

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
10810 Executive Center Drive  
Danville Bldg. 2, Suite 206  
Little Rock, AR 72211  
Phone: 501-224-1841 Fax: 501-224-2697



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## Citation and Notification of Penalty

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**To:**  
B C Main Construction, Inc., dba MAIN  
CONSTRUCTION CO  
and its successors  
2035 Pleasant Valley Road  
Van Buren, AR 72956

**Inspection Site:**  
22500 SR 7 North  
Dover, AR 72837

**Inspection Number:** 1129879  
**Inspection Date(s):** 03/03/2016 - 03/15/2016  
**Issuance Date:** 07/29/2016

*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.*

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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 either call to schedule an informal conference (see paragraph below) or** 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.

**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 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. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

**Notification of Corrective Action** – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**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.

**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. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/29/2016. The conference will be held by telephone or at the OSHA office located at 10810 Executive Center Drive, Danville Bldg. 2, Suite 206, Little Rock, AR 72211 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1129879**

Company Name: B C Main Construction, Inc., dba MAIN CONSTRUCTION CO  
Inspection Site: 22500 SR 7 North, Dover, AR 72837  
Issuance Date: 07/29/2016

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 10810 Executive Center Drive, Danville Bldg. 2, Suite 206, Little Rock, AR 72211**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**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 of not more than 6 months or both.

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



**Citation and Notification of Penalty**

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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 1 a** Type of Violation: **Serious**

29 CFR 1926.1412(a)(1): Equipment that has had modifications or additions which affect the safe operation of the equipment (such as modifications or additions involving a safety device or operational aid, critical part of a control system, power plant, braking system, load-sustaining structural components, load hook, or in-use operating mechanism) or capacity must be inspected by a qualified person after such modifications/additions have been completed, prior to initial use. The inspection must meet all of the following requirements:

The employer did not ensure that the modifications or additions to the Manitowoc Boom Truck outrigger/stabilizer hydraulic line(s) were inspected by a qualified person.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/15/2016
Proposed Penalty:	\$2520.00

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

**Inspection Number:** 1129879  
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**Citation 1 Item 1 b Type of Violation: **Serious****

29 CFR 1926.1434(a): Modifications or additions which affect the capacity or safe operation of the equipment were made and did not meet the requirements of paragraphs (a)(1), (a)(2), (a)(3), (a)(4) or (a)(5) of this section.

Employees disconnected the hydraulic line(s) to the Manitowoc boom truck outrigger/stabilizer and attached them to clamshell bucket for use with transporting heavy material without written manufacturer's approval to indicate that the modification did not affect the safe operation of the equipment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/15/2016

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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Occupational Safety and Health Administration

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

29 CFR 1926.1412(b)(1): The employer did not ensure that equipment that had been repaired was inspected by a qualified person to ensure the repair met the manufacturer's criteria.

The Manitex 2277 Crane boom base and components were installed by in-house employees without written documentation from a registered professional engineer or crane mechanic/technician who determined that the installation met the manufacturer's equipment criteria.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

08/15/2016  
\$2520.00

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

29 CFR 1926.1412(d)(1)(x): The employer failed to inspect ground conditions around the equipment for proper support, including ground settling under and around outriggers/stabilizers and supporting foundations, ground water accumulation, or similar conditions.

The employer failed to ensure, via effective communication and enforcement of work rules, that designated inspector of the jobsite performed each shift a visual inspection of the ground conditions around the outriggers/stabilizers of the Manitowoc Boom truck.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/15/2016
Proposed Penalty:	\$2520.00

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**Company Name:** B C Main Construction, Inc., dba MAIN CONSTRUCTION CO  
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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 4 a** Type of Violation: **Serious**

29 CFR 1926.1412(f)(2): The equipment was not inspected by a qualified person at least every 12 months in accordance with paragraphs (f)(2)(i) -- (xxi) of this section.

The employer did not ensure that inspections on the Manitowoc Boom Truck - Manitex Crane Model M2277 were conducted and documented at least every 12 months by an employee who's knowledge, training and experience, successfully demonstrated the ability to solve/resolve problems relating to the crane.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/15/2016
Proposed Penalty:	\$2520.00

**U.S. Department of Labor**  
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**Citation 1 Item 4 b Type of Violation: **Serious****

29 CFR 1926.1412(f)(2)(xvii): The warning labels and decals originally supplied with the equipment by the manufacturer or otherwise required under this standard were missing or unreadable.

The manufacturers supplied equipment decals and warning labels were missing or unreadable on the Manitowoc Boom Truck - Manitex Crane Model M2277 with 77 foot boom.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**

**08/15/2016**

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Occupational Safety and Health Administration

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

29 CFR 1926.1413(c)(1): The Employer did not ensure wire ropes on the crane were inspected by a qualified person within the previous 12 months:

The annual/comprehensive and monthly wire rope inspections covering the surface of the entire length of the wire rope for the Manitowoc Boom Truck - Manitex Crane Model M2277 with 77 foot boom were not performed by a wire rope inspector and inspection documentation was not retained.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/15/2016
Proposed Penalty:	\$2520.00

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

29 CFR 1926.1415(b): The employer permitted operations to begin or continue before all of the devices listed in this section were in proper working order.

