



Citation and Notification of Penalty

To:
Acker-Stone
and its successors
6700 W. Allison Rd.
Box 5061
Chandler, AZ 85226

Inspection Site:
6700 W. Allison Rd.
Chandler, AZ 85226

Inspection Number: 1401254
Inspection Date(s): 05/15/2019 - 05/15/2019
Issuance Date: 11/08/2019

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 by calling 602-514-7250. 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 11/08/2019. The conference will be held by telephone or at the OSHA office located at 230 N 1st Avenue, Suite 202, Phoenix, AZ 85003 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1401254

Company Name: Acker-Stone

Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

Issuance Date: 11/08/2019

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, 230 N 1st Avenue, Suite 202, Phoenix, AZ 85003**

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: Acker-Stone

Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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

29 CFR 1910.22(c): (c) Access and egress. The employer did not provide nor ensure each employee used a safe means of access and egress to and from walking-working surfaces.

- a) OCEM Press- Employees were exposed to fall hazards of approximately 44 inches while cleaning and/or clearing the hopper and dozer at and above the OCEM Press.
- b) Special Finishes Conveyor- Employees were exposed to fall hazards of approximately 24 inches while climbing on or over the conveyor to access the control panel.
- c) Kiln Area- A work area where employees were regularly assigned to perform duties was only accessible through a roll up door where flammable materials were stored, exposing employees to injury in the event of a mechanical failure or entrapment during an emergency.
- d) A Building- Employees were exposed to tripping hazards from a large metal bin blocking the east entry door.
- e) B Building- Employees were exposed to tripping hazards from trash and flammable materials blocking the south exit door.
- f) B Building- Employees were exposed to tripping hazards from wires running across a walkway near the west exit door.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

11/29/2019

Proposed Penalty:

\$9282.00

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: 1401254
Inspection Date(s): 05/15/2019 - 05/15/2019
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Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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

29 CFR 1910.28(b)(3)(v): (v) Employees were not protected from falling through hatchway(s) and chute-floor hole(s):

A Building- Employees were exposed to falls of approximately 12 feet where the elevated work platform above the OMAG was missing a section of floor grating.

Date By Which Violation Must be Abated:
Proposed Penalty:

11/18/2019
\$7956.00

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: Acker-Stone

Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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

29 CFR 1910.101(b): The in-plant handling, storage, and utilization of all compressed gases in cylinders, portable tanks, rail tankcars, or motor vehicle cargo tanks were not in accordance with Compressed Gas Association Pamphlet P-1-1965, which is incorporated by reference as specified in CFR 1910.6:

Compressed Gas Association Pamphlet P-1-1965, section 3.3.8 states that compressed gas must not be stored near elevators or gangways or in locations where heavy moving objects may strike or fall on them.

B Building at the South Door- Employees were exposed to struck-by hazards from compressed oxygen cylinders stored in an area with heavy forklift traffic.

Date By Which Violation Must be Abated:

11/29/2019

Proposed Penalty:

\$6630.00

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

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Citation and Notification of Penalty

Company Name: Acker-Stone

Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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

29 CFR 1910.133(a)(2): The employer did not ensure that each affected employee used eye protection that provided side protection when there was a hazard from flying objects.

B Building OCEM Press- Employees were exposed to eye injuries from flying objects and debris while using a pneumatic chipper to remove dried concrete from molds without wearing eye protection that provided side protection.

Date By Which Violation Must be Abated:

11/18/2019

Proposed Penalty:

\$5304.00

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: 1401254
Inspection Date(s): 05/15/2019 - 05/15/2019
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Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

B Building- Employees performed servicing and maintenance work on equipment, including the OCEM Press, the Cuber, and the Antiquer, without using procedures to prevent the unexpected start up and movement of energized equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/29/2019
Proposed Penalty:	\$9282.00

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

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Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

B Building- Employees working with Portland cement and corrosives did not have immediate access to a suitable emergency eyewash and shower and were exposed to chemical irritants.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/18/2019
Proposed Penalty:	\$5304.00

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

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Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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

29 CFR 1910.176(b): Storage of material created a hazard:

Maintenance Room- Employees were exposed to struck-by hazards from a pallet that was not securely stored on the top shelf of a rack of a shelving unit.

Date By Which Violation Must be Abated:
Proposed Penalty:

11/18/2019
\$7956.00

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: Acker-Stone

Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

Citation 1 Item 8 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:

- a) B Building- Employees are exposed to amputation hazards while walking through unguarded machinery to access a work station on the cuber.
- b) B Building- Employees working adjacent to unguarded sections of the blaser were exposed to amputation hazards.
- c) B Building- Employees working adjacent to the dryer station were exposed to amputation hazards due to a missing interlock key.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/13/2019

Proposed Penalty:

\$9282.00

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

Inspection Number: 1401254
Inspection Date(s): 05/15/2019 - 05/15/2019
Issuance Date: 11/08/2019



Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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

29 CFR 1910.212(a)(4): Revolving drum(s), barrel(s), or container(s) were not guarded by enclosure(s) which were interlocked with the drive mechanism so that the barrel(s), drum(s), or container(s) could not revolve unless the enclosure(s) were in place:

- a) B Building- The first OCEM Press cement mixer did not have interlocks that engaged when the enclosure was opened, exposing employees to caught-in, amputation, and crushing hazards from moving parts
- b) B Building- A broken chain on the second OCEM Press cement mixer prevented the interlock from activating when the enclosure was opened, exposing employees to caught-in, amputation, and crushing hazards from moving parts.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/13/2019
Proposed Penalty:	\$9282.00

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

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Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

Citation 1 Item 10 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:

