

**Este documento es muy importante. Si ud. No habla inglés,  
busque un traductor o llame al (267) 429-7542.**

**U.S. Department of Labor**

Occupational Safety and Health Administration  
3477 Corporate Parkway Suite 120  
Center Valley, PA 18034  
Phone: (267) 429-7542 Fax: (267) 429-7567

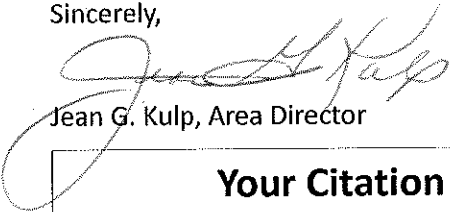


May 3, 2016

Dear Employer,

On 11/05/2015, an OSHA compliance officer met with you or your representative as part of an inspection at 5402 Chestnut Street Emmaus, PA 18049. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

  
Jean G. Kulp, Area Director

**Your Citation Summary**  
Higher Ground Tactical, LLC  
Inspection Number: 1104613

**Total Amount Due: \$135200.00**  
**Payment Due Date: 15 working days  
after receipt of  
this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations : 35**  
**Your First Correction Deadline is:**  
**05/11/2016**

**Step 1 – Choose a Response  
Option and  
Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

**Option #1 – Discuss with OSHA**

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

**Option #2 – Correct and Pay**

I agree with the citation, penalties, and correction deadlines, and do not contest.

**Option #3 – Contest the Citation**

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

**Questions or Concerns?**

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (267) 429-7542.

## Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

### Option #1 – Discuss with OSHA

I will complete by:



1. Call: Jean G. Kulp, Area Director, at (267) 429-7542 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. **\*\*This meeting does NOT extend your 15 working day deadline to contest the citation.\*\***

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\_\_\_ / \_\_\_



2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

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\_\_\_ / \_\_\_

### Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

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\_\_\_ / \_\_\_



2. Pay the **Total Penalty** by using one of the following methods:  
**\*\*Include your Inspection Number (see first page) on the payment.\*\***

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\_\_\_ / \_\_\_

*Pay Online:* Search "OSHA" on [www.pay.gov](http://www.pay.gov) and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

*Pay by Check:* Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

### Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

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\_\_\_ / \_\_\_

## U.S. Department of Labor

Occupational Safety and Health Administration  
3477 Corporate Parkway  
Suite 120  
Center Valley, PA 18034  
Phone: 267-429-7542 Fax: 267-429-7567



### Citation and Notification of Penalty

**To:**  
Higher Ground Tactical, LLC  
and its successors  
5402 Chestnut Street  
Emmaus, PA 18049

**Inspection Number:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016

**Inspection Site:**  
5402 Chestnut Street  
Emmaus, PA 18049

*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 \$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](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 05/03/2016. The conference will be held by telephone or at the OSHA office located at 3477

Corporate Parkway, Suite 120, Center Valley, PA 18034 on \_\_\_\_\_ at

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1104613

Company Name: Higher Ground Tactical, LLC  
Inspection Site: 5402 Chestnut Street, Emmaus, PA 18049  
Issuance Date: 05/03/2016

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, 3477 Corporate Parkway, Suite 120, Center Valley, PA 18034**

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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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 1 a** Type of Violation: **Serious**

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE):

a) Higher Ground Tactical, LLC - On or about November 5, 2015, the employer did not perform a hazard assessment to determine the appropriate personal protective equipment that would be required for employees. Range safety officers while working in the shooting range area observing and instructing clients are exposed to hazards during the discharge and cleaning of firearms.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/11/2016
Proposed Penalty:	\$2800.00

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.132(f)(1): The employer did not provide training to each employee who is required by this section to use personal protective equipment:

a) Higher Ground Tactical, LLC - On or about November 5, 2015, the employer did not provide training on the personal protective equipment that would be required for employees who were exposed to hazards during the discharge and cleaning of firearms.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/11/2016



### **Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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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 2 a Type of Violation: **Serious****

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

a. Higher Ground Tactical, LLC - On or about November 5, 2015, The employer had not developed or implemented a written Hazard Communication Program for employees who are exposed to hazards from the use of gun cleaning chemicals used to clean employer owned firearms and inorganic lead from the shooting of lead containing ammunition on the range.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

#### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/21/2016  
\$2800.00



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1200(g)(1): The employer did not have a safety data sheet for each hazardous chemical in use:

