



Citation and Notification of Penalty

Company Name: A.M. Stern, Inc.
Inspection Site: 25 O'Connor Road, Fairport, NY 14450

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

(a) Monroe Boces - On or about 7/10/12 and 7/17/12, the employer did not provide a medical evaluation to employees who were required, by the employer, to wear North or 3M half-mask air-purifying respirators while spraying Carlisle SynTec Fast 100 Part A (containing polymeric diphenylmethane diisocyanate - MDI) and Part B (containing 1,4 Dioxane).

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:
Proposed Penalty:

02/14/2013
\$3850.00



Citation and Notification of Penalty

Company Name: A.M. Stern, Inc.

Inspection Site: 25 O'Connor Road, Fairport, NY 14450

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

29 CFR 1910.134(k)(1): The employer did not provide effective training to employees who are required to wear respirators and ensure that they could demonstrate knowledge of the requirements contained in 29 CFR 1910.134(k)(1)(i) through (vii):

(a) Monroe Boces - On or about 7/10/12, the employer did not provide training to employees who are required, by the employer, to wear half-mask air-purifying respirators while applying Carlisle SynTec Fast 100 Part A and Part B. The employees could not demonstrate knowledge of at least the following items listed below:

- 1) What the limitations and capabilities of the respirator are.
 - 2) How to inspect and check the seals of the respirator.
 - 3) What the procedures are for proper maintenance and storage of the respirator are.
 - 4) How to recognize medical signs and symptoms that may limit or prevent the effective use of the respirator.
- and
- 5) The general requirements of this section.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:

02/14/2013

Proposed Penalty:

\$3850.00

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 511438
Inspection Date(s): 07/10/2012 - 07/10/2012
Issuance Date: 01/10/2013



Citation and Notification of Penalty

Company Name: A.M. Stern, Inc.
Inspection Site: 25 O'Connor Road, Fairport, NY 14450

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

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator was competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l)

(a) Monroe Boces - On or about 7/10/12, an employee was observed operating a Gradall rough-terrain forklift truck without wearing the seatbelt. The employee had not received the proper training and certification as required by the standard.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:
Proposed Penalty:

01/20/2013
\$3850.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: A.M. Stern, Inc.
Inspection Site: 25 O'Connor Road, Fairport, NY 14450

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

29 CFR 1910.1200(h)(1): The employer did not provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new physical or health hazard the employees had not previously been trained about was introduced into their work area:

(a) Monroe Boces - On or about 7/10/12 and 7/17/12, employees working with materials such as, but not limited to, Carlisle SynTec Fast 100 Part A (containing polymeric MDI) and Part B (containing 1,4 Dioxane) were not provided with the appropriate information and training as required.

Employees shall be informed of:

1. The requirements of this section: materials such as, but not limited to
2. Any operations where hazardous chemicals are present; AND
3. The location and availability of the written Hazard Communication Program, list(s) of hazardous chemicals and Material Safety Data Sheets.

Employee training shall include at least:

1. Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area.
2. The physical and health hazards of the chemicals in the work area.
3. The measures employees can take to protect themselves such as specific procedures, appropriate work practices, emergency procedures and personal protective equipment to be used.
4. The details of the employers Hazard Communication Program including an explanation of labeling systems, Material Safety Data Sheets and how employees can obtain and use the appropriate hazard information.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:

02/14/2013

Proposed Penalty:

\$3850.00



Citation and Notification of Penalty

Company Name: A.M. Stern, Inc.
Inspection Site: 25 O'Connor Road, Fairport, NY 14450

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

29 CFR 1926.502(h)(1)(ii): The safety monitor did not warn the employee when it appeared that the employee was unaware of a fall hazard or was acting in an unsafe manner:

a) Monroe Boces, northeast corner of the building - On or about 7/10/12, employees were observed at the edge of the roof talking to employees on the ground. These employees, who were exposed to a fall of approximately 30' to the ground below, were not protected by any type of fall protection system and the safety monitor did not warn the employees of the fall hazard.

b) Monroe Boces, northwest corner of the building - On or about 7/17/12, an employee (the sprayer) was observed working in unprotected area of the roof, at the roof's edge with his back to the edge and exposed to a fall of approximately 15' to the ground below. The safety monitor did not warn the employee of the fall hazard.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated: 01/16/2013
Proposed Penalty: \$3850.00



Citation and Notification of Penalty

Company Name: A.M. Stern, Inc.
Inspection Site: 25 O'Connor Road, Fairport, NY 14450

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

29 CFR 1926.501(b)(10): 29 CFR 1926.501(b)(10): The employer did not ensure that employee(s) engaged in roofing activities on low-slope roofs, with unprotected sides and edges 6 feet (1.8m) or more above lower levels were protected from falling by a guardrail system, safety net systems, personal fall arrest systems, or a combination of warning line system and guardrail system, warning line system and safety net system, or warning line system and personal fall arrest system, or warning line system and safety monitoring system:

(a) Monroe Boces, northeast corner of building - On or about 7/10/12, employees were observed at the edge of the roof talking to employees on the ground. These employees were not protected by any type of fall protection system to protect them from a fall of approximately 30' to the ground below.

(b) Monroe Boces, northwest corner of building - On or about 7/17/12, employees were observed working on portions of the roof that did not have any fall protection system in place. Only portions of the roof were protected by the warning line system and employees were observed working in an unprotected area without any other form of fall protection being utilized. The sprayer was observed with his back to the roof's edge exposed to a fall of approximately 15' to the ground below.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:
Proposed Penalty:

01/16/2013
\$70000.00



Citation and Notification of Penalty

Company Name: A.M. Stern, Inc.
Inspection Site: 25 O'Connor Road, Fairport, NY 14450

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

A.M. STERN, INC. WAS PREVIOUSLY CITED FOR A REPEAT VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION 312308034, CITATION NO. 1, ITEM NO. 4, ISSUED ON 8/21/08, FINAL ORDER DATE 3/27/09, WITH RESPECT TO A WORKPLACE LOCATED AT SUNY GENESEO ONTARIO HALL, 1 COLLEGE CIRCLE, GENESEO, NY 14454.

29 CFR 1926.502(h)(1)(iv): The employer does not ensure that the safety monitor is close enough to communicate orally with the employee:

(a) Monroe Boces, north and west sides of building - On or about 7/17/12, an employee designated as a safety monitor was not positioned in such a way that he could communicate verbally or orally with employees outside of the warning line. Employees performing work were on two sides of the building's roof which is approximately 219' long and 173' wide.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:	01/23/2013
Proposed Penalty:	\$70000.00



Citation and Notification of Penalty

Company Name: A.M. Stern, Inc.
Inspection Site: 25 O'Connor Road, Fairport, NY 14450

Citation 4 Item 1 Type of Violation: **Other-than-Serious**


29 CFR 1926.1053(b)(1): Portable ladders were used for access to an upper landing surface and the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface to which the ladder was used to gain access:

(a) Monroe Boces, north side of building - On or about 7/17/12, the ladder used to gain access to the roof only extended 32" above the upper landing surface.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:
Proposed Penalty:

01/20/2013
\$0.00



Arthur Dube
Area Director