

U.S. Department of Labor
Occupational Safety and Health Administration
401 New Karner Road
Suite 300
Albany, NY 12205
Phone: 518-464-4338 Fax: 518-464-4337



Citation and Notification of Penalty

To:
Tony Watson, dba Countryside Tree Service
and its successors
7385 Church Road
Schenectady, NY 12306

Inspection Number: 1145007
Inspection Date(s): 05/04/2016 -
Issuance Date: 11/02/2016

Inspection Site:
213 Placid Drive
Schenectady, NY 12303

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 11/02/2016. The conference will be held by telephone or at the OSHA office located at 401 New Karner Road, Suite 300, Albany, NY 12205 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1145007

Company Name: Tony Watson, dba Countryside Tree Service
Inspection Site: 213 Placid Drive, Schenectady, NY 12303
Issuance Date: 11/02/2016

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, 401 New Karner Road, Suite 300, Albany, NY 12205**

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: Tony Watson, dba Countryside Tree Service
Inspection Site: 213 Placid Drive, Schenectady, NY 12303

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

29 CFR 1910.132(a): Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, were not 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:

- a) Placid Drive, Schenectady, NY - On or about May 4, 2016, employees were exposed to laceration and amputation hazards while operating chainsaws during tree removal. Employees did not wear leg protection while trimming branches.
- b) Church Road, Schenectady, NY - On or about May 4, 2016, employees were exposed to laceration and amputation hazards while operating chainsaws during tree removal. Employees did not wear leg protection while trimming branches.
- c) Salvia Lane, Schenectady, NY - On or about May 4, 2016, employees were exposed to laceration and amputation hazards while operating chainsaws during tree removal. Employees did not wear leg protection while trimming branches.

Date By Which Violation Must be Abated:
Proposed Penalty:

11/30/2016
\$3563.00



Citation and Notification of Penalty

Company Name: Tony Watson, dba Countryside Tree Service
Inspection Site: 213 Placid Drive, Schenectady, NY 12303

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

29 CFR 1910.132(f)(1): The employer did not provide training to each employee who is required by this section to use personal protective equipment:

- a) Placid Drive, Schenectady, NY - On or about May 4, 2016, employees were exposed to various hazards during tree removal, including but not limited to, laceration and struck by hazards. Employees were not trained on the necessary personal protective equipment for the task.
- b) Church Road, Schenectady, NY - On or about May 4, 2016, employees were exposed to various hazards during tree removal, including but not limited to, laceration and struck by hazards. Employees were not trained on the necessary personal protective equipment for the task.
- c) Salvia Lane, Schenectady, NY - On or about May 4, 2016, employees were exposed to various hazards during tree removal, including but not limited to, laceration and struck by hazards. Employees were not trained on the necessary personal protective equipment for the task.

ABATEMENT NOTE: Training to include subparts of this section:

- (i) When PPE is necessary
- (ii) What PPE is necessary
- (iii) How to properly don, doff, adjust, and wear PPE
- (iv) The limitations of the PPE
- (v) The proper care, maintenance, useful life and disposal of the PPE

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by Which Violation Must be Abated: 11/30/2016
Proposed Penalty: \$4988.00



Citation and Notification of Penalty

Company Name: Tony Watson, dba Countryside Tree Service
Inspection Site: 213 Placid Drive, Schenectady, NY 12303

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

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

- a) Placid Drive, Schenectady, NY - On or about May 4, 2016, employees were exposed to eye hazards during tree removal including wood dust, flying wood pieces, and being struck by branches during tree trimming and feeding a wood chipper.
- b) Church Road, Schenectady, NY - On or about May 4, 2016, employees were exposed to eye hazards during tree removal including wood dust, flying wood pieces, and being struck by branches during tree trimming and feeding a wood chipper.
- c) Salvia Lane, Schenectady, NY - On or about May 4, 2016, employees were exposed to eye hazards during tree removal including wood dust, flying wood pieces, and being struck by branches during tree trimming and feeding a wood chipper.

Date By Which Violation Must be Abated:

11/30/2016

Proposed Penalty:

\$3563.00



Citation and Notification of Penalty

Company Name: Tony Watson, dba Countryside Tree Service
Inspection Site: 213 Placid Drive, Schenectady, NY 12303

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

29 CFR 1910.135(a)(1): The employer did not ensure that each affected employee wear a protective helmet when working in areas where there is a potential for injury to the head from falling objects:

- a) Placid Drive, Schenectady, NY - On or about May 4, 2016, employees were exposed overhead hazards during tree removal involving a mobile crane and tree trimming from height. Employees were also exposed to struck by hazards from branches while loading a wood chipper.
- b) Church Road, Schenectady, NY - On or about May 4, 2016, employees were exposed overhead hazards during tree removal involving a mobile crane and tree trimming from height. Employees were also exposed to struck by hazards from branches while loading a wood chipper.
- c) Salvia Lane, Schenectady, NY - On or about May 4, 2016, employees were exposed overhead hazards during tree removal involving a mobile crane and tree trimming from height. Employees were also exposed to struck by hazards from branches while loading a wood chipper.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/08/2016
Proposed Penalty:	\$4988.00



Citation and Notification of Penalty

Company Name: Tony Watson, dba Countryside Tree Service
Inspection Site: 213 Placid Drive, Schenectady, NY 12303

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

OSHA ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to the hazard of being caught-in rotating/moving parts of a wood chipper:

- a) Placid Drive, Schenectady, NY - On or about May 4, 2016, employees were exposed to rotating blades and moving parts while feeding tree limbs into the Bandit Hand Fed Wood Chipper (Model # 250, Serial # 19349) in that the employer failed to ensure that only employees trained in safe operation operated chippers and that only safe operating practices and techniques were used for feeding the chipper.
- b) Church Road, Schenectady, NY - On or about May 4, 2016, employees were exposed to rotating blades and moving parts while feeding tree limbs into the Bandit Hand Fed Wood Chipper (Model # 250, Serial # 19349) in that the employer failed to ensure that only employees trained in safe operation operated chippers and that only safe operating practices and techniques were used for feeding the chipper.
- c) Salvia Lane, Schenectady, NY - On or about May 4, 2016, employees were exposed to rotating blades and moving parts while feeding tree limbs into the Bandit Hand Fed Wood Chipper (Model # 250, Serial # 19349) in that the employer failed to ensure that only employees trained in safe operation operated chippers and that only safe operating practices and techniques were used for feeding the chipper.

