

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



Citation and Notification of Penalty

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

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

Inspection Site:
49 Knox Trail
Acton, MA 01720

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 \$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 the citation(s) 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

Inspection Number: 1067780

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.

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

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

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



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

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

29 CFR 1910.24(h): Standard railings were not provided on the open sides of all exposed stairways and stair platforms:

Location: Production

On or about July 15, 2015, the stairs to the 2nd floor break room did not have a railing on the open side.

To abate this violation, the employer must ensure that a railing is in place to protect employees traveling to the second floor.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/17/2015 |
| Proposed Penalty: | \$2,200.00 |

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

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Issuance Date: 10/28/2015



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

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

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE):

Location: production

On or about July 15, 2015, the employer had not performed a hazard assessment to determine if personal protective equipment is required for employees performing tasks with overhead hazards, foot hazards and the use of chemicals such as but not limited to acetone, 1,2-dicholoroproane and naptha.

To abate this violation, the employer must perform a hazard assessment to determine the appropriate personal protective equipment for each task.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 11/09/2015
Proposed Penalty: \$1,760.00

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

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Issuance Date: 10/28/2015



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

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

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

Location: Production

On or about July 15, 2015, employees were exposed to potential eye hazards were not wearing safety glasses for processes such as cutting or grinding and processes involving chemicals such as but not limited to acetone, 1,2-dichloropropane and naphtha.

To abate this violation, the employer must ensure employees exposed to eye hazards wear safety glasses.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/09/2015 |
| Proposed Penalty: | \$2,640.00 |

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: 1067780
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Issuance Date: 10/28/2015



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

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

29 CFR 1910.37(a)(3): Materials or equipment were placed, either permanently or temporarily, within the exit route:

Location: production

On or about July 15, 2015, cans of gasoline were stored in the exit route.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/03/2015
\$440.00

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



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

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

29 CFR 1910.37(b)(2): Each exit was not clearly visible and marked by a sign reading "Exit":

Location: production

On or about July 15, 2015, the exit at the front of the shop was not clearly marked by a sign reading exit.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/03/2015
\$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

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Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

Citation 3 Item 4 Type of Violation: **Other-than-Serious**

29 CFR 1910.178(a)(4): Modifications and additions which affect capacity and safe operation of powered industrial truck were performed by the employer without the manufacturer's prior written approval:

Location: production

On or about July 15, 2015, an attachment was used with the forktruck without the manufactures written approval.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

11/03/2015

Proposed Penalty:

\$440.00

A handwritten signature in black ink, appearing to read "Anthony Covello", written over a horizontal line.

Anthony Covello
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
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 Penalties for Inspection Number | 1067780 |
| Citation 1, Serious | \$41,360.00 |
| Citation 2, Repeat | \$14,960.00 |
| Citation 3, Other-than-Serious | \$880.00 |
| TOTAL PROPOSED PENALTIES | \$57,200.00 |

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

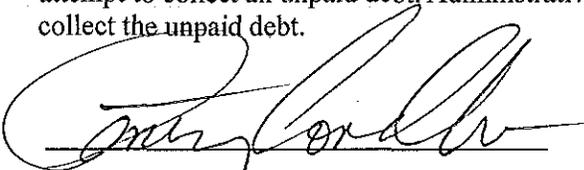
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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.

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.



Anthony Covello
Area Director

10/28/2015
Date

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

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



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

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

29 CFR 1910.135(a)(1): The employer did not ensure that each affected employee wear a protective helmet when working in areas where there is a potential for injury to the head from falling objects:

Location: production

On or about July 15, 2015, employees were walking under suspended loads without head protection.

To abate this violation, the employer must employees wear head protection when exposed to overhead hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/09/2015 |
| Proposed Penalty: | \$2,200.00 |

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



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

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

29 CFR 1910.138(a): The employer did not select and require employee(s) to use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasion; punctures; chemical burns; thermal burns; and harmful temperature extremes.

Location: production

On or about July 15, 2015, employees were exposed to hand hazards without any hand protection for employees handling chemicals such as but not limited to acetone, 1,2-dichloropropane and naphtha.

To abate this violation, the employer must ensure that employees exposed to hand hazards wear hand protection.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/09/2015 |
| Proposed Penalty: | \$2,200.00 |

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



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

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

29 CFR 1910.157(e)(2): Portable fire extinguishers were not visually inspected at least monthly.

Location: Production

On or about July 15, 2015, the employer was not inspecting the fire extinguishers monthly.

To abate this violation, the employer must ensure that fire extinguishers are inspected monthly.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/03/2015 |
| Proposed Penalty: | \$1,760.00 |

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



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

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

29 CFR 1910.176(b): Storage of material created a hazard:

Location: granite storage

On or about July 15, 2015, granite was stored where the supports were damaged.

To abate this violation, the employer must ensure that the storage of granite does not create a hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/09/2015
\$3,080.00

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



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

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

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l):

Location: production

On or about July 15, 2015, the employer did not have adequate training for employees operating the powered industrial truck.

