

U.S. Department of Labor

Occupational Safety and Health Administration
1030 St. Georges Avenue
Suite 205, Plaza 35
Avenel, NJ 07001
Phone: 732-750-3270 Fax: 732-750-4737



Citation and Notification of Penalty

To: Mr. Myroslav Maksymov, Site Mgr.
RCS Construction, LLC
and its successors
265 Pennsylvania Ave
Hillside, NJ 07205

Inspection Number: 1124618
Inspection Date(s): 02/11/2016 - 07/29/2016
Issuance Date: 07/29/2016

Inspection Site:
265 Pennsylvania Ave
Hillside, NJ 07205

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.

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 07/29/2016. The conference will be held by telephone or at the OSHA office located at 1030 St. Georges Avenue, Suite 205, Plaza 35, Avenel, NJ 07001 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1124618

Company Name: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205
Issuance Date: 07/29/2016

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, 1030 St. Georges Avenue, Suite 205, Plaza 35, Avenel, NJ 07001**

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: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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

29 CFR 1910.37(a)(3): Exit routes were not kept free and unobstructed. Materials or equipment were placed, either permanently or temporarily, within the exit route:

RCS Construction, LLC/Hillside, NJ- Production Area: The employer did not ensure that exit routes were kept unobstructed:

- 1) Bay 1 Area- Items such as but not limited to bundles of rebar in length of up to 40 ft. and other materials were placed in front of the emergency exit door in a manner that obstructed the egress route, preventing prompt access to the emergency exit door.
- 2) Yard Area- Emergency exit route leading from the employee break room to the outside was blocked. Exit discharge in the yard area was blocked by items such as, but not limited to pallets, metal coils, and wire mesh used in fabrication of concrete reinforcing products.

Condition observed on or about February 11, 2016.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3500.00

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

Inspection Number: 1124618
Inspection Date(s): 02/11/2016 - 07/29/2016
Issuance Date: 07/29/2016



Citation and Notification of Penalty

Company Name: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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

29 CFR 1910.37(b)(2): Each exit was not clearly visible and marked by a sign reading "Exit":

RCS Construction, LLC/Hillside, NJ- Production Area: The employer did not ensure that all of the doors designated as an emergency exits were marked with an "Exit" sign:

- 1) An exit door in the bay 1 area
- 2) An emergency access door leading to a break room
- 3) An exit door from the break room to the yard

Condition observed on or about February 11, 2016.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/10/2016
\$3500.00

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: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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 1910.95(c)(1): A continuing, effective hearing conservation program, as described in 29 CFR 1910.95 (c) through (n) was not instituted, when employee noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 85 decibels:

RCS Construction, LLC/Hillside, NJ- Production Area: The employer did not provide a continuing effective Hearing Conservation Program for employees involved in rebar fabrication and who were exposed to noise levels above 85 dBA. Employees working in the production area were exposed to continuous noise levels of 87.4 dBA (shearline operator), 87.7 dBA (double bender operator), 87.9 dBA (shearline helper), and 88.8 dBA (coil machine operator) for an 8-hour TWA, which is equivalent to doses of 70.30%, 72.85%, 74.99% and 85.69% respectively. These levels exceeded OSHA Action Level of 85 dBA. Sampling time was 470 minutes, 429 minutes, 464 minutes and 453 minutes respectively. Zero exposures were assumed for all unsampled time periods.

Condition observed on or about February 11, 2016.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/31/2016
Proposed Penalty:	\$4900.00

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: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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

29 CFR 1910.95(d)(1): A representative monitoring program was not developed and implemented when information indicated that an employee's exposure may equal or exceed an 8 hour time weighted average of 85 dBA:

RCS Construction, LLC/Hillside, NJ- Production Area: The employer did not monitor noise exposure for the employees who were involved in rebar fabrication and who were exposed to noise levels above the Action Level (AL) for eight hour time-weighted average (TWA) sound level of 85 dBA. Employees working in the production area were exposed to continuous noise levels of 87.4 dBA (shearline operator), 87.7 dBA (double bender operator), 87.9 dBA (shearline helper), and 88.8 dBA (coil machine operator) for an 8-hour TWA, which is equivalent to doses of 70.30%, 72.85%, 74.99% and 85.69% respectively. Sampling time was 470 minutes, 429 minutes, 464 minutes and 453 minutes respectively. Zero exposures were assumed for all unsampled time periods.

Condition observed on or about February 11, 2016.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **08/31/2016**



Citation and Notification of Penalty

Company Name: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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

29 CFR 1910.95(g)(1): The employer did not establish and maintain an audiometric testing program as provided by 29 CFR 1910.95(g) by making audiometric testing available to all employees whose exposures equal or exceed an 8-hour time-weighted average of 85 decibels:

RCS Construction, LLC/Hillside, NJ- Production Area: The employer did not establish and maintain an audiometric testing program for employees involved in rebar fabrication and who were exposed to noise levels above the Action Level (AL) for eight hour time-weighted average (TWA) sound level of 85 dBA. Employees working in the production area were exposed to continuous noise levels of 87.4 dBA (shearline operator), 87.7 dBA (double bender operator), 87.9 dBA (shearline helper), and 88.8 dBA (coil machine operator) for an 8-hour TWA, which is equivalent to doses of 70.30%, 72.85%, 74.99% and 85.69% respectively. Sampling time was 470 minutes, 429 minutes, 464 minutes and 453 minutes respectively. Zero exposures were assumed for all unsampled time periods.

