

U.S. Department of Labor
Occupational Safety and Health Administration
3477 Corporate Parkway
Suite 120
Center Valley, PA 18034
Phone: 267-429-7542 Fax: 267-429-7567



Citation and Notification of Penalty

To:
Express Construction 3 Corporation
and its successors
64 Wright Street, 2nd Floor
Newark, NJ 07114

Inspection Number: 1014095
Inspection Date(s): 12/15/2014 – 12/17/2014
Issuance Date: 06/12/2015

Inspection Site:
Lot B37 - Valley Forge Drive
Mews at Liberty Village
Coopersburg, PA 18036

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 06/12/2015. The conference will be held by telephone or at the OSHA office located at 3477 Corporate Parkway, Suite 120, Center Valley, PA 18034 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1014095

Company Name: Express Construction 3 Corporation

Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036

Issuance Date: 06/12/2015

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, 3477 Corporate Parkway, Suite 120, Center Valley, PA 18034**

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: Express Construction 3 Corporation

Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036

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

29 CFR 1926.150(c)(1)(i): A fire extinguisher, rated not less than 2A, is not provided for each 3,000 square feet of the protected building area, or major fraction thereof:

a) The Mews at Liberty Crossing, Unit B37, First Floor - The employer does not ensure that a fire extinguisher is provided for each 3,000 square feet of the protected building area. A specific instance of this continuing violation was most recently observed on or about December 17, 2014 when employees were conducting carpentry operations in a protected building area that was not provided with a fire extinguisher. The employer's ongoing obligation is to provide a fire extinguisher for each 3,000 square feet of protected building area.

Abatement certification of this specific instance 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, photograph or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/22/2015

Proposed Penalty:

\$1320.00



Citation and Notification of Penalty

Company Name: Express Construction 3 Corporation

Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036

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

29 CFR 1926.1051(a): Stairway(s) or ladder(s) are not provided at all personnel points of access where there is a break in elevation of 19 inches (48 cm) or more, or no ramp, runway, sloped embankment, or personnel hoist is provided:

a) The Mews at Liberty Crossing, Unit B37 - The employer does not ensure that stairways or ladders are provided at all personnel points of access where there is a break in elevation of 19 inches or more and no ramp, runway, sloped embankment, or personnel hoist is provided. A specific instance of this continuing violation was most recently observed on or about December 15, 2014 when an employee climbed down through an incomplete framed structure from the top of the trusswork to grade without using a ladder, stairs, or other gradual means of egress. The employer's ongoing obligation is to provide employees with stairways or ladders at personnel points of access when there is a break in elevation of 19 inches or more and no ramp, runway, sloped embankment, or personnel hoist is provided.

b) The Mews at Liberty Crossing, Unit B37 - The employer does not ensure that stairways or ladders are provided at all personnel points of access where there is a break in elevation of 19 inches or more and no ramp, runway, sloped embankment, or personnel hoist is provided. A specific instance of this continuing violation was most recently observed on or about December 15, 2014 when two employees were climbing over firewalls and trusswork to access an extension ladder that was located approximately three feet below the working surface. The employer's ongoing abatement obligation is to provide employees with stairways or ladders at personnel points of access when there is a break in elevation of 19 inches or more and no ramp, runway, sloped embankment, or personnel hoist is provided.

Abatement certification of this specific instance 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, photograph or video evidence of abatement or other written records.

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: 1014095
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Issuance Date: 06/12/2015



Citation and Notification of Penalty

Company Name: Express Construction 3 Corporation

Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/22/2015

Proposed Penalty:

\$3080.00

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: Express Construction 3 Corporation

Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036

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 1926.1052(c)(1)(i): Stairways having four or more risers or rising more than 30 inches (76 cm), whichever is less, are not equipped with at least one handrail:

a) The Mews at Liberty Crossing, Unit B37, Rear - The employer does not ensure that stairways having four or more risers are equipped with at least one handrail. A specific instance of this continuing violation was most recently observed on or about December 17, 2015, when employees used 13 riser wood stairways to go from the first floor to the basement. This stairway was not provided with a handrail on either side. The employer's ongoing abatement obligation is to provide stairways having four or more risers with at least one handrail.

