

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

Inspection Number: 896591  
Inspection Date(s): 03/15/2013 - 03/15/2013  
Issuance Date: 09/05/2013



**Citation and Notification of Penalty**

**Company Name:** Twin Pines Construction, Inc.  
**Inspection Site:** Clam Pudding, Plymouth, MA 02360

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

OSH ACT of 1970 Section (5)(a)(1): 29 CFR 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 or likely to cause death or serious physical harm to employees in that employees were exposed to impalement hazards while walking and working near steel rods protruding up from the concrete building foundation:

Location: Jobsite, Great Island #1-3 Shinglewood, Plymouth, MA

Employees were exposed to impalement hazards while working adjacent to 1/2 inch to 5/8 inch steel anchor bolt rods where protective caps or covers had not been used.

Feasible abatement methods include but are not limited to the following 1. Place protective caps or other types of covers on the anchor bolt rods.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

09/13/2013  
\$7000.00

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

29 CFR 1926.251(a)(4): Special custom design lifting accessories for material handling were not marked to indicate the safe working load.

Location: Jobsite, Great Island, #1 Shinglewood & #70 Clam Pudding, Plymouth, MA

Employees were exposed to struck-by hazards from falling wooden trusses and other building materials where an unmarked mechanical coupling link had been used.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

09/13/2013  
\$7000.00

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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 1926.251(b)(1): Alloy steel sling(s) did not have permanently affixed durable identification stating size, grade, rated capacity, and manufacturer.

Location: Jobsite, Great Island, #1 Shinglewood & #70 Clam Pudding, Plymouth, MA

Employees were exposed to struck-by hazards from falling wooden trusses and other building materials where an untagged chain had been used as rigging.

Date By Which Violation Must be Abated:  
Proposed Penalty:

09/13/2013  
\$4400.00

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**Citation and Notification of Penalty**

**Company Name:** Twin Pines Construction, Inc.  
**Inspection Site:** Clam Pudding, Plymouth, MA 02360

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

29 CFR 1926.251(b)(6)(i): In addition to the inspection required by other paragraphs of this section, a thorough periodic inspection of alloy steel chain slings in use shall be made on a regular basis, to be determined on the basis of (A) frequency of sling use; (B) severity of service conditions; (C) nature of lifts being made; and (D) experience gained on the service life of slings used in similar circumstances. Such inspections shall in no event be at intervals greater than once every 12 months.

Location: Jobsite, Great Island, #1 Shinglewood & #70 Clam Pudding, Plymouth, MA

Employees were exposed to struck-by hazards from falling wooden trusses and other building materials where an annual inspection of a alloy steel chain used as rigging had not been conducted.

Date By Which Violation Must be Abated:

09/13/2013



**Citation and Notification of Penalty**

**Company Name:** Twin Pines Construction, Inc.  
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**Citation 1 Item 4** Type of Violation: **Serious**

29 CFR 1926.251(b)(2): Hooks, rings, oblong links, pear-shaped links, welded or mechanical coupling links, or other attachments, when used with alloy steel chains, shall have a rated capacity at least equal to that of the chain.

Location: Jobsite, Great Island, #1 Shinglewood & #70 Clam Pudding, Plymouth, MA

Employees were exposed to struck-by hazards from falling wooden trusses and other building materials where an unapproved mechanical coupling link had been used with a alloy steel chain as rigging.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	09/13/2013
Proposed Penalty:	\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Twin Pines Construction, Inc.  
**Inspection Site:** Clam Pudding, Plymouth, MA 02360

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer does not furnish employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees in that employees are exposed to struck by and caught between hazards associated with the installation of inadequately braced prefabricated common roof trusses:

This violation was most recently observed on March 15, 2013 at a jobsite at Great Island, #1 Shinglewood, Plymouth, MA when: An employee sustained broken ribs and leg injuries when he was struck by/caught between the prefabricated roof trusses, which he was installing and collapsed due to inadequate bracing. Other employees working in the area were also exposed to the same hazards. To abate this violation, the employer must ensure that employees are not exposed to struck by and caught between hazards by adequately bracing them during installation.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it has taken to ensure compliance including, but not limited to, program improvements, job hazard analysis, written plans, site inspections, training and other appropriate steps.

