site.

Excess material not needed on present operations shall be stockpiled or stacked until needed. Protruding nails, wires, etc. shall be bent over, cut or pulled out immediately. Debris shall not be allowed to accumulate and shall be removed at regular intervals.

Employees shall adhere to and abide by 29 CFR 1926 subpart M of the OSHA standards when performing work at elevated heights. Ironworkers shall adhere to and abide by 29 CFR 1926 Subpart R of the OSHA standards during steel erection activities.

Floor and wall openings shall be covered, if covers are removed for construction purposes, then railings and toeboards must be utilized.

Personal protective equipment shall be used by workers where potential hazards exist. This includes hard hats at all times (visitors included) for falling objects, personal fall arrest systems when required by OSHA, respiratory equipment in dangerous atmospheres, and safety glasses, goggles, or face shields on all concrete breaking, metal chipping, welding or other operations where there is exposure to flying objects or anything injurious to the eyes.

Power tools shall be operated in accordance with manufacture's instructions, and if electrical shall be grounded. All safety equipment such as guards which are provided shall be used, tested and kept in good repair. Each power tool must be checked for continuity of ground prior to use.

Compressed Gas Cylinders shall be chained or otherwise secured in an upright position and shall be placed in cylinder carts whenever being transported to different locations on the project.

All deliveries shall be scheduled during normal work hours and coordinated with the JBS Site Foreman.

Radios including "Walkman" type radios with earphones are *not* permitted on this project.

No contractor shall permit his/her employees to use another contractor's scaffold without written permission from the owner of the scaffold. All scaffolds shall be checked daily and before each use for safety compliance.

Work performed in or adjacent to public spaces is required to have barricades separating the public from the work site. Warning signs shall be posted to inform the public of the hazards and these areas are to be kept clean/clear of debris at all times.

Chemicals shall be labeled and accompanied by a Material Safety Data Sheet (MSDS). JBS shall receive a copy of the MSDS for these chemicals immediately upon their delivery to the project. All employees shall be informed regarding the chemicals used on the jobsite and know where the MSDS sheets are located.

All fuels must be kept in metal NFPA approved containers. No plastic fuel containers are permitted.

Contractors are responsible to attend weekly JBS safety meetings.

Lock-Out/Tag-Out procedures (Control of Hazardous Energy) must be in compliance with OSHA 29 CFR 1910.147.

Personal Protective Equipment

Personal Protective Equipment will be worn at all times. Contractors should consider performing a hazard analysis to determine the personal protective equipment required to protect his/her employees.

Hard hats as required by OSHA 29 CFR 1926.100 will be worn at all times and must meet ANSI regulation Z89.1. Hard hats will be worn as designed.

Proper footwear is required. Sneakers and open toe shoes are prohibited.

Hand protection (gloves) must be worn when handling lumber, sharp metals, steel, skids, and other operations identified by your contractor's hazard analysis evaluation.

Additional eye/face protection must be worn when performing specific tasks such as welding, cutting, burning, grinding, chemical handling and chipping.

Noise

Each contractor shall monitor for hazardous noise conditions. Hearing protection as required by OSHA Standards 29 CFR 1926.101 & 1926.52 shall be used in areas where noise levels are equal to or exceed ninety (90)dba based on an eight hour exposure. If there is any question concerning the noise level, the contractor, shall provide hearing protection.

Drugs / Alcohol

The use of, or being under the influence of, drugs or intoxicating beverages while at this jobsite is prohibited and will lead to immediate dismissal from the site.

Prescription Drugs on the Jobsite

Legally prescribed drugs may be permitted on the site provided the drugs are contained in the original prescription container and are prescribed by an authorized medical doctor for the current use of the person named on the container. It is the responsibility of each employee taking prescribed medication to inform his/her physician of his/her job duties and inform his/her supervisor of any such medication that would restrict the employee from performing their work duties in a safe and efficient manner.

Smoke-Free Policy

It is the policy of JBS to be a smoke-free workplace. Smoke-free is defined as the absence of chewing, lighting, smoking tobacco or a lighted or smoldering cigarette, cigar or pipe of any kind. The workplace is defined as any location owned, leased or under JBS's control or supervision, vehicles owned by JBS, or other locations or spaces occupied by those engaged in work for the company. This policy applies to all employees, subcontractors, suppliers, customers and visitors. Employees of subcontractors that fail to comply will be subject to progressive discipline which may include removal from the job site and is structured as follows:

1st Offense – Written Warning i.e. issuance of Notice of Violation of JBS Smoke-Free Policy form

2nd Offense – The employee of the subcontractor is asked to leave the job site for the duration of the job. To the extent that this policy conflicts with any applicable Collective Bargaining Agreement (CBA), the terms and conditions of that CBA will control.

