

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
507 N. Sam Houston Parkway E.  
Suite 400  
Houston, TX 77060  
Phone: 281-591-2438 Fax: 281-999-7457



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## Citation and Notification of Penalty

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**To:**  
Tricon Precast, Ltd.  
15055 Henry Rd.  
Houston, TX 77060

**Inspection Number:** 668199  
**Inspection Date(s):** 10/03/2012 - 10/03/2012  
**Issuance Date:** 03/28/2013

**Inspection Site:**  
15055 Henry Rd.  
Houston, TX 77060

*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.*

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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 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.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements 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](http://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 03/28/2013. The conference will be held at the OSHA office located at 507 N. Sam Houston Parkway E., Suite 400, Houston, TX 77060 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 668199**

Company Name: Tricon Precast, Ltd.  
Inspection Site: 15055 Henry Rd., Houston, TX 77060  
Issuance Date: 03/28/2013

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, 507 N. Sam Houston Parkway E., Suite 400, Houston, TX 77060**

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:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer does not furnish to each of his employees employment and a place of employment which are free from the recognized hazards of being struck-by, which are causing or likely to cause death or serious physical harm to employees:

- a. This violation occurred on or about October 01, 2012, outside the facility where employees were exposed to struck-by hazards when hoisting material using a Shuttlelift brand gantry crane without a functioning safety latch on one of the hoisting hooks.
- b. This violation occurred on or about October 01, 2012, outside the facility where employees were exposed to struck-by hazards when hoisting material using a Shuttlelift brand gantry crane without having the hoisting rope seated in the drum grooves.
- c. This violation occurred on or about October 03, 2012, and at times prior thereto, in the Retaining Wall Department when employees were exposed to struck-by hazards while operating a Demag overhead crane SN 04104 found to have safety deficiencies during a periodic crane inspection that were not corrected before operation of the crane resumed.
- d. This violation was observed on or about October 03, 2012, in the Retaining Wall Department where employees were exposed to struck-by hazards when working below PVC pipes containing compressed air that were not constructed of or encased in shatter resistant materials.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation describing the actions it is taking to ensure that employees are not exposed to struck-by hazards.

Among other feasible methods to correct the identified hazard, one method would be to follow the requirements found in the American Society of Mechanical Engineers standard B30.2-2011, Chapter 2-3, Section 2-3.3.2. This standard requires that hook latches be closed and not used to support any part of the load.

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:** Tricon Precast, Ltd.  
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Among other feasible methods to correct the identified hazard, one method would be to follow the requirements found in the American Society of Mechanical Engineers standard B30.2-2011, Chapter 2-3, Section 2-3.3.2. This standard requires that the hoist rope be seated in the drum grooves.

Among other feasible methods to correct the identified hazard, one method would be to follow the requirements found in American Society of Mechanical Engineers (ASME) B30.17-2006 Overhead and Gantry Cranes (Top Running Bridge, Single Girder, Underhung Hoist) section 17-2.3.3. This section requires that any condition disclosed during frequent or periodic inspections that are determined to be a hazard shall be corrected by adjustment, repair or replacement before continuing to use the crane.

Among other feasible methods to correct the identified hazard, one method would be to follow the requirements found in the Plastics Pipe Institute Recommendation B updated December 30, 2005 which states that thermoplastic piping used for compressed air should be buried or made of or coated with shatter resistant materials.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

<b>Date By Which Violation Must be Abated:</b>	<b>04/09/2013</b>
<b>Proposed Penalty:</b>	<b>\$6300.00</b>



**Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer does not furnish to each of his employees employment and a place of employment which are free from the recognized hazards of being crushed-by, which are causing or likely to cause death or serious physical harm to employees:

This violation occurred on or about October 03, 2012, outside the facility where an employee was exposed to crushed-by hazards while operating a Caterpillar and TCM forklift without wearing a seatbelt.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation describing the actions it is taking to ensure that employees are not exposed to crushed-by hazards.