The employer permitted operation of the Manitowoc Boom Truck - Manitex Crane Model M2277 to begin before the horn was in working order.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/15/2016
Proposed Penalty:	\$2520.00

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Occupational Safety and Health Administration

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

29 CFR 1926.1416(d)(3)(i): The crane was not equipped with a functioning anti-two block device nor was another temporary means of marking the cable to give sufficient warning to the operator along with having a spotter to while extending the boom.

The Manitowoc Boom Truck - Manitex Crane Model M2277 operational aid(s) including but not limited to the anti two-block device was inoperable and no temporary alternative measure was implemented.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/15/2016
Proposed Penalty:	\$2520.00

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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Occupational Safety and Health Administration

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

29 CFR 1926.1416(e)(1): Crane equipment did not have a boom angle or radius indicator readable from the operator's station and alternative measures were not used to determine the booms angle or radius.

The Manitowoc Boom Truck - Manitex Crane Model M2277 safety device(s) including, but not limited to the boom angle indicator was missing and no temporary alternative measure was implemented.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

08/15/2016  
\$2520.00

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:** B C Main Construction, Inc., dba MAIN CONSTRUCTION CO  
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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 9 a** Type of Violation: **Serious**

29 CFR 1926.1417(b)(3): Procedures related to the capacity of the equipment must be developed and signed by a registered professional engineer familiar with the equipment.

The employer did not have procedures related to the load capacity of the Manitowoc Boom Truck - Manitex Crane Model M2277 and the intended loads to be lifted at the jobsite that were developed and signed by a competent person.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/15/2016
Proposed Penalty:	\$7000.00



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

**Inspection Number:** 1129879  
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**Citation 1 Item 9 b Type of Violation: **Serious****

29 CFR 1926.1417(c)(1): The procedures applicable to the operation of the equipment, including rated capacities (load charts), recommended operating speeds, special hazard warnings, instructions, and operator's manual, were not readily available in the cab at all times for use by the operator.

The operator's manual was not in the cab of the Manitowoc Boom Truck - Manitex Crane Model M2277 for use by the operator.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**

**08/15/2016**

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:** B C Main Construction, Inc., dba MAIN CONSTRUCTION CO  
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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 10 a      Type of Violation: **Serious**

29 CFR 1926.1417(o)(3): The employer failed to makes sure the operator verified that the load is within the rated capacity of the equipment by at least one of the methods outlined in 1926.1417(o)(3)(i)-(ii).

The employer failed to ensure, via effective communication and enforcement of work rules, that the operator verified the weight of the load being dragged sideways as being within the lifting capacity of the 77 foot boom Manitex Crane Model M2277.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/15/2016
Proposed Penalty:	\$7000.00

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

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Citation 1 Item 10 b      Type of Violation: **Serious**

29 CFR 1926.1417(q): The equipment was used to drag or pull loads sideways.

The Manitex Crane Model M2277 was used to drag/pull loads sideways with the cable load line and boom.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/15/2016

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Occupational Safety and Health Administration

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**Citation 1 Item 11 Type of Violation: **Serious****

29 CFR 1926.1428(a)(1): The signal person did not have documentation from a third party qualified evaluator showing that the signal person meets the Qualification Requirements (see paragraph (c) of this section).

The employer did not ensure that the signal person on the jobsite had been qualified to perform hand and voice signals for crane operation.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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Proposed Penalty:

08/15/2016  
\$2520.00

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**Citation 1 Item 12** Type of Violation: **Serious**

29 CFR 1926.1429(b): Maintenance and repair personnel must meet the definition of a qualified person with respect to the equipment and maintenance/repair tasks performed.  
[75 FR 48158, August 9, 2010]

Maintenance and repair on the Manitowoc Boom Truck - Manitex Crane Model M2277 with 77 foot boom was performed by an unqualified person.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/15/2016
Proposed Penalty:	\$7000.00

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**Citation 1 Item 13** Type of Violation: **Serious**

29 CFR 1926.1433(d)(6): An accessible fire extinguisher was not on the equipment.

The fire extinguisher located in the cab of the truck-mounted crane had not been inspected and maintained for use.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

08/15/2016  
\$2520.00

A handwritten signature in black ink that reads "Carlos M. Reynolds".

**Carlos M. Reynolds**  
Area Director

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  
10810 Executive Center Drive  
Danville Bldg. 2, Suite 206  
Little Rock, AR 72211  
Phone: 501-224-1841 Fax: 501-224-2697



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** B C Main Construction, Inc., dba MAIN CONSTRUCTION CO  
**Inspection Site:** 22500 SR 7 North, Dover, AR 72837  
**Issuance Date:** 07/29/2016

<b>Summary of Penalties for Inspection Number</b>	<b>1129879</b>
<b>Citation 1, Serious</b>	<b>\$46200.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$46200.00</b>

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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. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

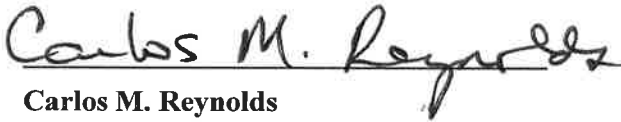
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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 one percent (1%). 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.



**Carlos M. Reynolds**  
Area Director

7-29-16

Date