

U.S. Department of Labor
Occupational Safety and Health Administration
6393 Oak Tree Blvd., Suite 203
Independence, Ohio 44131-6964
Phone: 216-447-4194 Fax: 216-520-1624
www.osha.gov



Notification of Failure to Abate Alleged Violations

To:
Frost Tile and Marble Co.
3030 Houston Road
Norton, OH 44203

Original Inspection Number: 626738
Original Inspection Date: 09/12/2012 - 10/25/2012

Inspection Number: 900993
Inspection Date(s): 04/17/2013 - 04/17/2013
Issuance Date: 10/11/2013

Inspection Site:
3030 Houston Road
Norton, OH 44203

The violation(s) described in this Notification of Failure to Abate Alleged Violations is/are alleged to have occurred on or about the date(s) the inspection was made unless otherwise indicated within the description given below.

After the original inspection, a Citation(s) was issued to you in accordance with the provisions of the Occupational Safety and Health Act of 1970 (the Act), notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon re-inspection, it is alleged that you have failed to abate the violation(s) listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty is computed by multiplying a daily penalty times the number of days the violation(s) remained unabated. You are to notify the Area Director in writing of the date and nature of the corrective action taken. If you do not abate the violation(s), further penalties may be proposed and other enforcement action to compel abatement may be taken under section 11(b) of the Act.

Notification of Corrective Action - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of OSHA office issuing the citation and identified above. The certification must be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states the abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certificate is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

You are further notified that you must pay the ADDITIONAL PENALTY unless you inform the Area Director in writing that you intend to contest the Notification or the Additional Penalty within 15 working days (excluding weekends and Federal holidays) from your receipt of this notification. If you do not contest within 15 working days after receipt, the Notification and the additional penalties will become the final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Notification 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 the Notification is affirmed by the Review Commission.

Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

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 the OSHA to discuss the Notification of Failure to Abate Alleged Violations issued on 10/11/2013. The conference will be held by telephone or at the OSHA office located at 6393 Oak Tree Blvd., Suite 203, Independence, OH 44131 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Original Inspection Number: 626738

Company Name: Frost Tile and Marble Co.
Inspection Site: 3030 Houston Road, Norton, OH 44203
Issuance Date: 10/11/2013

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, 6393 Oak tree Blvd., Suite 203, Independence, OH 44131

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.

NAME OF COMPANY OFFICIAL _____
DATE

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.

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



Notification of Failure to Abate Alleged Violation

Original Inspection: 626738

Inspection Number: 900993

Original Inspection Dates: 09/12/2012 - 10/25/2012

Inspection Date(s): 04/17/2013 - 04/17/2013

Issuance Date: 10/11/2013

Company Name: Frost Tile and Marble Co.

Inspection Site: 3030 Houston Road, Norton, OH 44203

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

29 CFR 1910.132(d)(2): The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment:

On or about September 12, 2012, the workplace hazard assessment had not been put in writing and certified with the person conducting the evaluation and the dates the hazard assessment was completed. Employees are working with propane, acetone, and silica. Personal protective equipment has not been identified for these work activities through a written workplace hazard assessment.

Additional Penalty:

\$ 24000.00

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



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Company Name: Frost Tile and Marble Co.

Inspection Site: 3030 Houston Road, Norton, OH 44203

Citation 1 Item 3 b

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:

On or about September 12, 2012, employees required to wear personal protective equipment such as safety glasses and dust masks have not been trained on their use. Employees are working with propane, acetone, and silica.

Additional Penalty:

\$ 0.00

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



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Inspection Site: 3030 Houston Road, Norton, OH 44203

Citation 1 Item 5

29 CFR 1910.147(c)(1): The employer did not establish an energy control program consisting of energy control procedures, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, start up or release of stored energy could occur and cause injury, the machine or equipment would be isolated, and rendered inoperative:

On or about September 12, 2012, the company did not establish a program to protect employees involved with servicing and maintenance of machines and equipment from the unexpected energizing, start up or release of stored energy. Energy sources included, but are not limited to, electrical, pneumatic, and hydraulic. The company maintains and services equipment such as, but not limited to, the table saw and polishers.

