

U.S. Department of Labor

Occupational Safety and Health Administration
53 Pleasant Street
Room 3901, J.C. Cleveland Federal Bldg.
Concord, NH 03301



Citation and Notification of Penalty

To:

Quartz and Stone Creations of New Hampshire, LLC
and its successors
P.O. Box 588
Northwood, NH 03261

Inspection Number: 1427254**Inspection Date(s):** 08/28/2019 - 01/06/2020**Issuance Date:** 01/14/2020**Inspection Site:**

11 Tasker Shore Dr.
Northwood, NH 03261

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

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

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

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling 603-225-1629. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

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

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

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 01/14/2020. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1427254

Company Name: Quartz and Stone Creations of New Hampshire, LLC
Inspection Site: 11 Tasker Shore Dr., Northwood, NH 03261
Issuance Date: 01/14/2020

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301**

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: Quartz and Stone Creations of New Hampshire, LLC
Inspection Site: 11 Tasker Shore Dr., Northwood, NH 03261

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: **Other-than-Serious**

29 CFR 1910.95(m)(2)(i): The employer did not retain all employee audiometric test records obtained pursuant to 29 CFR 1910.95(g):

Location: Site

On or about August 28, 2019, the employer did not maintain audiometric test records for employees that were on the hearing conservation program after acquiring the company.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/21/2020
\$0.00



Citation and Notification of Penalty

Company Name: Quartz and Stone Creations of New Hampshire, LLC

Inspection Site: 11 Tasker Shore Dr., Northwood, NH 03261

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

29 CFR 1910.1020(d)(1)(ii): Each employee exposure record was not preserved and maintained for at least thirty years.

Location: Site

On or about August 28, 2019, the employer did not maintain exposure records for employees where previous sampling had been conducted for silica and noise exposure.

Date By Which Violation Must be Abated:

01/21/2020

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: Quartz and Stone Creations of New Hampshire, LLC

Inspection Site: 11 Tasker Shore Dr., Northwood, NH 03261

Citation 1 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(c)(2)(i): Respirator users were not provided with the information contained in Appendix D to 29 CFR 1910.134 when the employer determined that any voluntary respirator use was permissible:

Location: Site

On or about August 28, 2019, the employer did not provide the information provided in Appendix D to employees who were permitted to wear filtering face piece respirators in the fabrication shop.

Date By Which Violation Must be Abated:

01/23/2020

Proposed Penalty:

\$0.00



Citation and Notification of Penalty

Company Name: Quartz and Stone Creations of New Hampshire, LLC

Inspection Site: 11 Tasker Shore Dr., Northwood, NH 03261

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

29 CFR 1910.1053(d)(3)(i): The employer did not perform initial monitoring to assess the 8-hour TWA exposure for each employee on the basis of one or more personal breathing zone air samples that reflect the exposures of employees on each shift, for each job classification, in each work area:

Location: Fabrication

On or about August 28, 2019, the employer failed to conduct initial monitoring to assess employee exposure to respirable silica where employees are cutting and grinding granite, quartz, and other stone materials.

Date By Which Violation Must be Abated:

Proposed Penalty:

Corrected During Inspection

\$0.00

A handwritten signature in blue ink, reading "Rosemarie O. Cole".

Rosemarie O. Cole
Area Director

SUMMARY OF PROPOSED PENALTIES

Summary of Penalties for Inspection Number -	1427254
Citation 1, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$0.00

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

U.S. Department of Labor

Occupational Safety and Health Administration
Concord Area Office
53 Pleasant Street, Room 3901, J.C. Cleveland
Federal Bldg.
Concord, NH 03301



January 14, 2020

Jessica Laird
Quartz and Stone Creations of New Hampshire, LLC
P.O. Box 588
Northwood, NH 03261

Dear Jessica Laird:

Enclosed are sample results from our monitoring performed at your facility for inspection # 1427254, when sampling was conducted at your facility on August 29, 2019.

We request that you notify your employees of the results of the sampling and maintain these sample results as employee exposure records for all affected employees represented by these results. OSHA regulation 29 CFR 1910.1020 requires employers inform employees exposed to toxic substances or harmful physical agents, when first hired and at least annually thereafter, of the existence, location, and availability of exposure records and the employee's right to access these records. The regulation also requires employers to maintain employee exposure records for at least 30 years, unless a specific safety and health standard requires a different period of time, e.g., 29 CFR 1910.95 requires noise exposure measurement records be retained for two years.

If you have any questions, please contact the office at (603) 225-1629.

Thank you for your continued interest in safety and health.

A handwritten signature in blue ink, which appears to read "Rosemarie O. Cole", is positioned above the typed name.

Rosemarie O. Cole
Area Director

Noise Dosimetry Granite and Stone Creations of New Hampshire, LLC August 29, 2019			
Employee Name	Worker position	TWA ¹ /Dose 80 dBA ² Threshold ³ (Action level)	TWA/Dose 90 dBA Threshold ⁴ (Permissible exposure limit)
Chris Campell	Grinding/polishing	83.7 dBA 42.2%	80.6 dBA 27.2%
Willy Robak	Set up and saw	76.4 dBA 15.1%	72.5 dBA 8.9%
Rob Presbrey	Machinist	81.0 dBA 28.7%	77.6 dBA 18%
Josh Kisirian	Machinist	78.9 dBA 21.6%	74.2 dBA 11.3%

1 - TWA – Time weighted average

2 - Decibels, A scale

3 - OSHA 85 dBA action compliance

4 - OSHA 90 dBA permissible exposure limit compliance

Personal Air sampling results for Silica Granite and Stone Creations of New Hampshire, LLC August 29, 2019			
Employee name	Location	Result	OSHA PEL ug/m ³
Jeff Lyons	Fabrication	ND	50
Kevin Tiede	Fabrication	ND	50
Nathan Grey	Machinist	ND	50

1 - ug/m³ – micrograms per cubic meter

2 – ND- none detected above laboratory detection limits of 10ug

3 - OSHA PEL- Permissible exposure limit