Among other feasible methods to correct the identified hazard regarding forklift seat belt use, would be to repair the installed seat belts on the Caterpillar and TCM Forklift and require employees to wear seat belts while operating any powered industrial vehicle.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 04/09/2013  
Proposed Penalty: \$6300.00



**Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer does not furnish to each of his employees employment and a place of employment which are free from the recognized hazards of being crushed-by, which are causing or likely to cause death or serious physical harm to employees:

This violation observed on or about October 03, 2012, near the concrete mixing area where employees were exposed to crushed-by hazards while working around a WA320-6 Komatsu Wheel Loader without a properly functioning back-up alarm.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation describing the actions it is taking to ensure that employees are not exposed to crushed-by hazards.

Among other feasible methods to correct the identified hazard, one method would be to follow the requirements found in the WA320-6 Komatsu Wheel Loader Operation and Maintenance Manual. The manual identifies that traveling in the reverse direction presents a hazard and the back-up alarm, when not working properly, needs to be repaired before continuing use.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/09/2013
Proposed Penalty:	\$6300.00



**Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer does not furnish to each of his employees employment and a place of employment which are free from the recognized hazard of electric shock, which are causing or likely to cause death or serious physical harm to employees:

This violation occurred on or about October 03, 2012, and at times prior thereto, in the Retaining Wall Department when employees were exposed to electrical hazards while operating a Demag overhead crane SN 04104 found to have exposed electrical conductors during a periodic crane inspection that were not corrected before operation of the crane resumed.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation describing the actions it is taking to ensure that employees are not exposed to electrical hazards and that all safety hazards identified during frequent and periodic inspections of cranes are corrected before the cranes are put into service.

Among other feasible methods to correct the identified hazard, one method would be to follow the requirements found in American Society of Mechanical Engineers (ASME) B30.17-2006 Overhead and Gantry Cranes (Top Running Bridge, Single Girder, Underhung Hoist) section 17-2.3.3. This section requires that any condition disclosed during frequent or periodic inspections that are determined to be a hazard shall be corrected by adjustment, repair or replacement before continuing to use the crane.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/09/2013
Proposed Penalty:	\$6300.00



**Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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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 5 a Type of Violation: **Serious****

29 CFR 1910.106(e)(2)(ii): Flammable or combustible liquids were not stored in tanks or closed containers:

The employer does not ensure that all flammable or combustible liquids are stored in tanks or closed containers. This violation was observed on or about October 03, 2012, in the Mechanic Shop where employees were exposed to fire and explosion hazards while working near a combustible solvent stored in a sink-on-drum part cleaner that was not equipped with a means to close the container.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all flammable or combustible liquids are handled and stored in accordance with 29 CFR 1910.106.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/09/2013
Proposed Penalty:	\$6300.00

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:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

The employer does not ensure that all listed and labeled electrical equipment is used in accordance with the listing or labeling instructions. This violation was observed on or about October 03, 2012, in the Mechanic Shop where employees were exposed to fire, explosion and electrical hazards while working with a sink-on-drum part cleaner powered by a metallic outlet box that was not installed in accordance with listing instructions.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all electrical equipment is listed or labeled for its intended use and used and installed in accordance with instructions included in the listing or labeling.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/09/2013



**Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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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 6 a** Type of Violation: **Serious**

29 CFR 1910.124(g)(2): Employees who worked with liquids that could burn, irritate, or otherwise harm their skin were not provided with an emergency shower and eye-wash station close to the dipping and coating operation:

The employer does not ensure that employees have access to an eyewash and shower station when they use liquids that could harm their skin. This violation occurred on or about October 03, 2012, and at times prior thereto, when employees in the in Mechanic Shop were exposed to chemical hazards while using a solvent in a sink-on-drum part cleaner, without having access to an operable eyewash and shower station.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that eyewash and shower stations are installed and maintained in areas of the facility where chemicals that harm the skin and eyes are handled by employees.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/16/2013
Proposed Penalty:	\$3600.00

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

**Inspection Number:** 668199  
**Inspection Date(s):** 10/03/2012 - 10/03/2012  
**Issuance Date:** 03/28/2013



**Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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

29 CFR 1910.138(a): The employer did not select and require employee(s) to use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasion; punctures; chemical burns; thermal burns; and harmful temperature extremes:

The employer does not ensure that employees wear the proper protective equipment for their hands when using chemicals that could harm their skin. This violation occurred on or about October 03, 2012, and at times prior thereto, when employees in the in Mechanic Shop were exposed to chemical hazards while using a solvent without wearing gloves to protect their hands.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all employees are provided with and required to use personal protective equipment whenever hazards capable of causing injury and impairment are present.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/09/2013

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:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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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 7 a** Type of Violation: **Serious**

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

The employer does not ensure that employees that are required to wear respirators are medically evaluated to prevent employee injury.

a. This violation occurred on or about October 03, 2012, and at times prior thereto, when employees in the Retaining Wall Department were exposed to respiration hazards while wearing 3m N95 tight fitting respirators without having been medically evaluated.

b. This violation occurred on or about October 03, 2012, and at times prior thereto, when employees in the Sand Blasting area were exposed to respiration hazards while wearing a supply air respirator without having been medically evaluated.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all employees that are required to wear respirators are medically evaluated before being fit tested or wearing them in the workplace.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/16/2013
Proposed Penalty:	\$4500.00

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:** 668199  
**Inspection Date(s):** 10/03/2012 - 10/03/2012  
**Issuance Date:** 03/28/2013



**Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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

29 CFR 1910.134(f)(2): Employee(s) using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator:

The employer does not ensure that employees required to wear tight fitting respirators are fit tested. This violation occurred on or about October 03, 2012, and at times prior thereto, throughout the facility when employees were required to wear respirators while sandblasting and grinding concrete without having been fit tested.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all employees required to wear tight fitting respirators are fit tested.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/16/2013

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:** 668199  
**Inspection Date(s):** 10/03/2012 - 10/03/2012  
**Issuance Date:** 03/28/2013



**Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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

29 CFR 1910.141(b)(1)(vi): A common drinking cup and other common utensils were not prohibited:

The employer does not ensure that employees are prohibited from using common drinking cups to prevent employee illness. This violation was observed on or about October 03, 2012, when employees throughout the facility were exposed to health hazards while drinking water from water coolers using unmarked plastic beverage containers.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure employees sharing drinking cups and other utensils is prohibited.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/03/2013
Proposed Penalty:	\$4500.00

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:** 668199  
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**Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
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**Citation 1 Item 9** Type of Violation: **Serious**

29 CFR 1910.141(d)(2)(i): Lavatory(s) were not made available:

The employer does not ensure that employees are provided with hand washing lavatories. This violation was observed on or about October 03, 2012, when employees throughout the facility were exposed to health hazards while performing daily activities without having access to hand washing facilities after using toilet rooms and before eating.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all employees are provided with access to hand washing facilities.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/16/2013
Proposed Penalty:	\$4500.00

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:** Tricon Precast, Ltd.  
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**Citation 1 Item 10** Type of Violation: **Serious**

29 CFR 1910.178(a)(4): 29 CFR 1910.178(a)(4): Modifications and additions which affect capacity and safe operation of powered industrial truck were performed by the employer without the manufacturer's prior written approval:

The employer makes modifications to forklifts that affect its capacity and safe operation without the manufacturer's written approval which exposes employees to injury. This violation was observed on or about October 03, 2012, when employees throughout the facility were exposed to struck-by hazards while working on or around forklifts that had holes cut into the forks for lifting material without having this modification approved by the manufacturer.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all modifications made to powered industrial trucks that can affect the capacity and safe operation are approved in writing by the manufacture.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/09/2013
Proposed Penalty:	\$6300.00



**Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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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 11 a**      Type of Violation: **Serious**

29 CFR 1910.179(j)(2): The items listed in subparagraphs (j)(2)(i)-(vii) were not inspected for defects at intervals as defined in paragraph (j)(1)(ii) of this section or as specifically indicated, and all deficiencies were not carefully examined and a determination made as to whether they constituted a safety hazard:

The employer does not ensure that a gantry crane used by employees is subjected to frequent inspections as defined by the standard to prevent employee injury. This violation occurred on or about October 01, 2012, and at times prior thereto, when employees were exposed to struck-by hazards while operating a Shuttlelift brand gantry crane that had not been inspected at frequent intervals and safety deficiencies were present.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all material handling equipment used by employees is inspected and determined to be in safe condition before being put into service.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/16/2013
Proposed Penalty:	\$6300.00