Additional Penalty:

\$ 16000.00

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Occupational Safety and Health Administration



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Company Name: Frost Tile and Marble Co.

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Citation 1 Item 6 b

29 CFR 1910.157(g)(2): The educational program to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting was not provided to all employees upon initial employment, and at least annually thereafter:

On or about September 12, 2012, the employer did not provide annual training for portable fire extinguishers when available for employee use.

Additional Penalty:

\$ 4000.00

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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 7 a

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator was competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l):

On or about September 12, 2012, the employer had not trained or evaluated employees who drive powered industrial trucks on a daily basis.

Additional Penalty:

\$ 24000.00

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Citation 1 Item 7 b

29 CFR 1910.178(q)(7): Industrial trucks were not examined before being placed in service:

On or about September 12, 2012, the employer did not examine forktrucks on a daily basis before they were put into service.

Additional Penalty:

\$ 0.00

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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 9 a

29 CFR 1910.303(e): Markings were not provided on electrical equipment giving voltage, current, wattage, and other ratings as necessary:

On or about September 12, 2012, the employer did not mark the distribution panel located in the polishing department with the voltage and other ratings.

Additional Penalty:

\$ 12000.00

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Company Name: Frost Tile and Marble Co.

Inspection Site: 3030 Houston Road, Norton, OH 44203

Citation 1 Item 9 c

29 CFR 1910.305(e)(2): Switches, circuit breakers and switchboards installed in wet locations were not enclosed in weatherproof enclosures:

On or about September 12, 2012, the employer had circuit breakers installed in a wet location and they were not enclosed in weatherproof enclosure.

Additional Penalty:

\$ 0.00

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Citation 1 Item 9 d

29 CFR 1910.305(g)(1)(i): Electrical cords and cables were not approved for conditions of use and location:

On or about September 12, 2012, the employer provided electrical cords that were not suitable for the wet conditions in the wet polishing area. Small power tools were being powered by electrical cords that were not suitable for wet areas.

Additional Penalty:

\$ 0.00

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Citation 1 Item 9 e

29 CFR 1910.334(a)(4): Portable electric equipment and flexible cords were used in highly conductive work locations (such as those inundated with water or other conductive liquids), and in job locations where employees are likely to contact water or conductive liquids, should be approved for those locations:

On or about September 12, 2012, the employer had electrical boxes that were not GFCI protected and were being used in wet locations.

Additional Penalty:

\$ 0.00

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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 14 a

29 CFR 1910.1000(c): An employee was exposed to respirable dust containing crystalline silica in excess of the 8-hour time weighted average limits of (0.93 mg/m³) and (0.66 mg/m³) listed in Table Z-3:

On or about September 18, 2012, the fabricator working in the granite shop was exposed to respirable dust containing crystalline silica at 5.08 mg/m³ which is approximately 5.49 times the permissible exposure limit (PEL) of 0.93 mg/m³; exposure calculations included a zero increment for 210 minutes not sampled. At this time employees are being exposed to levels above the PEL.

Sample Results From 05/23/13:

On or about May 23, 2013, the fabricator working in the granite shop was exposed to respirable dust containing crystalline silica at 3.85 mg/m³ which is approximately 5.83 times the permissible exposure limit (PEL) of 0.66 mg/m³; exposure calculations included a zero increment for 50 minutes not sampled. At this time employees are being exposed to levels above the PEL.

Additional Penalty: \$ 28000.00



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Company Name: Frost Tile and Marble Co.

Inspection Site: 3030 Houston Road, Norton, OH 44203

Citation 1 Item 14 b

29 CFR 1910.1000(e): Feasible administrative or engineering controls were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

For the employee including, but not limited to, the employee whose exposure is described in Citation 1, Item 14(a).

