

U.S. Department of Labor
Occupational Safety and Health Administration
Brien McMahon Federal Building
915 Lafayette Boulevard
Room 309
Bridgeport, CT 06604
Phone: 203-579-5581 Fax: 203-579-5516



Citation and Notification of Penalty

To:
Whole Life Construction, LLC
and its successors
306 Red Bird Dr.
Stratford, CT 06614

Inspection Number: 1114374
Inspection Date(s): 12/28/2015 - 12/28/2015
Issuance Date: 01/21/2016

Inspection Site:
121 Anson St.
Bridgeport, CT 06606

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 01/21/2016. The conference will be held by telephone or at the OSHA office located at Brien McMahon Federal Building

915 Lafayette Boulevard, Room 309, Bridgeport, CT 06604 on _____ at

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1114374

Company Name: Whole Life Construction, LLC
Inspection Site: 121 Anson St., Bridgeport, CT 06606
Issuance Date: 01/21/2016

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, Brien McMahon Federal Building 915 Lafayette Boulevard, Room 309, Bridgeport, CT 06604**

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: 1114374
Inspection Date(s): 12/28/2015 - 12/28/2015
Issuance Date: 01/21/2016



Citation and Notification of Penalty

Company Name: Whole Life Construction, LLC
Inspection Site: 121 Anson St., Bridgeport, CT 06606

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

29 CFR 1926.451(f)(6): Scaffolds were erected, used, dismantled, altered, or moved such that they, or any conductive material handled on them, could have come closer than the minimum distances established for specific voltages as set forth in the table in subparagraph (f)(6).

Worksite: The employer did not ensure through specific instructions and/or visual observation that the pump jack scaffold from that an employee was working was not only in outside of the minimum safe distance from , but also not in contact with the 120/240 volt electrical power lines that supplied power to the residence under renovation.

CORRECTED DURING INSPECTION

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$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

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Citation and Notification of Penalty

Company Name: Whole Life Construction, LLC
Inspection Site: 121 Anson St., Bridgeport, CT 06606

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

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards.

Worksite: The employer did not ensure that the employees who were potential exposed to fall hazards while working from the residential roof at heights above six feet were trained in fall hazards and the procedures to be followed to minimize such hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

02/17/2016
\$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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Inspection Date(s): 12/28/2015 - 12/28/2015
Issuance Date: 01/21/2016



Citation and Notification of Penalty

Company Name: Whole Life Construction, LLC
Inspection Site: 121 Anson St., Bridgeport, CT 06606

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

29 CFR 1926.451(f)(7): Scaffolds were not erected, moved, dismantled, or altered, by trained and experienced employees under the supervision and direction of a competent person qualified in scaffold erection, moving, dismantling or alteration;; Such activities were not performed only by experienced and trained employees selected for such work by the competent person.

Worksite: The employer did not ensure that the pump jack scaffolds from that the employees were working were erected under the supervision of a person competent in scaffold erection.

Whole Life Construction, LLC was previously cited for a violation of this Occupational Safety and Health standard 29 CFR 1926.451(f)(7) which was contained in OSHA Inspection Number 590198, Citation Number 1, Item Number 3a, issued on 9/7/2012 with respect to a workplace located at 44 East Hayestown Road., Danbury, CT and became a final order on 11/9/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/17/2016
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: 1114374
Inspection Date(s): 12/28/2015 - 12/28/2015
Issuance Date: 01/21/2016



Citation and Notification of Penalty

Company Name: Whole Life Construction, LLC
Inspection Site: 121 Anson St., Bridgeport, CT 06606

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

29 CFR 1926.451(g)(1)(vii): Each employee on a scaffold, not otherwise specified in paragraphs (g)(1)(i) through (g)(1)(vi) of this section, more than 10 feet (3.1 m) above lower level was not protected from falls by the use of personal fall arrest systems or guardrail systems meeting the requirements of paragraph (g)(4) of this section.

Worksite: The employer did not ensure that employees who were working from pump jack scaffolds at heights above 10 feet were protected from fall hazards by the use of guardrails, fully installed nets or personal fall arrest systems.

Whole Life Construction, LLC was previously cited for a violation of this Occupational Safety and Health standard 29 CFR 1926.451(g)(1)(vii) which was contained in OSHA Inspection Number 896215, Citation Number 2, Item Number 2, issued on 4/30/2013 with respect to a workplace located at 79-81 Judson Ave., New Haven CT and became a final order on 5/22/2013.