Abatement certification of this specific instance 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, photograph or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/22/2015

Proposed Penalty:

\$2200.00



Citation and Notification of Penalty

Company Name: Express Construction 3 Corporation

Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036

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

29 CFR 1926.1052(c)(1)(ii): Stairways having four or more risers or rising more than 30 inches (76 cm), whichever is less, are not equipped with a stairrail system along each unprotected side or edge:

a) The Mews at Liberty Crossing, Unit B37, Rear - The employer does not ensure that stairways having four or more risers are equipped with stairrail systems. A specific instance of this continuing violation was most recently observed on or about December 17, 2014 when employees were observed using 13 riser wood stairways to travel from the first floor to the basement and from the first floor to the second floor. The stairways did not have stairrail systems on each unprotected side. The employer's ongoing obligation is to equip stairways having four or more risers with stairrail systems along unprotected sides.

Abatement certification of this specific instance 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, photograph or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/22/2015



Citation and Notification of Penalty

Company Name: Express Construction 3 Corporation

Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036

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

29 CFR 1926.28(a): The employer does not require the wearing of appropriate personal protective equipment by employee(s) in all operations where there is exposure to hazardous conditions:

a) The Mews at Liberty Crossing, Unit B37, Worksite - The employer does not ensure that protective eyewear is in use while employees are operating pneumatic nail guns. A specific instance of this continuing violation was most recently observed on or about December 15, 2014, when employees without eye protection were operating pneumatic nail guns. The employer's ongoing obligation is to ensure that the necessary eye protection is in use when employees are exposed to eye hazards.

Abatement certification of this specific instance 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, photograph or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/22/2015

Proposed Penalty:

\$30800.00



Citation and Notification of Penalty

Company Name: Express Construction 3 Corporation

Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036

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

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels are not protected by guardrail systems, safety net system, or personal fall arrest system, nor are employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501(b):

a) The Mews at Liberty Crossing, Unit B37, Rear - The employer does not ensure that appropriate fall protection equipment or methods are in use. A specific instance of this continuing violation was most recently observed on or about December 15, 2014 when an employee was performing frame carpentry while working without fall protection at the unprotected edges of a job-built walking/working surface, approximately 8 to 25 feet above a lower level. The employer's ongoing obligation is to ensure that fall protection equipment and/or methods are in use when employees are exposed to fall hazards.

b) The Mews at Liberty Crossing, Unit B37, Front - The employer does not ensure that appropriate fall protection equipment or methods are in use. A specific instance of this continuing violation was most recently observed on or about December 15, 2014 when employees were working without fall protection on the second floor at varying distances from an unprotected wall opening, approximately nine feet above grade. The employer's ongoing obligation is to ensure that fall protection equipment and/or methods are in use when employees are exposed to fall hazards.

c) The Mews at Liberty Crossing, Unit B37, First Floor, Front - The employer does not ensure that appropriate fall protection equipment or methods are in use. A specific instance of this continuing violation was most recently observed on or about December 15, 2014 when employees without fall protection were performing firewall installation while working from the exterior top plate of the front of the project, approximately 17 feet above grade. The employer's ongoing obligation is to ensure that fall protection equipment and/or methods are in use when employees are exposed to fall hazards.

d) The Mews at Liberty Crossing, Unit B37, Rear - The employer does not ensure that appropriate fall protection equipment or methods are in use. A specific instance of this continuing violation was most recently observed on or about December 15, 2014 when employees without fall protection were

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: Express Construction 3 Corporation

Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036

performing frame carpentry work directly adjacent to a patio door opening, approximately nine feet above grade. The employer's ongoing obligation is to ensure that fall protection equipment and/or methods are in use when employees are exposed to fall hazards.