- a. Higher Ground Tactical, LLC - On or about November 5, 2015, where employees were exposed to the hazards from gun cleaning chemicals including Hoppe's 9, the employer had not obtained a safety data sheet for the product.
- b. Higher Ground Tactical, LLC On or about November 5, 2015, employees, including Range Safety Officers, are exposed to lead while working on the firing range observing clients and performing cleanup tasks and the employer did not have a safety data sheet for the ammunition that contains lead.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/11/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

- a) Higher Ground Tactical, LLC - On or about November 5, 2015, employees were exposed to the hazards of gun cleaning chemicals, and the employer did not provide effective training on the hazards of these chemicals.
- b) Higher Ground Tactical, LLC Or or about November 13, 2015, employees, Range Safety Officers were exposed to lead while performing tasks such as observing and instructing clients, and the employer did not provide effective training as required by this section.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/21/2016



### **Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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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 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

- a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not establish and implement a written respiratory protection program with worksite specific procedures.
- b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not establish and implement a written respiratory protection program with worksite specific procedures.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

06/05/2016  
\$2800.00

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



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.134(f)(1): The employer did not ensure that employee(s) required to use a tight-fitting face piece respirator passed the appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT):

a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not provide a fit test to ensure the employee was adequately protected from lead by the respirator worn.

b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not provide a fit test to ensure the employee was adequately protected from lead by the respirator worn.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**

**05/21/2016**

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.134(g)(1)(i)(A): Respirators with tight-fitting facepieces were worn by employees who had facial hair that came between the sealing surface of the facepiece and the face or that interfered with valve function:

a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. Employees required to wear respirators had facial hair which could interfere with respirator performance.

b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. Employees required to wear respirators had facial hair which could interfere with respirator performance.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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Date By Which Violation Must be Abated:

05/11/2016

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.134(k)(1): The employer did not provide respirator training that would ensure that each employee can demonstrate knowledge of items in section (I)-(viii):

a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not ensure that employees demonstrated knowledge regarding why the respirator was necessary and how improper fit, usage or maintenance can compromise the protective effect of wearing a respirator.

b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not ensure that employees demonstrated knowledge regarding why the respirator was necessary and how improper fit, usage or maintenance can compromise the protective effect of wearing a respirator.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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**  
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**Inspection Number:** 1104613  
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**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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Date By Which Violation Must be Abated:

05/21/2016

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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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 1910.1025(c)(1): Employee(s) were exposed to lead at concentrations greater than fifty micrograms per cubic meter of air averaged over an eight-hour period:

a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not ensure that employees were not exposed in excess of the OSHA permissible exposure limit.

b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not ensure that employees were not exposed in excess of the OSHA permissible exposure limit.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

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

**Inspection Number:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	09/03/2016
Proposed Penalty:	\$2800.00

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(e)(1)(i): For any employees exposed to lead above the permissible exposure limit for more than 30 days per year the employer did not implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead :

a) Higher Ground Tactical, LLC employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not implement feasible engineering and work practice controls to reduce employee exposure to lead.

b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not implement feasible engineering and work practice controls to reduce employee exposure to lead.

Feasible engineering and administrative controls include but are not limited to:

1. Install and maintain a supply air and exhaust ventilation system that effectively captures the dust in the shooting range area and exhausts clean air to an outside location.
2. Substitute current ammunition for those with non-lead primer cartridges and non-lead or jacketed bullets designed specifically for firing ranges.
3. Establish a regular maintenance and replacement schedule for the ACSI Air Scrubbers filters.
4. Clean the gun range and adjacent areas using proper cleaning procedures such as HEPA vacuuming and wet sweeping.
5. Eliminate all dry sweeping.

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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**ABATEMENT NOTE:**

ABATEMENT NORMALLY WILL BE MULTISTEP AS FOLLOWS:

Step 1: EFFECTIVE RESPIRATORY PROTECTION SHALL BE PROVIDED AND USED BY EXPOSED EMPLOYEES AS AN INTERIM PROTECTIVE MEASURE UNTIL FEASIBLE ENGINEERING AND/OR ADMINISTRATIVE CONTROLS CAN BE IMPLEMENTED, OR WHENEVER SUCH CONTROLS FAIL TO REDUCE EMPLOYEE EXPOSURE TO WITHIN PERMISSIBLE EXPOSURE LIMITS.