A feasible means of abatement includes, but not limited to, following the recommendations related to temporary bracing as set forth by industry consensus standards, such as the Wood Truss Council of America and the Truss Plate Institute, which were provided by the truss manufacturer upon delivery of the trusses.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

09/13/2013  
\$70000.00



## Citation and Notification of Penalty

**Company Name:** Twin Pines Construction, Inc.  
**Inspection Site:** Clam Pudding, Plymouth, MA 02360

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

29 CFR 1926.501(b)(13): "Residential construction." The employer does not ensure that each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels shall be protected by guardrail systems, safety net system, or personal fall arrest system unless another provision in paragraph (b) of this section provides for an alternative fall protection measure.

This violation was most recently observed on May 16, 2013 at a jobsite located at Great Island #70 Clam Pudding, Plymouth, MA when: (A) Employees installing prefabricated wooden roof trusses on top of wood framed walls were exposed to falls of approximately 12 feet to the ground below where fall protection was not utilized. (B) An employee was exposed to falls of approximately 8 feet to the ground below while climbing through a window opening where fall protection was not utilized. (C) An employee rigging prefabricated wooden roof trusses while standing on prefabricated wooden roof trusses was exposed to a fall of approximately 8 feet to the ground below where fall protection was not utilized. To abate this violation, the employer must ensure that appropriate fall protection is in place to protect employees engaged in residential construction activities 6 feet or more above lower levels.

Prior violations include a violation of this Occupational Safety and Health Standard which was contained in:

Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(1), which was contained in OSHA inspection number 586199, citation number 1, item number 1, issued on 9/12/2012, with respect to a workplace located at 146 Camden Ct, Wakefield, RI 02879. The final order date for the citation was on October 3, 2012.

Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(1), which was contained in OSHA inspection number 472041, citation number 1, item number 5, issued on 9/5/2012, with respect to a workplace located at 50 Network Drive, Burlington, MA 01803. The final order date for the citation was on

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September 28, 2012.

Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(10), which was contained in OSHA inspection number 472041, citation number 1, item number 7, issued on 9/5/2012, with respect to a workplace located at 50 Network Drive, Burlington, MA 01803. The final order date for the citation was on September 28, 2009.

Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(1), which was contained in OSHA inspection number 29320, citation number 2, item number 3, issued on 10/21/2011, with respect to a workplace located at 51 Islington Street, Portsmouth, NH 03801. The final order date for the citation was on July 9, 2012.

Twin Pines Construction, Inc. was previously cited for this violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(1), which was contained in OSHA inspection number 315431676, citation number 2, item number 1, issued on 9/30/2011, with respect to a workplace located at 12 Wheeler Street, Methuen, MA 01844. The final order date for the citation was on October 25, 2011.

Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(1), which was contained in OSHA inspection number 315092296, citation number 2, item number 1, issued on 12/14/2010, with respect to a workplace located at 536-540 Lowell Street, Lexington, MA 02420. The final order date for the citation was on January 7, 2011.

Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(1), which was contained in OSHA inspection

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

**Company Name:** Twin Pines Construction, Inc.  
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number 312995244, citation number 1, item number 4, issued on 3/26/2009, with respect to a workplace located at 536-540 Lowell Street, Lexington, MA 02420. The final order date for the citation was on April 15, 2009.

Teles Construction, Inc., a sister company operating at the same business address with the same corporate officers, was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 313803470, citation number 1, item number 4, issued on 3/10/2011, with respect to a workplace located at Chancery Street, New Bedford, MA 02149. The final order date for the citation was on April 1, 2011.

Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(1), which was contained in OSHA inspection number 314072778, citation number 2, item number 1, issued on 3/22/2010, with respect to a workplace located at Sunset Drive, Newbury, MA 01951. The final order date for the citation was on July 7, 2010.

Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(1), which was contained in OSHA inspection number 313795544, citation number 2, item number 1, issued on 3/3/2010, with respect to a workplace located at 41-45 Montebello Road, Boston, MA 02130. The final order date for the citation was on July 27, 2010.

Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(1), which was contained in OSHA inspection number 312338189, citation number 2, item number 1, issued on 8/26/2008, with respect to a workplace located at 7373 Post Road, North Kingstown, RI 02852. The final order date for the citation was on September 19, 2008.

