

U.S. Department of Labor
Occupational Safety and Health Administration
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324
Phone: (954)424-0242 FAX: (954)424-3073



Citation and Notification of Penalty

To:
E.N. Range Inc.
and its successors
3310 NW 29 St
Miami, FL 33142

Inspection Number: 314259854
Inspection Date(s): 02/24/2010 - 03/18/2010
Issuance Date: 08/23/2010

Inspection Site:
4325 N. State Rd 7
Lauderdale Lakes, FL 33319

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or , if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal

conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 3 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/23/2010. The conference will be held at the OSHA office located at 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL, 33324 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

**U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

GUIDELINES FOR PREPARING A NOTIFICATION OF CORRECTIVE ACTION

Notification of Corrective Action - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

Inspection Activity Data - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation, but not sooner than 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

NOTE: NON-CERTIFICATION OF ABATEMENT CAN RESULT IN ADDITIONAL PENALTIES BEING ASSESSED!

ABATEMENT CERTIFICATION

Darlene Fossum, Area Director
U.S. Department of Labor - OSHA
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324
Phone: (954)424-0242

E.N. Range Inc.
3310 NW 29 St
Miami, FL 33142

The hazard referenced in Inspection Number 314259854 for the violation identified as:

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by the following method: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by the following method: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by the following method: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by the following method: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by the following method: _____.

NOTE: 29 USC 666.(g): Whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months or both.

POSTING: A copy of the completed Corrective Action Worksheet should be posted for employee review.

Signature

Typed or Printed Name



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.134(d)(1)(i): The employer had not selected and provided an appropriate respirator based on the respiratory hazard(s) to which the worker was exposed and workplace and user factors that affected the respirator performance and reliability:

On or about 2/24/10, at the Guns and Knives Inc. jobsite, the employer did not provide adequate respirators for those employees cleaning the range traps.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/02/2010
Proposed Penalty:	\$ 4000.00

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.134(e)(6)(i): The employer did not obtain a written recommendation regarding the employee's ability to use the respirator from a Physician or Licensed Health Care Professional(PLHCP):

On or about 2/24/10, at E.N. Range Inc., the employer did not obtain a written recommendation from a PLHCP for employees wearing a respirator while cleaning gun ranges.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/09/2010
Proposed Penalty:	\$ 4000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.1025(d)(8)(i): Within fifteen (15) working days after the receipt of exposure monitoring results, each employee was not notified in writing of the results which represented that employee's exposure to lead:

On or about 2/24/10, at E.N. Range Inc., employees were not notified of monitoring results.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/16/2010
Proposed Penalty:	\$ 4000.00

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.1025(g)(1): Appropriate protective work clothing and equipment were not used when employee(s) were exposed to lead above the permissible exposure limit (PEL), without regard to the use of respirators, or where the possibility of skin or eye irritation existed:

On or about 2/24/10, at E.N. Range Inc., employees exposed above the PEL did not wear shoe coverlets and appropriate eye protection such as goggles when exposed to lead while cleaning gun ranges.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/09/2010
Proposed Penalty:	\$ 4000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.1025(h)(1): All surfaces were not maintained as free as practicable of accumulations of lead:

On or about 5/6/2010, at the E.N. Range Inc. main facility lunch room, the employer had not kept the lunch table free of accumulation of lead.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/02/2010
Proposed Penalty:	\$ 4000.00

Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.1025(i)(3)(iii): Employee(s) required to shower pursuant to paragraph (i)(3)(i) were not required to leave the workplace without any clothing or equipment worn during the work shift:

On or about 4/21/10, at the E.N. Range Inc. main facility, the employees would leave the workplace wearing the pants and shoes worn during their work shift.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/02/2010
Proposed Penalty:	\$ 4000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

Citation 1 Item 7a Type of Violation: **Serious**

29 CFR 1910.1025(n)(1)(i): Records of all monitoring for lead exposure as required in paragraph (d) of this section, were not established and/or accurately maintained:

On or about 2/24/10, at E.N. Range Inc., the employer did not maintain an accurate record of monitoring performed. Records provided did not include the dates, location, description of the sampling method used, type of respiratory protective devices worn, environmental variables, name and job classification of each employee monitored while cleaning gun ranges.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/16/2010
Proposed Penalty:	\$ 4000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 1 Item 7b Type of Violation: **Serious**

