

## U.S. Department of Labor

Occupational Safety and Health Administration  
1057 Broad Street  
4th Floor  
Bridgeport, CT 06604  
Phone: 203-579-5581 Fax: 203-579-5516



### Citation and Notification of Penalty

**To:**

Concavage Marine Construction CO.  
and its successors  
87 FOX ISLAND ROAD  
Port Chester, NY 10573

**Inspection Number:** 910737

**Inspection Date(s):** 05/22/2013 - 05/23/2013

**Issuance Date:** 11/19/2013

**Inspection Site:**

150 South Field Ave  
Marina  
Stamford, CT 06902

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

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://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 \$50,000 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](http://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 11/19/2013. The conference will be held by telephone or at the OSHA office located at 1057 Broad Street, 4th Floor, Bridgeport, CT 06604 on \_\_\_\_\_ at

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

**Inspection Number: 910737**

Company Name: Concavage Marine Construction CO.  
Inspection Site: 150 South Field Ave, Marina, Stamford, CT 06902  
Issuance Date: 11/19/2013

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, 1057 Broad Street, 4th Floor, Bridgeport, CT 06604**

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:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1412(d)(1): A competent person must begin a visual inspection prior to each shift the equipment will be used, which must be completed before or during that shift. The inspection must consist of observation for apparent deficiencies. Taking apart equipment components and booming down is not required as part of this inspection unless the results of the visual inspection or trial operation indicate that further investigation necessitating taking apart equipment components or booming down is needed. Determinations made in conducting the inspection must be reassessed in light of observations made during operation.

Lima 65-C & Bucyrus 30-B The owner did not ensure that a competent person performed an adequate daily inspection, in that the boom stops and limit switch missing, exposing employees to capsize, crushing and struck by hazards.

On 5/22/2013 the boom of the Lima 65-C crawler crane went over backward causing substantial damage.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/25/2013
Proposed Penalty:	\$4900.00

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

**Inspection Number:** 910737  
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**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1412(e)(1): 29 CFR 1926.1412(e)(1): The equipment in service was not inspected each month in accordance with paragraph (d) of this section (each shift).

Lima 65-C & Bucyrus 30-B: The crawler cranes that were in operation, without having gone through a monthly inspection, exposing employees to capsizing, crushing and struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/25/2013
Proposed Penalty:	\$4900.00

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:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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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 3 a** Type of Violation: **Serious**

29 CFR 1926.1413(b)(1): Each month an inspection must be conducted in accordance with paragraph (a) (shift inspection) of this section.

Lima 65-C: The employer did not perform a monthly inspection of the wire rope on the crane exposing the employees to crushing and struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/25/2013
Proposed Penalty:	\$4900.00



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

**Inspection Number:** 910737  
**Inspection Date(s):** 05/22/2013 - 05/23/2013  
**Issuance Date:** 11/19/2013



**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1413(b)(4): The inspection must be documented according to 1926.1412(e)(3) (monthly inspection documentation).

Lima 65-C: The employer did not document a monthly inspection of the wire rope on the crane exposing the employees to crushing and struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/25/2013

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:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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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 4 a** Type of Violation: **Serious**

29 CFR 1926.1413(c)(1): At least every 12 months, wire ropes in use on equipment must be inspected by a qualified person in accordance with paragraph (a) of this section (shift inspection).

Lima 65-C: The employer did not perform an annual/comprehensive inspection of the wire rope on the crane exposing the employees to crushing and struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/25/2013
Proposed Penalty:	\$4900.00

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

**Inspection Number:** 910737  
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**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1413(c)(4): The inspection must be documented according to 1926.1412(f)(7) (annual/comprehensive inspection documentation).

Lima 65-C: The employer did not document a yearly inspection of the wire rope on the crane exposing the employees to crushing and struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/25/2013

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:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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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 5 a** Type of Violation: **Serious**

29 CFR 1926.1417(c)(1): The procedures applicable to the operation of the equipment, including rated capacities (load charts), recommended operating speeds, special hazard warnings, instructions, and operator's manual, must be readily available in the cab at all times for use by the operator.

1 Lima 65-C The employer did not ensure that the correct rated capacities (load charts) with the necessary footnotes, and the manual was in the crane, exposing employees to capsizes, crushing, listing and struck by hazards.

2 Bucyrus 30-B The employer did not ensure that the correct rated capacities (load charts) was legible with the necessary footnotes, exposing employees to capsizes, crushing listing and struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/25/2013  
\$4900.00



**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1437(n)(1)(i): The employer did not ensure, for land cranes/derricks used on barges, pontoons, vessels or other means of flotation, that the rated capacity of the equipment (including but not limited to modification of load charts) applicable for use on land is reduced to account for increased loading from list, trim, wave action, and wind.