Step 2: SUBMIT TO THE AREA DIRECTOR A WRITTEN, DETAILED PLAN OF ABATEMENT OUTLINING A SCHEDULE FOR THE IMPLEMENTATION OF ENGINEERING AND/OR ADMINISTRATIVE MEASURES TO CONTROL EMPLOYEE EXPOSURE TO HAZARDOUS SUBSTANCES AS REFERENCED IN THIS CITATION. THIS PLAN SHALL INCLUDE, AT A MINIMUM, TARGET DATES FOR THE FOLLOWING ACTIONS WHICH MUST BE CONSISTANT WITH THE ABATEMENT DATES REQUIRED BY THIS CITATION:

- (1) EVALUATION OF ENGINEERING/ADMINISTRATIVE CONTROL OPTIONS;
- (2) SELECTION OF OPTIMUM CONTROL METHODS AND COMPLETION OF DESIGN;
- (3) PROCUREMENT, INSTALLATION AND OPERATION OF SELECTED CONTROL MEASURES; AND
- (4) TESTING AND ACCEPTANCE OR MODIFICATION/REDESIGN OF CONTROLS.

NOTE: ALL PROPOSED CONTROL MEASURES SHALL BE APPROVED FOR EACH PARTICULAR USE BY A COMPETENT INDUSTRIAL HYGIENIST OR OTHER TECHNICALLY QUALIFIED PERSON.

THIRTY - (30) DAY PROGRESS REPORTS ARE REQUIRED DURING THE ABATEMENT PERIOD. (THE 30 DAY REQUIREMENT CAN BE SHORTENED OR LENGTHENED BY THE AREA DIRECTOR DEPENDING ON THE SPECIFIC CIRCUMSTANCES.)

Step3: ABATEMENT SHALL HAVE BEEN COMPLETED BY THE IMPLEMENTATION OF

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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**FEASIBLE ENGINEERING AND/OR ADMINISTRATIVE CONTROLS UPON THE  
VERIFICATION OF THEIR EFFECTIVENESS IN ACHIEVING COMPLIANCE.**

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**Engineering Controls**10/03/2016  
**Plan**08/04/2016  
**PPE**05/21/2016

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

10/03/2016

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(e)(4)(i): When ventilation was used to control exposure to lead, measurements which demonstrate the effectiveness of the system in controlling exposure were not made at least every three months:

a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not take measurements to monitor the effectiveness of the Force Air 2000 EC air scrubber.

b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not take measurements to monitor the effectiveness of the Force Air 2000 EC air scrubber.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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Date By Which Violation Must be Abated:

05/11/2016

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(f)(1)(i): Respirators required for protection against lead were not used during the time period necessary to install and implement engineering or work practice controls:

a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. Respiratory protection was not worn by the employee during this activity.

b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. Respiratory protection was not worn by the employee during this activity.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/11/2016

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(f)(2)(i): The employer did not implement a respiratory protection program in accordance with 29 CFR 1910.134(b) through (d) (except (d)(1)(iii)), and (f) through (m) for each employee required by 29 CFR 1910.1025 to use a respirator:

- a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not implement a respiratory protection program.
- b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not implement a respiratory protection program.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**

**06/05/2016**

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(f)(3)(i)(A): Respirators required under 29 CFR 1910.1025 for protection against lead, were not selected from Table II of 29 CFR 1910.1025: in accordance with 29 CFR 1910.134(d)(3)(i)(A):

a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead averaged over the 23 minutes cleanup period of 4.6685 micrograms lead per cubic meter of air. This exposure is 93.3 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. The employer provided a full face negative pressure respirator which did not have an adequate protection factor.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/11/2016





**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(g)(1): Appropriate protective work clothing and equipment were not provided when employee(s) were exposed to lead above the permissible exposure limit (PEL), without regard to the use of respirators, or where the possibility of skin or eye irritation exists:

- a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not provide protective work clothing, such as coveralls, gloves, head coverings, and shoes for employees exposed to lead in excess of the OSHA permissible exposure limit.
- b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not provide protective work clothing, such as coveralls, gloves, head coverings and shoes for employees exposed to lead in excess of the OSHA permissible exposure limit.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

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

**Inspection Number:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/11/2016
Proposed Penalty:	\$2800.00

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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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 6 a** Type of Violation: **Serious**

29 CFR 1910.1025(i)(1): The employer did not ensure that food or beverage was not present, or consumed; tobacco products were not present, or used and cosmetics were not applied in areas where employees were exposed to lead in excess of the permissible exposure limit:

a) Higher Ground Tactical LLC - On or about November 13, 2015, The employer did not prohibit the consumption of food in the show room which had surfaces contaminated with lead and where air monitoring levels exceed the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/11/2016  
\$2800.00



