

U.S. Department of Labor

Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103
Phone: 314-425-4249 Fax: 314-425-4289



Citation and Notification of Penalty

To:
Gershenson Construction Co., Inc.
2 Truitt Drive
Eureka, MO 63025

Inspection Number: 952203
Inspection Date(s): 12/13/2013 - 12/13/2013
Issuance Date: 06/09/2014

Reply to the Attention of: Strategic Team Leader

Inspection Site:
945 Larkin Williams Road
Fenton, MO 63026

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 \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. 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 06/09/2014. The conference will be held by telephone or at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 952203

Company Name: Gershenson Construction Co., Inc.
Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026
Issuance Date: 06/09/2014

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, 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103**

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: Gershenson Construction Co., Inc.
Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were 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 hazards of being struck by the load during material handling operations:

At the Riverside & Yarnell Sanitary Relief Sewer construction project, at or near the intersection of Henderson Road and Larkin Williams Road in Fenton, MO 63026, on or about 12/13/2013, an employee was exposed to the hazard of being struck-by the partially suspended load maneuvered by the Komatsu Hydraulic Excavator, m/n PC400LC, s/n A86713. The employee was struck-by one end of a 12-foot long section of a 42-inch in diameter sewer pipe and fell to the bottom of the 13-foot deep trench.

One method of abatement to correct this apparent hazard is to assure that the work area is clear of all persons as required by the Komatsu Hydraulic Excavator Operations and Maintenance Manual PC400LC, page 1-31, and the AEM Hydraulic Excavator Safety Manual for Operating and Maintenance Personnel, pages 22 and 30.

Disclaimer:

- a) The employer is not limited to the abatement method(s) suggested by OSHA.
- b) The employer is responsible for selecting and implementing an effective abatement method.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or video which you believe will be helpful. the abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/22/2014
\$5600.00

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: Gershenson Construction Co., Inc.
Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026

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

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

Location: Riverside & Yarnell Sanitary Relief Sewer construction project, at or near the intersection of Henderson Road and Larkin Williams Road in Fenton, MO 63026.

Gershenson Construction Co., Inc. allows workers to be exposed to hazardous conditions created by not conducting adequate frequent or regular inspections. The most recent occurrence was on the Riverside & Yarnell Sanitary Relief Sewer construction project where the competent person failed to make an adequate inspection of the worksite to ensure all workers were in compliance with company safety and health policies and OSHA standards. The workers were exposed to struck-by hazards, were not wearing protective helmets while exposed to struck-by hazards, were using damaged or defective wire rope slings, and an excavator was operated within 10-feet of an energized overhead powerline during sewer system installation.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/30/2014
Proposed Penalty:	\$5600.00



Citation and Notification of Penalty

Company Name: Gershenson Construction Co., Inc.

Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026

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

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe condition(s) and the regulation(s) applicable to his work environment to control or eliminate any hazard(s) or other exposure to illness or injury:

The employer failed to adequately instruct and train employees to recognize, avoid, and prevent potential caught between or under hazards, struck-by hazards, and utility hazards associated with trenching and excavations. The most recent example of this was on the Riverside & Yarnell Sanitary Relief Sewer Construction project, at or near the intersection of Henderson Road and Larkin Williams Road in Fenton, MO 63026, where the employer had inadequately instructed and trained employees to recognize, avoid, control or eliminate unsafe conditions and hazards relating to the following:

- a) On December 13, 2013, a 13-foot deep trench lacked cave-in protection;
- b) On December 13, 2013, utility lines in the 13-foot deep trench were exposed and unprotected;
- c) On December 17, 2013, trench shields were improperly positioned in a trench, leaving more than 2 feet of soil exposed below the bottom of the shields;
- d) On December 13 and 17, 2013, workers were not removed from hazardous trench conditions until the trench conditions were corrected;
- e) On December 13, 2013, workers were allowed to remain within the swing radius of an excavator that was in operation;
- f) On December 13 and 17, 2013, slings that were damaged and had missing tags were used to lift and lower loads in and out of trenches;
- g) On December 17 and 18, 2013, workers working around heavy equipment and in a trench were not wearing protective head gear.

