

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

**Inspection Number:** 1097096  
**Inspection Date(s):** 10/07/2015 - 10/07/2015  
**Issuance Date:** 03/28/2016



**Citation and Notification of Penalty**

**Company Name:** Winesburg Builders, LTD.  
**Inspection Site:** Anchors Cove, Big Chimney, WV 25302

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

29 CFR 1926.416(e)(1): Worn or frayed electric cords or cables were used:

(a) Anchors Cove: On or about, October 7, 2015 and times prior, employees were using a Makita circular saw connected to a 50 foot extension cord. The outer insulation was pulled loose at the connection, exposing electrical conductors to damage.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/05/2016  
\$2800.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b):

(a) Anchors Cove: On or about October 7, 2015 and times prior, employees were exposed to a fall of approximately 15 feet to the ground while performing work on the second level of the townhome near a 37 inch by 60 inch wall opening.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/05/2016  
\$2800.00

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

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b):

(a) Anchors Cove: On or about October 7, 2015 and times prior, employees were exposed to a fall of approximately 10 feet to the first floor while working on the second story of a residential townhouse at and near a 48 inch by 96 inch stairway opening.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/05/2016  
\$2800.00

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

29 CFR 1926.102(a)(1): Eye and face protective equipment were not used when machines or operations presented potential eye or face injury from physical, chemical, or radiation agents:

(a) Anchors Cove: On or about October 7, 2015 and times prior, employees were performing framing activities using equipment, such as, but not limited to Paslode nail guns, Makita circular saw, and hand held hammers without the use of eye protection and while wearing non-impact resistant sunglasses and non-impact resistant prescription glasses.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/05/2016  
\$49000.00

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**Citation 2 Item 2** Type of Violation: **Willful**

29 CFR 1926.501(b)(13): Employees engaged in residential construction activities 6 feet (1.8m) or more above the lower levels were not protected by guardrail systems, safety net systems, or personal fall arrest systems:

(a) Anchors Cove back of house: On or about October 7, 2015, and times prior, two employees were exposed to a fall of approximately 22 feet to the ground while installing sheathing over top of the fire proofing between two connected townhouses, on an 8:12 sloped roof. The employees were observed standing on the edge of the outer wall top plate of the second story pulling sheathing from the forks of a JLG forklift.

(b) Anchors Cove front over garage: On or about October 7, 2015, three employees were exposed to falls of approximately 11 feet to the ground while performing framing activities on the garage section of the townhomes. The employees were observed working on and near the edge performing framing activities.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/07/2016  
\$49000.00

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**Company Name:** Winesburg Builders, LTD.  
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**Citation 3 Item 1** Type of Violation: **Repeat**

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):

(a) Anchors Cove: On or about October 7, 2015 and times prior, employees had been performing work for approximately four weeks, and inspections had not been performed by the onsite foreman and/or another employer representative deemed by the company to be competent, as evident by employees being exposed to existing and predictable hazards, such as, but not limited to working from heights with no fall protection system, operating nail guns and circular saws with no eye protection, and working at or near unprotected openings in floors and walls.

Winesburg Builders, LTD. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, General Safety and Health Provisions, which was contained in OSHA inspection number 661478, citation number 1, item number 3b and was affirmed as a final order on March 5, 2013, with respect to a workplace located in Huntington, WV.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/14/2016  
\$9800.00

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**Citation 3 Item 2** Type of Violation: **Repeat**

29 CFR 1926.1052(c)(1)(ii): Stairways having four or more risers or rising more than 30 inches (76 cm), whichever is less, were not equipped with a stair rail system along each unprotected side or edge:

(a) Anchors Cove: On or about October 7, 2015 and times prior, employees used a stairway with 11 risers to gain access to and from the 2nd story, and the stairway was not provided with a stair rail.

Winesburg Builders, LTD. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, Stairways and Ladders, which was contained in OSHA inspection number 977799, citation number 1, item 3a and 3b, and was affirmed as a final order on July 16, 2014, with respect to a workplace located in Belmont, Ohio.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/05/2016  
\$5600.00

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

**Prentice Cline**  
Area Director

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