

Virginia Department of Labor and Industry
Virginia Occupational Safety and Health (VOSH) Compliance

North Run Business Park
1570 E. Parham Road
Richmond, VA 23228
Phone: (804) 371-3104 Fax: (804) 371-3166



Citation and Notification of Penalty

To:
James River Air Conditioning Co Inc
and its successors
1905 Westmooreland Street
Richmond, VA 23230

Inspection Number: 1221798
Inspection Date(s): 03/30/2017-09/18/2017
Issuance Date: 09/18/2017

Inspection Site:
1925 Ruffin Mill Road
Colonial Heights, VA 23834

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.

Citation and Notification of Penalty. Described herein are alleged violations of Virginia's Occupational Safety and Health (VOSH) laws, standards and/or regulations. Any penalty proposed is based on the corresponding violation. In accordance with Virginia Code §40.1-49.4(b)(4), you must abate all alleged violations by the dates listed and pay the penalties proposed, unless, within 15 working days (excluding weekends and State and Federal holidays) from the date you receive this citation, you submit a written notice of contest to the Virginia Department of Labor and Industry Regional Office at the address listed above. Issuance of this citation does not constitute a finding by the Commissioner that you have violated the law, standard or regulation described unless you fail to file a written notice of contest or this citation is affirmed by a court of law.

Please read the enclosed booklet entitled *Employer Responsibilities and Courses of Action Following a VOSH Inspection* in conjunction with this citation to learn your rights and responsibilities.

Posting. Virginia law requires you to immediately post a copy of this Citation in a prominent place at or near the location of the violation(s), or if it is not practicable because of the nature of your operations to do so, in a place where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) have been abated, or for 3 working days (excluding weekends, State and Federal holidays), whichever is longer. **The penalty amounts may be marked out or covered up prior to posting. Please note that these penalty amounts are releasable by the Department in response to a Freedom of Information Act (FOIA) request.**

Informal Conference. You have the right to an informal conference with the appropriate VOSH Regional Safety or Health Director at which you may present evidence to support amending the citation, order of abatement or penalties proposed. An informal conference, which is normally held during the 15 working day contest period, is optional. If you wish to attend an informal conference, you must contact the appropriate VOSH Regional Safety or Health Director at the Regional Office listed above.

If you request an informal conference, you must notify your employees of the time and place. Be sure to bring to the conference any documentation of existing conditions as well as abatement steps taken thus far. If conditions warrant, this matter may be resolved amicably without the need for litigation, by way of an Informal Settlement Agreement.

Requesting an informal conference does not extend the 15 working day contest period.

Right to Contest. You have the right to contest this Citation. 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. This citation and the penalties proposed will become a final order of the Commissioner of Labor and Industry unless you notify VOSH in writing within 15 working days of receiving this citation that you contest the citation or any part thereof.

Penalty Payment. Penalties are due within 15 working days of receipt of this notification unless you contest. Make your check or money order payable to "Commonwealth of Virginia ". **Please indicate the Inspection Number on the check or money order.**

The Virginia Department of Labor and Industry 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 violations which you do not contest, you must promptly notify the appropriate VOSH Regional Safety or Health Director at the Regional Office listed above, by completing the enclosed Report on Correction of Violations form, and indicates that you have taken appropriate corrective action by the date(s) specified in this citation. The form must include abatement steps you have taken and the dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

Employment Discrimination Unlawful. Virginia Code §§40.1-51.2:1 and -51.2:2 prohibit discrimination against any employee who has filed a complaint or who has exercised any rights under the safety and health provisions of Title 40.1 of the Code of Virginia. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the VOSH Office of Whistleblower Protection at Suite 207, 600 East Main Street, Richmond, Virginia 23219.

Notice to Employees. The law gives an employee or his/her representative the opportunity to contest in writing any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Regional Office at the address shown above and postmarked within 15 working days (excluding weekends and State and Federal holidays) of the employer's receipt of this Citation.

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NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with VOSH to discuss the Citation(s) issued 09/18/2017. The conference will be held at the VOSH office located at North Run Business Park, 1570 E. Parham Road Richmond, VA 23228 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

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Citation and Notification of Penalty

Company Name: James River Air Conditioning Co Inc
Inspection Site: 1925 Ruffin Mill Road Colonial Heights, VA 23834

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

1926.100(a): At this jobsite, on the roof and ground, employees exposed to possible head injury from falling or flying objects or from impact with hand tools, equipment and building materials during construction operations were not wearing hard hats.

Date by Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$1995.00

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

1926.501(a)(2): At this jobsite, on the roof, the employer did not determine if the walking/working surfaces on which employees worked had the strength and structural integrity to support employees safely. Employees shall be allowed to work on those surfaces only when the surfaces have the requisite strength and structural integrity to support employees safely.

