



Department of Energy

Washington, DC 20585

July 6, 2022

Mr. Michael H. Evans
President and Chief Executive Officer
GEM Technologies, Inc.
2033 Castaic Lane
Knoxville, Tennessee 37932

WEL-2022-04

Dear Mr. Evans:

The Office of Enterprise Assessments' Office of Enforcement conducted an investigation into events involving subcontracted hazardous material abatement workers performing Class I asbestos abatement that revealed concerns with asbestos air sampling methods and the accuracy of asbestos air sampling data. The events occurred from July 13 through 16, 2020, and involved personnel performing work while wearing personal air sampling pumps that were placed in the "HOLD" mode during deactivation and decommissioning activities at the Y-12 National Security Complex (Y-12) Biology Complex (Building 9210). The Department of Energy's (DOE) investigation included interviews with contractor and subcontractor personnel, and review of relevant equipment and documentation. The onsite portion of the investigation was conducted April 20 through 23, 2021.

The events were initially reported by URS | CH2M Oak Ridge LLC's (UCOR) as potentially involving deception or willful misconduct. A summary review of the events offered by the management and operating contractor, concluded that GEM Technologies, Inc.'s (GEM) subcontractor, Performance Abatement Services, Inc. (PAS), attempted to bias personal asbestos samples during Class I asbestos abatement activities. The Office of Enforcement was not able to substantiate or disprove any allegations of willful noncompliance.

Based on the investigation, the Office of Enforcement identified concerns with GEM's implementation of 10 C.F.R. Part 851 (Part 851), and the *UCOR Worker Safety and Health Program* (WSHP). Specifically, the Office of Enforcement investigation determined that GEM did not:

- Adequately communicate contractual requirements from the UCOR WSHP to the hazardous materials abatement subcontractor, PAS, including requirements to achieve compliance with locally approved asbestos abatement work permits.



- Promptly identify subcontractor abatement work practices when PAS abatement supervisors instructed abatement workers to place their personal air sampling pumps in the “HOLD” mode during Class I asbestos work. This increased the potential for the mischaracterization of worker exposures to elevated airborne concentrations of asbestos fibers during hazardous materials abatement and prompted concerns regarding accuracy and comprehensiveness of project monitoring during asbestos abatement activities at the Y-12 Biology Complex.
- Provide sufficient field oversight of hazardous material abatement activities to adequately communicate issues, correct problems, or maintain continuous improvement initiatives.

The Office of Enforcement has elected to issue this Enforcement Letter to convey the concerns with improper asbestos exposure monitoring within asbestos regulated areas. Issuance of this Enforcement Letter reflects DOE’s decision to not pursue further enforcement activity against GEM at this time. In coordination with the DOE’s Office of Environmental Management, the Office of Enforcement will continue to monitor GEM’s efforts to maintain a safe workplace.

This letter imposes no requirements on GEM and no response is required. If you have any questions, please contact me at (301) 903-4033, or your staff may contact Mr. Robert Hailstone, Director, Office of Worker Safety and Health Enforcement, at (301) 903-0100.

Sincerely,



Anthony C. Pierpoint
Director
Office of Enforcement
Office of Enterprise Assessments

cc: John Mullis, EM-90
Mark Holowczak, URS | CH2M Oak Ridge LLC