Occupational Safety and Health Administration 299 Cherry Hill Road Suite 103

Parsippany, NJ 07054

Phone: 973-263-1003 Fax: 973-299-7161



Citation and Notification of Penalty

To:

County Concrete Corp. and its successors 50 Railroad Ave Kenvil, NJ 07847

Inspection Site: 64 Glenwood Place East Orange, NJ 07017 **Inspection Number: 1162893**

Inspection Date(s): 07/19/2016 - 12/20/2016

Issuance Date: 01/04/2017

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. <u>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.</u>

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	s the citation(s) issued on
01/04/2017. The conference will be held by telephone or at the OS	SHA office located at 299
Cherry Hill Road, Suite 103, Parsippany, NJ 07054 on	at
Employees and/or representatives of employ	yees have a right to attend an
informal conference.	

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1162893

Company Name: County Concrete Corp.

Inspection Site: 64 Glenwood Place, East Orange, NJ 07017

Issuance Date: 01/04/2017

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, 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054

Citation Number By (Method of Abate	ement):	was corrected on
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Citation Number By (Method of Abate	and Item Number ement):	was corrected on
I certify that the infor		document is accurate and that the affected employees and thei ement.
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

Occupational Safety and Health Administration Inspection Date(s): 07/19/2016 - 12/20/2016

Inspection Number: 1162893

Issuance Date: 01/04/2017



Citation and Notification of Penalty

Company Name: County Concrete Corp.

Inspection Site: 64 Glenwood Place, East Orange, NJ 07017

<u>Citation 1 Item 1</u> Type of Violation: **Repeat**

29 CFR 1910.134(f)(2): Employees using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter:

a) Facility located at 64 Glenwood Place, East Orange, NJ

The employer did not ensure that employees wearing respirators such as, but not limited to, North full face respirators with P100 cartridges, received a fit test annually. The employees wore the respirators while conducting concrete mixer cleaning operations.

Violation noted on or about 09/28/2016.

County Concrete Corp. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard 29 CFR 1910.134(f)(2) which was contained in OSHA inspection number 899238, Citation Number 1, Item Number 7 and was affirmed as a final order on 07/23/15 with respect to the workplace located at 64 Glenwood Place, East Orange, NJ.

Date By Which Violation Must be Abated:

Proposed Penalty:

Corrected During Inspection \$13718.00

Area Director

Occupational Safety and Health Administration 299 Cherry Hill Road Suite 103

Parsippany, NJ 07054

Phone: 973-263-1003 Fax: 973-299-7161



INVOICE / DEBT COLLECTION NOTICE

Company Name:

County Concrete Corp.

Inspection Site:

64 Glenwood Place, East Orange, NJ 07017

Issuance Date:

01/04/2017

Summary of Penalties for Inspection Number

1162893

Citation 1, Repeat

\$13718.00

TOTAL PROPOSED PENALTIES

\$13718.00

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 \$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.

<u>Delinquent Charges</u>: 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.

Kris Hoffman

Area Director

4 January 2017
Date

Occupational Safety and Health Administration 299 Cherry Hill Road Suite 103 Parsippany, NJ 07054

Phone: 973-263-1003 Fax: 973-299-7161



Notification of Failure to Abate Alleged Violations

To:

County Concrete Corp. and its successors 50 Railroad Ave Kenvil, NJ 07847

Inspection Site: 64 Glenwood Place East Orange, NJ 07017 **Original Inspection Number: 899238**

Original Inspection Date: 04/02/2013 - 09/30/2013

Inspection Number: 1162893

Inspection Date(s): 07/19/2016 - 12/20/2016

Issuance Date: 01/04/2017

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. 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. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal confere	nce has been scheduled v	with the OSHA to discuss the Notification of
Failure to Abate Alle	eged Violations issued on	01/04/2017. The conference will be held by
telephone or at the C	SHA office located at 29	99 Cherry Hill Road, Suite 103, Parsippany, NJ
07054 on	at	. Employees and/or representatives of
employees have a rig	ght to attend an informal	conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Original Inspection Number: 899238

Company Name: County Concrete Corp.

