

U.S. Department of Labor
Occupational Safety and Health Administration
7 North Wilkes-Barre Blvd.
Suite 410, The Stegmaier Building
Wilkes Barre, PA 18702
Phone: 570-826-6538 Fax: 570-821-4170



Citation and Notification of Penalty

To:
High Structural Erectors LLC
and its successors
1853 William Penn Way
PO Box 10008
Lancaster, PA 17605

Inspection Number: 1079080
Inspection Date(s): 07/21/2015 - 09/03/2015
Issuance Date: 09/03/2015

Inspection Site:
Bridge between Matamoras, PA and Port Jervis, NY
Route 84 East
Matamoras, PA 18336

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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/03/2015. The conference will be held by telephone or at the OSHA office located at 7 North Wilkes-Barre Blvd., Suite 410, The Stegmaier Building, Wilkes Barre, PA 18702 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1079080

Company Name: High Structural Erectors LLC

Inspection Site: Bridge between Matamoras, PA and Port Jervis, NY, Route 84 East, Matamoras, PA 18336

Issuance Date: 09/03/2015

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, 7 North Wilkes-Barre Blvd., Suite 410, The Stegmaier Building, Wilkes Barre, PA 18702**

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: High Structural Erectors LLC

Inspection Site: Bridge between Matamoras, PA and Port Jervis, NY, Route 84 East, Matamoras, PA 18336

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

OSH ACT of 1970 Section (5)(a)(1): 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 worked outdoors in direct sunlight, for 8 hours per day, exposing them to excessive heat which could, and in one case did, result in heat related illnesses:

a) Route 84 East Bridge in Matamoras, PA: On July 20, 2015, an employee, Ironworker, was exposed to excessive heat while performing bridge work operations in direct sunlight outdoors for approximately eight hours on a sunny day with a peak heat index of 91 degrees Fahrenheit. This employee suffered from a heat related illness, discovered on or about July 21, 2015.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED

Among other methods, some feasible methods to correct this violation include but are not limited to:

1. Utilize appropriate tools (e.g., heat stress meter) to evaluate environmental conditions at worksites. Ensure that managers are provided with effective training to operate these tools and interpret their data.
2. Implement an effective heat illness prevention program pursuant to which adjustments are made to employee work schedules and work duties for all employees when outdoor working conditions become, or are expected to become, potentially hazardous. Ensure that site managers are effectively trained to implement and enforce this heat illness prevention program.
3. Implement, enforce, and ensure that employees follow a work/rest regimen in accordance with the American Conference of Industrial Hygienists (ACGIH) 2014 Permissible Heat Exposure Threshold

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: High Structural Erectors LLC

Inspection Site: Bridge between Matamoras, PA and Port Jervis, NY, Route 84 East, Matamoras, PA 18336

Limit Values (TLVs). Ensure that site managers are effectively trained to implement and enforce this work/rest regimen.

4. Provide mandatory training for all employees regarding the heat illness prevention program, the health effects associated with heat stress, recognizing symptoms of heat related illnesses, methods of preventing such illnesses, and the importance of employees reporting any symptoms of heat related illnesses to their supervisors.
5. Provide mandatory training for all managers and supervisors regarding how to effectively recognize symptoms of heat related illnesses in others and the procedures to follow when an employee appears to be suffering from symptoms of heat related illness.
6. Provide hot worksites with a cool area (e.g., tent and/or job trailer) for employees to take their breaks.
7. Implement a heat acclimatization program for new employees, for employees returning to work from absences of four or more days, and for employees who are moved from cool and/or shaded jobs to hotter and/or unshaded jobs.
8. Permit only those workers acclimatized to heat to perform the more strenuous tasks. Rotate physically demanding job tasks among acclimatized workers.
9. Continue to ensure that cool drinking water and/or other hydrating beverages are readily available to employees working in hot environments. Encourage employees to drink 5 to 7 ounces of cool water every 15 to 20 minutes.
10. Ensure that employees working in hot environments carry only the necessary amount of tools in

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: 1079080
Inspection Date(s): 07/21/2015 - 09/03/2015
Issuance Date: 09/03/2015



Citation and Notification of Penalty

Company Name: High Structural Erectors LLC

Inspection Site: Bridge between Matamoras, PA and Port Jervis, NY, Route 84 East, Matamoras, PA 18336

their utility belts that are required to complete job tasks.

11. Ensure that the clothing and necessary personal protective equipment (e.g., high visibility vests) worn by employees are breathable and/or designed to be worn in hot environments.

12. Schedule hot jobs for cooler parts of the work day when feasible.

Date By Which Violation Must be Abated:

10/09/2015

Proposed Penalty:

\$4900.00

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

Mark Stelmack
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
7 North Wilkes-Barre Blvd.
Suite 410, The Stegmaier Building
Wilkes Barre, PA 18702
Phone: 570-826-6538 Fax: 570-821-4170



INVOICE / DEBT COLLECTION NOTICE

Company Name: High Structural Erectors LLC
Inspection Site: Bridge between Matamoras, PA and Port Jervis, NY, Route 84 East, Matamoras, PA 18336
Issuance Date: 09/03/2015

Summary of Penalties for Inspection Number	1079080
Citation 1, Serious	\$4900.00
TOTAL PROPOSED PENALTIES	\$4900.00

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.

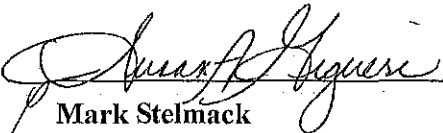
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Mark Stelmack
Area Director

9/3/2015

Date