### Citation and Notification of Penalty

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(i)(2)(i): Clean change rooms were not provided for employees exposed to lead in excess of the permissible exposure limit (PEL), without regard to the use of respirators:

a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not provide change rooms for employees who were exposed in excess of the OSHA permissible exposure limit to the hazards of lead.

b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not provide change rooms for employees who were exposed in excess of the OSHA permissible exposure limit to the hazards of lead.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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Date By Which Violation Must be Abated:

05/21/2016

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(i)(3)(i): Employee(s) exposed to lead in excess of the permissible exposure limit (PEL), without regard to the use of respirators, were not required to shower at the end of the work shift:

a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not require employees to shower.

b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not require employees to shower.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/05/2016

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(i)(3)(ii): Shower facilities, in accordance with 29 CFR 1910.141(d)(3), were not provided for employee(s) exposed to lead in excess of the permissible exposure limit (PEL), without regard to the use of respirators:

- a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not provide shower facilities for employees who were exposed in excess of the OSHA permissible exposure limit.
- b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not provide shower facilities for employees who were exposed in excess of the OSHA permissible exposure limit.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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Date By Which Violation Must be Abated:

06/05/2016

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(i)(3)(iii): The employer did not ensure that employees who were required to shower per 29 CFR 1910.1025(i)(3)i) did not leave the workplace wearing any clothing or equipment worn during the work shift:

a) Higher Ground Tactical, LLC employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not ensure that employees did not take lead contaminated clothing out of the worksite.

b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not ensure that employees did not take lead contaminated clothing out of the worksite.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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**Date By Which Violation Must be Abated:**

**05/11/2016**

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(i)(4)(i): Lunchroom facilities were not provided for employee(s) exposed to lead in excess of the permissible exposure limit (PEL), without regard to the use of respirators:

- a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not provide lunchroom facilities for employees when they were exposed above the OSHA permissible exposure limit.
- b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not provide lunchroom facilities for employees when they were exposed above the OSHA permissible exposure limit.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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Date By Which Violation Must be Abated:

05/11/2016

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(h)(1): All surfaces were not maintained as free as practicable of accumulations of lead:

a) Higher Ground Tactical, LLC - On or about November 13, 2015, The employer did not maintain counters in the retail area, where employees engage customers, free as practical from lead dust. Wipe sample(s) taken on counter and floor areas indicated the presence of inorganic lead.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/11/2016  
\$2800.00

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(l)(1)(ii): The employer did not train each employee who is subject to exposure to lead at or above the action level, or for whom the possibility of skin or eye irritation exists, in accordance with the requirements of 29 CFR 1910.1025:

a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not provide information and training on lead to employees whose exposure level exceeded the action level of 30 micrograms per cubic meter of air.

b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not provide training on lead to employees whose exposure level exceeded the action level of 30 micrograms per cubic meter of air.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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Date By Which Violation Must be Abated:  
Proposed Penalty:

05/11/2016  
\$2800.00

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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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 1 a Type of Violation: **Willful**

29 CFR 1910.95(b)(1): When employees were subjected to sound exceeding those listed in Table G-16, feasible administrative or engineering controls were not utilized:

a) Higher Ground Tactical, LLC. - employees, Range Safety Officers while working in the range area observing and instructing clients, were exposed to continuous noise at 326% of the permissible daily noise exposure of 90 dBA or an eight-hour time-weighted average of 98.5 dBA. This exposure was observed over a 287 minute sampling period on November 13, 2015. A zero exposure was assumed for the 193 minutes not sampled. The employer did not implement feasible administrative or engineering controls to reduce employee exposure to occupational noise.

ABATEMENT NORMALLY WILL BE MULTISTEP AS FOLLOWS:

Step 1: SUBMIT TO THE AREA DIRECTOR A WRITTEN, DETAILED PLAN OF ABATEMENT OUTLINING A SCHEDULE FOR THE IMPLEMENTATION OF ENGINEERING AND/OR ADMINISTRATIVE MEASURES TO CONTROL EMPLOYEE EXPOSURE TO HAZARDOUS SUBSTANCES AS REFERENCED IN THIS CITATION. THIS PLAN SHALL INCLUDE, AT A MINIMUM, TARGET DATES FOR THE FOLLOWING ACTIONS WHICH MUST BE CONSISTANT WITH THE ABATEMENT DATES REQUIRED BY THIS CITATION:

- (1) EVALUATION OF ENGINEERING/ADMINISTRATIVE CONTROL OPTIONS;
- (2) SELECTION OF OPTIMUM CONTROL METHODS AND COMPLETION OF DESIGN;
- (3) PROCUREMENT, INSTALLATION AND OPERATION OF SELECTED CONTROL MEASURES; AND
- (4) TESTING AND ACCEPTANCE OR MODIFICATION/REDESIGN OF CONTROLS.





