

U.S. Department of Labor
Occupational Safety and Health Administration
1391 Speer Blvd, Suite 210
Denver, CO 80204
Phone: 303-844-5285 Fax: 303-844-6676



Citation and Notification of Penalty

To:
Nidi Tec Inc
591 E 56th Avenue
Denver, CO 80216

Inspection Number: 1121670
Inspection Date(s): 01/29/2016 - 06/07/2016
Issuance Date: 07/06/2016

Inspection Site:
591 E 56th Avenue
Denver, CO 80216

The violations described in this Citation and Notification of Penalty are alleged to have occurred on or about the days 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 penalties listed herein 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 violations 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 violations cited herein 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 citations and/or penalties.

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 citations and/or proposed penalties within 15 working days after receipt, the citations and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citations issued on 07/06/2016. The conference will be held by telephone or at the OSHA office located at 1391 Speer Blvd, Suite 210, Denver, CO 80204 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1121670

Company Name: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216
Issuance Date: 07/06/2016

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, 1391 Speer Blvd, Suite 210, Denver, CO 80204**

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: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

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 1 a Type of Violation: **Willful**

29 CFR 1910.178(o)(2): Load(s) were being handled which exceeded the rated capacity of the industrial truck(s):

- (a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/28/16, loads were being handled which exceeded the rated capacity of the industrial truck. Employees operated a Hyster model S120XL powered industrial truck while transporting bundles of granite slabs. Multiple slabs of granite were supported by wire rope slings suspended from the hook of the forklift's attachment. The rated capacity of the Hyster powered industrial truck without the attachment was 7,200 pounds at a load height of 182 inches and load center of 36 inches. The employer had not updated the decreased rated capacity of the powered industrial truck with the attachment. Bundles of seven slabs, weighing approximately 8,400 pounds, were moved. Bundles of five slabs, weighing approximately 6,500 pounds were moved. The back end of the powered industrial truck lifted when moving such loads. The employer placed a container of granite slab pieces onto the tail of the powered industrial truck to act as a counterweight. The employer did not ensure that loads were within the rated capacity of the Hyster powered industrial truck with attachment. This condition exposed employees to tip over and crushing hazards.

Abatement Note: Abatement certification **and** documentation are required for this item (See enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/10/2016
Proposed Penalty:	\$42,000.00

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: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

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

29 CFR 1910.178(q)(6): An industrial truck was altered so that the relative positions of the various parts were different from what they were when originally received from the manufacturer, or altered either by the addition of extra parts not provided by the manufacturer or by the elimination of any parts. Additional counterweighting of the truck was done without approval by the truck manufacturer:

- (a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/28/16, an industrial truck was altered so that the relative positions of the various parts were different from what they were when originally received from the manufacturer, or altered either by the addition of extra parts not provided by the manufacturer or by the elimination of any parts. Employees operated a Hyster model S120XL powered industrial truck while transporting bundles of granite slabs. The employer placed a container of granite slab pieces onto the tail of the powered industrial truck to act as a counterweight for its overloaded condition. The employer did not obtain approval from the manufacturer for the addition of the granite pieces counterweight from the manufacturer. This condition exposed employees to tip over and crushing hazards.
- (b) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/28/16, an industrial truck was altered so that the relative positions of the various parts were different from what they were when originally received from the manufacturer, or altered either by the addition of extra parts not provided by the manufacturer or by the elimination of any parts. Employees operated a Hyster model S120XL powered industrial truck while transporting bundles of granite slabs. The employer placed a container of granite slab pieces onto the tail of the powered industrial truck to act as a counterweight for its overloaded condition. The employer moved the propane fuel tank and cradle mount from its position on the tail. The propane tank was placed freely upon the chassis behind the operator's seat. The employer did not obtain approval from the manufacturer for the re-positioning of the propane tank from the manufacturer. This condition exposed employees to a fire hazard.

Abatement Note: Abatement certification **and** documentation are required for this item (See enclosed "Certification of Corrective Action Worksheet").