To abate this violation, the employer must ensure that adequate training is provided to employees operating the powered industrial truck.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 12/02/2015 |
| Proposed Penalty: | \$1,760.00 |

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



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.178(m)(2): Employee(s) stood under or passed under the elevated portion of a powered industrial truck(s)

Location: production

On or about July 15, 2015, employees passed under the elevated portion of a powered industrial truck with a suspended load.

To abate this violation, the employer must ensure that employees do not stand or pass under the elevated portion of a powered industrial truck.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/03/2015 |
| Proposed Penalty: | \$3,080.00 |

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: 1067780
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Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.178(m)(5)(i): When a powered industrial truck is left unattended, load engaging means were not fully lowered, controls were not neutralized, power was not shut off, and brakes set.

Location: facility

On or about July 15, 2015, the powered industrial truck was left unattended with the forks raised.

To abate this violation, the employer must ensure that the powered industrial truck is not left unattended with the forks raised.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/03/2015 |
| Proposed Penalty: | \$1,760.00 |

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Occupational Safety and Health Administration

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Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.242(b): Effective chip guarding and personal protective equipment was not used when compressed air was used for cleaning purposes:

Location: production

On or about July 15, 2015, an employee used compressed air for cleaning himself and the granite without effective chip guarding and personal protective equipment.

To abate this violation, the employer must ensure that chip guarding is in place for compressed air usage, employees have the appropriate personal protective equipment and employees do not use compressed air to clean themselves.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/09/2015 |
| Proposed Penalty: | \$2,200.00 |

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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Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.243(a)(1)(i): Portable power driven circular saw(s) having a blade diameter greater than two inches were not equipped with guard(s) below the base plate or shoe which automatically and instantly returned to the covering position when the tool was withdrawn from the work:

Location: production

On or about July 15, 2015, the hand-held grinder with the saw blade was not guarded.

To abate this violation, the employer must ensure that the saw blade used with the hand-held grinder is adequately guarded.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/09/2015 |
| Proposed Penalty: | \$2,640.00 |

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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Inspection Site: 49 Knox Trail, Acton, MA 01720

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.303(b)(7)(iv): There were damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as parts that were broken, bent, cut or deteriorated by corrosion, chemical action or overheating.

Location: production

On or about July 15, 2015, the electrical raceway to the light switch in the production area was damaged.

To abate this violation, the employer must ensure that electrical raceways are not damaged.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/17/2015 |
| Proposed Penalty: | \$2,640.00 |

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



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

Location: Production

On or about July 15, 2015, a knockout was missing on the light switch next to the electrical panel near the front door.

To abate this violation, the employer must ensure that there are no open unused openings in electrical boxes and cabinets.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/09/2015 |
| Proposed Penalty: | \$2,200.00 |

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: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

Citation 1 Item 15 Type of Violation: **Serious**

29 CFR 1910.305(b)(2)(i): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

a) Location: above entrance door

On or about July 15, 2015, the junction box above the entrance door did not have a cover.

b) Location: front wall near saw

On or about July 15, 2015, the electrical outlet cover was damaged.

To abate this violation, the employer must ensure that all pull boxes, junction boxes and fittings have appropriate covers.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/09/2015 |
| Proposed Penalty: | \$2,200.00 |

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

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



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

Citation 1 Item 16 Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

Location: production

On or about July 15, 2015, the employer was using an extension cord run behind building structures to power a cord drop from the ceiling.

To abate this violation, the employer must ensure extension cords are not used as a replacement for fixed wiring.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/17/2015 |
| Proposed Penalty: | \$1,760.00 |

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



Citation and Notification of Penalty

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 17 a Type of Violation: **Serious**

29 CFR 1910.1200(f)(5)(i): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein:

Location: production

On or about July 15, 2015, a spray bottle without the chemical identity was located near the storage of the polishing wheels.

To abate this violation, the employer must ensure that all containers of chemicals are properly labeled.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/04/2015 |
| Proposed Penalty: | \$2,640.00 |

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

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



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

Citation 1 Item 17 b Type of Violation: **Serious**

29 CFR 1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings:

Location: production

On or about July 15, 2015, a container without hazard warnings was located in the production area.

To abate this violation, the employer must ensure that all containers of chemicals are properly labeled.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **11/04/2015**

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



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

Citation 1 Item 18 Type of Violation: **Serious**

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

Location: production

On or about July 15, 2015, employees working with hazardous chemicals such as but not limited to acetone, 1,2-dichloropropane and naphtha were not provided adequate training on the hazards of the chemicals.

To abate this violation, the employer must ensure that all employees using hazardous chemicals are provided adequate training on the hazards of the chemicals.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/17/2015 |
| Proposed Penalty: | \$2,640.00 |

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: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

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

29 CFR 1910.95(d)(1): When information indicated that any employee's exposure equaled or exceed the 8-hour time-weighted average of 85 decibels, the employer did not develop and implement a monitoring program:

Location: production

On or about July 15, 2015, employees were exposed to 8-hour time-weighted averages of 91.8 and 92 decibels on the A-weighted scale (dBA).

