

## U.S. Department of Labor

Occupational Safety and Health Administration  
201 Varick Street  
Room 908  
New York, NY 10014  
Phone: 212-620-3200 Fax: 212-620-4121



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# Citation and Notification of Penalty

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**To:**  
Cooper Tank & Welding Corp., dba Cooper Tank  
Recycling  
222 Maspeth Ave.  
Brooklyn, NY 11211

**Inspection Number:** 923103  
**Inspection Date(s):** 07/22/2013 - 08/19/2013  
**Issuance Date:** 01/16/2014

**Inspection Site:**  
222 Maspeth Ave.  
Brooklyn, NY 11211

**Attention: Ray Kvedaras**

*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 \$50,000 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 01/16/2014. The conference will be held by telephone or at the OSHA office located at 201 Varick Street, Room 908, New York, NY 10014 on \_\_\_\_\_ at

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



**Citation and Notification of Penalty**

**Company Name:** Cooper Tank & Welding Corp., dba Cooper Tank Recycling  
**Inspection Site:** 222 Maspeth Ave., Brooklyn, NY 11211

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

29 CFR 1910.22(a)(3): To facilitate cleaning, every floor, working place, and passageway shall be kept free from protruding nails, splinters, holes, or loose boards.

Location: 222 Maspeth Ave., Brooklyn, NY

a) Employer failed to ensure that the sorting room's floor was free of holes; on or about 7/22/13.

**NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.**

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$3600.00



**Citation and Notification of Penalty**

**Company Name:** Cooper Tank & Welding Corp., dba Cooper Tank Recycling  
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**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.23(b)(1): Every wall opening from which there is a drop of more than 4 feet shall be guarded.

Location: 222 Maspeth Ave., Brooklyn, NY.

a) Employer failed to ensure that a wall opening at the sorting room was guarded. There was a drop of 20 feet to the floor below; on or about 7/22/13.

**NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$6300.00



**Citation and Notification of Penalty**

**Company Name:** Cooper Tank & Welding Corp., dba Cooper Tank Recycling  
**Inspection Site:** 222 Maspeth Ave., Brooklyn, NY 11211

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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 1910.23(c)(1): Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides.

Location: 222 Maspeth Ave., Brooklyn, NY

On or about 7/22/13;

- a) Employees were exposed to a potential fall of approximately 20 ft. to the ground below while using an access platform that was missing a section of guardrail.
- b) Employees were exposed to a potential fall of approximately 20 ft. to the bays below while walking and/or working on a conveyor belt that is equipped with chutes at both sides.

**NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.**

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$6300.00



**Citation and Notification of Penalty**

**Company Name:** Cooper Tank & Welding Corp., dba Cooper Tank Recycling  
**Inspection Site:** 222 Maspeth Ave., Brooklyn, NY 11211

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

29 CFR 1910.132(a): Application. Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

Location: 222 Maspeth Ave., Brooklyn, NY

On or about 7/22/13;

a) Employees were exposed to a potential fall of approximately 40 ft. to the ground below while cleaning the roof area and personal protective equipment such as a fall arrest system was not provided.

**NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.**

Date By Which Violation Must be Abated:

Corrected During Inspection



**Citation and Notification of Penalty**

**Company Name:** Cooper Tank & Welding Corp., dba Cooper Tank Recycling  
**Inspection Site:** 222 Maspeth Ave., Brooklyn, NY 11211

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

29 CFR 1910.243(c)(4): The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on other portable grinding machines shall not exceed 180 deg. and the top half of the wheel shall be enclosed at all times.

Location: 222 Maspeth Ave., Brooklyn, NY.

a) Employer failed to ensure that the Bosch and Milwaukee portable grinders were provided with safety guards; on or about 7/22/13.

**NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$4500.00

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

Inspection Number: 923103  
Inspection Date(s): 07/22/2013 - 08/19/2013  
Issuance Date: 01/16/2014



**Citation and Notification of Penalty**

Company Name: Cooper Tank & Welding Corp., dba Cooper Tank Recycling  
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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.304(g)(1)(iv): AC systems of 50 volts to 1000 volts shall be grounded.

Location: 222 Maspeth Ave., Brooklyn, NY.

a) Employer failed to ensure that an electrical outlet was grounded; on or about 7/22/13.

**NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$4500.00

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:** Cooper Tank & Welding Corp., dba Cooper Tank Recycling  
**Inspection Site:** 222 Maspeth Ave., Brooklyn, NY 11211

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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 6 a** Type of Violation: **Serious**

29 CFR 1910.304(g)(5): Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent, continuous, and effective.

Location: 222 Maspeth Ave., Brooklyn, NY.

a) An extension cord utilized by employees to power various power tools was missing the ground pin; on or about 7/22/13.

**NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$4500.00



**Citation and Notification of Penalty**

**Company Name:** Cooper Tank & Welding Corp., dba Cooper Tank Recycling  
**Inspection Site:** 222 Maspeth Ave., Brooklyn, NY 11211

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

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables shall be connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws.

Location: 222 Maspeth Ave., Brooklyn, NY.

a) An extension cord utilized by employees to power various tools was not provided with strain relief; on or about 7/22/13.

**NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.**

Date By Which Violation Must be Abated:

Corrected During Inspection



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**Company Name:** Cooper Tank & Welding Corp., dba Cooper Tank Recycling  
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**Citation 1 Item 7** Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Unless specifically permitted in paragraph (g)(1)(ii) of this section, flexible cords and cables may not be used as a substitute for the fixed wiring of a structure.

Location: 222 Maspeth Ave., Brooklyn, NY.

a) A fixed extractor window fan was powered by extension cord which was utilized as a substitute for fix wiring; on or about 7/22/13.

**NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$4500.00

  
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**Kay Gee**  
Area Director