On or about March 30, 2017 a Whitley/Service Roofing and Sheet Metal Company employee stepped on and fell through the unmarked, unsecured roof hole cover that was not sufficient to hold his weight. The employee sustained serious injury resulting in death.

Date by Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$7000.00

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

1926.501(b)(4)(i): Each employee on walking/working surfaces shall be protected from falling through holes more than 6 feet above a lower level, by personal fall arrest systems, covers, or guardrail systems erected around such holes.

At this jobsite, on the roof, employees were not protected from falling through two HVAC roof openings, approximately 6 ft. 9 in. long, by 5 ft. 5 in. wide and 3 ft. 11 in. long by 5 ft. 7 in wide, and approximately 28 ft. above the interior factory floor by the use of guardrail systems, covers or personal fall arrest systems.

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Citation and Notification of Penalty

Company Name: James River Air Conditioning Co Inc
Inspection Site: 1925 Ruffin Mill Road Colonial Heights, VA 23834

On or about March 30, 2017 a Whitley/Service Roofing and Sheet Metal Company employee stepped on and fell through the unmarked, unsecured roof hole cover that was not sufficient to hold his weight. The employee sustained serious injury resulting in death.

Date by Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$7000.00

Citation 2 Item 1

Type of Violation: **Willful-Serious**

1926.502(i)(2): This employer did not assure that employees on walking/working surfaces were protected from falling through holes more than 6 feet above lower levels by personal fall arrest systems, covers or guardrail systems erected around such holes.

At this jobsite, on the roof, two HVAC roof openings, approximately 6 ft. 9 in. long, by 5 ft. 5 in. wide and 3 ft. 11 in. long by 5 ft. 7 in wide, and approximately 28 ft. above the interior factory floor, had been covered with one sheet of 4 ft. wide by 8 ft. long 1/2 in. OSB board, in lieu of a cover which would be capable of supporting without failure, at least twice the weight of employees, equipment, and other materials that may be imposed on the cover at any one time.

On or about March 30, 2017 a Whitley/Service Roofing and Sheet Metal Company employee stepped on and fell through the unmarked, unsecured roof hole cover that was not sufficient to hold his weight. The employee sustained serious injury resulting in death.

Date by Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$70000.00

Citation 2 Item 2

Type of Violation: **Willful-Serious**

1926.502(i)(3): All covers were not secured when installed so as to prevent accidental displacement by the wind, equipment, or employees:

At this jobsite, on the roof, two HVAC roof openings, approximately 6 ft. 9 in. long, by 5 ft. 5 in. wide and 3 ft. 11 in. long by 5 ft. 7 in wide, and approximately 28 ft. above the interior factory floor, had been covered with one sheet of 4 ft. wide by 8 ft. long 1/2 in. OSB board, had not been secured when installed so as to prevent accidental displacement.

On or about March 30, 2017 a Whitley/Service Roofing and Sheet Metal Company employee stepped on and fell through

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09/18/2017
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Citation and Notification of Penalty

Company Name: James River Air Conditioning Co Inc
Inspection Site: 1925 Ruffin Mill Road Colonial Heights, VA 23834

the unmarked, unsecured roof hole cover that was not sufficient to hold his weight. The employee sustained serious injury resulting in death.

Date by Which Violation Must Be Abated:

Corrected During Inspection

Proposed Penalty:

\$70000.00

Citation 2 Item 3

Type of Violation: **Willful-Serious**

1926.502(i)(4): At this jobsite, on the roof, two HVAC roof openings, approximately 6 ft. 9 in. long, by 5 ft. 5 in. wide and 3 ft. 11 in. long by 5 ft. 7 in wide, and approximately 28 ft. above the interior factory floor, had been covered with one sheet of 4 ft. wide by 8 ft. long 1/2 in. OSB board, had not been marked with the work "Hole" or "Cover" to provide warning of the hazard.

On or about March 30, 2017 a Whitley/Service Roofing and Sheet Metal Company employee stepped on and fell through the unmarked, unsecured roof hole cover that was not sufficient to hold his weight. The employee sustained serious injury resulting in death.

Date by Which Violation Must Be Abated:

Corrected During Inspection

Proposed Penalty:

\$70000.00

Stanley J. Dykstra
Regional Safety Director

Virginia Department of Labor and Industry
Virginia Occupational Safety and Health (VOSH) Enforcement
North Run Business Park,
1570 E. Parham Road
Richmond, VA 23228
Phone: (804) 371-3104 FAX: (804) 371-3166



INVOICE/DEBT COLLECTION NOTICE

Company Name: James River Air Conditioning Co Inc
Inspection Site: 1925 Ruffin Mill Road Colonial Heights, VA 23834
Issuance Date: 09/18/2017
Inspection Number: 1221798

Summary of Proposed Penalties:

Citation 1 Item 1, Serious	1995.00
Citation 1 Item 2, Serious	7000.00
Citation 1 Item 3, Serious	7000.00
Citation 2 Item 1, Willful-Serious	70000.00
Citation 2 Item 2, Willful-Serious	70000.00
Citation 2 Item 3, Willful-Serious	70000.00
TOTAL PROPOSED PENALTIES:	225995.00

Pursuant to Virginia Code §40.1-49.4.A.4.(a), the Commissioner of the Department of Labor and Industry may assess interest on all past-due penalties as well as administrative costs incurred in the collection of the penalties for violations of Virginia Occupational Safety and Health (VOSH) laws, regulations, and standards. Interest charges are assessed at an annual rate in accordance with Virginia Code §2.2-4805.