**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

NOTE: ALL PROPOSED CONTROL MEASURES SHALL BE APPROVED FOR EACH PARTICULAR USE BY A INDUSTRIAL HYGIENIST OR OTHER TECHNICALLY QUALIFIED PERSON.

THIRTY- (30) DAY PROGRESS REPORTS ARE REQUIRED DURING THE ABATEMENT PERIOD. (THE 30 DAY REQUIREMENT CAN BE SHORTENED OR LENGTHENED BY THE AREA DIRECTOR DEPENDING ON THE SPECIFIC CIRCUMSTANCES.)

Step2: ABATEMENT SHALL HAVE BEEN COMPLETED BY THE IMPLEMENTATION OF FEASIBLE ENGINEERING AND/OR ADMINISTRATIVE CONTROLS UPON THE VERIFICATION OF THEIR EFFECTIVENESS IN ACHIEVING COMPLIANCE.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

Feasible abatement action include but are not limited to:

1. Provide a sound proof room from which the range safety officer can observe the range areas.
2. Limit the amount of time that a range safety officer can work inside the shooting range area during any one work period.

**Plan**08/04/2016

**Engineering Controls**10/03/2016

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

10/03/2016

Proposed Penalty:

\$28000.00



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.95(d)(1): When information indicated that any employee's exposure equaled or exceed the 8-hour time-weighted average of 85 decibels, the employer did not develop and implement a monitoring program:

a) Higher Ground Tactical, LLC - employees, Range Safety Officers while working in the range area observing and instructing clients, were exposed to continuous noise at 326% of the permissible daily noise exposure of 90 dBA or an eight-hour time-weighted average of 98.5 dBA. This exposure was observed over a 287 minute sampling period on November 13, 2015. A zero exposure was assumed for the 193 minutes not sampled. The employer did not conduct monitoring to determine employee's exposure level and the type of personal protective equipment required.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/05/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.95(g)(1): The employer did not establish and maintain an audiometric testing program as provided by 29 CFR 1910.95(g) by making audiometric testing available to all employees whose exposures equal or exceed an 8-hour time-weighted average of 85 decibels:

a) Higher Ground Tactical, LLC - employees, Range Safety Officers while working in the range area observing and instructing clients, were exposed to continuous noise at 326% of the permissible daily noise exposure of 90 dBA or an eight-hour time-weighted average of 98.5 dBA. This exposure was observed over a 287 minute sampling period on November 13, 2015. A zero exposure was assumed for the 193 minutes not sampled. The employer did not establish an audiometric testing program.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/21/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.95(k)(1): The employer did not train each employee who is exposed to noise at or above an 8-hour time-weighted average of 85 decibels in accordance with the requirements of 29 CFR 1910.95(k):

a) Higher Ground Tactical, LLC - employees, Range Safety Officers while working in the range area observing and instructing clients, were exposed to continuous noise at 326% of the permissible daily noise exposure of 90 dBA or an eight-hour time-weighted average of 98.5 dBA. This exposure was observed over a 287 minute sampling period on November 13, 2015. A zero exposure was assumed for the 193 minutes not sampled. The employer did not provide training as required.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/21/2016



### **Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(d)(2): An initial determination was not made to determine if any employee may be exposed to lead at or above the action level:

- a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not conduct initial monitoring to determine if any employee exposure to lead exceeded the OSHA action level of 30 micrograms per cubic meter of air.
- b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not conduct initial monitoring to determine if any employee exposure to lead exceeded the OSHA action level of 30 micrograms per cubic meter of air.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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Date By Which Violation Must be Abated:  
Proposed Penalty:

06/05/2016  
\$28000.00

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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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 3 a Type of Violation: **Willful**

29 CFR 1910.1025(e)(3)(i): The employer did not establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, solely by means of engineering and work practice controls:

- a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not establish or implement a written compliance program.
- b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not establish or implement a written compliance program.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