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: 1121670
Inspection Date(s): 01/29/2016 - 06/07/2016
Issuance Date: 07/06/2016



Citation and Notification of Penalty

Company Name: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/10/2016

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: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

Citation 2 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 an employee worked in the shadow of a bundle of granite slabs while a forklift set the bundle onto an A-frame support:

- (a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/28/16, Nidi Tec Inc 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 an employee worked in the shadow of a bundle of granite slabs while a forklift set the bundle onto an A-frame support. An employee operated a Hyster model S120XL powered industrial truck to transport bundles of granite slabs from the slab yard to A-frame storage racks in the warehouse. A bundle of five slabs, weighing approximately 6,500 pounds, was suspended from a single hook at the end of a forklift attachment using wire rope slings. The A-frame racks were positioned perpendicular to and butted to the exterior wall. An employee entered the "shadow" of the slabs to remove the wire rope slings from the hook. This condition exposed the employee to a crushing hazard.

Abatement Note: Among other methods, feasible abatement methods include:

1. Avoid manual lifting of stone slabs where possible. Use mechanical aids (slab dollies, suction lifts, scissor clamps, etc.). Lift only loads that can be safely handled.
2. Use the proper material handling equipment, such as an overhead crane with appropriate approved attachments, or a forklift truck equipped with appropriate and approved boom attachments and lifting devices, or other equipment to assist with the unloading and loading of slabs.
3. Place the clamp on the secure area of the stone when moving and/or lifting a slab with a scissor clamp. Placing the clamp over a weak vein can cause the stone to break and fall. Clamps should be used only on grade "A" marble and other solid stones without flaws, open seams, or cracks.
4. Inspect all slabs for fractures or other potential causes of collapse prior to rigging.
5. Assure that a suction cup is rated to lift these types of finishes when moving unpolished slabs with a suction cup lifter.
6. Do not use scissor clamps on equipment operating on uneven surfaces.

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: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

7. Never stand under, near or in the fall shadow of a slab when moving it with an overhead crane. Use a tag line to control slabs being supported or moved while suspended from a crane cable to prevent them from falling or toppling.
8. Always walk at the end of the slab. Never walk in the "fall shadow" of a slab. The "fall shadow" is the area on both sides of the slab where the slab could land and topple if it were to fall.
9. Assure that dollies used to move stone slabs are designed to support the weight of the slab.
10. Have employees walk on either end of the dolly to support the slab.
11. Raise the load only as far as necessary to clear the road surface or obstacles when using powered industrial trucks.
12. Only handle loads within the rated capacity of the truck when using powered industrial trucks.
13. Remove the supports and bracing from the stone slab bundles inside shipping/storage containers using a sequence that does not allow for the other slabs to shift or collapse.

Abatement Note: Abatement certification **and** documentation are required for this item (See enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/10/2016
Proposed Penalty:	\$4,900.00



Citation and Notification of Penalty

Company Name: Nidi Tec Inc

Inspection Site: 591 E 56th Avenue, Denver, CO 80216

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

29 CFR 1910.176(b): Storage of material created a hazard (e.g., by sliding or collapsing):

- (a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/29/16, storage of material created a hazard (e.g., by sliding or collapsing). Large granite slabs were stored upon metal A-frame racks. The employer utilized a mix of GranQuartz model 750252 racks, rated for 12,000 pounds per side of the A-frame, and metal racks of unknown manufacture and capacity. Fourteen granite slabs, weighing approximately 13,000 pounds, were stored on one side of an A-frame rack of unknown manufacture and capacity. The employer did not ensure that the rack of unknown manufacture and capacity was designed to support 13,000 pounds on one side of the A-frame. This condition exposed employees to a crushing hazard.

Abatement Note: Among other methods, feasible abatement methods include:

1. Design storage racks to withstand the loads and forces imposed on them.
2. Design a storage rack system to secure slabs from shifting, sliding and collapsing, or provide secondary bracing or a restraint system to secure slabs from shifting, sliding and collapsing.
3. Ensure that the "slab racks" are properly installed. Inspect each component to ensure that poles can be inserted into the holes.
4. Maintain the rack, ensuring that no debris or other objects interfere with the insertion of the poles used with "slab racks."
5. Develop and implement procedures for the placement and removal of slabs from the racks, keeping employees out of danger zones.
6. Do not allow employees to use damaged storage racks.
7. Inspect the storage racks prior to loading. Ensure that the racks are properly installed. Look for: cracked welds; cracked structural members; deformed or bent structural members; splits in wooden supports; areas that show that the rack has been damaged or overloaded; and poles or other uprights not seated properly in sockets or holes.

