

U.S. Department of Labor
Occupational Safety and Health Administration
53 Pleasant Street, Room 3901
J.C. Cleveland Federal Bldg.
Concord, NH 03301
Phone: 603-225-1629 Fax: 603-225-1580



Citation and Notification of Penalty

To:
Concrete Systems, Inc.
and its successors
15 Commercial Ave.
Hudson, NH 03051

Inspection Number: 994582
Inspection Date(s): 09/10/2014 - 09/10/2014
Issuance Date: 12/16/2014

Inspection Site:
15 Commercial Ave.
Hudson, NH 03051

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. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

Notification of Corrective Action – For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an *abatement certification* to the Area Director of the OSHA office issuing the citation as 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 citation states that 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 certification 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.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 be posted at the location where the violation appeared and the corrective action took place.

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 12/16/2014. 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: 994582

Company Name: Concrete Systems, Inc.
Inspection Site: 15 Commercial Ave., Hudson, NH 03051
Issuance Date: 12/16/2014

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: Concrete Systems, Inc.
Inspection Site: 15 Commercial Ave., Hudson, NH 03051

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

OSH ACT of 1970 Section (5)(a)(1): Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing for likely to cause death or serious physical harm to employees in that employees were exposed to Crushing hazards:

Yard - Employees were exposed to the hazards of being struck by and crushed by falling loads due to the failure of the custom-made lifting device.

1. The Travel Bar was not marked with:
 - a. Manufacturers name and address
 - b. Serial number
2. The Travel Bar was not adequately inspected prior to every lift and it did not have either a frequent or periodic inspection as required.
3. The employer did not establish and implement a maintenance program for the Travel Bar.
4. The employer did not ensure that deficient and damaged portions of the Travel Bar were corrected before operations were resumed. Deficient and damaged portions of the Travel Bar included:
 - a. Damaged bottom yokes;
 - b. Damaged top yokes;
 - c. The Travel Bar was used upside down from its original design;
 - d. The two current hoisting points were without engineering or proof testing;
 - e. The two current hoisting points were damaged and deformed such that signs/indications of steel sprawling were observed (note: these two hoisting points were modified and added from the Travel Bars original design);

(Continued on next page)



Citation and Notification of Penalty

Company Name: Concrete Systems, Inc.
Inspection Site: 15 Commercial Ave., Hudson, NH 03051

(Continued from previous page)

- f. Two sling connection points along the main Travel Bar were damaged and deformed such that signs / indications of steel sprawling were observed (Note: these two sling connection points were originally the Travel Bars original hoisting points);
- g. The employer modified the Travel Bar where two adjustable hoisting points were added without engineering, proof testing or re-rating.
- h. The two adjustable hoisting points which were added by the employer were deformed and damaged.
- i. One of the adjustable hoisting points was damaged such that the steel I Beam was cracked.

Among other methods, one feasible and acceptable means of abatement would be to follow the guidelines in ANSI/AMSE (American National Standards Institute/American Society of Mechanical Engineers) B30.20 Below the Hook Lifting Devices.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/21/2015
Proposed Penalty:	\$6,300.00



Citation and Notification of Penalty

Company Name: Concrete Systems, Inc.
Inspection Site: 15 Commercial Ave., Hudson, NH 03051

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

29 CFR 1910.179(b)(8): Employee(s) other than designated personnel were permitted to operate crane(s):

Case A650 Travel Lift - The employer did not designate personnel who were adequately qualified to operate the cranes.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 12/08/2014
Proposed Penalty: \$6,300.00

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

29 CFR 1910.179(l)(3)(i): Unsafe condition(s) disclosed during the frequent or periodic inspection(s) required by 29 CFR 1910.179(j) were not corrected before operation of the crane(s) was resumed:

Case 650 A1 Travel Lift - The hydraulic leak was not repaired after repeated frequent inspections.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 12/08/2014
Proposed Penalty: \$6,300.00

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

Inspection Number: 994582
Inspection Date(s): 09/10/2014 - 09/10/2014
Issuance Date: 12/16/2014



Citation and Notification of Penalty

Company Name: Concrete Systems, Inc.
Inspection Site: 15 Commercial Ave., Hudson, NH 03051

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

29 CFR 1910.179(j)(3): A complete periodic inspection of crane(s) had not been conducted in the past 12 months:

Case A650 Travel Lift - The employer did not provide or have any evidence that this Gantry Crane had ever received a periodic inspection.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/08/2014
Proposed Penalty:	\$6,300.00

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: Concrete Systems, Inc.
Inspection Site: 15 Commercial Ave., Hudson, NH 03051

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 5a Type of Violation: **Serious**

29 CFR 1910.184(d): Sling(s) and fastenings were not inspected each day or during use and were not removed from service when damaged or defective:

Building 30 - Defective slings were not removed from service.

Date By Which Violation Must be Abated: 12/08/2014
Proposed Penalty: \$4,500.00

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

29 CFR 1910.184(e)(9)(i): Alloy steel chain sling(s) with cracked or deformed master link(s), coupling link(s), or other component(s) were not removed from service:

Building 10 - The deformed hoisting attachment was not removed from service.

