

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

Inspection Number: 1112239
Inspection Date(s): 12/15/2015 - 12/15/2015
Issuance Date: 02/16/2016



Citation and Notification of Penalty

Company Name: Continental Construction Group
Inspection Site: 21 Beach Road, Lynn, MA 01901

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

29 CFR 1926.403(b)(2): Listed, labeled, or certified equipment shall be installed and used in accordance with instructions included in the listing, labeling, or certification.

(a) Location - 21 Beach Road, Lynn, MA:

On or about December 15, 2015, employees were using a re-locatable power tap not in accordance with its listing and labeling.

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.

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Company Name: Continental Construction Group
Inspection Site: 21 Beach Road, Lynn, MA 01901

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

29 CFR 1926.502(b)(2): Midrails, screens, mesh, intermediate vertical members, or equivalent intermediate structural members shall be installed between the top edge of the guardrail system and the walking/working surface when there is no wall or parapet wall at least 21 inches (53 cm) high.

(a) Location - 21 Beach Road, Lynn, MA:

On or about December 15, 2015, employees building a deck that was 24 feet 7 inches above the ground were not protected from falling by means of a midrail.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3,080.00

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Company Name: Continential Construction Group
Inspection Site: 21 Beach Road, Lynn, MA 01901

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

29 CFR 1926.404(b)(1)(i): The employer shall use either ground fault circuit interrupters as specified in paragraph (b)(1)(ii) of this section or an assured equipment grounding conductor program as specified in paragraph (b)(1)(iii) of this section to protect employees on construction sites.

(a) Location - 21 Beach Road, Lynn, MA:

On or about December 15, 2015, employees were using a chop saw that was not protected by a GFCI.

Continental Construction Group was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.404(b)(1)(i), which was contained in OSHA inspection number 399962, citation number 01, item number 001a and was affirmed as a final order on March 13, 2013 with respect to a workplace located at 62 Park Street, Lynn, Massachusetts.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6,160.00

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

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Company Name: Continental Construction Group
Inspection Site: 21 Beach Road, Lynn, MA 01901

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

29 CFR 1926.404(f)(6): The path to ground from circuits, equipment, and enclosures shall be permanent and continuous.

(a) Location - 21 Beach Road, Lynn, MA:
On or about December 15, 2015, employees using a chop saw that which was powered by an extension cord that did not have a ground pin.

Continental Construction Group was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.404(f)(6), which was contained in OSHA inspection number 399962, citation number 01, item number 001b and was affirmed as a final order on March 13, 2013 with respect to a workplace located at 62 Park Street, Lynn, Massachusetts.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6,160.00

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Company Name: Continental Construction Group
Inspection Site: 21 Beach Road, Lynn, MA 01901

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

29 CFR 1926.501(b)(13): Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels shall be protected by guardrail systems, safety net system, or personal fall arrest system.

(a) Location - 21 Beach Road, Lynn, MA:

On or about December 15, 2015, employees building a deck that was 13 feet 8 inches above the ground were not protected from falling.

Continental Construction Group was previously cited for a violations of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection numbers 399962, citation number 02, item number 001 which was affirmed as a final order on March 13, 2013 with respect to a workplace located at 62 Park Street, Lynn, Massachusetts.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$15,400.00

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

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Company Name: Continental Construction Group
Inspection Site: 21 Beach Road, Lynn, MA 01901

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

29 CFR 1926.503(a)(1): The employer shall provide a training program for each employee who might be exposed to fall hazards. The program shall enable each employee to recognize the hazards of falling and shall train each employee in the procedures to be followed in order to minimize these hazards.

(a) Location - 21 Beach Road, Lynn, MA:

On or about December 15, 2015, the employer did not provide a fall training program for employees who would be working at heights greater than 6 feet above a lower level.

Continental Construction Group was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 399962, citation number 01, item number 003 and was affirmed as a final order on March 13, 2013 with respect to a workplace located at 62 Park Street, Lynn, Massachusetts.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/20/2016
Proposed Penalty:	\$6,160.00

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Company Name: Continental Construction Group
Inspection Site: 21 Beach Road, Lynn, MA 01901

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

29 CFR 1926.1053(b)(1): When portable ladders are used for access to an upper landing surface, the ladder side rails shall extend at least 3 feet (.9 m) above the upper landing surface to which the ladder is used to gain access.

(a) Location - 21 Beach Road, Lynn, MA:

On or about December 15, 2015, employees accessing multiple deck levels using ladders that did not extend 3 feet above the decks working surface.

Continental Construction Group was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.1053(b)(1), which was contained in OSHA inspection number 399962, citation number 02, item number 002 and was affirmed as a final order on March 13, 2013 with respect to a workplace located at 62 Park Street, Lynn, Massachusetts.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$15,400.00

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

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: Continental Construction Group
Inspection Site: 21 Beach Road, Lynn, MA 01901
Issuance Date: 02/16/2016

Summary of Penalties for Inspection Number	1112239
Citation 1, Serious	\$6,160.00
Citation 2, Repeat	\$49,280.00
TOTAL PROPOSED PENALTIES	\$55,440.00

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

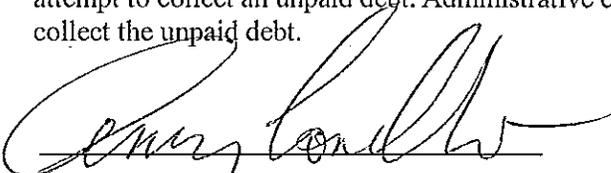
account, the bank will attempt to make the transfer up to 2 times.

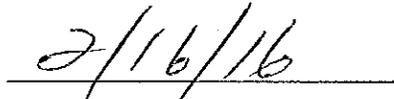
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts 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


Date