

U.S. Department of Labor
Occupational Safety and Health Administration
36 Triangle Park Drive
Cincinnati, OH 45246
Phone: 513-841-4132 Fax: 513-841-4114



Citation and Notification of Penalty

To:
V & T Painting, LLC.
29585 Gramercy Ct.
Farmington Hills, MI 48336

Inspection Number: 1007011
Inspection Date(s): 11/03/2014 - 04/08/2015
Issuance Date: 04/15/2015

Inspection Site:
1696 Millville Oxford Rd
Hamilton, OH 45013

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 04/15/2015. The conference will be held by telephone or at the OSHA office located at 36 Triangle Park Drive, Cincinnati, OH 45246 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1007011

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013
Issuance Date: 04/15/2015

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, 36 Triangle Park Drive, Cincinnati, OH 45246**

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: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

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

29 CFR 1926.20(b)(2):

The employer did not initiate and maintain programs which provided for frequent and regular inspections of the job site, materials and equipment to be made by a competent person(s):

There was no frequent and regular inspection program being maintained in use by a competent person knowledgeable of regulations and requirements to ensure the job site, materials and equipment such as U-bolt rigging connection points, temporary energized electric extension cords, ground fault circuit interrupters and prompt rescue from fall hazard potentials were being maintained and utilized in a safe condition.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/02/2015
Proposed Penalty:	\$7000.00

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

Inspection Number: 1007011
Inspection Date(s): 11/03/2014 - 04/08/2015
Issuance Date: 04/15/2015



Citation and Notification of Penalty

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

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

29 CFR 1926.251(c)(5)(i):

The U section of U-bolt wire rope clip(s) used to form eyes was not in contact with the dead end of the rope:

On or about October 24, 2014 and prior to that time more than half of the U-bolt connections on the 5/16 suspension rigging cables on the containment tarp suspension system had the bolt of the U-Bolt system clamped against the live side of the support rigging cables for the containment tarp suspension.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

Date By Which Violation Must be Abated:	06/02/2015
Proposed Penalty:	\$5000.00

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: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

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

29 CFR 1926.251(c)(9): Slings were not padded or protected from sharp edges:

a) On or about October 24, 2014 and prior to that time located at various areas of the water tower employees were working from powered single-point and two-point adjustable suspension scaffolds on which the scaffolds support lines were directly suspended / anchored to the water towers catwalk/balcony angle steel top rail guardrail system with a wire rope sling / choker which was not protected or softened from abrasion of the steel angle top rail edge which impaired the wire rope sling / chokers function and strength without the rope being replaced exposing employees to fall potentials in excess of 60 feet.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 06/02/2015
Proposed Penalty: \$7000.00



Citation and Notification of Penalty

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

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

29 CFR 1926.404(b)(1)(i):

Employer did not use either ground fault circuit interrupters as specified in paragraph (b)(1)(ii) of this section, or an assured equipment grounding conductor program as specified in paragraph (b)(1)(iii) of this section to protect employees on construction sites:

On or about October 24, 2014 and prior to that time there was Milwaukee drill/mixer, Radex airline filter system, Napa battery charger model # 85-1010 and a De Walt battery charger connected to 110v electrical service by extension cords. The electrical service being used was not protected by ground fault circuit interrupter and no assured equipment conductor program was in use.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/02/2015
Proposed Penalty:	\$5000.00



Citation and Notification of Penalty

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

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

29 CFR 1926.416(e)(1):

Worn or frayed electric cords or cables shall not be used:

On or about November 3, 2014 and prior to that time located adjacent to the companys equipment / storage trailer there was an energized orange extension cord with damaged primary insulation exposing the secondary insulated conductors used to provide electrical service power to Napa battery charger model # 85-1010 and a De Walt battery charger located within the equipment / storage trailer.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/02/2015
Proposed Penalty:	\$5000.00



Citation and Notification of Penalty

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

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

29 CFR 1926.451(d)(1):

All suspension scaffold support devices, such as outrigger beams, cornice hooks, parapet clamps, and similar devices, did not rest on surfaces capable of supporting at least 4 times the load imposed on them by the scaffold:

On or about October 24, 2014 and prior to that time located at various points on the water tower powered single-point and two-point adjustable suspension scaffolding systems were not anchored to a surface capable of supporting the loads imposed by the scaffolding system exposing employees to a potential fall height in excess of 60'.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/02/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

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 1926.451(f)(3):

Scaffolds and scaffold components were not inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold's structural integrity:

On or about October 24, 2014 and prior to that time located at various points on the water tower powered single-point and two-point adjustable suspension scaffolding systems suspension lines wire rope sling/chokers anchorage attachment and lifelines abrasion protection along with lifelines and scaffold suspension lines anchorage points were not being inspected by a competent person for visible defects which could affect structural integrity.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/02/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

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

29 CFR 1926.451(f)(7):

Scaffolds were not erected, moved, dismantled, or altered, by trained and experienced employees under the supervision and direction of a competent person qualified in scaffold erection, moving, dismantling or alteration: Such activities were not performed only by experienced and trained employees selected for such work by the competent person:

On or about October 24, 2014 and prior to that time located at various points on the water tower the erection, movement or alteration of powered single-point and two-point adjustable suspension scaffolding systems were not being directed under the supervision of a qualified competent person in that a qualified competent person did not supervise the erection, movement or alteration of scaffold systems to assure adjustable suspension scaffold suspension lines wire rope / choker anchorage and lifeline abrasion protection, independent lifeline/ scaffold suspension line anchorage points, adequate lifeline/ scaffold suspension line anchorage and prompt rescue from fall hazard potentials were properly erected or completely utilized.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **06/02/2015**