Date By Which Violation Must be Abated: 12/08/2014

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

Inspection Number: 994582
Inspection Date(s): 09/10/2014 - 09/10/2014
Issuance Date: 12/16/2014



Citation and Notification of Penalty

Company Name: Concrete Systems, Inc.
Inspection Site: 15 Commercial Ave., Hudson, NH 03051

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

29 CFR 1910.184(i)(9): Synthetic web sling was not immediately removed from service for having snags, cuts and tears:

Building 30 - Damaged synthetic slings were not removed from service.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/08/2014

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: Concrete Systems, Inc.
Inspection Site: 15 Commercial Ave., Hudson, NH 03051

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

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazards created by in-going nip points, rotating parts, and/or flying chips and sparks:

- (a) Building 30 - The Metal cut-off saw blade guard was not operational.
- (b) Building 30 - The chop saw blade guard was not operational.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 12/08/2014
Proposed Penalty: \$4,500.00

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

29 CFR 1910.253(a)(3): Apparatus such as torches, regulators or pressure-reducing valves, acetylene generators, and manifolds used in an oxygen-fuel gas system had not been approved:

- (a) Building 10 - The gas gauges on the Oxygen were damaged
- (b) Building 10 - The gas gauges on the Argon Gas were damaged.

Date By Which Violation Must be Abated: 12/08/2014
Proposed Penalty: \$5,400.00



Citation and Notification of Penalty

Company Name: Concrete Systems, Inc.
Inspection Site: 15 Commercial Ave., Hudson, NH 03051

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 8a Type of Violation: **Serious**

29 CFR 1910.303(b)(1): 29 CFR 1910.303(b)(1): Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

Building 10 - The electrical service panel was covered with concrete.

Date By Which Violation Must be Abated: 12/08/2014
Proposed Penalty: \$4,500.00

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

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident:

Building 10 - The circuit breaker markings were not legible.

Date By Which Violation Must be Abated: 12/08/2014



Citation and Notification of Penalty

Company Name: Concrete Systems, Inc.
Inspection Site: 15 Commercial Ave., Hudson, NH 03051

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

29 CFR 1910.134(h)(2)(i): All respirators shall be stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals, and they shall be packed or stored to prevent deformation of the face piece and exhalation valve:

Respirators were not stored as required

Date By Which Violation Must be Abated: 12/08/2014
Proposed Penalty: \$0.00

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

29 CFR 1910.179(e)(6)(i): Exposed moving part(s) which might constitute a hazard under normal operating conditions were not guarded:

- (a) Storage Yard - The Case 650-A1 Travel Lift had an unguarded chain and gear.
- (b) Storage Yard - The Case 650-A1 Travel Lift had unguarded belts and pulleys.

Date By Which Violation Must be Abated: 12/08/2014
Proposed Penalty: \$900.00

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

Inspection Number: 994582
Inspection Date(s): 09/10/2014 - 09/10/2014
Issuance Date: 12/16/2014



Citation and Notification of Penalty

Company Name: Concrete Systems, Inc.
Inspection Site: 15 Commercial Ave., Hudson, NH 03051

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

29 CFR 1910.179(j)(2)(iv): Monthly inspections of hoist chains, with a certification record which includes the date of inspection, the signature of the person who performed the inspection and an identifier of the chain which was inspected, were not performed:

Building 30 - The employer did not keep a record of daily, monthly inspections of the cranes.

Date By Which Violation Must be Abated: 12/08/2014
Proposed Penalty: \$0.00

Citation 2 Item 4 Type of Violation: **Other-than-Serious**

29 CFR 1910.184(e)(3)(ii): Records of the most recent month in which each alloy steel chain sling was thoroughly inspected were not available for examination:

Building 10 & 30 - The employer did not keep a record of chain sling inspections.

Date By Which Violation Must be Abated: 12/08/2014
Proposed Penalty: \$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

Inspection Number: 994582
Inspection Date(s): 09/10/2014 - 09/10/2014
Issuance Date: 12/16/2014



Citation and Notification of Penalty

Company Name: Concrete Systems, Inc.
Inspection Site: 15 Commercial Ave., Hudson, NH 03051

Citation 2 Item 5 Type of Violation: **Other-than-Serious**

29 CFR 1910.184(f)(1): Wire rope sling(s) were used without having permanently affixed and legible identification markings as prescribed by the manufacturer, and did not indicate the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one:

Building 30 - Wire rope slings were not labeled for their capacity.

Date By Which Violation Must be Abated:
Proposed Penalty:

12/08/2014
\$0.00

A handwritten signature in blue ink, appearing to read "Rosemarie Ohar", written over a horizontal line.

Rosemarie Ohar
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
53 Pleasant Street, Room 3901
J.C. Cleveland Federal Bldg.
Concord, NH 03301
Phone: 603-225-1629 Fax: 603-225-1580



INVOICE / DEBT COLLECTION NOTICE

Company Name: Concrete Systems, Inc.
Inspection Site: 15 Commercial Ave., Hudson, NH 03051
Issuance Date: 12/16/2014

Summary of Penalties for Inspection Number	994582
Citation 1, Serious	\$44,100.00
Citation 2, Other-than-Serious	\$900.00
TOTAL PROPOSED PENALTIES	\$45,000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

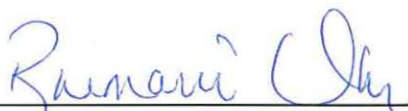
account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

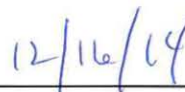
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Rosemarie Ohar

Area Director



Date