This violation was most recently observed on July 15, 2015, at a jobsite located at 49 Knox Trail, Acton, MA 01720 when employees polishing and cutting granite were exposed to noise levels above the permissible exposure limit where no monitoring had been conducted. To abate this violation, the employer must ensure that monitoring is conducted when tools are changed.

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

MASS-Granite, Inc., dba MASS Granite & Marble was previously cited for a violation of this occupational safety and health standard or its equivalent standard, which was contained in OSHA inspection number 979855, citation number 1, item number 1b and was affirmed as a final order on October 10, 2014, with respect to a workplace located at 49 Knox Trail, Acton, MA 01720.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/09/2015 |
| Proposed Penalty: | \$5,280.00 |

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: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

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

29 CFR 1910.95(k)(1): The employer did not train each employee who is exposed to noise at or above an 8-hour time-weighted average of 85 decibels in accordance with the requirements of 29 CFR 1910.95(k):

Location: production

On or about July 15, 2015, the employer did not provide effective training to each employee who was exposed to noise above the permissible exposure limit.

This violation was most recently observed on July 15, 2015, at a jobsite located at 49 Knox Trail, Acton, MA 01720 when employees polishing and cutting granite were exposed to noise levels above the permissible exposure limit where effective training was not provided to all employees exposed to noise above the permissible exposure limit. To abate this violation, the employer must ensure that effecting training is provided to all employees exposed to noise above the permissible exposure limit.

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

MASS-Granite, Inc., dba Mass Granite & Marble was previously cited for a violation of this occupational safety and health standard or its equivalent standard, which was contained in OSHA inspection number 979855, citation number 1, item number 1c and was affirmed as a final order on October 10, 2014, with respect to a workplace located at 49 Knox Trail Acton MA 01720.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/17/2015 |
| Proposed Penalty: | \$3,520.00 |

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: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

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

29 CFR 1910.305(e)(1): Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures were not weatherproof in wet locations:

a) Location: polishing area

On or about July 15, 2015, electrical boxes with weatherproof covers installed were being used without the weatherproof covers in place.

b) Location: polishing area

On or about July 15, 2015, non-weatherproof electrical equipment (light switch and outlet) were installed where water was being sprayed.

c) Location: near table saw

On or about July 15, 2015, a non-weatherproof electrical outlet with a damaged cover was located in the area where water was being sprayed.

This violation was most recently observed on July 15, 2015, at a jobsite located at 49 Knox Trail, Acton, MA 01720 when electrical near where when employees polishing and cutting granite was not protected from water intrusion. To abate this violation, the employer must ensure that appropriate electrical is in place and is used.

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

MASS-Granite, Inc. dba Mass Granite & Marble was previously cited for a violation of this occupational safety and health standard or its equivalent standard, which was contained in OSHA inspection number 979855, citation number 1, item number 4 and was affirmed as a final order on October 10, 2014, with respect to a workplace located at 49 Knox Road, Acton MA 01720.

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

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



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/17/2015 |
| Proposed Penalty: | \$6,160.00 |

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



Citation and Notification of Penalty

Company Name: MASS-Granite, Inc., dba MASS Granite & Marble
Inspection Site: 49 Knox Trail, Acton, MA 01720

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.36(d)(1): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

Location: production

On or about July 15, 2015, the exit door from the production area was locked.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/03/2015
\$0.00

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

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
138 River Road Suite 102, Shattuck Office Center
Andover, MA 01810
Phone: (978) 837-4460 Fax: (978) 837-4455

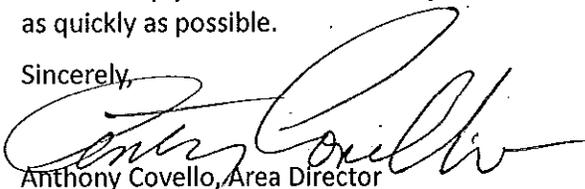


October 28, 2015

Dear Igor Garcia,

On 06/04/2015, 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: 1067780

Total Amount Due: \$57,200.00

**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 : 25

**Your First Correction Deadline is:
11/3/2015**

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.** | <input type="checkbox"/> ___ / ___ |
|  | 2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting. | <input type="checkbox"/> ___ / ___ |

| 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. | <input type="checkbox"/> ___ / ___ |
|  | 2. Pay the Total Penalty by using one of the following methods: **Include your Inspection Number (see first page) on the payment.** | <input type="checkbox"/> ___ / ___ |
| | <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><i>Pay Online:</i> 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).</p> </div> <div style="width: 45%;"> <p><i>Pay by Check:</i> 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.</p> </div> </div> | |

| 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 . | <input type="checkbox"/> ___ / ___ |