

U.S. Department of Labor
Occupational Safety and Health Administration
The Wanamaker Building
100 Penn Square East, 12th Floor
Philadelphia, PA 19107
Phone: 215-597-4955 Fax: 215-597-1956



Citation and Notification of Penalty

To:
BC Stucco and Stone
and its successors
36 Marian Court
Upper Darby, PA 19082

Inspection Number: 1103515
Inspection Date(s): 11/03/2015 - 11/04/2015
Issuance Date: 05/02/2016

Inspection Site:
3018 West Thompson Street
Philadelphia, PA 19121

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 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. 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. 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 05/02/2016. The conference will be held by telephone or at the OSHA office located at The Wanamaker Building, 100 Penn Square East, 12th Floor, Philadelphia, PA 19107 on

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: BC Stucco and Stone
Inspection Site: 3018 West Thompson Street, Philadelphia, PA 19121
Issuance Date: 05/02/2016

Inspection Number: 1103515

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, The Wanamaker Building, 100 Penn Square East, 12th Floor, Philadelphia, PA 19107**

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

Company Name: BC Stucco and Stone
Inspection Site: 3018 West Thompson Street, Philadelphia, PA 19121

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 1926.451(h)(1): Each employee on a scaffold was not provided with additional protection from falling hand tools, debris, and other small objects through the installation of toeboards, screens, guardrail systems, or through the erection of debris nets, catch platforms, or canopy structures that contain or deflect the falling objects. For falling objects too large, heavy or massive to be contained or deflected, the employer did not place and secure such potential falling objects away from the edge of the surface from which they could fall.

a) The employer did not install protection on the fabricated frame scaffold to protect employees from falling materials while conducting stucco operations. This violation was observed at 3018 West Thompson Street, Philadelphia, PA 19121 on or about November 3, 2015 where the fabricated frame scaffolds were not provided with overhead hazard protection, such as toeboards to protect employees from falling objects while working on multiple levels of the fabricated frame scaffold. To abate this ongoing violation, the employer must install protection such as toeboards, screens, guardrail systems, or through the erection of debris nets, catch platforms, or canopy structures that contain or deflect the falling objects when working on the scaffold and there is an overhead hazard.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated:

05/10/2016

Proposed Penalty:

\$2640.00



Citation and Notification of Penalty

Company Name: BC Stucco and Stone
Inspection Site: 3018 West Thompson Street, Philadelphia, PA 19121

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

29 CFR 1926.100(a): Employees working in areas where there was a possible danger of head injury from impact, or falling or flying objects, or from electrical shock and burns, were not protected by protective helmets:

a) The employer did not provide and require employees to wear hard hats while conducting stucco operations in areas where there is overhead hazards near or around the fabricated frame scaffold. This violation was most recently observed at 3018 West Thompson Street, Philadelphia, PA 19121 on or about November 3, 2015 where employees performing stucco operations near or around the fabricated frame scaffold were not provided and required to wear hardhats to protect themselves from overhead hazards. To abate this ongoing violation, the employer must provide and require employees who are exposed to overhead hazards to wear hard hats.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated:

05/10/2016



Citation and Notification of Penalty

Company Name: BC Stucco and Stone
Inspection Site: 3018 West Thompson Street, Philadelphia, PA 19121

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

29 CFR 1926.451(b)(1): Each platform on all working levels of scaffolds was not fully planked or decked between the front uprights and the guardrail supports as specified in paragraphs 1926.451(b)(1)(i)-(ii)

a) The employer does not have each working level of a scaffold fully planked or decked between the front uprights and the guardrail supports. This violation was most recently observed at 3018 West Thompson Street, Philadelphia, PA 19121 on November 3, 2015 where employees were performing stucco operations up to approximately thirty-nine (39) feet above the ground from a fabricated frame scaffold that was not fully planked or decked. To abate this ongoing violation, the employer must install decking or planking from the front uprights to the guardrail supports with no more than 1 inch gaps between planks.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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|---|------------|
| Date By Which Violation Must be Abated: | 05/10/2016 |
| Proposed Penalty: | \$30800.00 |



Citation and Notification of Penalty

Company Name: BC Stucco and Stone
Inspection Site: 3018 West Thompson Street, Philadelphia, PA 19121

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

29 CFR 1926.451(g)(1)(v): Each employee on a walkway located within a scaffold was not protected by a guardrail system (with a minimum 200 pound toprail capacity) installed within 9.5 inches (24.1 cm) of and along at least one side of the walkway.

a) The employer does not ensure that each walkway used by employees is protected by a guardrail. This violation was observed at 3018 West Thompson Street, Philadelphia, PA 19121 on or about November 3, 2015 where employees engaged in stucco activities were exposed to fall hazards ranging from fifteen (15) to thirty-nine (39) feet. To abate this ongoing violation, the employer must provide guardrail systems for each unprotected walkway on the scaffold that is used by the employees.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 05/10/2016 |
| Proposed Penalty: | \$30800.00 |



Citation and Notification of Penalty

Company Name: BC Stucco and Stone
Inspection Site: 3018 West Thompson Street, Philadelphia, PA 19121