On or about September 18, 2012, the fabricator working in the granite shop was exposed to respirable dust containing crystalline silica at 5.08 mg/m³ which is approximately 5.49 times the permissible exposure limit (PEL) of 0.93 mg/m³; exposure calculations included a zero increment for 210 minutes not sampled. At this time employees are being exposed to levels above the PEL and the employer shall require mandatory use of a respirator until feasible engineering controls can be put in place.

General methods of control include, but are not limited to:

1. Install a dust control apparatus on the portable grinder.
2. Use an exhaust ventilation system to capture silica dust.

Sample Results From May 23, 2013:

On or about May 23, 2013, the fabricator working in the granite shop was exposed to respirable dust containing crystalline silica at 3.85 mg/m³ which is approximately 5.83 times the permissible exposure limit (PEL) of 0.66 mg/m³; exposure calculations included a zero increment for 50 minutes not sampled.

Abatement Steps

STEP 1: Effective respirators shall be provided and used by all employee(s) as an interim measure. Abatement must be completed by (5 calendar days).

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STEP 2: Submit to the Area Director a written detailed plan of abatement outlining a schedule for the implementation of engineering and/or administrative measures to control employee exposures as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with the dates required by this citation.

- a) Evaluation of the extent and location of the hazard source.
- b) Evaluation of control measure options.
- c) Selection of optimum control method(s).
- d) Determination of control measure design.
- e) Ordering and delivery of equipment and material(s).
- f) Installation of control measures.
- g) Training of employees in proper operation and maintenance of newly-implemented control measures.
- h) Assurance of effective performance of control measures.

All proposed control measures shall be evaluated for each particular use by a technically qualified person. Abatement must be completed by (15 calendar days).

STEP 3: Correction should have been completed by the implementation of feasible engineering and/or administrative controls and their effectiveness in achieving compliance. Abatement must be completed by (30 calendar days).

Additional Penalty:

\$ 0.00

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



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Inspection Site: 3030 Houston Road, Norton, OH 44203

Citation 1 Item 14 c

29 CFR 1910.134(c)(1): The employer did not ensure that a written respiratory protection program with worksite-specific procedures was established and implemented to include the provisions of (i)-(ix), as applicable:

On or about September 18, 2012, the fabricator working in the granite shop was exposed to respirable dust containing crystalline silica dust at 5.08 mg/m³ which is approximately 5.49 times the permissible exposure limit (PEL) of 0.93 mg/m³; exposure calculations included a zero increment for 210 minutes not sampled. At this time employees are being exposed to levels above the PEL and the employer shall require mandatory use of a respirator until feasible engineering controls can be put in place.

Sample Results from May 23, 2013:

On or about May 23, 2013, the fabricator working in the granite shop was exposed to respirable dust containing crystalline silica at 3.85 mg/m³ which is approximately 5.83 times the permissible exposure limit (PEL) of 0.66 mg/m³; exposure calculations included a zero increment for 50 minutes not sampled. At this time employees are being exposed to levels above the PEL.

Additional Penalty:

\$ 0.00

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



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Inspection Site: 3030 Houston Road, Norton, OH 44203

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 15 a

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:

On or about September 12, 2012, the company did not implement and maintain a written hazard communication program at the site. Employees work with hazardous chemicals such as, but not limited to propane, acetone, and silica.

Additional Penalty:

\$ 20000.00

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



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Inspection Site: 3030 Houston Road, Norton, OH 44203

Citation 1 Item 15 b

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

On or about September 12, 2012, the employer did not provide training or information to employees working with hazardous chemicals such as, but not limited to propane, acetone, and silica.

Additional Penalty:

\$ 0.00

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



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Citation 2 Item 1

29 CFR 1910.22(d)(1): In every building or other structure, or part thereof, used for mercantile, business, industrial, or storage purposes, the loads approved by the building official were not marked in a conspicuous place in each space to which they related:

On or about September 12, 2012, the employer did not load rate the overhead storage area in granite warehouse/fabrication area.

