

U.S. Department of Labor

Occupational Safety and Health Administration
138 River Road
Suite 102, Shattuck Office Center
Andover, MA 01810
Phone: 978-837-4460 Fax: 978-837-4455



Notification of Failure to Abate Alleged Violations

To:
MASS-Granite, Inc., dba MASS Granite & Marble
and its successors
49 Knox Trail
Acton, MA 01720

Inspection Site:
49 Knox Trail
Acton, MA 01720

Original Inspection Number: 979855
Original Inspection Date: 06/06/2014 - 09/15/2014

Inspection Number: 1067780
Inspection Date(s): 06/04/2015 - 06/04/2015
Issuance Date: 10/28/2015

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](http://www.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 conference has been scheduled with the OSHA to discuss the Notification of Failure to Abate Alleged Violations issued on 10/28/2015. The conference will be held by telephone or at the OSHA office located at 138 River Road, Suite 102, Shattuck Office Center, Andover, MA 01810 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference:

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Original Inspection Number: 979855

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720
Issuance Date: 10/28/2015

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, 138 River Road, Suite 102, Shattuck Office Center, Andover, MA 01810**

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

Original Inspection: 979855

Inspection Number: 1067780

Original Inspection Dates: 06/06/2014 - 09/15/2014

Inspection Date(s): 06/04/2015 - 06/04/2015

Issuance Date: 10/28/2015

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble

Inspection Site: 49 Knox Trail, Acton, MA 01720

Citation 1 Item 1 d

29 CFR 1910.95(l)(1): The employer did not make available to affected employees or their representatives copies of 29 CFR 1910.95 and did not post a copy in the workplace:

a) Location- Production:

On or about June 6, 2014, for employees overexposed to noise during the fabrication of stone products, the employer did not make available and post in the workplace a copy of the OSHA Occupational Noise regulation. Please see Citation 1, Item 1a, for exposure description.

Additional Penalty:

\$ 0.00



Notification of Failure to Abate Alleged Violation

Original Inspection: 979855

Inspection Number: 1067780

Original Inspection Dates: 06/06/2014 - 09/15/2014

Inspection Date(s): 06/04/2015 - 06/04/2015

Issuance Date: 10/28/2015

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble

Inspection Site: 49 Knox Trail, Acton, MA 01720

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 5 a

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

a) Location - Establishment:

On or about June 6, 2014, the employer did not have a hazard communication program for employees exposed to crystalline silica for cutting stone, acetone, and epoxies.

Additional Penalty:

\$ 10,000.00



Notification of Failure to Abate Alleged Violation

Original Inspection: 979855

Inspection Number: 1067780

Original Inspection Dates: 06/06/2014 - 09/15/2014

Inspection Date(s): 06/04/2015 - 06/04/2015

Issuance Date: 10/28/2015

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble

Inspection Site: 49 Knox Trail, Acton, MA 01720

Citation 1 Item 5 b

29 CFR 1910.1200(g)(8): The employer did not maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and did not ensure that they were readily accessible during each work shift to employees when they were in their work area(s)

a) Location - Establishment:

On or about June 6, 2014, the employer did not have readily available Safety Data Sheets for employees exposed to crystalline silica from cutting stone, acetone, and epoxies.

Additional Penalty:

\$ 0.00



Notification of Failure to Abate Alleged Violation

Original Inspection: 979855

Inspection Number: 1067780

Original Inspection Dates: 06/06/2014 - 09/15/2014

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Citation 2 Item 1

29 CFR 1910.178(a)(5): The powered industrial truck was equipped with front-end attachments other than factory installed attachments, however the employer did not request that the truck be marked to identify the attachments and show the approximate weight of the truck and attachment combination at maximum elevation with load laterally centered:

a) Location - Production:

On or about June 6, 2014, the Aardwolf boom lift, model FB2-3460, SN 000238 was being used on the Yale Lift Truck, SN A875B33905C for moving/lifting stone slabs without the appropriate markings/labels from the Yale manufacturer. Use of the boom lift affects fork lift capacity.

Additional Penalty:

\$ 2,000.00

A handwritten signature in black ink, appearing to read "Anthony Covello". The signature is written in a cursive style and is positioned above the printed name and title.

Anthony Covello
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
138 River Road
Suite 102, Shattuck Office Center
Andover, MA 01810
Phone: 978-837-4460 Fax: 978-837-4455



INVOICE / DEBT COLLECTION NOTICE

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720
Issuance Date: 10/28/2015

Summary of Additional Penalties for Inspection Number	979855
Followup Inspection Number	1067780
TOTAL ADDITIONAL PROPOSED PENALTIES	\$ 30,000.00

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 \$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.

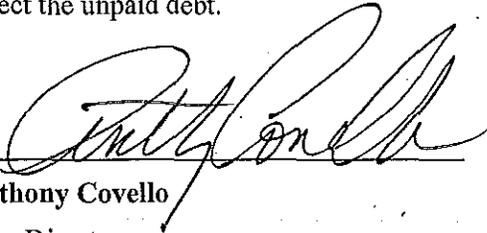
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Anthony Covello
Area Director



Date

Este documento es muy importante. Si ud. no habla inglés,
busque un traductor o llame al (978) 837-4460.

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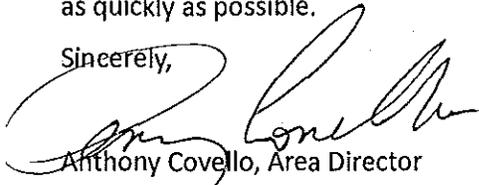


October 28, 2015

Dear Igor Garcia,

On 06/06/2014, an OSHA compliance officer met with you or your representative as part of an inspection at 49 Knox Trail, Acton, MA 01720. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,



Anthony Covello, Area Director

Your Citation Summary

MASS-Granite, Inc.

Inspection Number: 979855

Total Amount Due: \$38,500.00

**Payment Due Date: 15 working days
after receipt of
this letter**

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 6

Step 1 – Choose a Response Option and Act within 15 working days

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (978) 837-4476.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call: Shelagh Dean, Assistant Area Director, at (978) 837-4476 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

 __ / __

2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

 __ / __

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

 __ / __

2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

 __ / __

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

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