

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

Inspection Number: 1096914
Inspection Date(s): 10/06/2015 - 10/06/2015
Issuance Date: 01/06/2016



Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

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

29 CFR 1910.266(d)(1)(v): The employer did not assure that each employee wore foot protection, such as heavy-duty logging boots, that were waterproof or water repellent, and/or that covered and provided support to the ankle, and protected the employee from penetration by chain saws:

(a) Sweet Grape Tract, Walton: An employee was wearing a leather boot that was not heavy duty while using a Stihl MS461 chainsaw with a 20" bar to fell trees, as determined on October 6, 2015.

~~W~~ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/14/2016
\$2400.00

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

U.S. Department of Labor
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Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

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

29 CFR 1910.266(d)(1)(vii)(B): The employer did not provide, at no cost to the employee, and ensure that each employee wear face protection meeting the requirements of subpart I of Part 1910 where there was potential for facial injury such as, but not limited to, operating a chipper:

(a) Sweet Grape Tract, Walton: An employee was not wearing face protection while felling or de-limbing trees, as determined on October 6, 2015.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/14/2016
\$2400.00

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Company Name: A and S Tree Service, LLC
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.266(d)(2)(i): The employer did not provide first-aid kits at each work site where trees were being cut, at each active landing, and/or on each employee transport vehicle:

(a) Sweet Grape Tract, Walton: A first-aid kit was not located in the cutting/felling area, as observed on October 6, 2015.

(b) Sweet Grape Tract, Walton: A first-aid kit was not located on the 1996 John Deere 550G Dozer, as observed on October 6, 2015.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/14/2016
\$2000.00

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Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

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

29 CFR 1910.266(d)(2)(ii): Each first aid kit did not contain the items listed in Appendix A at all times:

(a) Sweet Grape Tract, Walton: The one first aid kit that was onsite located in a company truck at the landing did not include 4X4 gauze pads, one 2 inch gauze roller bandage or directions for requesting emergency assistance, as observed on October 6, 2015.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/14/2016

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Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

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

29 CFR 1910.266(d)(3)(ii): For each vehicle or machine (equipped with ROPS/FOPS or overhead guards), including any vehicle or machine provided by an employee, the employer did not assure that each employee used the available seat belt while the vehicle or machine was being operated:

(a) Sweet Grape Tract, Walton: An employee was operating a 1996 John Deere 550G Dozer without using a seatbelt, as determined on October 6, 2015 and at times prior.

ABATEMENT CERTIFICATION AND DOCUMENTATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/14/2016
\$2800.00

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

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Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

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

29 CFR 1910.266(d)(4): The employer did not provide and maintain portable fire extinguishers on each machine and vehicle in accordance with the requirements of subpart L of part 1910:

(a) Sweet Grape Tract, Walton: An ABC portable fire extinguisher was not provided on the 1996 John Deere 550G Dozer, as observed on October 6, 2015.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/19/2016
\$1200.00

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Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

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

29 CFR 1910.266(d)(6)(iii): Each employee performing a logging operation at a logging work site did not work in a position or location that was within visual or audible contact with another employee:

(a) Sweet Grape Tract, Walton; Cutting area: The dozer operator and cutter were not within visual or audible contact with each other at all times during logging operations, as determined on or about October 6, 2015.

ABATEMENT CERTIFICATION AND DOCUMENTATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/14/2016
\$2800.00

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Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

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

29 CFR 1910.266(e)(1)(ii): The employer did not assure that each tool, including any tool provided by an employee, was inspected before initial use during each workshift:

(a) Sweet Grape Tract, Walton: An employee was using a Stihl MS461 chainsaw with a 20 inch bar that was not inspected prior to initial use during the workshift for issues such as but not limited to, the sharpness of the chain, as determined on or about October 6, 2015.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/19/2016
\$2400.00

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Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.266(h)(2)(ii): Before each tree is felled, conditions such as, but not limited to, snow and ice accumulation, the wind, the lean of tree, dead limbs, and the location of other trees, was not evaluated by the feller and precautions taken so a hazard is not created for an employee.

(a) Sweet Grape Tract, Walton: The cutter was not evaluating or taking precautions for conditions such as, but not limited to, the location of other trees as evident by trees being felled into other trees, as determined on October 6, 2015.

