



Citation and Notification of Penalty

To:
Cathcart Construction Company- Florida, LLC
and its successors
2564 Connection Point
Oviedo, FL 32765

Inspection Number: 1455279
Inspection Date(s): 01/10/2020 - 01/10/2020
Issuance Date: 04/14/2020

Inspection Site:
9th Street Gravity Sewer & Force Main Improvement
Project
Directly across from 288 9th Street
Winter Garden, FL 34787

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 813-626-1177. 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 04/14/2020. The conference will be held by telephone or at the OSHA office located at 5807

Breckenridge Pkwy, Suite A, Tampa, FL 33610 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1455279

Company Name: Cathcart Construction Company- Florida, LLC

Inspection Site: 9th Street Gravity Sewer & Force Main Improvement Project, Directly across from 288 9th Street, Winter Garden, FL 34787

Issuance Date: 04/14/2020

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, 5807 Breckenridge Pkwy, Suite A, Tampa, FL 33610**

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

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

Inspection Number: 1455279
Inspection Date(s): 01/10/2020 - 01/10/2020
Issuance Date: 04/14/2020



Citation and Notification of Penalty

Company Name: Cathcart Construction Company- Florida, LLC

Inspection Site: 9th Street Gravity Sewer & Force Main Improvement Project, Directly across from 288 9th Street, Winter Garden, FL 34787

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

29 CFR 1926.651(c)(2): A stairway, ladder, ramp or other safe means of egress was not located in trench excavations that were 4 feet (1.22m) or more in depth so as to require no more than 25 feet (7.62m) of lateral travel for employees:

a) 9th Street Gravity Sewer & Force Main Improvement Project, excavation directly across from 288 9th Street, Winter Garden, on or about 01/10/2020 - a suitable means of access/egress was not provided to employees working in an unprotected excavation. Employees entered and exited the excavation by climbing the excavation walls.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6940.00

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: Cathcart Construction Company- Florida, LLC

Inspection Site: 9th Street Gravity Sewer & Force Main Improvement Project, Directly across from 288 9th Street, Winter Garden, FL 34787

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

29 CFR 1926.652(a)(1): Each employee in an excavation was not protected from cave-ins by an adequate protective system designed in accordance with 29 CFR 1926.652 (b) or (c).

a) 9th Street Gravity Sewer & Force Main Improvement Project, Excavation directly across from 288 9th Street, Winter Garden, on or about 01/10/2020 - employees in the process of installing an air pressure release valve, were exposed to a cave-in/engulfment hazard while working in an unprotected excavation 6'1" in depth by 6 foot in length by 5'4" in width adjacent to an active roadway. The soil was previously disturbed type "C" soil. No protective system (shoring, shielding or sloping) was provided for employee protection.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$121443.00

CONDELL
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EASTMOND
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Condell Eastmond
Acting Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
5807 Breckenridge Pkwy
Suite A
Tampa, FL 33610



INVOICE / DEBT COLLECTION NOTICE

Company Name: Cathcart Construction Company- Florida, LLC
Inspection Site: 9th Street Gravity Sewer & Force Main Improvement Project, Directly across from
288 9th Street, Winter Garden, FL 34787
Issuance Date: 04/14/2020

Summary of Penalties for Inspection Number	1455279
Citation 1, Serious	\$6940.00
Citation 2, Willful	\$121443.00
TOTAL PROPOSED PENALTIES	\$128383.00

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 two percent (2%). 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.

CONDELL
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Date: 2020.04.14 14:49:07 -04'00'

Condell Eastmond

Acting Area Director

Date



Citation and Notification of Penalty

To:
CATHCART CONSTRUCTION COMPANY -
FLORIDA, LLC
and its successors
2564 Connection Point
Oviedo, FL 32765

Inspection Site:
24 West Sturtevant Street
Orlando, FL 32806

Inspection Number: 1439757
Inspection Date(s): 10/22/2019 - 04/14/2020
Issuance Date: 04/14/2020

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

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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.

