

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

Inspection Number: 985498
Inspection Date(s): 07/11/2014 - 07/14/2014
Issuance Date: 01/02/2015



Citation and Notification of Penalty

Company Name: JAMES J. WELCH & CO., INC.
Inspection Site: 15 Cottage St, Easthampton, MA 01027

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

29 CFR 1926.403(b)(2): Listed, labeled, or certified equipment was not installed and/or used in accordance with instructions included in the listing, labeling, and/or certification:

The employer does not protect its employees from the hazards associated with the improper use of labeled and listed electrical equipment. This was most recently observed on or about July 11, 2014 at a worksite located at 15 Cottage St., Easthampton, MA in that employees were observed using portable Ground Fault Circuit Interrupters (GFCIs) that were drawing power from extension cords which is contrary to the instructions printed on the devices that state, "DO NOT USE EXTENSION CORD TO CONNECT GFCI TO POWER RECEPTACLE":

- (a) Powering a drill and reciprocating saw on the roof
- (b) Powering a circular on the second floor of this building.

To abate this violation, the employer must train its employees on the proper usage of electrical devices such as these, instruct their employees to follow the instructions printed on devices they use in the course of their work, and monitor their employee to ensure that they are using electrical devices consistent with the labeling and listing for those devices.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/08/2015
\$3080.00

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

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Company Name: JAMES J. WELCH & CO., INC.
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Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1926.502(d)(15): Anchorages used for attachment of personal fall arrest equipment were not capable of supporting at least 5,000 pounds (22.2 kN) per employee attached:

The employer does not protect its employees from fall hazards inherent in performing roofing work. This was most recently observed on or about July 11, 2014 at a worksite located at 15 Cottage St., Easthampton, MA in that two employees working more than 25 feet above the ground below were attached to a reusable roof anchor on the roof, that was not capable of supporting at least 5,000 pounds due to it being installed:

- (a) without the required number of and specific type of attachment screws required for proper installation
- (b) with more than 1 employee attached to the anchor

To abate this violation, the employer must provide proper instruction to its employees on how to install and use this type of anchorage and enforce that its employees are following those instructions when installing and using this type of equipment as part of their Personnel Fall Arrest System.

Date By Which Violation Must be Abated: 01/08/2015
Proposed Penalty: \$3850.00

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: JAMES J. WELCH & CO., INC.
Inspection Site: 15 Cottage St, Easthampton, MA 01027

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 1926.503(a)(1): The employer did not provide a training program for each employee who might be exposed to fall hazards that shall enable each employee to recognize the hazards of falling and/or shall train each employee in the procedures to be followed in order to minimize these hazards:

a) The employer does not protect its employees from the fall hazards inherent in performing roofing work. This was most recently observed on or about July 11, 2014 at a worksite located at 15 Cottage St., Easthampton, MA in that James J. Welch & Co., Inc. failed to provide a training program for each employee who was exposed to fall hazards while roofing that would enable those employees to recognize those hazards and the procedures to be followed in order to minimize those hazards. To abate this violation, the employer must provide a training program for each employee who might be exposed to fall hazards while in their employ.

Specific abatement documentation that this violation has been corrected must be provided within 10 days of the abatement in accordance with 29 CFR 1903.19(d)(1).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/08/2015
Proposed Penalty:	\$5390.00

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Company Name: JAMES J. WELCH & CO., INC.
Inspection Site: 15 Cottage St, Easthampton, MA 01027

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

29 CFR 1926.503(b)(1): The employer did not verify compliance with paragraph (a) of this section by preparing a written certification record.

a) The employer does not protect its employees from fall hazards inherent in performing roofing work. This was most recently observed on or about July 11, 2014 at a worksite located at 15 Cottage St., Easthampton, MA in that James J. Welch & Co., Inc., did not verify compliance that fall protection training had been completed for employees exposed to fall hazards while performing roofing work by preparing a certification record documenting that the training was conducted. To abate this violation, the employer must prepare a written certification that verifies that fall protection training has been conducted which contains all of the elements required by this standard.