- a) B Building- Employees were exposed to fire and electrical hazards where an extension cord was used in the metal raceway above the computer station near the center of the building to power a relocatable power tap which had other power taps daisy-chained to it.
- b) B Building- Employees were exposed to fire and electrical hazards where an extension cord was used in the metal raceway above the OCEM Press to power a relocatable power tap which had other power taps daisy-chained to it.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/13/2019
Proposed Penalty:	\$9282.00

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

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Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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

29 CFR 1910.303(g)(1)(ii): The required working space about electric equipment rated 600 volts, nominal, or less to ground, was used for storage:

- a) B Building- Employees were exposed to fire and electrical hazards from material, shelving, and large debris stored within three feet of the electrical cut off switch for the building lights, press and "HB" panel.
- b) A Building- Employees were exposed to fire and electrical hazards from a storage container located within three feet of a high voltage electrical cabinet.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/18/2019
Proposed Penalty:	\$3978.00

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: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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 12 a Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

- a) B Building- Employees were exposed to fire hazards from an extension cord used to power security cameras and other permanent equipment.
- b) B Building- Employees were exposed to fire hazards from an extension cord used to power permanent equipment like the Dayton Crane.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/13/2019
Proposed Penalty:	\$3978.00

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: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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

29 CFR 1910.305(g)(1)(iv)(F): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure in raceways:

- a) B Building- Employees were exposed to fire hazards when an extension cord was run through the metal raceway above the flipper.
- b) B Building- Employees were exposed to fire hazards when an extension cord was run through the metal raceway above the OCEM Press.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 12/13/2019



Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.147(c)(2)(ii): The employer's energy control program did not utilize lockout on energy isolating devices capable of being locked out and the employer did not demonstrate that the utilization of a tagout system will provide full employee protection as set forth in 29 CFR 1910.147(c)(3):

B Building- Employees performed servicing and maintenance activity such as mold changes on the OCEM Press while it was energized, which exposed employees to injuries from unexpected start-up or energization.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/21/2019
Proposed Penalty:	\$92819.00



Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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

29 CFR 1910.147(c)(7)(i): The employer did not provide adequate training to ensure that the purpose and function of the energy control program was understood by employees:

- a) B Building- Employees performing a mold change on the OCEM Press were not trained on lockout/tagout, exposing them to hazards associated with the unexpected start-up of the equipment.
- b) B Building - Employees repairing finishing equipment were not trained on lockout/tagout, exposing them to hazards associated with the unexpected start-up of the equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 11/29/2019

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

Inspection Number: 1401254
Inspection Date(s): 05/15/2019 - 05/15/2019
Issuance Date: 11/08/2019



Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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

29 CFR 1910.212(a)(3)(ii): The point of operation of machines whose operation exposed an employee to injury, was not guarded:

B Building- Employees were exposed to crushed-by hazards while hand troweling pavers on the OCEM Press while it was operating.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/13/2019
Proposed Penalty:	\$92819.00

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: 1401254
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Issuance Date: 11/08/2019



Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.157(e)(3): Portable fire extinguishers were not subjected to an annual maintenance check:

B Building- A fire extinguisher located near flammable materials had not been inspected since November of 2017, exposing employees to fire hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

11/21/2019
\$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: 1401254
Inspection Date(s): 05/15/2019 - 05/15/2019
Issuance Date: 11/08/2019



Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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

29 CFR 1910.178(q)(7): Industrial trucks were not examined before being placed in service:

B Building and Yard- Forklifts were not inspected prior to use, exposing employees to hazards associated with operating a forklift.

Date By Which Violation Must be Abated:

11/18/2019

Proposed Penalty:

\$0.00

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

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Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

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

29 CFR 1910.303(b)(1): Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

Yard- Employees were exposed to fire and fire hazards where the outer sheathing on an electrical wire on the fueling tank was damaged.

Date By Which Violation Must be Abated:
Proposed Penalty:

11/29/2019
\$0.00

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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

Citation 3 Item 4 Type of Violation: **Other-than-Serious**

29 CFR 1910.305(a)(2)(x): Flexible cords and cables were not protected from accidental damage, as might be caused, for example, by sharp corners, projections, and doorways or other pinch points.

Office Building -The charging cable of a golf cart was observed running underneath a door, which crushed the cord, exposing employees to fire hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

12/06/2019
\$0.00

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Citation and Notification of Penalty

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226

Citation 3 Item 5 Type of Violation: **Other-than-Serious**

29 CFR 1910.334(a)(2)(i): Portable cord and plug connected equipment and flexible cord sets (extension cords) were not visually inspected before use on any shift for external defects (such as loose parts, deformed and missing pins, or damage to outer jacket or insulation) and for evidence of possible internal damage (such as pinched or crushed outer jacket):

B Building- Employees were exposed to fire hazards where the Dayton 1000 pound crane used at the OCEM Press was powered with a extension cord that had damage to the outer jacket.

Date By Which Violation Must be Abated:
Proposed Penalty:

11/15/2019
\$0.00



T. Zachary Barnett
Area Director

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

U.S. Department of Labor
Occupational Safety and Health Administration
230 N 1st Avenue
Suite 202
Phoenix, AZ 85003



INVOICE / DEBT COLLECTION NOTICE

Company Name: Acker-Stone
Inspection Site: 6700 W. Allison Rd., Chandler, AZ 85226
Issuance Date: 11/08/2019

Summary of Penalties for Inspection Number	1401254
Citation 1, Serious	\$87516.00
Citation 2, Willful	\$185638.00
Citation 3, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$273154.00

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.



T. Zachary Barnett

Area Director



Date