Abatement Note: Abatement certification is required for this item (See enclosed "Certification of Corrective Action Worksheet").

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: 1121670
Inspection Date(s): 01/29/2016 - 06/07/2016
Issuance Date: 07/06/2016



Citation and Notification of Penalty

Company Name: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

Date By Which Violation Must be Abated: 08/10/2016
Proposed Penalty: \$3,500.00

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: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

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

29 CFR 1910.178(f)(2): The storage and handling of liquefied petroleum gas fuel was not in accordance with NFPA 58-1969 "Storage and Handling of Liquefied Petroleum Gases":

- (a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/29/16, Nidi Tec Inc did not ensure that storage and handling of liquefied petroleum gas fuel was in accordance with NFPA 58-1969 "Storage and Handling of Liquefied Petroleum Gases". Employees operated Hyster model S120XL and Yale model GLP060PDNUAE080 powered industrial trucks while transporting granite slabs. The powered industrial trucks were propane fueled. Full and empty propane gas cylinders were stored inside the building, adjacent to the large overhead door which was used by forklift and pedestrian traffic. The employer did not ensure that propane gas cylinders were stored in accordance with NFPA 58-1969. This condition exposed employees to a fire or explosion hazard.

Abatement Note: Abatement certification is required for this item (See enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated: 08/10/2016
Proposed Penalty: \$2,100.00



Citation and Notification of Penalty

Company Name: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 2 Item 4 a Type of Violation: **Serious**

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

- (a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/28/16, Nidi Tec Inc 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 per 29 CFR 1910.178(l). Employees operated Hyster model S120XL and Yale model GLP060PDNUAE080 powered industrial trucks while transporting granite slabs. Two employees operated the Yale powered industrial truck to transport single granite slabs. The employees had not completed training and evaluation with regards to competency to operate the Yale powered industrial truck. This condition exposed employees to a powered industrial truck hazard.

Abatement Note: Abatement certification **and** documentation are required for this item (See enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/10/2016
Proposed Penalty:	\$4,900.00

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: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

Citation 2 Item 4 b Type of Violation: **Serious**

29 CFR 1910.178(l)(4)(iii): The employer did not ensure that each powered industrial truck operator's performance was evaluated at least once every three years:

- (a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/28/16, Nidi Tec Inc did not ensure that each powered industrial truck operator's performance was evaluated at least once every three years. Employees operated Hyster model S120XL and Yale model GLP060PDNUAE080 powered industrial trucks while transporting granite slabs. One employee, who operated both powered industrial trucks, had not had his performance evaluated since October 10, 2012. This condition exposed the employee to a powered industrial truck hazard.

Abatement Note: Abatement certification **and** documentation are required for this item (See enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/10/2016



Citation and Notification of Penalty

Company Name: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

Citation 2 Item 5 Type of Violation: **Serious**

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

- (a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/28/16, Nidi Tec Inc did not ensure that industrial trucks were examined before being placed in service. Employees operated Hyster model S120XL and Yale model GLP060PDNUAE080 powered industrial trucks while transporting granite slabs. The powered industrial trucks were not inspected before being placed into service. This condition exposed employees to a struck-by hazard.

Abatement Note: Abatement certification **and** documentation are required for this item (See enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/10/2016
Proposed Penalty:	\$4,900.00



Citation and Notification of Penalty

Company Name: Nidi Tec Inc

Inspection Site: 591 E 56th Avenue, Denver, CO 80216

Citation 2 Item 6 Type of Violation: **Serious**

29 CFR 1910.184(d): Sling(s) and fastenings were not inspected each day or during use and were not removed from service when damaged or defective:

- (a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/28/16, Nidi Tec Inc did not ensure that sling(s) and fastenings were inspected each day or during use and were removed from service when damaged or defective. Employees operated a Hyster model S120XL powered industrial truck while transporting granite slabs. Multiple slabs of granite were supported by wire rope slings suspended from the hook of the forklift's attachment. A 5/8" diameter wire rope sling used on 1/28/16 had five or more broken wires in one strand from previous use. The employer did not inspect the wire rope sling and remove the wire rope sling from service at the time of the damage. This condition exposed employees to a crush hazard.