Specific abatement documentation that this violation has been corrected must be provided within 10 days of the abatement in accordance with 29 CFR 1903.19(d)(1).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/08/2015

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Citation and Notification of Penalty

Company Name: JAMES J. WELCH & CO., INC.
Inspection Site: 15 Cottage St, Easthampton, MA 01027

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

29 CFR 1926.501(b)(10): Each employee engaged in roofing activities on low-slope roofs, with unprotected sides and edges 6 feet (1.8 m) or more above lower levels was not protected from falling by guardrail systems, safety net systems, personal fall arrest systems, or a combination of warning line system and guardrail system, warning line system and safety net system, or warning line system and personal fall arrest system, or warning line system and safety monitoring system:

The employer does not protect its employees from the fall hazards inherent in performing roofing work. This was most recently observed on or about July 11, 2014 at a worksite located at 15 Cottage St., Easthampton, MA in that several employees were observed working on the roof of this mill building without any fall protection:

(a) Two employees were working on the roof of buildings I, J and K more than 40 feet above the ground below without any fall protection.

(b) Six employees were stripping the roof of building F more than 25 feet above the ground below without any fall protection.

To abate this violation, the employer must provide fall protection equipment to its employees, train them in its proper usage and enforce that usage when employee are exposed to falls in excess of 6 feet while engaged in roofing work.

Specific abatement documentation that this violation has been corrected must be provided within 10 days of the abatement in accordance with 29 CFR 1903.19(d)(1).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 01/08/2015
Proposed Penalty: \$53900.00

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

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Occupational Safety and Health Administration

Inspection Number: 985498
Inspection Date(s): 07/11/2014 - 07/14/2014
Issuance Date: 01/02/2015



Citation and Notification of Penalty

Company Name: JAMES J. WELCH & CO., INC.
Inspection Site: 15 Cottage St, Easthampton, MA 01027

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: JAMES J. WELCH & CO., INC.
Inspection Site: 15 Cottage St, Easthampton, MA 01027

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

29 CFR 1926.501(b)(4)(i): Each employee on walking/working surfaces was not protected from falling through holes (including skylights) more than 6 feet (1.8 m) above lower levels, by personal fall arrest systems, covers, or guardrail systems erected around such holes:

a) The employer does not protect its employees from fall hazards when floors have openings and or are missing sections due to construction activities at a work site. This was most recently observed on or about July 11, 2014 at a worksite located on the second floor of building G at 15 Cottage St., Easthampton, MA in that an employee was observed exposed to falls in excess of 10 feet to a lower level through unprotected and or insufficiently guarded floor holes due to missing guarding at the floor opening he was observed looking through. Additionally, incomplete and insufficient guarding at the floor opening immediately adjacent to the rear of his work station was observed.

To abate this violation, the employer must train its employees on the proper procedures to be utilized when working around or near floor openings or holes, provide their employees with the necessary equipment to protect them from falling into those openings or holes and enforce the usage of that equipment or system when floor openings or holes are present at their worksites.

James J. Welch & Co., Inc. was previously cited for a repeat violation of a substantially similar occupational safety and health standard 29 CFR 1926.501 (b)(4)(ii), which was contained in OSHA inspection number 314731837, citation number 2, item number 2 and was affirmed as a final order on November 24, 2010, with respect to a workplace located at 79 Hollis St., Holliston, MA.

Specific abatement documentation that this violation has been corrected must be provided within 10 days of the abatement in accordance with 29 CFR 1903.19(d)(1).

In order to be in compliance with this standard, you also have to meet the requirements pertaining to guardrails contained in CFR 29 1926.502 (b) (3), (5),(11), (12) and/or (13).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/08/2015

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Citation and Notification of Penalty

Company Name: JAMES J. WELCH & CO., INC.
Inspection Site: 15 Cottage St, Easthampton, MA 01027

Proposed Penalty:

\$26950.00

A handwritten signature in black ink, appearing to read "Mary E Hoyer", written over a horizontal line.

Mary E Hoyer
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
1441 Main Street
Room 550
Springfield, MA 01103
Phone: 413-785-0123 Fax: 413-785-0136



INVOICE / DEBT COLLECTION NOTICE

Company Name: JAMES J. WELCH & CO., INC.
Inspection Site: 15 Cottage St, Easthampton, MA 01027
Issuance Date: 01/02/2015

Summary of Penalties for Inspection Number	985498
Citation 1, Serious	\$12320.00
Citation 2, Willful	\$53900.00
Citation 3, Repeat	\$26950.00
TOTAL PROPOSED PENALTIES	\$93170.00

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

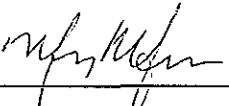
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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.

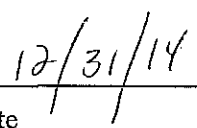
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent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



Mary E Hoye
Area Director



Date