Condition observed on or about February 11, 2016.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **08/31/2016**

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: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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

29 CFR 1910.95(k)(1): The employer did not train each employee who is exposed to noise at or above an 8-hour time-weighted average of 85 decibels in accordance with the requirements of 29 CFR 1910.95(k). The employer did not institute a training program and ensure employee participation in the program:

RCS Construction, LLC/Hillside, NJ- Production Area: The employer did not provide training for employees involved in rebar fabrication and who were exposed to noise levels above the Action Level (AL) for eight hour time-weighted average (TWA) sound level of 85dBA. Employees working in the production area were exposed to continuous noise levels of 87.4 dBA (shearline operator), 87.7 dBA (double bender operator), 87.9 dBA (shearline helper), and 88.8 dBA (coil machine operator) for an 8-hour TWA, which is equivalent to doses of 70.30%, 72.85%, 74.99% and 85.69% respectively. Sampling time was 470 minutes, 429 minutes, 464 minutes and 453 minutes respectively. Zero exposures were assumed for all unsampled time periods.

Condition observed on or about February 11, 2016.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/31/2016



Citation and Notification of Penalty

Company Name: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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

29 CFR 1910.110(f)(2)(i): LP-Gas Containers were not stored in a manner to minimize exposure to excessive temperature rise, physical damage, or tampering by unauthorized persons.

RCS Construction, LLC/Hillside, NJ- Production Area: The employer did not ensure that propane fuel cylinders were stored in a manner to minimize physical damage or tampering by unauthorized personnel:

- 1) The employer placed and stored 100 pound propane fuel cylinders used for portable heaters, unrestrained in a manner which did not protect the cylinders from physical damage or tampering by unauthorized personnel.
- 2) The employer placed and stored 33 pound propane fuel cylinders used for forklifts in a manner which did not protect the cylinders from physical damage. The propane cylinder cage was placed at the entryway where trucks can strike them while being loaded and unloaded and where forklifts are operated.

Condition observed on or about February 11, 2016.

Date By Which Violation Must be Abated:	08/10/2016
Proposed Penalty:	\$3500.00

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

Inspection Number: 1124618
Inspection Date(s): 02/11/2016 - 07/29/2016
Issuance Date: 07/29/2016



Citation and Notification of Penalty

Company Name: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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

29 CFR 1910.110(f)(4)(i): The employer stored LP-Gas in a quantity exceeding 300 pounds (approximately 2550 cubic feet in vapor form) inside of a building:

RCS Construction, LLC/Hillside, NJ- Production Area: The employer stored propane forklift fuel cylinders and propane heater fuel cylinders inside the building. Storage area had eleven 33-pound fuel cylinders used for forklift and one 110 pound fuel cylinder used for portable heaters exceeding 300 pounds total weight.

Condition observed on or about February 11, 2016

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3500.00

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: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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

29 CFR 1910.178(l)(2)(ii): The employer did not ensure that each operator had successfully completed the training consisting of a combination of formal instruction (e.g., lecture, discussion, interactive computer learning, video tape, written material), practical training (demonstrations performed by the trainer and practical exercises performed by the trainee), and evaluation of the operator's performance in the workplace.

RCS Construction, LLC/Hillside, NJ- Production Area: The employer authorized employees to operate powered industrial equipment, which included, but was not limited to a Komatsu Electric Forklift and CombiLift Forklift without providing powered industrial equipment training that included a combination of formal instruction, practical training, and a performance evaluation prior to operating the forklift.

Condition observed on or about February 11, 2016

Date By Which Violation Must be Abated:	08/31/2016
Proposed Penalty:	\$2800.00

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

Inspection Number: 1124618
Inspection Date(s): 02/11/2016 - 07/29/2016
Issuance Date: 07/29/2016



Citation and Notification of Penalty

Company Name: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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

29 CFR 1910.178(p)(1): Powered industrial truck(s) found to be in need of repair, defective, or in any way unsafe had not been taken out of service until restored to safe operating condition(s):

RCS Construction, LLC/Hillside, NJ- Production Area: The employer authorized the use of forklift that had visible defects and did not remove that forklift from service. Employees operated a Komatsu electric forklift with a visibly damaged overhead guard/protective cage that was taped where the cage had cracked.