- (b) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/28/16, Nidi Tec Inc did not ensure that sling(s) and fastenings were inspected each day or during use and were removed from service when damaged or defective. Employees operated a Hyster model S120XL powered industrial truck while transporting granite slabs. Multiple slabs of granite were supported by wire rope slings suspended from the hook of the forklift's attachment. The safety latch of the hook was damaged and inoperative. The employer did not inspect the safety latch and remove the hook from service at the time of the damage. This condition exposed employees to a crush hazard.

- (c) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/29/16, Nidi Tec Inc did not ensure that sling(s) and fastenings were inspected each day or during use and were removed from service when damaged or defective. Employees operated a Yale model GLP060PDNUAE080 powered industrial truck while transporting granite slabs. A single slab of granite was suspended from a clamp connected to the hook of the forklift's attachment. The safety latch of the hook was damaged and inoperative. The employer did not inspect the safety latch and remove the hook from service at the time of the damage. This condition exposed employees to a crush hazard.

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: 1121670
Inspection Date(s): 01/29/2016 - 06/07/2016
Issuance Date: 07/06/2016



Citation and Notification of Penalty

Company Name: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

Abatement Note: Abatement certification **and** documentation are required for this item (See enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/10/2016
Proposed Penalty:	\$4,900.00

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: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 2 Item 7 a Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): Employer had not developed, implemented or maintained at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g) and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met:

(a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/29/16, Nidi Tec Inc had not developed, implemented or maintained at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g) and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met. Employees performed duties related to the sale of granite slabs. The employer had not developed a written hazard communication program related to hazardous chemicals in their work area, including but not limited to the following:

1. Kleen Strip Lacquer Thinner;
2. Kleen Strip Mineral Spirits;
3. Propane;
4. Sherwin Williams Acrylic Latex Floor Enamel;
5. Job Master Wax Stripper;
6. Ortho Weed B Gone Max; and
7. Grass and Weed Killer.

Abatement Note: Abatement certification is required for this item (See enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated: 08/10/2016
Proposed Penalty: \$2,100.00

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: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

Citation 2 Item 7 b Type of Violation: **Serious**

29 CFR 1910.1200(g)(8): The employer did not maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and did not ensure that they were readily accessible during each work shift to employees when they were in their work area(s):

(a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/29/16, Nidi Tec Inc did not maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and did not ensure that they were readily accessible during each work shift to employees when they were in their work area(s). Employees performed duties related to the sale of granite slabs. The employer did not maintain safety data sheets for hazardous chemicals in the work area, including but not limited to the following:

1. Kleen Strip Lacquer Thinner;
2. Kleen Strip Mineral Spirits;
3. Propane;
4. Sherwin Williams Acrylic Latex Floor Enamel;
5. Job Master Wax Stripper;
6. Ortho Weed B Gone Max; and
7. Grass and Weed Killer.

Abatement Note: Abatement certification is required for this item (See enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:

08/10/2016



Citation and Notification of Penalty

Company Name: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

Citation 2 Item 7 c Type of Violation: **Serious**

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

- (a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/29/16, Nidi Tec Inc had not provided employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees had not previously been trained about was introduced into their work area. Employees performed duties related to the sale of granite slabs. The employer had not provided information or training on hazardous chemicals in the work area, including but not limited to the following:

1. Kleen Strip Lacquer Thinner;
2. Kleen Strip Mineral Spirits;
3. Propane;
4. Sherwin Williams Acrylic Latex Floor Enamel;
5. Job Master Wax Stripper;
6. Ortho Weed B Gone Max; and
7. Grass and Weed Killer.

Abatement Note: Abatement certification is required for this item (See enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:

08/10/2016



Citation and Notification of Penalty

Company Name: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

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

29 CFR 1910.178(a)(4): Modifications and additions which affect capacity and safe operation shall not be performed by the customer or user without manufacturers prior written approval. Capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly:

- (a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/28/16, modifications and additions which affected capacity and safe operation were performed by the customer or user without manufacturers prior written approval. Capacity, operation, and maintenance instruction plates, tags, or decals were not changed accordingly. Employees operated a Hyster model S120XL powered industrial trucks while transporting granite slabs. A yellow attachment, of unknown manufacture and capacity, was used to lift bundles of five to six slabs. A bundle of five slabs weighed approximately 6,500 pounds. The addition of the attachment affected capacity. The employer had not received manufacturer's written approval, nor had the capacity, operation, and maintenance instruction plates been updated. This condition exposed employees to tip over and crushing hazards.