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**  
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**Inspection Number:** 668199  
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**Issuance Date:** 03/28/2013



**Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
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**Citation 1 Item 11 b**      Type of Violation: **Serious**

29 CFR 1910.179(j)(3): A complete periodic inspection of crane(s) had not been conducted in the past 12 months:

The employer does not ensure that a gantry crane used by employees is subjected to periodic inspections as defined by the standard to prevent employee injury. This violation occurred on or about October 01, 2012, and at times prior thereto, when employees were exposed to struck-by hazards while operating a Shuttlelift brand gantry crane that had not been inspected since it was purchased in 2002

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all material handling equipment used by employees is inspected and determined to be in safe condition before being put into service.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/09/2013

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:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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**Citation 1 Item 12** Type of Violation: **Serious**

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

The employer does not guard all the rotating parts of machines whose operation exposes employees to injury.

- a. This violation was observed on or about October 03, 2012, in the mixer area where employees were exposed to struck-by and caught-in hazards from rotating mixer blades while inspecting concrete batches at mixer #1 without the door guard in place.
- b. This violation was observed on or about October 03, 2012, in the mixer area where employees were exposed to struck-by and caught-in hazards from rotating mixer blades while inspecting concrete batches at mixer #2 without the door guard in place.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all machines that present hazards to employees are guarded.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/09/2013
Proposed Penalty:	\$4500.00

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:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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**Citation 1 Item 13** Type of Violation: **Serious**

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i.:

The employer does not ensure that compressed air used for cleaning is reduced to less than 30 p.s.i. to prevent employee injury.

a. This violation was observed on or about October 03, 2012, in the mixer area where employees were exposed to struck-by hazards while blowing off equipment without reducing the air pressure below 30 p.s.i.

b. This violation was observed on or about October 03, 2012, in the Retaining Wall Department where employees were exposed to struck-by hazards while blowing off equipment without reducing the air pressure below 30 p.s.i.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure the pressure of compressed air used for cleaning purposes is reduced below 30 p.s.i. and chip guarding is used.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/09/2013
Proposed Penalty:	\$4500.00

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:** 668199  
**Inspection Date(s):** 10/03/2012 - 10/03/2012  
**Issuance Date:** 03/28/2013



**Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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**Citation 1 Item 14** Type of Violation: **Serious**

29 CFR 1910.243(c)(3): Abrasive wheels used on vertical portable grinder(s) (right angle head grinders) were not provided with safety guard(s) having a maximum exposure angle of 180 degrees and located between the operator and wheel:

The employer does not ensure that all angle grinders are equipped with guards to protect employees from injury. This violation was observed on or about October 03, 2012, outside of the Fabrication Shop when an employee was exposed to struck-by hazards while using a Makita 5 inch angle grinder without a guard.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all portable powered tools are equipped with the required guards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/09/2013
Proposed Penalty:	\$3600.00

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:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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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 15 a**      Type of Violation: **Serious**

29 CFR 1910.1200(f)(5)(i): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein:

The employer does not ensure that all chemicals in the workplace are labeled, tagged, or marked with the identity those chemicals to prevent employee injury.

a. This violation was observed on or about October 03, 2012, in the Mechanic Shop where employees were exposed to chemical, fire and explosion hazards while working with a solvent inside a sink-on-drum part cleaner without any form of label or markings as to the chemicals identity

b. This violation was observed on or about October 03, 2012, outside of the Fabrication Shop where employees were exposed to chemical hazards while working with a cutting lubricant stored inside a 55 gallon plastic drum without any form of label or markings as to the chemicals identity.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all chemical containers in the workplace are labeled with the identity and appropriate hazard warnings of the chemicals therein.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/09/2013  
\$2700.00

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:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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**Citation 1 Item 15 b**      Type of Violation: **Serious**

29 CFR 1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings:

The employer does not ensure that all chemicals in the workplace are labeled, tagged, or marked with hazard warning of those chemicals to prevent employee injury.