Additional Penalty:

\$ 4000.00

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

Howard B Eberts
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration
6393 Oak Tree Blvd., Suite 203
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**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Frost Tile and Marble Co.
Inspection Site: 3030 Houston Road, Norton, OH 44203
Issuance Date: 10/11/2013

Summary of Additional Penalties for Inspection Number 626738
Followup Inspection Number 900993

TOTAL ADDITIONAL PROPOSED PENALTIES \$ 132000.00

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.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

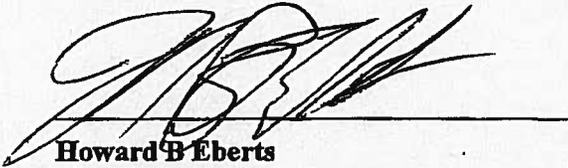
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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 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 to 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 occurring 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.



Howard B Eberts

Area Director

10-15-2013

Date

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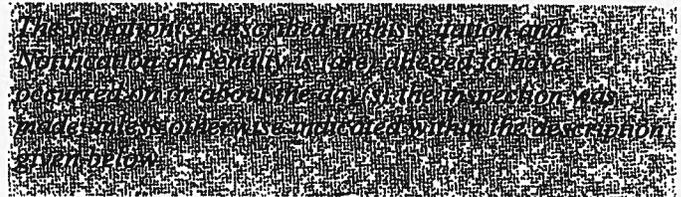


Citation and Notification of Penalty

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3030 Houston Road
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Inspection Number: 900993
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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.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements 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 10/11/2013. The conference will be held by telephone or at the OSHA office located at 6393 Oak Tree Blvd., Suite 203, Independence, OH 44131 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 900993

Company Name: Frost Tile and Marble Co.
Inspection Site: 3030 Houston Road, Norton, OH 44203
Issuance Date: 10/11/2013

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, 6393 Oak tree Blvd., Suite 203, Independence, OH 44131**

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

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

Inspection Number: 900993
Inspection Date(s): 04/17/2013 - 04/17/2013
Issuance Date: 10/11/2013



Citation and Notification of Penalty

Company Name: Frost Tile and Marble Co.
Inspection Site: 3030 Houston Road, Norton, OH 44203

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

29 CFR 1910.134(a)(2): A respirator was not provided by the employer to each employee when such equipment was necessary to protect the health of the employee:

On or about April 17, 2013, the employer did not provide appropriate respirators and associated cartridges to employees who were exposed to respirable dust containing crystalline silica above the permissible exposure limit (PEL).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 10/22/2013 |
| Proposed Penalty: | \$2200.00 |

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: 900993
Inspection Date(s): 04/17/2013 - 04/17/2013
Issuance Date: 10/11/2013



Citation and Notification of Penalty

Company Name: Frost Tile and Marble Co.
Inspection Site: 3030 Houston Road, Norton, OH 44203

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

29 CFR 1910.1020(e)(2)(i)(A): The employer did not ensure each employee and designated representative access to employee exposure records, defined in 29 CFR 1910.1020(e)(2)(i)(A)(1)-(3) as relevant to employee exposure:

On or about April 17, 2013, the employer did not post or provide the air sampling results from the previous inspection (626738) to employees exposed to respirable dust containing crystalline silica.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2200.00

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

Howard B Eberts
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
6393 Oak Tree Blvd., Suite 203
Independence, Ohio 44131-6964
Phone: 216-447-4194 Fax: 216-520-1624
www.osha.gov



INVOICE / DEBT COLLECTION NOTICE

Company Name: Frost Tile and Marble Co.
Inspection Site: 3030 Houston Road, Norton, OH 44203
Issuance Date: 10/11/2013

| | |
|---|------------------|
| Summary of Penalties for Inspection Number | 900993 |
| Citation 1, Serious | \$4400.00 |
| TOTAL PROPOSED PENALTIES | \$4400.00 |

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.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order 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.



Howard B Eberts
Area Director

10-11-2013
Date