29 CFR 1910.1025(n)(2)(i): Records of medical surveillance for lead exposure required by paragraph (j) of this section, were not established and/or accurately maintained for each employee subject to medical surveillance:

On or about 2/24/10, at E.N. Range Inc., the employer did not maintain an accurate record of medical surveillance records. Records maintained did not include the job classification of each employee, results or air monitoring for each employee, and a copy of the physicians written opinion.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated: 09/16/2010

Citation 1 Item 7c Type of Violation: **Serious**

29 CFR 1910.1025(n)(3)(i): Records were not established and/or accurately maintained for each employee removed from current exposure to lead pursuant to paragraph (k) of this section:

On or about 2/24/10, at E.N. Range Inc., the employer did not maintain any records of employees removed from exposure to lead.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated: 09/16/2010

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 2 Item 1 Type of Violation: **Willful**

29 CFR 1910.134(f)(1): The employer did not ensure that employees using a tight-fitting facepiece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QFNT):

a) 29 CFR 1910.134(f)(1) requires the employer to provide a fit test for employees using a respirator. Thus, on or about 2/24/10, at the Guns and Knives facility, each employee wearing a 3m half-mask respirator without being fit-tested is a separate violation of the standard.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/02/2010
Proposed Penalty:	\$ 56000.00

Citation 2 Item 2 Type of Violation: **Willful**

29 CFR 1910.134(f)(1): The employer did not ensure that employees using a tight-fitting facepiece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QFNT):

a) 29 CFR 1910.134(f)(1) requires the employer to provide a fit test for employees using a respirator. Thus, on or about 2/24/10, at the Guns and Knives facility, each employee wearing a 3m half-mask respirator without being fit-tested is a separate violation of the standard.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/02/2010
Proposed Penalty:	\$ 56000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

Citation 2 Item 3a Type of Violation: **Willful**

29 CFR 1910.1025(c)(1): Employee(s) were exposed to lead at concentrations greater than fifty micrograms per cubic meter of air averaged over an eight-hour period:

29 CFR 1910.1025(c)(1) limits the exposure of each employee to lead to 50 ug/m3. Thus each employee exposed above the 8-hour time weighted average for lead constitutes a separate violation of the standard.

a) On or about 2/24/10, at the Guns and Knives facility, an employee cleaning the traps area was exposed to an 8-hour time weighted average (TWA) airborne concentration of lead of 489 ug/m3.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/02/2010
Proposed Penalty:	\$ 56000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 2 Item 3b Type of Violation: **Willful**

29 CFR 1910.1025(e)(1): Engineering and work practice controls (including administrative controls) were not implemented to reduce and maintain employee exposure to lead in accordance with the schedule in Table I of this paragraph:

On or about 2/24/10 at the Guns and Knives jobsite, engineering controls were not implemented for the cleaning of the traps area while an employee was cleaning the gun range.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

ABATEMENT SCHEDULE

DUE ON 09/02/10

STEP 1-Effective respiratory protection shall be provided and used by employees as an interim protective measure.

DUE ON 10/07/10

STEP 2-Submit to the Area director a written detailed plan of abatement outlining a schedule of implementation of engineering and/or administrative measures to control employee exposure to the hazardous substance referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which should be consistent with the dates required by the citation:

- a) Evaluation of the extent and location of the hazard source;
- b) Evaluation of control measure options;
- c) Selection of optimum control measures;
- d) Determination of control measure design;
- e) Ordering and delivery of equipment and materials;
- f) Installation of control measures;
- g) Training of employees in the proper operation and maintenance of the newly implemented control measures; and
- h) Assurance of effective performance of control measures.

All proposed control measures shall be approved for each particular use by a competent Industrial Hygienist or other technically qualified person. Progress reports are required during the abatement period.

DUE ON 12/30/10

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

STEP 3- Correction shall be completed by the implementation of feasible engineering and/or administrative controls and their effectiveness at achieving compliance verified.

