



**Citation and Notification of Penalty**

**Company Name:** Tri-State Roofing & Sheet Metal Company  
**Inspection Site:** Capitol Complex, Building 3, Charleston, WV 25317

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

OSHA 29 CFR 1910.134(h)(1): The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees worked outdoors in direct sunlight, for 10 hours per day, exposing them to excessive heat which could, and in one case did, result in heat related illness:

a.) Tri-State Roofing and Sheetmetal Company, WV State Capitol Complex, Building 3: On 09/02/15, an employee, Roofer, was exposed to excessive heat while performing roofing operations in direct sunlight outdoors for approximately 5 hours on a sunny day with a peak heat index of 90 degrees Fahrenheit. The employee suffered from a heat related illness, discovered on or about 09/11/15.

**ABATEMENT CERTIFICATION AND DOCUMENTATION IS REQUIRED**

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

1. Utilize appropriate tools (e.g., heat stress monitor) to evaluate environmental conditions at worksites. Ensure that managers are provided with effective training to operate these tools and interpret their data.
2. Implement an effective heat illness prevention program pursuant to which adjustments are made to employee work schedules and work duties for all employees when outdoor working conditions become, or are expected to become, potentially hazardous. Ensure that site managers are effectively trained to implement and enforce this heat illness prevention program.
3. Implement, enforce, and ensure that employees follow a work/rest regimen in accordance with the American Conference of Industrial Hygienists (ACGIH) 2014 Permissible Heat Exposure Threshold Limit Values (TLVs). Ensure that site managers are effectively trained to implement and enforce this work/rest regimen.
4. Provide mandatory training for all employees regarding the heat illness prevention program, the health effects associated with heat stress, recognizing symptoms of heat related illnesses, methods of preventing such illnesses, and the importance of employees reporting any symptoms of heat related illnesses to their supervisors.
5. Provide mandatory training for all managers and supervisors regarding how to effectively recognize

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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symptoms of heat related illnesses in others and the procedures to follow when an employee appears to be suffering from symptoms of heat related illness.

6. Provide hot worksites with a cool area (e.g., tent and/or job trailer) for employees to take their breaks.
7. Implement a heat acclimatization program for new employees, for employees returning to work from absences of four or more days, and for employees who are moved from cool and/or shaded jobs to hotter and/or unshaded jobs.
8. Permit only those workers acclimatized to heat to perform the more strenuous tasks. Rotate physically demanding job tasks among acclimatized workers.
9. Continue to ensure that cool drinking water are/or other hydrating beverages are readily available to employees working in hot environments. Encourage employees to drink 5 to 7 ounces of water every 15 to 20 minutes.
10. Schedule hot jobs for cooler parts of the work day when feasible.
11. Ensure that clothing worn by employees are breathable and/or designed to be worn in hot environments.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 11/13/2015 |
| Proposed Penalty:                       | \$4410.00  |

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

**Inspection Number:** 1091064  
**Inspection Date(s):** 09/11/2015 - 09/11/2015  
**Issuance Date:** 09/25/2015



**Citation and Notification of Penalty**

**Company Name:** Tri-State Roofing & Sheet Metal Company  
**Inspection Site:** Capitol Complex, Building 3, Charleston, WV 25317

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

29 CFR 1926.404(b)(1)(ii): Where an assured equipment grounding program was not utilized, receptacles were not protected with ground-fault circuit-interrupters when on a two-wire, single-phase portable or vehicle-mounted generator rated more than 5kW.

a.) Tri-State Roofing and Sheetmetal Company, WV State Capitol Complex, Building 3: On or about 09/11/15, ground fault circuit protection was not provided on the Generac GP5500, with an operating wattage of 5500 watts, for the 50' extension cord used to supply power to the Dewalt sawzall.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/13/2015  
\$2142.00

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

**Prentice Cline**  
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  
405 Capitol Street  
Suite 407  
Charleston, WV 25301  
Phone: 304-347-5937 Fax: 304-347-5275



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Tri-State Roofing & Sheet Metal Company  
**Inspection Site:** Capitol Complex, Building 3, Charleston, WV 25317  
**Issuance Date:** 09/25/2015

|   |                  |
|---|------------------|
| <b>Summary of Penalties for Inspection Number</b> | <b>1091064</b>   |
| <b>Citation 1, Serious</b>                        | <b>\$6552.00</b> |
| <b>TOTAL PROPOSED PENALTIES</b>                   | <b>\$6552.00</b> |

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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](http://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.

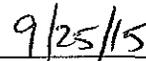
**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent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



**Prentice Cline**  
Area Director



Date