Hazardous Communication Program

Hazardous materials include any solid, liquid, or gas that may pose a health hazard to employees. It also includes materials that may become hazardous or create hazardous exposures during work process.

A copy of the MSDS for each hazardous substance at the project will be maintained in an inventory and a copy provided to JBS. For emergency response purposes, each entry in the inventory shall include the approximate quantities (e.g., liters, kilograms, gallons, pounds) that will be on site at any given time.

Contractors are responsible to properly label all materials brought on site. All containers of chemical products, including solvent cans and dispensers, must be labeled. In areas where chemical products are stored there will be signs or placards to identify the materials and provide the required information.

Fire Protection

Objects to be welded, cut or heated are to be moved to a safe location. If objects cannot be moved, the contractor must take positive steps to confine the heat, sparks, and slag.

Contractors shall maintain suitable fire extinguishing equipment.

Each contractor will provide a fire watch when welding, cutting, or burning operations are being performed. Contractors are responsible to instruct the employee about the specific fire hazards and how to use the fire fighting equipment provided.

All fire extinguishers shall have a maintenance inspection prior to use on this site.

Extinguishers shall be easily visible and marked so they are accessible to employees.

Contractors are responsible to ensure their employees are trained in the operation of fire extinguishing equipment.

Evacuation

IF EVACUATION OF THE SITE IS REQUIRED, AN AIR HORN WILL BE SOUNDED IN THE FOLLOWING MANNER:

- Three (3), two (2) second blasts, with a ten second pause, repeated as necessary
- When all is clear and it is okay to return to work a continuous blast of 10 seconds will be sounded.
- Once the evacuation signal is sounded, all personnel must immediately **vacate** the site through the nearest available exit and meet at the predetermined gathering point.
- All personnel must be accounted for; foremen must take a head count immediately after evacuating the area and report findings to the JBS Site Foreman.
- The JBS site trailer will be the primary Muster point.
- Personnel must be instructed not to wander from gathering point.

Medical Facilities

The medical facility closest to the construction site which is available for medical treatment is:

Albany Medical Center Hospital (AMCH)
43 New Scotland Avenue
Albany, NY 12208

AMCH is located one block south on New Scotland Avenue from the project site.

Environmental Compliance

Requirements found in OSHA 29 CFR 1926.65 will be followed by all contractors.

Combustible scrap, debris, and waste materials (i.e. oily rags) must be properly disposed of.

All chemical containing substance, including flammables and oils, must be stored in a manner to minimize or eliminate the potential for spills and unexpected releases.

Should a spill occur, the contractor is responsible to clean-up the spill immediately. If the spill involves a hazardous material only licensed and trained personnel will be involved in clean up. All materials will be disposed of in accordance with Local, State, and Federal Requirements.

Vehicle Safety

Contractors will operate vehicles in a safe manner at all times.

Posted traffic signs, speed limits and road markings will be followed.

Heavy equipment, such as front-end loaders, will be parked in designated areas. Equipment such as Forks and Buckets will be lowered to the ground and the ignition key removed when not in use.

Safety Enforcement and Disciplinary Procedures

Safety is the responsibility of every JBS associate. Workers must perform their duties or responsibilities in compliance with the safety standards set forth by Federal i.e. OSHA, State and local governmental bodies having the authority to control the manner or method of work. All those who enter a JBS project site must abide by JBS's General Safety Rules for Construction.

Enforcement of all safety standards/policies at the project site is the responsibility of the Project Foreman (or project safety coordinator, if one is specifically assigned to a project). The Project Foreman/project safety coordinator has the authority to direct the actions of workers and subcontractors, and may temporarily suspend some aspects of work due to health and safety issues.

In the event an employee and/or worker fail to comply with safety standards/policies, the employee/worker shall be subject to disciplinary action. Such disciplinary action may include in no specific order, and is not limited to:

- Termination of employment
- Removal from the project site/temporary suspension
- Issuance of a written reprimand
- Verbal reprimand

The nature and extent of any discipline applied in circumstances involving a worker shall be determined on a case by case basis by JBS management with input from the Project Foreman.

In the event a written reprimand is issued, copies will be distributed to the worker, subcontractor representative (if applicable), safety director and the appropriate JBS Management. Consult your safety director for the proper written reprimand format and form.

Please note that the discipline outlined in this policy applies only to this policy and in no way diminishes the at-will employment status of any person employed by this company. In addition, to the extent that this policy conflicts with any applicable Collective Bargaining Agreement (CBA), the terms and conditions of that CBA will control.

Phone Numbers of JBS Responsible Persons

Jim Bohl - 518-469-1034