

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
William Cotter Federal Building  
135 High Street, Suite 361  
Hartford, CT 06103  
Phone: 860-240-3152 Fax: 860-240-3155



## Notification of Failure to Abate Alleged Violations

**To:**  
U.S. Chutes Corporation  
and its successors  
715 Park of Commerce Drive  
Boca Raton, FL 33487

**Original Inspection Number:** 984505  
**Original Inspection Date:** 07/10/2014 - 09/29/2014

**Inspection Number:** 1107207  
**Inspection Date(s):** 11/19/2015 - 11/19/2015  
**Issuance Date:** 05/09/2016

**Inspection Site:**  
607 Bantam Road  
Bantam, CT 06750

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

After the original inspection, a Citation(s) was issued to you in accordance with the provisions of the Occupational Safety and Health Act of 1970 (the Act), notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon re-inspection, it is alleged that you have failed to abate the violation(s) listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty is computed by multiplying a daily penalty times the number of days the violation(s) remained unabated. You are to notify the Area Director in writing of the date and nature of the corrective action taken. If you do not abate the violation(s), further penalties may be proposed and other enforcement action to compel abatement may be taken under section 11(b) of the Act.

**Notification of Corrective Action** - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of OSHA office issuing the citation and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states the abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certificate is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

You are further notified that you must pay the ADDITIONAL PENALTY unless you inform the Area Director in writing that you intend to contest the Notification or the Additional Penalty within 15 working days (excluding weekends and Federal holidays) from your receipt of this notification. If you do not contest within 15 working days after receipt, the Notification and the additional penalties will become the final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Notification 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 the Notification is affirmed by the Review Commission.

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.

**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 the OSHA to discuss the Notification of Failure to Abate Alleged Violations issued on 05/09/2016. The conference will be held by telephone or at the OSHA office located at William Cotter Federal Building, 135 High Street, Suite 361, Hartford, CT 06103 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Original Inspection Number: 984505**

Company Name: U.S. Chutes Corporation  
Inspection Site: 607 Bantam Road, Bantam, CT 06750  
Issuance Date: 05/09/2016

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, William Cotter Federal Building, 135 High Street, Suite 361, Hartford, CT 06103**

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.

\_\_\_\_\_  
**NAME OF COMPANY OFFICIAL**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**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.



**Notification of Failure to Abate Alleged Violation**

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**Inspection Number:** 1107207

**Original Inspection Dates:** 07/10/2014 - 09/29/2014

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Citation 1 Item 3

29 CFR 1910.134(c)(1): The respiratory protection program was not updated as necessary to reflect those changes in workplace conditions that affected respirator use:

**SPRAY BOOTHS and WELDING AREAS:**

On or about July 10, 2014, the employer had not updated the written Respiratory Protection Program that they had developed in 2009.

A. At the time the program was developed all respirator use was voluntary. Respirators are now required to be used by employees when exposed to respiratory hazards during welding or spray painting.

B. Several employees are assigned responsibilities by name in the existing program and, with the exception of the owner of the company, none of them (including the designated supervisors, medical surveillance administrator, and training coordinator) are currently employed at the facility.

Additional Penalty: \$ 48000.00



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Citation 1 Item 7

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

In the following locations, electrical equipment was improperly used or installed:

A) WELDING AREA NEAR ELECTRICAL PANEL RP22: On or about July 22, 2014, a Hevi-Duty transformer that was installed between the overhead buss bar and Panel RP22, a 120/208 circuit breaker panel, was installed with conduit entering the top of the transformer enclosure instead of using the opening provided by the manufacturer.

B) OFFICE AREA: On or about July 10, 2014, a GE refrigerator was energized by a relocatable power tap mounted to the wall.

C) OFFICE AREA: On or about July 10, 2014, three relocatable power taps were connected in series. Each was also used to energize computer and telephone peripherals.

Additional Penalty:

\$ 16000.00



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Citation 1 Item 9

29 CFR 1910.1026(d)(1): The employer with a workplace or work operation covered by this standard did not determine the 8-hour time-weighted average exposure for each employee exposed to chromium (VI):

**WELDING AREA:**

On or about July 10, 2014, the employer had not conducted initial exposure monitoring to determine whether employees involved in welding of stainless steel were exposed to hexavalent chromium (Cr6+) at or above the permissible exposure limit (PEL) of 5 micrograms per cubic meter (ug/m3).

Additional Penalty: \$ 60000.00



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Citation 2 Item 1

29 CFR 1910.132(d)(2): The employer did not verify that the required workplace hazard assessment has been performed through a written certification that identifies: the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment:

**PRODUCTION AREAS FACILITY-WIDE:**

On or about July 10, 2014, the employer did not have a certified hazard assessment identifying the personal protective equipment indicated for use for each job task. Tasks performed at the facility include, but are not limited to: welding and cutting stainless and galvanized steel; using various machines such as power presses, press brakes, an iron worker, and a shear; and spray painting.

**Additional Penalty:**

**\$ 2400.00**





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Citation 2 Item 2

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

**SPRAY BOOTHS and WELDING AREAS:**

On or about July 22, 2014, the employer required employees to use either half-face, tight-fitting respirators or N-95 filtering facepieces without providing medical evaluations prior to respirator use.

Additional Penalty: \$ 36000.00



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### Citation 2 Item 7

29 CFR 1910.1200(g)(8): The employer did not ensure that material safety data sheets (MSDSs) were readily accessible to the employees in their work area during each work shift:

#### PRODUCTION AREAS COMPANY-WIDE:

On or about July 10, 2014, the employer did not have copies of MSDSs accessible for employees to use during their work shift. Hazardous chemicals used on-site include, but are not limited to: flammable lacquer thinner, irritating mastic, and welding materials that generate hexavalent chromium and/or other toxic welding fumes.

Additional Penalty:

\$ 36000.00



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Citation 2 Item 8

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:

**PRODUCTION AREAS COMPANY-WIDE:**

On or about July 10, 2014, the employer did not ensure that employees were formally trained in the physical and health hazards associated with the job tasks that they were responsible for including, but not limited to, welding on galvanized and/or stainless steel as well as using flammable paints and solvents.

Additional Penalty:

\$ 36000.00

A handwritten signature in black ink, appearing to read "Warren G. Simpson", written over a horizontal line.

Warren G. Simpson  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
William Cotter Federal Building  
135 High Street, Suite 361  
Hartford, CT 06103  
Phone: 860-240-3152 Fax: 860-240-3155



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** U.S. Chutes Corporation  
**Inspection Site:** 607 Bantam Road, Bantam, CT 06750  
**Issuance Date:** 05/09/2016

<b>Summary of Additional Penalties for Inspection Number</b>	<b>984505</b>
<b>Followup Inspection Number</b>	<b>1107207</b>
<b>TOTAL ADDITIONAL PROPOSED PENALTIES</b>	<b>\$ 234400.00</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 full amount due, and will process the payments as if these restrictions or conditions do not exist.

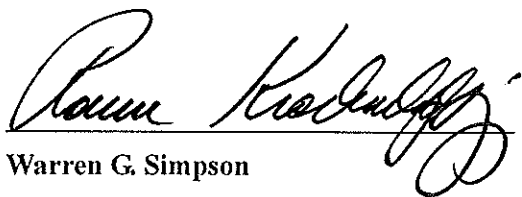
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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 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 to 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 occurring 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.



Warren G. Simpson  
Area Director

5/9/16

Date