Date By Which Violation Must be Abated: 12/30/2010

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

Citation 2 Item 4a Type of Violation: **Willful**

29 CFR 1910.1025(c)(1): Employee(s) were exposed to lead at concentrations greater than fifty micrograms per cubic meter of air averaged over an eight-hour period:

29 CFR 1910.1025(c)(1) limits the exposure of each employee to lead to 50 ug/m3. Thus each employee exposed above the 8-hour time weighted average for lead constitutes a separate violation of the standard.

a) On or about 2/24/10, at the Guns and Knives facility, an employee dumping lead into a 55 gallon drum was exposed to an 8-hour time weighted average (TWA) airborne concentration of lead of 954 ug/m3.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated: 09/02/2010
Proposed Penalty: \$ 56000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 2 Item 4b Type of Violation: **Willful**

29 CFR 1910.1025(e)(1): Engineering and work practice controls (including administrative controls) were not implemented to reduce and maintain employee exposure to lead in accordance with the schedule in Table I of this paragraph:

On or about 2/24/10 at the Guns and Knives jobsite, engineering controls were not implemented for the dumping of lead into 55 gal. drums while employees were cleaning the gun range.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

ABATEMENT SCHEDULE

DUE ON 09/02/10

STEP 1-Effective respiratory protection shall be provided and used by employees as an interim protective measure.

DUE ON 10/07/10

STEP 2-Submit to the Area director a written detailed plan of abatement outlining a schedule of implementation of engineering and/or administrative measures to control employee exposure to the hazardous substance referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which should be consistent with the dates required by the citation:

- a) Evaluation of the extent and location of the hazard source;
- b) Evaluation of control measure options;
- c) Selection of optimum control measures;
- d) Determination of control measure design;
- e) Ordering and delivery of equipment and materials;
- f) Installation of control measures;
- g) Training of employees in the proper operation and maintenance of the newly implemented control measures; and
- h) Assurance of effective performance of control measures.

All proposed control measures shall be approved for each particular use by a competent Industrial Hygienist or other technically qualified person. Progress reports are required during the abatement period.

DUE ON 12/30/10

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

STEP 3- Correction shall be completed by the implementation of feasible engineering and/or administrative controls and their effectiveness at achieving compliance verified.

Date By Which Violation Must be Abated: 12/30/2010

Citation 2 Item 5 Type of Violation: **Willful**

29 CFR 1910.1025(d)(6)(iii): Where the initial monitoring revealed that employee exposure to lead was above the permissible exposure limit, monitoring was not repeated at least quarterly:

a) 29 CFR 1910.1025(d)(6)(iii) requires quarterly monitoring when initial monitoring determined the employees exposure was above the PEL. Thus, on or about 2/24/10, at the Guns and Knives gun range, each employee not monitored quarterly is a separate violation of the standard.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated: 09/09/2010
Proposed Penalty: \$ 56000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 2 Item 6 Type of Violation: **Willful**

29 CFR 1910.1025(d)(6)(iii): Where the initial monitoring revealed that employee exposure to lead was above the permissible exposure limit, monitoring was not repeated at least quarterly:

a) 29 CFR 1910.1025(d)(6)(iii) requires quarterly monitoring when initial monitoring determined the employees exposure was above the PEL. Thus, on or about 2/24/10, at the Guns and Knives gun range, each employee not monitored quarterly is a separate violation of the standard.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/09/2010
Proposed Penalty:	\$ 56000.00

Citation 2 Item 7 Type of Violation: **Willful**

29 CFR 1910.1025(d)(7): Additional exposure monitoring was not conducted when there was a change in production, process, control or personnel, or any other reason to suspect a change that may have resulted in new or additional exposure to lead:

On or about 2/24/10, at the Guns and Knives jobsite, the employer did not perform additional monitoring when personnel changes resulted in new exposure to lead.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/09/2010
Proposed Penalty:	\$ 56000.00



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 2 Item 8 Type of Violation: **Willful**

29 CFR 1910.1025(g)(2)(iv): Protective clothing against lead was not removed at the completion of the workshift in change rooms provided for that purpose as prescribed in paragraph (i)(2) of this section:

On or about 2/24/10, at the Guns and Knives gun range, employees did not change their PPE inside a change room after finishing the clean up of the traps area.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/09/2010
Proposed Penalty:	\$ 56000.00