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: 952203
Inspection Date(s): 12/13/2013 - 12/13/2013
Issuance Date: 06/09/2014



Citation and Notification of Penalty

Company Name: Gershenson Construction Co., Inc.
Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2014
Proposed Penalty:	\$5600.00

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: Gershenson Construction Co., Inc.
Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026

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

29 CFR 1926.100(a): Employees were not protected by protective helmets while working in areas where there was a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns:

Location: Riverside & Yarnell Sanitary Relief Sewer construction project, at or near the intersection of Henderson Road and Larkin Williams Road in Fenton, MO 63026.

On or about December 17, 2013, workers were not wearing protective helmets while exposed to struck-by hazards:

- a) A worker was observed operating a compactor within an excavation as the back hoe was removing soil from the excavation.
- b) A worker was observed attaching synthetic web slings to the hook of the overhead track hoe bucket and working in the area while the track hoe hoisted and transported the construction materials.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/30/2014
Proposed Penalty:	\$5600.00



Citation and Notification of Penalty

Company Name: Gershenson Construction Co., Inc.
Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026

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

29 CFR 1926.251(a)(6): Each day before being used, and during use, where service conditions warrant, the sling and all fastenings and attachments were not inspected for damage or defects by a competent person, and damaged or defective slings were not immediately removed from service:

Location: Riverside & Yarnell Sanitary Relief Sewer construction project, at or near the intersection of Henderson Road and Larkin Williams Road in Fenton, MO 63026.

Damaged or defective slings were not immediately removed from service. The four legged bridle wire rope had a damaged eyelet, the four hooks were missing the safety latches, and there was no permanently affixed, legible identification marking stating size, rated capacity for the type(s) of hitch(es) used and the angle upon which it is based, and the number of legs if more than one.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 06/30/2014
Proposed Penalty: \$5600.00



Citation and Notification of Penalty

Company Name: Gershenson Construction Co., Inc.
Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026

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

29 CFR 1926.251(c)(16): Wire rope slings did not have permanently affixed, legible identification markings stating size, rated capacity for the type(s) of hitch(es) used and the angle upon which it is based, and the number of legs if more than one:

Location: Riverside & Yarnell Sanitary Relief Sewer construction project, at or near the intersection of Henderson Road and Larkin Williams Road in Fenton, MO 63026.

- a) The four legged bridle wire rope had no permanently affixed, legible identification marking stating size, rated capacity for the type(s) of hitch(es) used and the angle upon which it is based, and the number of legs if more than one.
- b) The single wire rope choker sling had no permanently affixed, legible identification marking stating size, rated capacity for the type(s) of hitch(es) used and the angle upon which it is based.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or video which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

Date By Which Violation Must be Abated: 06/30/2014
Proposed Penalty: \$4000.00



Citation and Notification of Penalty

Company Name: Gershenson Construction Co., Inc.
Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026

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

29 CFR 1926.600(a)(6)(i): For lines rated 50 kV or below, a minimum of 10 feet was not maintained between the energized line and the equipment:

Location: Riverside & Yarnell Sanitary Relief Sewer construction project, at or near the intersection of Henderson Road and Larkin Williams Road in Fenton, MO 63026.

On or about December 13, 2013 the Komatsu Hydraulic Excavator, Model PC400LC-7L, s/n A86713, was permitted to be operated within 10 feet of energized overhead power lines without protection of the lines.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/30/2014
Proposed Penalty:	\$5600.00



Citation and Notification of Penalty

Company Name: Gershenson Construction Co., Inc.
Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026

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

29 CFR 1926.651(b)(4): While the excavation was opened, underground installations were not protected, supported or removed as necessary to safeguard employees:

Location: Riverside & Yarnell Sanitary Relief Sewer construction project, at or near the intersection of Henderson Road and Larkin Williams Road in Fenton, MO 63026.