a. This violation was observed on or about October 03, 2012, in the Mechanic Shop where employees were exposed to chemical, fire and explosion hazards while working with a solvent inside a sink-on-drum part cleaner without any form of label or markings as to the chemicals hazard warnings.

b. This violation was observed on or about October 03, 2012, outside of the Fabrication Shop where employees were exposed to chemical hazards while working with a cutting lubricant stored inside a 55 gallon plastic drum without any form of label or markings as to the chemicals hazard warnings.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all chemical containers in the workplace are labeled with the identity and appropriate hazard warnings of the chemicals therein.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/09/2013



### **Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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**Citation 1 Item 15 c**      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):

The employer does not maintain and make readily accessible safety data sheets for each hazardous chemical in the workplace.

- a. This violation occurred on or about October 03, 2012, in the Mechanic Shop where employees were exposed to chemical, fire and explosion hazards while working with a solvent inside a sink-on-drum part cleaner without having access to the safety data sheets for that chemical.
- b. This violation occurred on or about October 03, 2012, outside of the Fabrication Shop where employees were exposed to chemical hazards while working with a cutting lubricant stored inside a 55 gallon plastic drum without having access to the safety data sheets for that chemical.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that safety data sheets are maintained and made available to employees on all work shifts for all hazardous chemicals in the workplace.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/09/2013

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

**Inspection Number:** 668199  
**Inspection Date(s):** 10/03/2012 - 10/03/2012  
**Issuance Date:** 03/28/2013



**Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

The employer has not established and implemented a written respiratory protection program when employees are required to wear respiratory protection. This violation occurred on or about October 03, 2012, and at times prior thereto, throughout the facility when employees were required to wear respirators while sandblasting and grinding concrete without having an established written respiratory protection program.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that they establish and implement a written respiratory protection program that includes the requirements of 29 CFR 1910.134(c)(1)(i-ix).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/09/2013
Proposed Penalty:	\$0.00

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:** 668199  
**Inspection Date(s):** 10/03/2012 - 10/03/2012  
**Issuance Date:** 03/28/2013



**Citation and Notification of Penalty**

**Company Name:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

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

29 CFR 1910.134(i)(6): The employer did not ensure that compressors that were not oil-lubricated did not have carbon monoxide levels in the breathing air in excess of 10 parts per million (ppm):

The employer does not ensure that breathing air supplied by a non-oil lubricated air compressor is not in excess of 10 parts per million, carbon monoxide. This violation occurred on or about October 03, 2012, and at times prior thereto, in the sandblasting area when an employee was required to wear a respirator supplied with compressed air without checking the carbon monoxide levels.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the supply air used for employee respirators is safe and of proper quality.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/16/2013
Proposed Penalty:	\$0.00

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:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060

**Citation 2 Item 3** Type of Violation: **Other-than-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:

The employer has not developed or implemented a written hazard communication program that describes how they comply with this standard regarding labels and other forms of warning, material safety data sheets, and employee information and training. This violation occurred on or about October 03, 2012, and at times prior thereto, when employees in the facility were required to handle hazardous chemicals before a written hazard communication program had been developed and implemented.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that a written hazard communication program is developed, implemented, and maintained that includes the criteria specified in 29 CFR 1910.1200(f-h).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/09/2013

Proposed Penalty:

\$0.00

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

**David A. Doucet**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
507 N. Sam Houston Parkway E.  
Suite 400  
Houston, TX 77060  
Phone: 281-591-2438 Fax: 281-999-7457



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Tricon Precast, Ltd.  
**Inspection Site:** 15055 Henry Rd., Houston, TX 77060  
**Issuance Date:** 03/28/2013

<b>Summary of Penalties for Inspection Number</b>	<b>668199</b>
<b>Citation 1, Serious</b>	<b>\$76500.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$76500.00</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.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order 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.

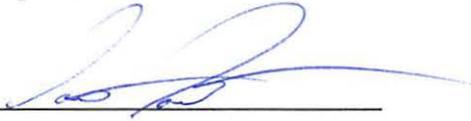
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts 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.



**David A. Doucet**  
Area Director

3/28/2013  
Date