Whole Life Construction, LLC was previously cited for a violation of this Occupational Safety and Health standard 29 CFR 1926.451(g)(1)(vii) which was contained in OSHA Inspection Number 590198, Citation Number 1, Item Number 4, issued on 9/17/2012 with respect to a workplace located at 44 East Hayestown Road., Danbury, CT and became a final order on 11/9/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/02/2016
Proposed Penalty:	\$15,400.00

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: 1114374
Inspection Date(s): 12/28/2015 - 12/28/2015
Issuance Date: 01/21/2016



Citation and Notification of Penalty

Company Name: Whole Life Construction, LLC
Inspection Site: 121 Anson St., Bridgeport, CT 06606

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

29 CFR 1926.452(j)(2): Poles were not secured to the structure by rigid triangular bracing or equivalent at the bottom, top, and other points as necessary.

Worksite: The employer did not ensure that the poles of the pump jack scaffolds from which employees were working were braced or secured at the bottom of the scaffold poles.

Whole Life Construction, LLC was previously cited for a violation of this Occupational Safety and Health standard 29 CFR 1926.452(j)(2) which was contained in OSHA Inspection Number 896215, Citation Number 2, Item Number 3, issued on 4/30/2013 with respect to a workplace located at 79-81 Judson Ave., New Haven CT and became a final order on 5/22/2013.

Whole Life Construction, LLC was previously cited for a violation of this Occupational Safety and Health standard 29 CFR 1926.452(j)(2) which was contained in OSHA Inspection Number 590198, Citation Number 1, Item Number 5, issued on 9/17/2012 with respect to a workplace located at 44 East Hayestown Road., Danbury, CT and became a final order on 11/9/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/02/2016
Proposed Penalty:	\$11,000.00

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: 1114374
Inspection Date(s): 12/28/2015 - 12/28/2015
Issuance Date: 01/21/2016



Citation and Notification of Penalty

Company Name: Whole Life Construction, LLC
Inspection Site: 121 Anson St., Bridgeport, CT 06606

Citation 2 Item 4 Type of Violation: **Repeat**

29 CFR 1926.454(a)(1): The employer failed to have each employee who performs work while on a scaffold trained regarding the nature of any electrical hazards, fall hazards and falling object hazards in the work area.

Worksite: The employer did not ensure that the employees who were working from the pump jack scaffolds at heights above 10 feet were trained to recognize the hazards associated with the type of scaffold being used.

Whole Life Construction, LLC was previously cited for a violation of this Occupational Safety and Health standard 29 CFR 1926.454(a)(1) which was contained in OSHA Inspection Number 590198, Citation Number 1, Item Number 3b, issued on 9/17/2012 with respect to a workplace located at 44 East Hayestown Road., Danbury, CT and became a final order on 11/9/2012.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/17/2016
Proposed Penalty:	\$4,400.00

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: 1114374
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Issuance Date: 01/21/2016



Citation and Notification of Penalty

Company Name: Whole Life Construction, LLC
Inspection Site: 121 Anson St., Bridgeport, CT 06606

Citation 2 Item 5 Type of Violation: **Repeat**

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501(b).

Worksite: The employer did not ensure that the employees working from the roof of the residential building under renovation were protected from fall hazards above six feet by the use of guardrails, safety nets or personal fall arrest systems.

Whole Life Construction, LLC was previously cited for a violation of this Occupational Safety and Health standard 29 CFR 1926.501(b)(13) which was contained in OSHA Inspection Number 896215, Citation Number 1, Item Number 1, issued on 4/30/2013 with respect to a workplace located at 79-81 Judson Ave., New Haven CT and became a final order on 5/22/2013.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	02/02/2016
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

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Citation and Notification of Penalty

Company Name: Whole Life Construction, LLC
Inspection Site: 121 Anson St., Bridgeport, CT 06606

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

29 CFR 1926.1053(b)(1): Where portable ladders were used for access to an upper landing surface and the ladder's length allows, the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface being accessed.

Worksite: The employer did not ensure that the side rails of the extension ladder that was used by employees to gain access to the roof were extended at least three (3) feet above the landing surface.

Date By Which Violation Must be Abated:
Proposed Penalty:

02/02/2016
\$0.00

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

Robert Kowalski
Area Director

*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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INVOICE / DEBT COLLECTION NOTICE

Company Name: Whole Life Construction, LLC
Inspection Site: 121 Anson St., Bridgeport, CT 06606
Issuance Date: 01/21/2016

Summary of Penalties for Inspection Number	1114374
Citation 1, Serious	\$5,280.00
Citation 2, Repeat	\$43,120.00
Citation 3, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$48,400.00

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

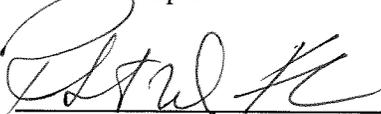
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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.



Robert Kowalski

Area Director

21 January 2016
Date