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NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/14/2020. The conference will be held by telephone or at the OSHA office located at 5807

Breckenridge Pkwy, Suite A, Tampa, FL 33610 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1439757

Company Name: CATHCART CONSTRUCTION COMPANY - FLORIDA, LLC

Inspection Site: 24 West Sturtevant Street, Orlando, FL 32806

Issuance Date: 04/14/2020

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, 5807 Breckenridge Pkwy, Suite A, Tampa, FL 33610**

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: CATHCART CONSTRUCTION COMPANY - FLORIDA, LLC

Inspection Site: 24 West Sturtevant Street, Orlando, FL 32806

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

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury:

- a. On or about Oct 22, 2019, at the jobsite, untrained employees were directed to work in a trench that was 7 feet deep, with vertical sides, and in class C soil.
- b. On or about Oct 22, 2019, at the jobsite, untrained employees were directed to work in a trench that was 6 feet deep, with vertical sides, and in class C soil.
- c. On or about October 23, 2019, at the jobsite, untrained employees were directed to work as flaggers along W. Sturtevant Street in Orlando, FL where other employees were working at a trench location.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

05/08/2020

Proposed Penalty:

\$12145.00



Citation and Notification of Penalty

Company Name: CATHCART CONSTRUCTION COMPANY - FLORIDA, LLC

Inspection Site: 24 West Sturtevant Street, Orlando, FL 32806

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 2 a Type of Violation: **Serious**

29 CFR 1926.95(a): Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, were not provided:

a. On or about Oct 22, 2019, at the jobsite, employees were replacing a sanitation line while working in a trench and the employees were not protected from contact with raw sewage exposing them to biological hazards. The employees did not use personal protective equipment, such as rubber gloves, protective face shields, or rubber boots.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6940.00



Citation and Notification of Penalty

Company Name: CATHCART CONSTRUCTION COMPANY - FLORIDA, LLC

Inspection Site: 24 West Sturtevant Street, Orlando, FL 32806

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

29 CFR 1926.100(a): Employees working in areas where there was a possible danger of head injury from impact, or falling or flying objects, or from electrical shock and burns, were not protected by protective helmets:

- a. On or about Oct 22, 2019, at the jobsite, employees were working in a trench under or near a suspended trench box without hard hats, exposing employees to a struck-by hazard.

Date By Which Violation Must be Abated:

Corrected During Inspection



Citation and Notification of Penalty

Company Name: CATHCART CONSTRUCTION COMPANY - FLORIDA, LLC

Inspection Site: 24 West Sturtevant Street, Orlando, FL 32806

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

29 CFR 1926.200(g)(1): Traffic control signs used for protection of the workers did not conform to Part VI of the Manual on Uniform Traffic Control Devices (MUTCD) and were not posted at all points of hazard:

- a. On or about October 22, 2019, at the jobsite, employees were directed to work in and around a trench that was outside the permitted area of the approved temporary traffic control permit (TTC) from Orlando Public Works Department. There were no road closure and/or detour signs posted, exposing employees to struck-by hazards from passing motor vehicles.
- b. On or about October 23, 2019, at the jobsite, employees were directed to work in and around a trench that was outside the permitted area of the approved temporary traffic control permit (TTC) from Orlando Public Works Department. There were no road closure and/or detour signs posted, exposing employees to struck-by hazards from passing motor vehicles.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$12145.00

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

Inspection Number: 1439757
Inspection Date(s): 10/22/2019 - 04/14/2020
Issuance Date: 04/14/2020



Citation and Notification of Penalty

Company Name: CATHCART CONSTRUCTION COMPANY - FLORIDA, LLC
Inspection Site: 24 West Sturtevant Street, Orlando, FL 32806

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

29 CFR 1926.651(c)(2): A stairway, ladder, ramp or other safe means of egress was not utilized for work in trench excavations that are 4 feet (1.22 m) or more in depth:

a. On or about Oct 22, 2019, at the jobsite, employees were working in a 6 foot deep trench without a ladder or safe means of egress, exposing employees to falling back into the trench.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6940.00

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: CATHCART CONSTRUCTION COMPANY - FLORIDA, LLC

Inspection Site: 24 West Sturtevant Street, Orlando, FL 32806

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

29 CFR 1926.651(g)(1)(i): Where oxygen deficiency (atmospheres containing less than 19.5 percent oxygen) or a hazardous atmosphere exists or could reasonably be expected to exist, such as in excavations in landfill areas or excavations in areas where hazardous substances are stored nearby, the atmospheres in the excavation were not tested before employees enter excavations greater than 4 feet (1.22 m) in depth:

- a. On or about October 22, 2019, at the jobsite, employees were exposed to raw sewage gases when they entered a 7-foot deep trench to locate and cut into the existing sanitation line at the bottom of the trench. They cut into the sanitation line to install a PVC fitting. The atmosphere was not tested prior to entry and commencing work.
- b. On or about October 22, 2019, at the job site, an employee was exposed to raw sewage gases while cutting another sanitation line coming out of the north wall of a 7-foot deep trench. Raw sewage was released and accumulated at the bottom of the trench. The atmosphere was not tested prior to entry and commencing work.
- c. On or about October 22, 2019, at the job site, employees were exposed to raw sewage gases after a layer of soil was placed on top of the existing sanitation line at the bottom of the trench. The raw sewage was covered; however, the atmosphere was not tested prior to entry and commencing work. The employees were attempting to install a trench box around the sanitation line coming out of the south wall.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6940.00



Citation and Notification of Penalty

Company Name: CATHCART CONSTRUCTION COMPANY - FLORIDA, LLC

Inspection Site: 24 West Sturtevant Street, Orlando, FL 32806

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

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

29 CFR 1926.652(g)(1)(ii): Shields were not installed in a manner to restrict lateral or other hazardous movement of the shield in the event of the application of sudden lateral loads:

a. On or about October 22, 2019, at the jobsite, employees were exposed to struck-by and caught between hazards while working in a trench box that was not built per the manufactures tabulated data. The side of the trench box was not braced or shored to prevent lateral movement and there was one spreader bar installed on each end of the 6-foot tall trench box, about 24-inches from the bottom, and the south side of the trench box only had two side panels installed. A chain was being used for a two-point lift and one of the attachment points of the chain was near the top of corner post and a spreader bar did not support this section of the trench box.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$8675.00



Citation and Notification of Penalty

Company Name: CATHCART CONSTRUCTION COMPANY - FLORIDA, LLC

Inspection Site: 24 West Sturtevant Street, Orlando, FL 32806

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

29 CFR 1926.652(c)(2)(iii): Manufacturer's specifications, recommendations, and limitations, and manufacturer's approval to deviate from the specifications, recommendations, and limitations were not made available to the Secretary upon request:

- a. On or about October 22, 2019, at the jobsite, employees assembled and installed a trench box without the tabulated data, drawings and or plans for the trench box being at the jobsite and the tabulated data was not provided to the CSHO upon request.

Date By Which Violation Must be Abated:

Corrected During Inspection



Citation and Notification of Penalty

Company Name: CATHCART CONSTRUCTION COMPANY - FLORIDA, LLC

Inspection Site: 24 West Sturtevant Street, Orlando, FL 32806

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

29 CFR 1926.652(a)(1): Each employee in an excavation was not protected from cave-ins by an adequate protective system designed in accordance with 29 CFR 1926.652 (b) or (c):

- a. On or about October 22, 2019, at the jobsite, around 7:15 am, untrained employees were directed to work in a trench that was 7 feet deep, with vertical sides, in class C soil and without cave in protection being provided.
- b. On or about October 22, 2019, at the same trench site, around 12:00 pm, untrained employees were directed to work in a trench that was 6 feet deep, with vertical sides, in class C soil and the trench box being used was not built per manufactures tabulate data.
- c. On or about October 22, 2019, at the same trench site, around 1:00 pm, untrained employees were directed to compact soil in a trench that was 6 feet, with vertical sides, in class C soil and cave-in protection was not being used.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$121443.00

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Date: 2020.04.14 14:57:54 -04'00'

Condell Eastmond
Acting Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
5807 Breckenridge Pkwy
Suite A
Tampa, FL 33610



INVOICE / DEBT COLLECTION NOTICE

Company Name: CATHCART CONSTRUCTION COMPANY - FLORIDA, LLC
Inspection Site: 24 West Sturtevant Street, Orlando, FL 32806
Issuance Date: 04/14/2020

Summary of Penalties for Inspection Number	1439757
Citation 1, Serious	\$53785.00
Citation 2, Willful	\$121443.00
TOTAL PROPOSED PENALTIES	\$175228.00

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 two percent (2%). 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.

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Condell Eastmond
Acting Area Director

Date