Citation 2 Item 9 Type of Violation: **Willful**

29 CFR 1910.1025(i)(3)(ii): Shower facilities, in accordance with 29 CFR 1910.141(d)(3), were not provided for employee(s) exposed to lead in excess of the permissible exposure limit (PEL), without regard to the use of respirators:

On or about 2/24/10, at E.N. Range Inc., the employer did not provide a shower for employees exposed above the PEL while cleaning ranges.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/09/2010
Proposed Penalty:	\$ 56000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 2 Item 10 Type of Violation: **Willful**

29 CFR 1910.1025(j)(2)(i)(A): The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels at least every six months for all employees exposed above the action level for more than 30 days per year:

29 CFR 1910.1025(j)(2)(i)(A) requires the employer to make biological monitoring available every six months for all employees exposed above the action level. Thus, on or about 2/24/10, at E.N.Range Inc., each employee exposed above the action level that was not provided with biological monitoring at least every 6 months is a separate violation of the standard.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/02/2010
Proposed Penalty:	\$ 56000.00

Citation 2 Item 11 Type of Violation: **Willful**

29 CFR 1910.1025(j)(2)(i)(A): The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels at least every six months for all employees exposed above the action level for more than 30 days per year:

29 CFR 1910.1025(j)(2)(i)(A) requires the employer to make biological monitoring available every six months for all employees exposed above the action level. Thus, on or about 2/24/10, at E.N.Range Inc., each employee exposed above the action level that was not provided with biological monitoring at least every 6 months is a separate violation of the standard.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/02/2010
Proposed Penalty:	\$ 56000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 2 Item 12 Type of Violation: **Willful**

29 CFR 1910.1025(j)(3)(i)(B): Medical examinations and consultations are not provided prior to assignment for employees exposed to lead above the action level:

On or about 2/24/10, at E.N. Range Inc., employees exposed above the action level while cleaning ranges were not provided a medical examination.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/09/2010
Proposed Penalty:	\$ 56000.00

Citation 2 Item 13 Type of Violation: **Willful**

29 CFR 1910.1025(j)(3)(ii)(B): Medical examinations for lead made available pursuant to paragraphs (j)(3)(i)(A)-(B) of this section did not include a thorough physical examination , with particular attention to teeth, gums, hematologic, renal, cardiovascular, and neurological systems. Also, pulmonary status was not evaluated when respiratory protection was used:

a) 29 CFR 1910.1025(j)(3)(ii)(B) requires the employer to provide a pulmonary status evaluation for those employees who used respirators. Thus, on or about 2/24/10, at E.N. Range Inc. each employee wearing a 3M half-mask respirator without receiving a pulmonary status evaluation is a separate violation of the standard.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/09/2010
Proposed Penalty:	\$ 56000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 2 Item 14 Type of Violation: **Willful**

29 CFR 1910.1025(j)(3)(ii)(B): Medical examinations for lead made available pursuant to paragraphs (j)(3)(i)(A)-(B) of this section did not include a thorough physical examination , with particular attention to teeth, gums, hematologic, renal, cardiovascular, and neurological systems. Also, pulmonary status was not evaluated when respiratory protection was used:

a) 29 CFR 1910.1025(j)(3)(ii)(B) requires the employer to provide a pulmonary status evaluation for those employees who used respirators. Thus, on or about 2/24/10, at E.N. Range Inc., each employee wearing a 3M half-mask respirator without receiving a pulmonary status evaluation is a separate violation of the standard.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/09/2010
Proposed Penalty:	\$ 56000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 2 Item 15 Type of Violation: **Willful**

29 CFR 1910.1025(j)(4)(ii): The employer did not assure that therapeutic or diagnostic chelation performed, was done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee was notified in writing prior to its occurrence:

a) 29 CFR 1910.1025(j)(4)(ii) requires that employees be provided chelation therapy under the supervision of a licensed physician. Thus, on or about 5/6/10, at E.N. Range Inc., each employee provided with a chelation product by the employer is a separate violation of the standard.