Lima 65 B: The owner did not ensure that the rated capacity of the land crane was reduced for use on barges to account for list, trim, wind, and wave action, exposing employees to capsize, crushing and struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/25/2013



**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1437(n)(1)(ii): The employer did not ensure, for land cranes/derricks used on barges, pontoons, vessels or other means of flotation, that the rated capacity of the equipment (including but not limited to modification of load charts) applicable for use on land is reduced to be applicable to a specified location(s) on the specific barge, pontoons, vessel or other means of flotation that will be used, under the environmental conditions expected and encountered.

Lima 65 B: The owner did not ensure that the rated capacity of the land crane was reduced for use on barges to be applicable to a specific location on the barge, exposing employees to capsizes, crushing and struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/25/2013

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

**Inspection Number:** 910737  
**Inspection Date(s):** 05/22/2013 - 05/23/2013  
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**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1437(c)(2)(i): Erect and maintain control lines, warning lines, railings or similar barriers to mark the boundaries of the hazard areas.

Lima 65-C The owner did not ensure that control lines were present to protect employees from struck by or crushing hazards due to the rotation of the superstructure and or the counter weights.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/25/2013
Proposed Penalty:	\$3500.00

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:** 910737  
**Inspection Date(s):** 05/22/2013 - 05/23/2013  
**Issuance Date:** 11/19/2013



**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1437(e)(1): Barge, pontoon, vessel or other means of flotation list and trim device. The safety device must be located in the cab or, when there is no cab, at the operator's station.

Lima 65-C The employer did not ensure that a list and trim device was available in the cab of the Lima, exposing employees to capsize, crushing and struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/25/2013
Proposed Penalty:	\$4900.00

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:** 910737  
**Inspection Date(s):** 05/22/2013 - 05/23/2013  
**Issuance Date:** 11/19/2013



**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1437(h)(1): Shift. For each shift inspection, the means used to secure/attach the equipment to the vessel/flotation device is in proper condition, including wear, corrosion, loose or missing fasteners, defective welds, and (when applicable) insufficient tension.

Janie: The owner did not ensure that a shift inspection was performed on securing of the crane to the barge exposing employees to capsizes, crushing and struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/25/2013  
\$4900.00

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:** 910737  
**Inspection Date(s):** 05/22/2013 - 05/23/2013  
**Issuance Date:** 11/19/2013



**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1437(h)(2): Monthly. For each monthly barge inspection: The means used to secure/attach the equipment to the vessel/flotation device is in proper condition, including inspection for wear, corrosion, and, when applicable, insufficient tension.

Halle and Janie: The owner did not ensure that a monthly inspection was performed on the barges, exposing employees to capsize, crushing and struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/25/2013  
\$4900.00

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:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

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

29 CFR 1926.1437(h)(4)(i): The external portion of the barge, pontoons, vessel or other means of flotation used is inspected annually by a qualified person who has expertise with respect to vessels/flotation devices.

Halle and Janie: The owner did not ensure that an annual inspection was performed on the barges, exposing employees to capsizes, crushing and struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/25/2013
Proposed Penalty:	\$4900.00

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

**Inspection Number:** 910737  
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**Issuance Date:** 11/19/2013



**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1437(h)(6): The employer did not ensure that the information required in 1926.1437(h)(2) and (h)(4) of this section are documented in accordance with 29 CFR 1926.1412 (e)(3) and 1926.1412(f)(7), respectively. All such documents must be made available, during the applicable document retention period, to all persons who conduct inspections in accordance with 29 CFR 1926.1412.

Halle and Janie: The owner did not ensure that a monthly and annual inspection was documented on the barges, exposing employees to capsizing, crushing and struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 11/25/2013

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:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1437(k)(3): When the manufacturer's specifications and limitations are unavailable, the employer must ensure that the specifications and limitations established by a qualified person with respect to environmental, operational and in-transit loads for the barge, pontoons, vessel, or other means of flotation are not exceeded or violated.

Janie: The employer did not ensure that the specifications and limitations established by a qualified person with respect to environmental, operational and in-transit loads for the barge, pontoons, vessel, or other means of flotation are not exceeded or violated, exposing employees to capsize, crushing and struck by hazards.

On 5/22/2013 the boom of the Lima 65-C crawler crane went over backward causing substantial damage.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/25/2013
Proposed Penalty:	\$4900.00



**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1437(n)(3)(i): The employer did not ensure, for land cranes/derricks used on barges, pontoons, vessels or other means of flotation, that the maximum allowable list and the maximum allowable trim does not exceed the amount necessary to ensure that the conditions in paragraph (n)(4) of this section are met. In addition, the maximum allowable list and the maximum allowable trim does not exceed the least of the following: 5 degrees, the amount specified by the crane/derrick manufacturer, or, when, an amount is not so specified, the amount specified by the qualified person.