Interest shall accrue from the date on which the citation, either as issued or as amended, becomes a final order of the Commissioner. A citation becomes a final order 15 working days after the date that the employer receives the citation unless the employer files a notice of contest with VOSH. **Interest is waived if the employer pays the full amount within 30 calendar days of the final order date.**

A debt is past-due 30 calendar days after the final order date unless the employer makes a satisfactory payment arrangement with the Commissioner. If the debt remains unpaid for more than 90 days, it is deemed delinquent and referred to the Office of the Attorney General or other collection agency for collection. Administrative costs incurred in collecting the debt will be added to the amount of the debt.

To avoid potential interest and collection costs, please send payment promptly for the total amount of the uncontested penalties shown on the citation to the Accounting Office, Virginia Department of Labor and Industry, Main Street Centre, 600 East Main Street, Suite 207, Richmond, Virginia 23219. You may use the enclosed self-addressed envelope. **Please make your check or money order payable to: "Commonwealth of Virginia". Please indicate the Inspection Number on the payment. Do not send payment to the Regional Office.**

Stanley J. Dykstra

Date

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VOSH Regional Safety Director

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REPORT OF CORRECTIVE ACTIONS/ABATEMENT VERIFICATION

Company Name:

James River Air Conditioning Co Inc
1925 Ruffin Mill Road
Colonial Heights, VA 23834

RETURN FORM TO:

Virginia Department of Labor and Industry
North Run Business Park,
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Inspection Number: 1221798

Please provide the corrective action taken and date of completion by each numbered item as indicated on the attached form, along with adequate supporting documentation (e.g., copies of written programs (Safety, Lockout/Tagout, Hazard Communication, Respiratory Protection, Confined Spaces, etc.), drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results (such as air contaminants, noise monitoring, asbestos, lead, etc). For accuracy, please refer to the enclosed citations when completing this form.

Be sure to address all items on the citation, including any other-than-serious items. Failure to do so will delay documentation of your abatement efforts and may result in a follow-up inspection and could result in additional proposed penalties of \$1,000.00. Please be aware that Virginia Code §40.1-51.4:2 provides for a fine of not more than \$10,000.00, or imprisonment for not more than six (6) months, or both, for making false statements. Please type or print legibly.

Also, please be sure to sign and date this form.

Abatement Verification Statement:

Regarding the abatement actions on the following page(s), the undersigned certifies that:

1. All affected employees were promptly notified of all the hazards which were cited in this VOSH Citation.
2. For ALL items cited, a copy of the citation was posted at or near the location where each violation described in the citation occurred until each violation was abated or for a minimum of 3 working days (excluding weekends and State and Federal holidays), whichever is later; or
3. For all hand held or moveable equipment a warning tag or copy of the citation was attached to the equipment until the violation was abated, until the item was removed from service, or until such time as the item was no longer in the employer's control.
4. All items cited on the VOSH Citation were corrected and a copy of the Abatement Verification was made available for review to all affected employees by posting or other appropriate means on the date of the signing of this form.

NOTE: PLEASE MARK ABATEMENT VERIFICATION WITH MATCHING VIOLATIONS.

Employer Signature / Title

Date of Verification

Print Name and Title of Employee Representative



REPORT OF CORRECTIVE ACTIONS/ABATEMENT VERIFICATION

Citation #:			Item Number			Date Item Corrected	
1			1				
Corrective action taken: _____ _____ _____ List type of supporting documentation attached: _____ _____							
Citation #:			Item Number			Date Item Corrected	
1			2				
Corrective action taken: _____ _____ _____ List type of supporting documentation attached: _____ _____							
Citation #:			Item Number			Date Item Corrected	
1			3				
Corrective action taken: _____ _____ _____ List type of supporting documentation attached: _____ _____							

Citation #:			Item Number			Date Item Corrected	
2			1				

Corrective action taken:

List type of supporting documentation attached: _____

Citation #:			Item Number			Date Item Corrected	
2			2				

Corrective action taken:

List type of supporting documentation attached: _____

Citation #:			Item Number			Date Item Corrected	
2			3				

Corrective action taken:

List type of supporting documentation attached: _____