Nidi Tec Inc was previously cited for a violation of this Occupational Safety and Health Administration Standard or its equivalent standard, 29 CFR 1910.178(a)(4), which was contained in OSHA inspection 622018, Citation 1, Item 1 and was issued on November 26, 2012, and affirmed as a final order on December 10, 2012, with respect to a workplace located at 5686 Logan Court, Unit C, Denver, CO.

Abatement Note: Abatement certification and documentation are required for this item (See enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/10/2016
Proposed Penalty: \$9,800.00

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: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

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

29 CFR 1910.184(f)(1): Employer did not use wire rope slings that had permanently affixed and legible identification markings as prescribed by the manufacturer, and that indicated the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one:

- (a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/28/16, Nidi Tec Inc did not use wire rope slings that had permanently affixed and legible identification markings as prescribed by the manufacturer, and that indicated the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one. Employees operated a Hyster model S120XL powered industrial truck while transporting granite slabs. Multiple slabs of granite were supported by wire rope slings suspended from the hook of the forklift's attachment. Two 5/8" diameter wire rope slings used to support five slabs weighing approximately 6,500 pounds were not marked with the safe working load for the types of hitches used.

Nidi Tec Inc was previously cited for a violation of this Occupational Safety and Health Administration Standard or its equivalent standard, 29 CFR 1910.184(f)(1) which was contained in OSHA inspection 622018, Citation 1, Item 2 and was issued on November 26, 2012, and affirmed as a final order on December 10, 2012, with respect to a workplace located at 5686 Logan Court, Unit C, Denver, CO.

Abatement Note: Abatement certification **and** documentation are required for this item (See enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/10/2016
Proposed Penalty:	\$9,800.00

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: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216

Citation 4 Item 1 Type of Violation: **Other-than-Serious**

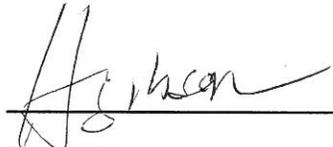
29 CFR 1910.132(d)(2): The employer did not verify that the required workplace hazard assessment had been performed through a written certification which included the requirements as outlined in 29 CFR 1910.132(d):

(a) **Nidi Tec Inc, at 591 E 56th Avenue, Denver, CO:** On and preceding 1/29/16, Nidi Tec Inc did not verify that the required workplace hazard assessment had been performed through a written certification which included the requirements as outlined in 29 CFR 1910.132(d). Employees performed duties related to the sale of granite slabs. The employees were potentially exposed to chemical, struck-by, crushing, and flying object hazards, including but not limited to the following:

1. Struck-by hazards while working with or in the area of powered industrial trucks;
2. Crushing hazards while working with granite slabs;
3. Chemicals hazards while working with Kleen Strip Lacquer Thinner, Kleen Strip Mineral Spirits, Propane, Sherwin Williams Acrylic Latex Floor Enamel, Job Master Wax Stripper, Ortho Weed B Gone Max, or Grass and Weed Killer; and
4. Flying object hazard when rigging slabs for transport.

Abatement Note: Abatement certification is required for this item (See enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated: 08/10/2016
Proposed Penalty: \$0.00



Herb Gibson
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1391 Speer Blvd, Suite 210
Denver, CO 80204
Phone: 303-844-5285 Fax: 303-844-6676



INVOICE / DEBT COLLECTION NOTICE

Company Name: Nidi Tec Inc
Inspection Site: 591 E 56th Avenue, Denver, CO 80216
Issuance Date: 07/06/2016

Summary of Penalties for Inspection Number	1121670
Citation 1, Willful	\$42,000.00
Citation 2, Serious	\$27,300.00
Citation 3, Repeat	\$19,600.00
Citation 4, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$88,900.00

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.



Herb Gibson

Area Director



Date