ABATEMENT CERTIFICATION AND DOCUMENTATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/14/2016
\$2800.00

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Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

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

Citation 1 Item 9 a Type of Violation: **Serious**

29 CFR 1910.266(h)(2)(v): The undercut was not of a size so the tree would not split and would fall in the intended direction:

(a) Sweet Grape Tract, Walton: Adequate undercuts that would allow for directional control were not made in trees being felled as evident by a 24 inch Oak that was felled with a 4 inch undercut and a 29 inch Oak that was felled with a 5 1/2 inch undercut, as observed on October 6, 2015.

ABATEMENT CERTIFICATION AND DOCUMENTATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/19/2016
\$2800.00

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

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Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

Citation 1 Item 9 b Type of Violation: **Serious**

29 CFR 1910.266(i)(1): The employer did not provide training for each employee, including supervisors, at no cost to the employee:

(a) Sweet Grape Tract, Walton: Training is not provided for the employee working on the logging sites as evident by the lack of personal protective equipment, improper felling techniques, and the inadequate maintenance of equipment, as determined on October 6, 2015.

ABATEMENT CERTIFICATION AND DOCUMENTATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

02/02/2016

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

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Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

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

29 CFR 1910.266(f)(2)(viii): An employee other than the operator was riding a mobile vehicle without the use of a seatbelt or other protection equivalent to that provided for the operator.

(a) Sweet Grape Tract, Walton: An employee is permitted to ride as a passenger on the dozer from the landing to the cutting area, without the use of an assigned seat and seat belt, as determined on October 6, 2015.

ABATEMENT CERTIFICATION AND DOCUMENTATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/19/2016
Proposed Penalty:	\$11000.00

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

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

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Issuance Date: 01/06/2016



Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

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

29 CFR 1910.266(e)(2)(vi): A chain saw was not started on the ground or where otherwise firmly supported:

(a) Sweet Grape Tract, Walton: An employee drop starts a Stihl MS461 chainsaw with a 20 inch bar prior to cutting trees and limbs, as determined on October 6, 2015.

ABATEMENT CERTIFICATION AND DOCUMENTATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/19/2016
Proposed Penalty:	\$11000.00

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

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Issuance Date: 01/06/2016



Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.266(f)(1)(iii):

The employer did not ensure operating and maintenance instructions were available in each vehicle:

(a) Sweet Grape Tract: The operators manual for the John Deere 550G dozer was not on the equipment and/or on the jobsite, as determined on October 6, 2015.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/19/2016
\$0.00

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

U.S. Department of Labor
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Issuance Date: 01/06/2016



Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

Citation 3 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.266(i)(7)(ii): The employer did not assure that each employee's first-aid and CPR training and/or certificate of training remain current:

(a) Sweet Grape Tract, Walton: The one employee working on a logging site performing logging operations was not currently trained on first-aid and CPR, as determined on or about October 6, 2015.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

02/02/2016
\$400.00

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

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Issuance Date: 01/06/2016



Citation and Notification of Penalty

Company Name: A and S Tree Service, LLC
Inspection Site: 222 Sweet Grape Run, Walton, WV 25286

Citation 3 Item 3 Type of Violation: **Other-than-Serious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

(a) Sweet Grape Tract:: A hazard communication plan was not developed and implemented for the employee onsite that was using gasoline to refuel the Stihl MS461 chainsaw and diesel fuel to refuel the John Deere 550G dozer, as determined on October 6, 2015.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

ABATEMENT NOTE: A written program shall include a description of how the criteria for the following will be met:

1. Labeling and other forms of warnings;
2. Safety Data Sheets;
3. Employee information and training.

Additionally, a list of hazardous chemicals known to be present in the workplace must be compiled. Methods used to inform employees of the hazards associated with non-routine tasks and the informing of contractors of workplace hazards, including a description of the labeling system used in the facility and the availability of safety data sheets must also be addressed. The written program must be made available upon request.

Date By Which Violation Must be Abated:
Proposed Penalty:

02/02/2016
\$0.00

A handwritten signature in black ink, appearing to read "Prentice Cline", written over a horizontal line.

Prentice Cline
Area Director

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