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

**Inspection Number:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

06/05/2016  
\$28000.00

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

**Citation 2 Item 3 b** Type of Violation: **Willful**

29 CFR 1910.1025(h)(2)(ii): Shoveling, sweeping or brushing methods were used to remove lead accumulations where vacuuming or other equally effective methods were available and feasible:

a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not prohibit the dry sweeping of lead containing dust.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/11/2016



### Citation and Notification of Penalty

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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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 4 a Type of Violation: **Willful**

29 CFR 1910.1025(j)(1)(i): A medical surveillance program was not instituted for all employee(s) who were, or could be exposed to lead above the action level for more than thirty days per year:

a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not implement a medical surveillance program for employees whose exposure level exceeded the OSHA action level of 30 micrograms per cubic meter of air.

b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not implement a medical surveillance program for employees whose exposure level exceeded the OSHA action level of 30 micrograms per cubic meter of air.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/11/2016  
\$28000.00

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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**Citation 2 Item 4 b** Type of Violation: **Willful**

29 CFR 1910.1025(j)(3)(i)(B): Medical examinations and consultations for lead were not performed prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level:

a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not provide medical examinations and consultations for employees whose exposure level exceeded the OSHA action level of 30 micrograms per cubic meter of air.

b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not provide medical examinations and consultations for employees whose exposure level exceeded the OSHA action level of 30 micrograms per cubic meter of air.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

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

**Inspection Number:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/11/2016

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.95(l)(1): The employer did not post of copy of 29 CFR 1910.95 in the workplace:

a) - Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the range area observing and instructing clients, were exposed to continuous noise at 326% of the OSHA permissible daily noise exposure of 90 dBA or an eight-hour time-weighted average of 98.5 dBA. This exposure was observed over a 287 minute sampling period on November 13, 2015. A zero exposure was assumed for the 193 minutes not sampled. The employer did not post a copy of the standard in the facility.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/11/2016  
\$400.00

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:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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

29 CFR 1910.1025(m)(2)(i): 29 CFR 1910.1025(m)(2)(i): Warning signs bearing the legend: WARNING, LEAD WORK AREA, POISON, NO SMOKING OR EATING, were not posted in each work area where the permissible exposure limit (PEL) was exceeded:

a) Higher Ground Tactical, LLC - employees, Range Safety Officers, while working in the firing range observing and instructing clients, were exposed to inorganic lead at an eight hour time weighted average exposure of 0.69 milligrams per cubic meter of air. This exposure is 13.8 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 460 minute sampling period on November 15, 2015. A zero exposure was assumed for the 20 minutes not sampled. The employer did not post warning signs for the lead hazard in the facility.

b) Higher Ground Tactical, LLC - employees, Range Safety Officers, while performing gun range clean-up activities such as dry sweeping the shooting range lanes and vacuuming carpets were exposed to inorganic lead at an eight hour time weighted average exposure of 0.22 milligrams per cubic meter of air. This exposure is 4.47 times the OSHA permissible exposure limit of 0.05 milligrams per cubic meter of air. This exposure was observed occurring over a 23 minute sampling period on November 13, 2015. A zero exposure was assumed for the 457 minutes not sampled. The employer did not post warning signs for the lead hazard in the facility.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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:** 1104613  
**Inspection Date(s):** 11/05/2015 - 04/25/2016  
**Issuance Date:** 05/03/2016



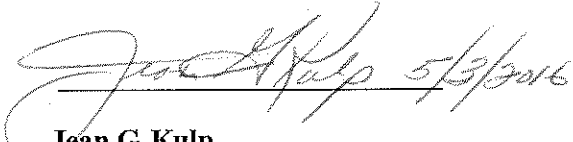
**Citation and Notification of Penalty**

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049

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Date By Which Violation Must be Abated:  
Proposed Penalty:

05/11/2016  
\$400.00

  
**Jean G. Kulp**  
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  
3477 Corporate Parkway  
Suite 120  
Center Valley, PA 18034  
Phone: 267-429-7542 Fax: 267-429-7567



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** Higher Ground Tactical, LLC  
**Inspection Site:** 5402 Chestnut Street, Emmaus, PA 18049  
**Issuance Date:** 05/03/2016

<b>Summary of Penalties for Inspection Number</b>	<b>1104613</b>
<b>Citation 1, Serious</b>	<b>\$22400.00</b>
<b>Citation 2, Willful</b>	<b>\$112000.00</b>
<b>Citation 3, Other-than-Serious</b>	<b>\$800.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$135200.00</b>

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 \$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.

  
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**Jean G. Kulp**  
Area Director

  
\_\_\_\_\_  
Date