Condition observed on or about February 11, 2016

Date By Which Violation Must be Abated:	08/17/2016
Proposed Penalty:	\$2800.00

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: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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 8 a Type of Violation: **Serious**

29 CFR 1910.303(c)(3)(i): All splices and joints and the free ends of conductors were not covered with an insulation equivalent to that of the conductors or with an insulating device identified for the purpose

RCS Construction, LLC/Hillside, NJ- Production Area: The employer authorized repair and/or splicing of power cords of manufacturing equipment that were not covered with an insulation equivalent to that of the conductor manufacturer. Employees used manufacturing equipment on a daily basis that had electrical connections modified and spliced.

- 1) Pedal controlling double bender (Schnell)
- 2) Portable heater (Dyna-Glo)

Condition observed on or about February 11, 2016

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3500.00



Citation and Notification of Penalty

Company Name: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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

29 CFR 1910.304(b)(3)(ii)(C)(3): Each cord set, attachment cap, plug, and receptacle of cord sets, and any equipment connected by cord and plug were not visually inspected before use for external defects, such as deformed or missing pins or insulation damage, and for indications of possible internal damage, and equipment found damaged or defective was not removed from use until repaired:

RCS Construction, LLC/Hillside, NJ- Production Area: The employer did not inspect flexible cords for damage prior to use and did not remove from use any damaged cord. Employees engaged in fabrication of rebar building products used flexible cords that were missing grounding pins and had damaged cable shielding:

- 1) Portable heater had missing grounding pins
- 2) Cables supplying power to double bender had damaged cable shielding

Condition observed or nor about February 11, 2016

Date By Which Violation Must be Abated:

08/17/2016



Citation and Notification of Penalty

Company Name: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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

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

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

RCS Construction, LLC/Hillside, NJ- Production Area: The employer did not develop and implement a written hazard communication program which included information and training on the hazards of the chemicals used on a daily basis. Employees engaged in fabrication of rebar products used chemicals such as, but not limited to propane and spray paints.

Condition observed on or about February 11, 2016.

Date By Which Violation Must be Abated:	08/31/2016
Proposed Penalty:	\$2800.00

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

Inspection Number: 1124618
Inspection Date(s): 02/11/2016 - 07/29/2016
Issuance Date: 07/29/2016



Citation and Notification of Penalty

Company Name: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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

29 CFR 1910.1200(g)(1): Employers did not have a safety data sheet in the workplace for each hazardous chemical which they use.

RCS Construction, LLC/Hillside, NJ- Production Area: The employer did not provide and maintain Safety Data Sheets for each hazardous chemical used on site. Employees engaged in manufacturing of rebar building products used hazardous chemicals, that included, but were not limited to propane and spray paints (Aervoe), on a daily basis.

Condition observed on or about February 11, 2016.

Date By Which Violation Must be Abated:

08/31/2016

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: 1124618
Inspection Date(s): 02/11/2016 - 07/29/2016
Issuance Date: 07/29/2016



Citation and Notification of Penalty

Company Name: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

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

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

RCS Construction, LLC/Hillside, NJ- Production Area: The employer did not provide hazardous chemical training. Employees, engaged in the fabrication of rebar building products, were not provided with information and training on hazards associated with chemicals, that included, but were not limited to, propane and spray paints.

Condition observed on or about February 11, 2016

Date By Which Violation Must be Abated:

08/31/2016

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: 1124618
Inspection Date(s): 02/11/2016 - 07/29/2016
Issuance Date: 07/29/2016



Citation and Notification of Penalty

Company Name: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(c)(2)(i): Where the employer provided respirators for employees to use voluntarily, the employer did not provide the respirator users with the information in Appendix D of this section ("Information for Employees Using Respirator When Not Required Under the Standard"):

RCS Construction, LLC/Hillside, NJ- Production Area: The Employer did not provide employees, voluntarily wearing filtering facepiece respirators such as, but not limited to Gerson N95, with the information contained in Appendix D of this section (Information for Employees Using Respirators When Not Required Under the Standard).

Condition observed on or about February 11, 2016.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/31/2016
\$0.00

A handwritten signature in blue ink, appearing to read "Patricia Jones", written over a horizontal line.

Patricia Jones
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
1030 St. Georges Avenue
Suite 205, Plaza 35
Avenel, NJ 07001
Phone: 732-750-3270 Fax: 732-750-4737



INVOICE / DEBT COLLECTION NOTICE

Company Name: RCS Construction, LLC
Inspection Site: 265 Pennsylvania Ave, Hillside, NJ 07205
Issuance Date: 07/29/2016

Summary of Penalties for Inspection Number	1124618
Citation 1, Serious	\$30800.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$30800.00

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

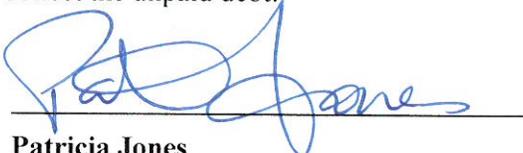
account, the bank will attempt to make the transfer up to 2 times.

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.

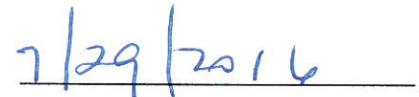
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per 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.



Patricia Jones

Area Director



Date