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Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(1), which was contained in OSHA inspection number 310160304, citation number 1, item number 1, issued on 4/10/2008, with respect to a workplace located at 301 Church Street, South Kingstown, RI 02892. The final order date for the citation was on June 4, 2008.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it has taken to ensure compliance including, but not limited to, program improvements, job hazard analysis, written plans, site inspections, training and other appropriate steps.

To abate this violation, the employer must ensure that appropriate fall protection is in place to protect employees engaged in residential construction activities 6 feet or more above lower levels.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	09/13/2013
Proposed Penalty:	\$70000.00

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



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**Company Name:** Twin Pines Construction, Inc.  
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**Citation 3 Item 1** Type of Violation: **Repeat**

29 CFR 1926.602(c)(1)(ii): The employer makes modifications or additions which affect the capacity or safe operation of the equipment without the manufacturer's written approval:

This violation was most recently observed on May 16, 2013, at a jobsite at Great Island #70 Clam Pudding, Plymouth, MA when: Employees were exposed to struck-by hazards from falling wooden roof trusses while working where a damaged and unapproved lull attachment had been used. To abate this violation, the employer must ensure that it does not make modifications or additions which affect the capacity or safe operation of equipment without the manufacturer's written approval.

Prior violations referred to include a violation of this Occupational Safety and Health Standard which was contained in:

Teles Construction Corp. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 312104847, citation number 2, item number 1, issued on May 8, 2009, with respect to a workplace located at 70 Route 1 North, Walpole, MA 02081. The final order date for the citation was on May 7, 2010.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it has taken to ensure compliance including, but not limited to, program improvements, job hazard analysis, written plans, site inspections, training and other appropriate steps.

To abate this violation, the employer must ensure that it does not make modifications or additions which affect the capacity or safe operation of equipment without the manufacture's written approval.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	09/13/2013
Proposed Penalty:	\$15400.00

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:** Twin Pines Construction, Inc.  
**Inspection Site:** Clam Pudding, Plymouth, MA 02360

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**Citation 3 Item 2** Type of Violation: **Repeat**

29 CFR 1926.1053(b)(13): The employer does not ensure that the top or top step of a stepladder is not used as a step:

This violation was most recently observed on May 16, 2013, at a jobsite at Great Island #70 Clam Pudding, Plymouth, MA when: An employee was exposed to a fall hazard while accessing the top of a wood framed exterior wall from a Werner 6 foot fiberglass stepladder where the top step and the top of the ladders were used as a step. To abate this violation, the employer must ensure that the top or top step of a stepladder is not used as a step.

Prior violations referred to include a violation of this Occupational Safety and Health Standard which was contained in:

Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 29320, citation number 1, item number 8b, issued on 10/21/2011, with respect to a workplace located at 51 Islington Street, Portsmouth, NH 03801. The final order date for the citation was on July 9, 2012.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it has taken to ensure compliance including, but not limited to, program improvements, job hazard analysis, written plans, site inspections, training and other appropriate steps.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

09/13/2013  
\$15400.00

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A handwritten signature in cursive script, appearing to read "Brenda Gordon". The signature is written in black ink and is positioned above a horizontal line.

**Brenda Gordon**  
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  
639 Granite Street  
4th Floor  
Braintree, MA 02184  
Phone: 617-565-6924 Fax: 617-565-6923



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Twin Pines Construction, Inc.  
**Inspection Site:** Clam Pudding, Plymouth, MA 02360  
**Issuance Date:** 09/05/2013

<b>Summary of Penalties for Inspection Number</b>	<b>896591</b>
<b>Citation 1, Serious</b>	<b>\$25400.00</b>
<b>Citation 2, Willful</b>	<b>\$140000.00</b>
<b>Citation 3, Repeat</b>	<b>\$30800.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$196200.00</b>

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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.

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

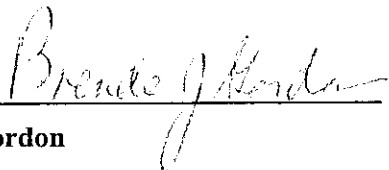
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

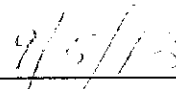
**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (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.



**Brenda Gordon**  
Area Director



Date