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

29 CFR 1926.451(g)(1)(vii): Each employee on a scaffold, not otherwise specified in paragraphs (g)(1)(i) through (g)(1)(vi) of this section, more than 10 feet (3.1 m) above lower level was not protected from falls by the use of personal fall arrest systems or guardrail systems meeting the requirements of paragraph (g)(4) of this section.

a) The employer does not require employees to use any form of personal fall arrest systems or the use of guardrail systems while performing stucco operations from a fabricated frame scaffold. This violation was observed at 3018 West Thompson Street, Philadelphia, PA 19121 on or about November 3, 2015 where employees performing stucco operations on various levels of the fabricated frame scaffold were not protected from fall hazards ranging from approximately twelve and half (12.5) feet to approximately thirty-nine (39) feet by the use of personal fall arrest systems or guardrail systems. To abate this ongoing violation, the employer must provide and require the use of personal fall arrest systems or guardrail systems while employees are utilizing the working levels of the fabricated frame scaffold.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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|---|------------|
| Date By Which Violation Must be Abated: | 05/10/2016 |
| Proposed Penalty: | \$30800.00 |



Citation and Notification of Penalty

Company Name: BC Stucco and Stone
Inspection Site: 3018 West Thompson Street, Philadelphia, PA 19121

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

29 CFR 1926.451(c)(1): Supported scaffolds with a height to base width (including outrigger supports, if used) ratio of more than four to one (4:1) were not restrained from tipping by guying, tying, bracing, or equivalent means, as set forth in subparagraphs (i) - (iii) of this paragraph.

a) The employer does not restrain the fabricated frame scaffolding from tipping by guying, tying, bracing or equivalent means. This violation was most recently observed at 3018 West Thompson Street, Philadelphia, PA 19121 on November 3, 2015 where employees were performing stucco operations from a fabricated frame scaffold that was not restrained from tipping by installing guys, ties, and braces. The fabricated frame scaffold was approximately thirty-nine (39) feet in height and approximately five (5) feet in width thus the height to base ratio was greater than seven to one (7:1). To abate this ongoing violation, the employer must require the use of guying, tying, bracing, or equivalent means when the height to base ratio exceeds four to one (4:1) on supported scaffolds.

BC STUCCO AND STONE WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1926.451(c)(1) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 978105, CITATION NUMBER 1 ITEM NUMBER 1, ISSUED ON 11/17/2014. NOTE: FINAL ORDER DATE - 2/10/15.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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|---|------------|
| Date By Which Violation Must be Abated: | 05/19/2016 |
| Proposed Penalty: | \$6160.00 |

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: BC Stucco and Stone
Inspection Site: 3018 West Thompson Street, Philadelphia, PA 19121

Citation 3 Item 2 Type of Violation: **Repeat**

29 CFR 1926.451(e)(1): When scaffold platforms were more than 2 feet (0.6 m) above or below a point of access, portable ladders, hook-on ladders, attachable ladders, stair towers (scaffold stairways/towers), stairway-type ladders (such as ladder stands), ramps, walkways, integral prefabricated scaffold access, or direct access from other scaffold, structure, personnel hoist, or similar surface was not used. Crossbraces were used as a means of access.

a) The employer does not provide a means of access from one level of the scaffold to another by use of ladders, stair towers, or other acceptable means. This violation was most recently observed at the property 3018 West Thompson Street, Philadelphia, PA 19121 on November 3, 2015 where employees were performing stucco operations from a fabricated frame scaffold that had no ladders, stair towers, or other safe means of access. The fabricated frame scaffold was approximately thirty-nine (39) feet in height and employees were accessing the fabricated frame scaffold using the integral scaffold frame members and climbing crossbraces. To abate this ongoing violation, the employer must require the use of portable ladders, attachable ladders or equivalent safe means of access.

BC STUCCO AND STONE WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1926.451(e)(1) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 978105, CITATION NUMBER 2 ITEM NUMBER 2, ISSUED ON 11/17/14. NOTE: FINAL ORDER DATE - 2/10/15.

BC STUCCO AND STONE WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1926.451(e)(1) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 923007, CITATION NUMBER 1 ITEM NUMBER 2, ISSUED ON 12/20/13. NOTE: FINAL ORDER DATE - 2/13/14.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of

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

Inspection Number: 1103515
Inspection Date(s): 11/03/2015 - 11/04/2015
Issuance Date: 05/02/2016



Citation and Notification of Penalty

Company Name: BC Stucco and Stone
Inspection Site: 3018 West Thompson Street, Philadelphia, PA 19121

the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/10/2016
\$15400.00

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

For **Nicholas DeJesse**
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
The Wanamaker Building
100 Penn Square East, 12th Floor
Philadelphia, PA 19107
Phone: 215-597-4955 Fax: 215-597-1956



INVOICE / DEBT COLLECTION NOTICE

Company Name: BC Stucco and Stone
Inspection Site: 3018 West Thompson Street, Philadelphia, PA 19121
Issuance Date: 05/02/2016

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|---|--------------------|
| Summary of Penalties for Inspection Number | 1103515 |
| Citation 1, Serious | \$2640.00 |
| Citation 2, Willful | \$92400.00 |
| Citation 3, Repeat | \$21560.00 |
| TOTAL PROPOSED PENALTIES | \$116600.00 |

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. You can also make your payment electronically on 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.



FC6 **Nicholas DeJesse**
Area Director

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Date