Citation and Notification of Penalty

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

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

29 CFR 1926.451(g)(3)(i):

When vertical lifelines are used, they shall be fastened to a fixed safe point of anchorage, shall be independent of the scaffold, and shall be protected from sharp edges and abrasion. Safe points of anchorage include structural members of buildings, but do not include standpipes, vents, other piping systems, electrical conduit, outrigger beams, or counterweights:

On or about October 24, 2014 and prior to that time located at various points on the water tower employees were working from powered single-point and two-point adjustable suspension scaffolds on which the employees personal fall arrest systems lifelines were directly attached / anchored to the water towers catwalk/balcony angle steel top rail guardrail system and not protected or softened from abrasion of the steel angle edge top rail exposing employees to fall potentials in excess of 60'.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/02/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

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

29 CFR 1926.451(g)(3)(iv):

Vertical lifelines, independent support lines, and suspension ropes shall not be attached to each other, nor shall they be attached to or use the same point of anchorage, nor shall they be attached to the same point on the scaffold or personal fall arrest system:

On or about October 24, 2014 and prior to that time located at various points on the water tower employees were working from powered single-point and two-point adjustable suspension scaffolds on which the scaffolds suspension lines and employees personal fall arrest systems lifelines were not independently attached in that both the scaffolds suspension support lines and the employees lifelines were directly attached / anchored to the water towers catwalk/balcony angle steel top rail guardrail system exposing employees to fall potentials in excess of 60'.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/02/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

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 10 a Type of Violation: **Serious**

29 CFR 1926.454(a):

The employer did not have each employee who performed work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards:

On or about October 24, 2014 and prior to that time located at various points on the water tower powered single-point and two-point adjustable suspension scaffolds were utilized by employees who were not trained by a qualified person on the applicable standards or procedures to be followed to minimize scaffolding hazards.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/02/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

Citation 1 Item 10 b Type of Violation: **Serious**

29 CFR 1926.454(b):

The employer did not have each employee who was involved in erecting, disassembling, moving or maintaining a scaffold trained by a competent person to recognize any hazards associated with the work:

On or about October 24, 2014 and prior to that time located at various points on the water tower powered single-point and two-point adjustable suspension scaffolds were erected, moved, operated, maintained or inspected by employees who were not trained by a qualified person on the applicable standards or procedures to be followed to minimize scaffolding hazards.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 06/02/2015



Citation and Notification of Penalty

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1926.502(d)(20):

The employer shall provide for prompt rescue of employees in the event of a fall or shall assure that employees are able to rescue themselves:

On or about October 24, 2014 and prior to that time employees exposed to fall potentials were working from powered single-point, powered two-point adjustable suspension scaffolds and various areas of the water tank where employees could not self-rescue themselves without the employer providing for prompt rescue of the employees in that municipal or private high angle rescue service had not been established, suspension scaffold work locations were not always adjacent to the fixed ladder, usage of compliant scaffold systems for rescue were not readily available and adequate onsite high angle rescue equipment was not available exposing employees to fall potentials in excess of 60'.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/02/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

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

29 CFR 1926.502(d)(23):

Personal fall arrest systems were attached to guardrail systems or to hoists:

On or about October 24, 2014 and prior to that time employees were working from powered single-point and powered two-point adjustable suspension scaffolds on which the employees personal fall arrest systems lifelines were directly attached / anchored to the water towers catwalk/balcony angle steel top rail guardrail system exposing employees to fall potentials in excess of 60'.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/02/2015
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013

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

29 CFR 1926.503(a)(2)(viii):

The employer did not assure that each employee had been trained by a competent person qualified in the standards contained in subpart M:

On or about October 24, 2014 and prior to that time located at various points on the water tower employees were working without compliant fall protection systems being utilized performing work from powered single-point and two-point adjustable suspension scaffolds exposed to fall hazards in excess of 60' who were not trained on the applicable regulations or procedures to be followed to minimize those fall hazards.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/02/2015
Proposed Penalty:	\$7000.00

A handwritten signature in blue ink that reads "Wayne R Johnson".

W **William Wilkerson**
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
36 Triangle Park Drive
Cincinnati, OH 45246
Phone: 513-841-4132 Fax: 513-841-4114



INVOICE / DEBT COLLECTION NOTICE

Company Name: V & T Painting, LLC.
Inspection Site: 1696 Millville Oxford Rd, Hamilton, OH 45013
Issuance Date: 04/15/2015

Summary of Penalties for Inspection Number	1007011
Citation 1, Serious	\$85000.00
TOTAL PROPOSED PENALTIES	\$85000.00

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.



 **Ken E. Montgomery**

Area Director



Date

U.S. Department of Labor Occupational Safety and Health Administration
36 Triangle Park Drive,
Cincinnati, OH 45246
Phone: 513-841-4132 Fax: 513-841-4114



04/15/2015

V & T Painting, LLC.
29585 Gramercy Ct.
Farmington Hills, MI 48336

Dear Employer,

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 1990, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dated together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 8 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 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 the citation. The running of this contest period is not interrupted by an informal conference. You must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,



 **Ken E. Montgomery**
Area Director

Enclosures