

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

Inspection Number: 1240638
Inspection Date(s): 06/19/2017 - 06/23/2017
Issuance Date: 11/08/2017



Citation and Notification of Penalty

Company Name: Benco Builders of the Virginias, Inc.
Inspection Site: 1176 Shelter Road, Princeton, WV 24739

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 1926.404(b)(1)(ii): On a construction site, where an assured equipment grounding program was not utilized, all 120-volt, single-phase, 15 and 20 ampere receptacle outlets which were not a part of the permanent wiring of the building or structure and which are in use by employees did not have approved ground fault circuit interrupters for personal protection:

(a) Tabor Machine Company: On or about June 16, 2017, and times prior, employees were using a Bostitch hammer drill, plugged into a receptacle with a 10/3 gauge extension cord that was not GFCI protected.

Date By Which Violation Must be Abated:
Proposed Penalty:

11/17/2017
\$3622.00

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

29 CFR 1926.20(b)(2): The employer did not initiate and maintain programs which provided for frequent and regular inspections of the job site, materials and equipment to be made by a competent person(s):

(a) Tabor Machine Company: On or about June 16, 2017, and times prior, inspections/audits of the worksite were not conducted to identify and correct hazards, such as, but not limited to, the use of extension cords without GFCI protection.

Date By Which Violation Must be Abated:

11/29/2017

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

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) Upper Building front edge of steel: On or about June 16, 2017, and times prior, employees were working up to 9ft 7in. above grade from two Biljax frame scaffolds that did not have the working levels fully planked, in that there was only one 19in. wide scaffold plank to work from on a step frame that measured 5ft. in width.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
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11/17/2017
\$5070.00

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

29 CFR 1926.451(f)(3): Scaffolds and scaffold components were not inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold's structural integrity.

(a) Tabor Machine Company: On or about June 16, 2017, and times prior, the employer did not inspect and/or require that scaffolding be inspected before each work shift to identify defects, such as, working levels not being fully planked, proper placement of scaffold planks, and to ensure that caster wheels remain locked when in the stationary position.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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11/21/2017

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

29 CFR 1926.452(w)(2): Scaffold casters and wheels were not locked with positive wheel and/or wheel and swivel locks, or equivalent means, to prevent movement of the scaffold while the scaffold was used in a stationary manner.

(a) Tabor Machine Company: On or about June 16, 2017, and times prior, employees were welding steel, cutting steel, and connecting steel from Biljax frame scaffolding on caster wheels, up to 9ft. 7in. above grade. The employer did not have a requirement to lock the wheels and all wheels were not always locked when working in a stationary position.

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Company Name: Benco Builders of the Virginias, Inc.
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Citation 1 Item 3 b Type of Violation: **Serious**

29 CFR 1926.454(a): The employer did not have each employee who performed work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards.

(a) Tabor Machine Company: On or about June 16, 2017, and times prior, the employer provides scaffolding on his worksite for employees to use when performing tasks, such as, connecting steel but does not train the employees on the hazards associated with scaffolds, such as, fall hazards.

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

29 CFR 1926.502(d)(21): Personal fall arrest systems were not inspected prior to each use for wear, damage, and other deterioration, and/or defective components were not removed from service.

(a) Tabor Machine Company: On or about, June 16, 2017 and times prior, an inspection of the personal fall protection was not conducted and an employee used the Workman MSA harness that had a defective lanyard, in that the lanyard had a burn mark on the outer surface of the nylon webbing.

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

29 CFR 1926.602(a)(2)(i): Material handling equipment with rollover protective structures or adequate canopy protection was not provided with seat belts.

(a) Tabor Machine Company: On or about June 16, 2017, and times prior, employees were operating forklifts, such as an RDCO Traverse lift, to set steel, haul material, and lift personnel and were not wearing the provided seatbelt.

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

29 CFR 1926.602(d): The employer did not certify that each operator had been trained and evaluated as required by paragraph 29 CFR 1910.178(l).

(a) Tabor Machine Company: On or about June 16, 2017, and times prior, employees were not trained on the proper use and limitations of the forklifts they were operating on the jobsite, such as use of seatbelts and limitations of the forklifts.

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

29 CFR 1926.602(c)(1)(ii): Modifications or additions which affect the capacity or safe operation of the equipment were made without the manufacturer's written approval.

(a) Tabor Machine Company: On or about June 9, 2017, and times prior, employees used a job made personnel carrier/basket attached to the forks of an RDCO Traverse Lift, Model TL 8040, to lift personnel into position to connect steel, employees did not wear fall protection while in the basket, and per the manufacturer's instructions the lift was not to be used to lift personnel or any type of personnel carrier.

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

29 CFR 1926.761(b): The employer did not train each employee exposed to a fall hazard in accordance with the requirements of this section. The employer shall institute a training program and ensure employee participation in the program.

(a) Tabor Machine Company: On or about June 16, 2017, and times prior, the employer did not train employees on fall hazards that exist or the procedure to protect themselves, when constructing two steel buildings, up to 30ft. 9 1/16in. above grade.

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

29 CFR 1926.1051(a): Stairways or ladders were not provided at all personnel points of access where there was a break in elevation of 19 inches (48 cm) or more, and no ramp, runway, sloped embankment, or personnel hoist was provided.

(a) Tabor Machine Company, Upper Building: On or about June 16, 2017, and times prior, employees were climbing up to 45 inches, from the Biljax frame scaffold working level, to and from the lower end of the connected steel of the upper building structure, up to 13ft. 4in. above grade.

(b) Tabor Machine Company, Upper Building: On or about June 16, 2017, and times prior, employees climbed approximately 37 inches from the roof of a building up to the roof of the adjacent building to perform roofing work, up to 15ft. 7in. above grade.

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Company Name: Benco Builders of the Virginias, Inc.
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Citation 2 Item 1 Type of Violation: **Willful**

29 CFR 1926.760(a)(1): Each employee engaged in a steel erection activity who is on a walking/working surface with an unprotected side or edge more than 15 feet (4.6 m) above a lower level was not protected from fall hazards by guardrail systems, safety net systems, personal fall arrest systems, positioning device systems, or fall restraint systems.

(a) Lower Building, Shot Blaster: On or about May 26, 2017 and times prior, employees were securing American Roofing Products, 29 gauge roofing panels to steel roofing purlins, up to 30ft. 9 1/16in. from grade, without the use of a fall protection system.

(b) Upper Building: On or about June 16, 2017, and times prior, employees were securing American Roofing Products, 29 gauge roofing panels to steel roofing purlins, up to 17ft. 9 3/4in. from grade, without the use of a fall protection system.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
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\$50700.00

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Citation 3 Item 1 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) Tabor Machine Company: On or about June 16, 2017, and times prior, the employer did not develop, implement, and/or maintain a written hazard communication program that addresses the hazardous substances used onsite, such as oxygen and acetylene for cutting steel and the hazards associated with welding and cutting steel.

Date By Which Violation Must be Abated:
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11/29/2017
\$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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