On or about December 13, 2013, the employer did not ensure that the natural gas line and water line in the excavation were protected or supported to prevent damage from the excavator bucket, hoisted sections of the 42-inch in diameter sewer pipe, and/or falling soil.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/22/2014
Proposed Penalty:	\$5600.00



Citation and Notification of Penalty

Company Name: Gershenson Construction Co., Inc.
Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1926.651(k)(2): Where the competent person found evidence of a situation that could result in a possible cave-in, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions, exposed employees were not removed from the hazardous area until the necessary precautions had been taken to ensure their safety:

Location: Riverside & Yarnell Sanitary Relief Sewer construction project, at or near the intersection of Henderson Road and Larkin Williams Road in Fenton, MO 63026.

a) On or about December 13, 2013, the competent person authorized employees to enter an excavation without a protective system in the excavation that measured approximately 13 feet in depth, 11 feet in width, and 20 feet in length. The employer did not ensure that the natural gas line and water line in the excavation were protected or supported to prevent damage from the excavator bucket, hoisted sections of the 42 inch in diameter sewer pipe, and/or falling soil.

b) The competent person authorized employees to enter excavations at the job site while more than 2 feet of earth material was below the bottom of the trench shield at the following excavations:

1) There was approximately 4 feet of soil below the trench shield that was positioned parallel to the east side of Larkin Williams Road near the intersection of Henderson Road and Larkin Williams Road.

2) There was approximately 4 feet of soil below the trench shield positioned parallel to Henderson Road, phase 56 & 23 of the sewer pipe installation.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

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

Inspection Number: 952203
Inspection Date(s): 12/13/2013 - 12/13/2013
Issuance Date: 06/09/2014



Citation and Notification of Penalty

Company Name: Gershenson Construction Co., Inc.
Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/30/2014
Proposed Penalty:	\$5600.00

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: Gershenson Construction Co., Inc.
Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1926.652(g)(2): Excavations of earth material to a level no greater than 2 feet (.61m) below the bottom of a shield was permitted:

Location: Riverside & Yarnell Sanitary Relief Sewer construction project, at or near the intersection of Henderson Road and Larkin Williams Road in Fenton, MO 63026.

At the job site, more than 2 feet of earth material was below the bottom of the trench shield at the following excavations:

- a) There was approximately 4 feet of soil below the trench shield that was positioned parallel to the east side of Larkin Williams Road at the intersection of Henderson Road and Larkin Williams Road.
- b) There was approximately 4 feet of soil below the trench shield positioned parallel to Henderson Road, phase 56 & 23 of the sewer pipe installation.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/16/2014
Proposed Penalty:	\$5600.00



Citation and Notification of Penalty

Company Name: Gershenson Construction Co., Inc.
Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026

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

29 CFR 1926.652(a)(1): Each employee in an excavation was not protected from cave-ins by an adequate protective system designed in accordance with paragraph (b) or (c) of this section:

Location: Riverside & Yarnell Sanitary Relief Sewer construction project, at or near the intersection of Henderson Road and Larkin Williams Road in Fenton, MO 63026.

At the job site, the competent person authorized employees to enter an excavation without a protective system in the excavation that measured approximately 13 feet in depth, 11 feet in width, and 20 feet in length.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 06/16/2014
Proposed Penalty: \$56000.00



William McDonald, CSP
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103
Phone: 314-425-4249 Fax: 314-425-4289



INVOICE / DEBT COLLECTION NOTICE

Company Name: Gershenson Construction Co., Inc.
Inspection Site: 945 Larkin Williams Road, Fenton, MO 63026
Issuance Date: 06/09/2014

Summary of Penalties for Inspection Number	952203
Citation 1, Serious	\$54400.00
Citation 2, Willful	\$56000.00
TOTAL PROPOSED PENALTIES	\$110400.00

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 \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will 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.



for **William McDonald, CSP**
Area Director

6/9/2014

Date