IN THE ALTERNATIVE:

29 CFR 1910.1025(j)(4)(i): The employer did not assure that any person whom he retained, employed, supervised or controlled did not engage in prophylactic lead chelation of any employee:

a) 29 CFR 1910.1025(j)(4)(i) requires that the employer does not provide prophylactic lead chelation for employees. Thus, on or about 5/6/10, at E.N. Range Inc., each employee provided with prophylactic lead chelation by the employer is a separate violation of the standard.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/02/2010
Proposed Penalty:	\$ 56000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 2 Item 16 Type of Violation: **Willful**

29 CFR 1910.1025(j)(4)(ii): The employer did not assure that therapeutic or diagnostic chelation performed, was done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee was notified in writing prior to its occurrence:

a) 29 CFR 1910.1025(j)(4)(ii) requires that employees be provided chelation therapy under the supervision of a licensed physician. Thus, on or about 5/6/10, at E.N. Range Inc., each employee provided with a chelation product by the employer is a separate violation of the standard.

IN THE ALTERNATIVE:

29 CFR 1910.1025(j)(4)(i): The employer did not assure that any person whom he retained, employed, supervised or controlled did not engage in prophylactic lead chelation of any employee:

a) 29 CFR 1910.1025(j)(4)(i) requires that the employer does not provide prophylactic lead chelation for employees. Thus, on or about 5/6/10, at E.N. Range Inc., each employee provided with prophylactic lead chelation by the employer is a separate violation of the standard.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/02/2010
Proposed Penalty:	\$ 56000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

Citation 2 Item 17 Type of Violation: **Willful**

29 CFR 1910.1025(k)(1)(iii)(A)(1): An employee removed from work due to blood lead level at or above 60 micrograms per 100 grams of whole blood, was returned to that employee's former job status prior to the results of two consecutive blood sampling tests which indicated that the employee's blood lead level was at or below 40 micrograms per 100 grams of whole blood:

On or about 3/25/10, at E. N. Range Inc., an employee whose blood level exceeded 60 ug/dL and was removed from lead exposures was returned to his former job status before receiving two consecutive results of 40 ug/dL.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/02/2010
Proposed Penalty:	\$ 56000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319

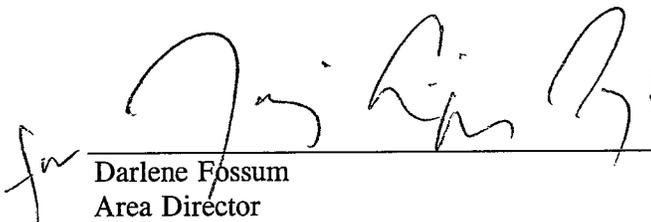
Citation 3 Item 1 Type of Violation: **Other**

29 CFR 1910.1025(g)(2)(vii): Containers of contaminated protective clothing and equipment required by paragraph (g)(2)(v) were not labeled as follows: "CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.":

On or about 2/24/10, at E.N. Range Inc., bags used to dispense of coveralls contaminated with lead were not labeled appropriately.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	09/02/2010
Proposed Penalty:	\$ 0.00

for 

Darlene Fossum
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324
Phone: (954)424-0242 FAX: (954)424-3073



**INVOICE/
DEBT COLLECTION NOTICE**

Company Name: E.N. Range Inc.
Inspection Site: 4325 N. State Rd 7, Lauderdale Lakes, FL 33319
Issuance Date: 08/23/2010
Summary of Penalties for Inspection Number 314259854

Citation 1, Serious	= \$ 28000.00
Citation 2, Willful	= \$ 952000.00
Citation 3, Other	= \$ 0.00
TOTAL PROPOSED PENALTIES	= \$ 980000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

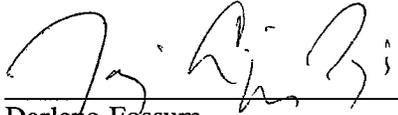
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest. Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 4%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you

file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges. A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs. Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Darlene Fossum
Area Director

08/23/10

Date

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Citation and Notification of Penalty.

If the hazards itemized on this citation(s) are not abated/corrected and a follow-up inspection is conducted, your establishment may receive a Failure to Abate Citation for the uncorrected hazards with subsequent additional monetary penalties of up to thirty (30) times the original penalty amount of the uncorrected hazards.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the Citation(s).