Inspection Site: 64 Glenwood Place, East Orange, NJ 07017

Issuance Date: 01/04/2017

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, 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054

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I certify that the information corepresentatives have been information.	ontained in this documer med of the abatement.	nt is accurate and that the affected employees and	d their
NAME OF COMPANY OFF	ICIAL	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.

Occupational Safety and Health Administration



Notification of Failure to Abate Alleged Violation

Original Inspection: 899238

Inspection Number: 1162893

Issuance Date: 01/04/2017

Company Name: County Concrete Corp.

Inspection Site: 64 Glenwood Place, East Orange, NJ 07017

Citation 1 Item 4

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) Inside cement mixer, County Concrete, 64 Glenwood Place, East Orange, NJ 07017

The employer failed to develop and implement a written respiratory protection program for employees exposed to silica who are required to use North full-face respirators equipped with P-100 filters during concrete mixer cleaning operations using mini-jackhammers.

Two employees cleaning the inside of the concrete mixing apparatus with mini-jackhammers were exposed to 12% and 13% crystalline quartz silica for eight hour time-weighted average respirable dust exposures of 3.6 mg/m3 and 1.8 mg/m3, which are 5.1 and 2.6 times the allowable exposure limit, the permissible exposure limits (PEL) 0.714 mg/m3 and 0.667 mg/m3, respectively. Sampling was performed for 297 minutes on 6/8/2013, with the unsampled portion of time considered to represent zero for the exposure calculation.

Violation occurred on or about 6/8/2013.

Additional Penalty:

\$ 37413.00

Occupational Safety and Health Administration



Notification of Failure to Abate Alleged Violation

Original Inspection: 899238

Original Inspection Dates: 04/02/2013 - 09/30/2013

Inspection Number: 1162893

Inspection Date(s): 07/19/2016 - 12/20/2016

Issuance Date: 01/04/2017

Company Name: County Concrete Corp.

Inspection Site: 64 Glenwood Place, East Orange, NJ 07017

Citation 1 Item 6

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

a) Inside of cement mixer, County Concrete, 64 Glenwood Place, East Orange, NJ 07017

The employer did not provide medical evaluations for employees required to use North full-face respirators with P-100 cartridges to protect them from airborne exposure to silica.

Two employees cleaning the inside of the concrete mixing apparatus with mini-jackhammers were exposed to 12% and 13% crystalline quartz silica for eight hour time-weighted average respirable dust exposures of 3.6 mg/m3 and 1.8 mg/m3, which are 5.1 and 2.6 times the allowable exposure limit, the permissible exposure limits (PEL) 0.714 mg/m3 and 0.667 mg/m3, respectively. Sampling was performed for 297 minutes on 6/8/2013, with the unsampled portion of time considered to represent zero for the exposure calculation.

Violation occurred on or about 6/8/2013.

Additional Penalty:

37413.00

Area Director

Occupational Safety and Health Administration 299 Cherry Hill Road Suite 103

Parsippany, NJ 07054

Phone: 973-263-1003 Fax: 973-299-7161



INVOICE / DEBT COLLECTION NOTICE

Company Name: County Concrete Corp.

Inspection Site: 64 Glenwood Place, East Orange, NJ 07017

Issuance Date: 01/04/2017

Summary of Additional Penalties for Inspection Number 899238
Followup Inspection Number 1162893

TOTAL ADDITIONAL PROPOSED PENALTIES

\$ 74826.00

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 OSHAPenaltyPaymentForm. The direct link is:

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

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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 exists.

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 accessed 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.

<u>Delinquent Charges</u>: 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 accessed 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 accessed for demand letters sent in an attempt to collect the unpaid debt.

Kris Hoffman

Area Director

Date

4 January 2017