Janie: The owner could not ensure that a maximum list and a maximum trim of the barge did not exceed the amount necessary to ensure that the conditions in paragraph (n)(4) due to the amount was never specified.

On 5/22/2013 the boom of the Lima 65-C crawler crane went over backward causing substantial damage.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/25/2013
Proposed Penalty:	\$4900.00



**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
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**Citation 1 Item 13** Type of Violation: **Serious**

29 CFR 1926.1437(n)(5)(v): The systems/means of securement of the crane to the barge used to comply with options 1-4 of this section were not designed by a qualified person familiar with floating crane/derrick design.

Janie: The owner did not ensure that the cabling system used to secure the crane to the barge was of sufficient size and strength to support the side load of the crane and designed by a marine engineer, registered professional engineer familiar with floating crane/derrick design, or qualified person familiar with floating crane/derrick design, exposing employees to capsize, crushing and struck by hazards.

On 5/22/2013 the boom of the Lima 65-C crawler crane went over backward causing substantial damage.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/25/2013
Proposed Penalty:	\$4900.00



**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
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**Citation 1 Item 14** Type of Violation: **Serious**

29 CFR 1926.1437(n)(7)(ii): The owner did not ensure that the barge have a subdivided hull that would reduce the free surface effect.

Janie: The owner of the barge did not ensure that the stability of barge was sufficient to withstand the static and dynamic loads of the crane when operating at the crane's maximum rated capacity with all planned and actual deck loads and ballasted compartments, exposing employees to capsize, crushing and struck by hazards.

On 5/22/2013 the boom of the Lima 65-C crawler crane went over backward causing substantial damage.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/25/2013
Proposed Penalty:	\$4900.00





**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1412(f)(1): The equipment was not inspected at least every 12 months by a qualified person in accordance with paragraph (d) of this section.

Lima 65-C & Bucyrus 30-B: The owner did not perform an annual/comprehensive annual/comprehensive inspection, by a qualified person as required, exposing employees to capsize, crushing and struck by hazards.

On 5/22/2013 the boom of the Lima 65-C crawler crane went over backward causing substantial damage.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/25/2013
Proposed Penalty:	\$49000.00



**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
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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 2 a** Type of Violation: **Willful**

29 CFR 1926.1415(a)(2): Safety devices. The Boom stops are required on all equipment covered by this subpart, unless otherwise specified:

Lima 65-C The owner did not ensure that boom stops were provided and functioning on the crane exposing employees to capsizing, crushing and struck by hazards.

On 5/22/2013 the boom of the Lima 65-C crawler crane went over backward causing substantial damage.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/25/2013
Proposed Penalty:	\$49000.00



**Citation and Notification of Penalty**

**Company Name:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902

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

29 CFR 1926.1416(b): Operations must not begin unless the listed operational aids are in proper working order, except where an operational aid is being repaired the employer uses the specified temporary alternative measures. The time periods permitted for repairing defective operational aids are specified in paragraphs (d) and (e) of this section. More protective alternative measures specified by the crane/derrick manufacturer, if any, must be followed.

Lima 65-C: The owner did not ensure that the boom hoist limiting device was in place and functioning exposing the employees to employees to capsizes, crushing and struck by hazards

On 5/22/2013 the boom of the Lima 65-C crawler crane went over backward causing substantial damage.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/25/2013

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

**Robert Kowalski**  
Area Director

U.S. Department of Labor  
Occupational Safety and Health Administration  
1057 Broad Street  
4th Floor  
Bridgeport, CT 06604  
Phone: 203-579-5581 Fax: 203-579-5516



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Concavage Marine Construction CO.  
**Inspection Site:** 150 South Field Ave, Marina, Stamford, CT 06902  
**Issuance Date:** 11/19/2013

<b>Summary of Penalties for Inspection Number</b>	<b>910737</b>
<b>Citation 1, Serious</b>	<b>\$67200.00</b>
<b>Citation 2, Willful</b>	<b>\$98000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$165200.00</b>

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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](http://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 \$50,000 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

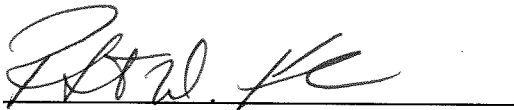
account, the bank will attempt to make the transfer up to 2 times.

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.



**Robert Kowalski**

Area Director

19 November 2013  
Date