At Placid Drive, Church Road, and Salvia Lane, unsafe practices, including but not limited to the following, were in use at the worksites:

- operators leaning into the infeed hopper
- operators reaching into the infeed hopper
- operators standing on the left side of the wood, on the left of the center line of the infeed hopper (when facing the infeed hopper while feeding it)

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: Tony Watson, dba Countryside Tree Service
Inspection Site: 213 Placid Drive, Schenectady, NY 12303

- operators pushing small pieces of wood and branches by hand
- operators were manipulating large tree limbs in front of the infeed hopper with their back to it

Feasible and acceptable abatement methods include:

Follow the manufacturer guidance in the Bandit Brush Chipper Manual (dated 10/02):

- Before operating chipper, you must have all potential operators; read and understand manuals and follow the recommendations. Page 7
- Always stand to the side of the infeed hopper when inserting material. Page 8
- Never reach into the infeed hopper area of the chipper. Page 8

Follow the Bandit Warranty Validation Form:

- Do not reach into the infeed hopper with hands or feet.
- The machine operators must always be located within easy reach of all feed control and shut down devices.
- Use wooden push paddle to push small debris into the chipper.
- All potential operators must see the safety video, be instructed on all the Danger, Warning and Operational decals, must read the manual and follow the procedures.

Follow the Bandit Safety Guidance Document (dated 2/02):

- Make sure chipper operators have been properly trained, and have read, understand, and follow safety and operational procedures. Page 1
- Never put feet or hands into the infeed hopper for any reason. Always be positioned and ready to operate control handle. Page 2
- Do not reach or kick into the infeed hopper under any circumstances. Page 2.

Association of Equipment Manufacturers (AEM) Brush Chipper Safety Manual (revision date 11/15)

- Only qualified operators. Page 8

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: Tony Watson, dba Countryside Tree Service
Inspection Site: 213 Placid Drive, Schenectady, NY 12303

- Never reach or kick into the in-feed area to feed brush. Page 10
- Feed material directly from the side, never from directly in front. Page 21

American National Standard for Arboricultural Operations – Safety Requirements Z133-2012

- Employers shall instruct their employees in the proper use, inspection and maintenance of tools and equipment including ropes and lines, and shall require that appropriate working practices be followed. Section 3.1.2
- Units shall be equipped and maintained with manufacturers' safety devices, instructions, decals and safeguards. Arborists and other workers shall follow instructions provided by manufacturers. Section 5.1.2
- Units shall be operated and maintained only by authorized and qualified personnel in accordance with the manufacturers' safe operating procedures, company policies, and federal, state, and local laws. Section 5.1.5
- Arborists, mechanics, and other workers shall not, under any circumstances, reach into the infeed hopper when the cutter disc, rotary drum, or feed rollers are moving. Section 5.3.7
- Only persons trained in safe chipper operation may operate chippers. Training shall include, but is not limited to, inspection, starting, stopping, feeding, and shutdown. Training shall be provided for each type of chipper being used. Section 8.6.5
- Brush and logs shall be fed into chippers from the side of the feed table center line, butt or cut end first, and the operator shall immediately turn away from the feed table when the brush is taken into the rotor or feed rollers. Chippers should be fed from the curbside whenever practical. Section 8.6.7
- Small branches shall be fed into chippers with longer branches or by being pushed with long stick or tool designed for such use to prevent body parts from entering the infeed hopper. Section 8.6.11
- Hands or other parts of the body shall not be placed into the infeed hopper. Leaning into or pushing material into infeed hoppers with feet is prohibited. Section 8.6.12

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: 1145007
Inspection Date(s): 05/04/2016 -
Issuance Date: 11/02/2016



Citation and Notification of Penalty

Company Name: Tony Watson, dba Countryside Tree Service
Inspection Site: 213 Placid Drive, Schenectady, NY 12303

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/08/2016
\$124709.00


Robert T. Garvey
Area Director 11/29/16

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
401 New Karner Road
Suite 300
Albany, NY 12205
Phone: 518-464-4338 Fax: 518-464-4337



INVOICE / DEBT COLLECTION NOTICE

Company Name: Tony Watson, dba Countryside Tree Service
Inspection Site: 213 Placid Drive, Schenectady, NY 12303
Issuance Date: 11/02/2016

Summary of Penalties for Inspection Number	1145007
Citation 1, Serious	\$17102.00
Citation 2, Willful	\$124709.00
TOTAL PROPOSED PENALTIES	\$141811.00

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

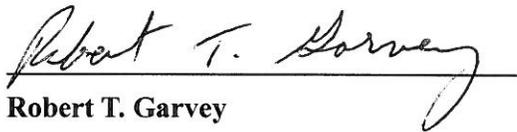
account, the bank will attempt to make the transfer up to 2 times.

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.

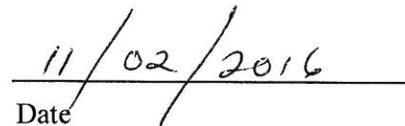
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per 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.



Robert T. Garvey

Area Director



Date