e) The Mews at Liberty Crossing, Unit B37 - The employer does not ensure that appropriate fall protection equipment or methods are in use. A specific instance of this continuing violation was most recently observed on or about December 15, 2014 when employees without fall protection were performing frame carpentry work directly adjacent to floor openings, approximately three feet by eight feet, between the first floor and basement, and between the first and second floors, creating fall hazards of approximately 9 to 17 feet. The employers ongoing obligation is to ensure that fall protection equipment and/or methods are in use when employees are exposed to fall hazards.

f) The Mews at Liberty Crossing, Unit B37, Inner Breezeway - The employer does not ensure that appropriate fall protection equipment or methods are in use. A specific instance of this continuing violation was most recently observed on or about December 15, 2014 when an employee without fall protection, working on the second floor, was accessing that work area via a ladder which was set against a portico, approximately eight feet above grade, that created a small unprotected walking/working surface which the employee had to cross when walking from the ladder to the access point for the upper floor. The employer's ongoing obligation is to ensure that fall protection equipment and/or methods are in use when employees are exposed to fall hazards.

g) The Mews at Liberty Crossing, Unit B37, First Floor, Rear - The employer does not ensure that appropriate fall protection equipment or methods are in use. A specific instance of this continuing violation was most recently observed on or about December 17, 2014 when employees without fall protection were performing frame carpentry work directly adjacent to a patio door and window frames with guardrails that were improperly installed. The employer's ongoing obligation is to ensure that fall protection equipment and/or methods are in use when employees are exposed to fall hazards.

h) The Mews at Liberty Crossing, Unit B37, Rear - The employer does not ensure that appropriate fall

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: Express Construction 3 Corporation

Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036

protection equipment or methods are in use. A specific instance of this continuing violation was most recently observed on or about December 17, 2014 when an employee without appropriate fall protection was performing frame carpentry while working at the edges of a job-built walking/working surface, approximately 8 to 25 feet above a lower level. The employee was using a horizontal lifeline without an appropriate anchor point and was attached to the lifeline with approximately 16 feet of slack for a fall hazard of approximately nine feet. The employer's ongoing obligation is to ensure that fall protection equipment and/or methods are in use when employees are exposed to fall hazards.

i) The Mews at Liberty Crossing, Unit B37, Rear - The employer does not ensure that appropriate fall protection equipment or methods are in use. A specific instance of this continuing violation was most recently observed on or about December 17, 2014 when an employee without fall protection was performing frame carpentry while working within partially secured roof trusses which had 24 inch nominal on center spacings and were approximately eight feet above the lower level. The employee was using a horizontal lifeline without an appropriate anchor point and with approximately six feet of slack for a fall hazard of nine feet. The employer's ongoing obligation is to ensure that fall protection equipment and/or methods are in use when employees are exposed to fall hazards.

j) The Mews at Liberty Crossing, Unit B37, Inner Breezeway - The employer does not ensure that appropriate fall protection equipment or methods are in use. A specific instance of this continuing violation was most recently observed on or about December 17, 2014 when employees were performing frame carpentry work in the first floor of the rear unit adjacent to a window opening with an improperly installed guardrail that was approximately seven feet above a lower level. The guardrail was not secured by fasteners and was able to be displaced with light hand pressure. The employer's ongoing obligation is to ensure that fall protection equipment and/or methods are in use when employees are exposed to fall hazards.

Abatement certification of these specific instances 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, photograph or video evidence of abatement or other written records.

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: 1014095
Inspection Date(s): 12/15/2014 -
Issuance Date: 06/12/2015



Citation and Notification of Penalty

Company Name: Express Construction 3 Corporation

Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/22/2015

Proposed Penalty:

\$30800.00

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: Express Construction 3 Corporation

Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036

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

29 CFR 1926.1053(b)(1): Where portable ladders are used for access to an upper level landing surface and the lengths of the ladders do not allow the ladder side rails to extend at least 3 feet (0.9 m) above the upper landing surface being accessed, the ladders are not secured at their tops to rigid supports that will not deflect, and/or grasping devices are not provided to assist employees in mounting and dismantling the ladders:

a) Mews at Liberty Crossing, Lot B37, Worksite, Northwest Facing - The employer does not ensure that extension ladders of proper length are in use. A specific instance of this continuing violation was most recently observed on or about December 15, 2014 when employees were using an aluminum extension ladder that did not extend at least three feet above the upper landing surface and a grasping device or rigid support structure was not provided to assist employees in mounting and dismantling the ladder. The employer's ongoing obligation is to ensure that the ladder extends at least 3 feet above the landing surface or to provide a grasping device or rigid support structure.

b) Mews at Liberty Crossing, Lot B37, Worksite, Inner Breezeway - The employer does not ensure that ladders of proper length are in use. A specific instance of this continuing violation was most recently observed on or about December 15, 2014 when employees were using a damaged 16 foot aluminum extension ladder that did not extend at least three feet above the upper landing surface and a grasping device or rigid support was not provided to assist employees when mounting and dismantling the ladder. The employer's ongoing obligation is to ensure that the ladder extends at least 3 feet above the landing surface or to provide a grasping device or rigid support structure.

Abatement certification of this specific instance 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, photograph or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

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Citation and Notification of Penalty

Company Name: Express Construction 3 Corporation

Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036

Date By Which Violation Must be Abated:

06/22/2015

Proposed Penalty:

\$30800.00

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: Express Construction 3 Corporation

Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036

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

29 CFR 1926.1053(b)(16): Portable ladders with structural defects, such as, but not limited to, broken or missing rungs, cleats, or steps, broken or split rails, corroded components, or other faulty or defective components, are not either immediately marked in a manner that readily identifies them as defective, or tagged with "Do Not Use" or similar language, and are not withdrawn from service until repaired:

a) Mews at Liberty Crossing, Lot B37, Worksite - The employer does not ensure that employees are not using defective ladders. A specific instance of this continuing violation was most recently observed on or about December 15, 2014 when employees used a 16-foot Keller Model 3116 ladder when the ladder's side rails were bent and twisted along the climbing surface. The employer's ongoing obligation is to remove any defective portable ladder from service after marking it in a manner that identifies it as defective or by placing a warning tag on the ladder.

EXPRESS CONSTRUCTION 3 CORP. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1926.1053(b)(16) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 313983983, CITATION NUMBER 1, ITEM NUMBER 4, AND WAS AFFIRMED AS A FINAL ORDER ON 3/25/2011, WITH RESPECT TO A WORKPLACE LOCATED AT 1471-1505 SAINT GEORGE'S AVENUE, ROSELLE, NJ 07203.

EXPRESS CONSTRUCTION 3 CORP. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1926.1053(b)(16) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 313981148, CITATION NUMBER 1, ITEM NUMBER 5, AND WAS AFFIRMED AS A FINAL ORDER ON 3/23/2011, WITH RESPECT TO A WORKPLACE LOCATED AT 122 VICTORY ROAD, SPRINGFIELD, NJ 07081.

Abatement certification of this specific instance 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

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

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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06/22/2015

Proposed Penalty:

\$13200.00


Jean G. Kulp
Area Director

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U.S. Department of Labor
Occupational Safety and Health Administration
3477 Corporate Parkway
Suite 120
Center Valley, PA 18034
Phone: 267-429-7542 Fax: 267-429-7567



INVOICE / DEBT COLLECTION NOTICE

Company Name: Express Construction 3 Corporation
Inspection Site: Lot B37 - Valley Forge Drive, Mews at Liberty Village, Coopersburg, PA 18036
Issuance Date: 06/12/2015

Summary of Penalties for Inspection Number	1014095
Citation 1, Serious	\$6600.00
Citation 2, Willful	\$92400.00
Citation 3, Repeat	\$13200.00
TOTAL PROPOSED PENALTIES	\$112200.00

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.

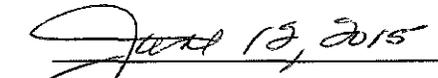
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (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.



Jean G. Kulp
Area Director



Date