

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215
Phone: 614-469-5582 Fax: 614-469-6791



Citation and Notification of Penalty

To:
Seneca Steel Erectors Inc.
and its successors
2727 Tuller Parkway Suite 280
Dublin, OH 43017

Inspection Number: 1162135
Inspection Date(s): 07/12/2016 - 07/14/2016
Issuance Date: 10/18/2016

Inspection Site:
3075 Loyalty Circle Building 3
Columbus, OH 43219

7016 0910 0000 4171 7507

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 10/18/2016. The conference will be held by telephone or at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1162135

Company Name: Seneca Steel Erectors Inc.
Inspection Site: 3075 Loyalty Circle Building 3, Columbus, OH 43219
Issuance Date: 10/18/2016

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, 200 N. High Street, Room 620, Columbus, OH 43215**

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

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Citation and Notification of Penalty

Company Name: Seneca Steel Erectors Inc.
Inspection Site: 3075 Loyalty Circle Building 3, Columbus, OH 43219

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

29 CFR 1926.350(a)(9): Compressed gas cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried:

a. In the storage container where acetylene and oxygen cylinders were stored, the employer did not secure the cylinders from being knocked over and striking employees, thereby exposing employees to a struck-by hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3741.00

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: Seneca Steel Erectors Inc.
Inspection Site: 3075 Loyalty Circle Building 3, Columbus, OH 43219

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

29 CFR 1926.350(a)(10): Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least five feet (1.5 m) high having a fire-resistance rating of at least one-half hour:

a. In the storage container where gas cylinders were stored, the employer stored an acetylene cylinder within three feet of an oxygen cylinder, thereby exposing employees to a fire hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3741.00

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: Seneca Steel Erectors Inc.
Inspection Site: 3075 Loyalty Circle Building 3, Columbus, OH 43219

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

29 CFR 1926.453(b)(2)(vi): Boom and basket load limits specified by the manufacturer shall not be exceeded:

a. On the site, four employees were in the basket of a JLG 600S aerial lift which employees used to access the upper working levels of a multi-story steel building and to be lowered back to ground level. The total weight of the employees and their tools exceeded the rated capacity of the lift, thereby exposing the employees to hazards associated with failure of the lift.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/28/2016
Proposed Penalty:	\$8730.00

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: 1162135
Inspection Date(s): 07/12/2016 - 07/14/2016
Issuance Date: 10/18/2016



Citation and Notification of Penalty

Company Name: Seneca Steel Erectors Inc.
Inspection Site: 3075 Loyalty Circle Building 3, Columbus, OH 43219

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

29 CFR 1926.454(b): The employer shall have each employee who is involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazards associated with the work in question. The training shall include the following topics, as applicable:

- a. On the site where employees worked out of a JLG 600S aerial lift, the employer did not provide training, regarding the safe use of operation of the aerial lift, thereby exposing employees to a fall and crushing hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/21/2016
Proposed Penalty:	\$8730.00

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: 1162135
Inspection Date(s): 07/12/2016 - 07/14/2016
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Citation and Notification of Penalty

Company Name: Seneca Steel Erectors Inc.
Inspection Site: 3075 Loyalty Circle Building 3, Columbus, OH 43219

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

29 CFR 1926.753(e)(1): A multiple lift shall only be performed if the following criteria are met:

29 CFR 1926.753(e)(1)(i): A multiple lift rigging assembly is used:

a. On the site where the steel erector was performing multiple steel lifts (Christmas Treeing), the employer did not use a multiple lifting device while raising and connecting three pieces of steel, thereby exposing employees to a struck-by hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

10/28/2016
\$6236.00

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: Seneca Steel Erectors Inc.
Inspection Site: 3075 Loyalty Circle Building 3, Columbus, OH 43219

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

29 CFR 1926.760(a)(1): Except as provided by paragraph (a)(3) of this section, each employee engaged in a steel erection activity who is on a walking/working surface with an unprotected side or edge more than 15 feet (4.6 m) above a lower level shall be protected from fall hazards by guardrail systems, safety net systems, personal fall arrest systems, positioning device systems or fall restraint systems:

a. On the site where employees were welding or attaching steel braces, employees were not connected to a fall protection device when walking the steel on the exterior wall, thereby exposing employees to a 59 foot fall hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/28/2016
Proposed Penalty:	\$8730.00

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: Seneca Steel Erectors Inc.
Inspection Site: 3075 Loyalty Circle Building 3, Columbus, OH 43219

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

29 CFR 1926.761(b): Fall hazard training. The employer shall train each employee exposed to a fall hazard in accordance with the requirements of this section. The employer shall institute a training program and ensure employee participation in the program:

a. On the site where employees were connecting, attaching bridging and attaching bracing, the employer did not provide a training program to inform employees of the hazards associated with working at heights up to 59 feet, thereby exposing employees to a fall hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/28/2016
Proposed Penalty:	\$8730.00

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: 1162135
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Citation and Notification of Penalty

Company Name: Seneca Steel Erectors Inc.
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1926.761(c)(1): Multiple lift rigging procedure. The employer shall ensure that each employee who performs multiple lift rigging has been provided training in the following areas:

- a. On the site where the Alliance Data Building No. 3 was being built, the employee performing the multiple lift (Christmas Treeing) was not provided training prior to being required to lift multiple pieces of steel, thereby exposing employees to a struck-by hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/21/2016
Proposed Penalty:	\$8730.00

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: Seneca Steel Erectors Inc.
Inspection Site: 3075 Loyalty Circle Building 3, Columbus, OH 43219

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

29 CFR 1926.1425(c): When employees are engaged in hooking, unhooking, or guiding the load, or in the initial connection of a load to a component or structure and are within the fall zone, all of the following criteria must be met:

29 CFR 1926.1425(c)(3): The materials must be rigged by a qualified rigger:

a. On the site, the steel erector did not provide a qualified rigger to rig sections of steel that were being hoisted to the top of the structure for connecting around the elevator shaft, thereby exposing employees to a struck-by hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

11/21/2016

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: Seneca Steel Erectors Inc.
Inspection Site: 3075 Loyalty Circle Building 3, Columbus, OH 43219

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

29 CFR 1926.453(b)(2)(iv): Employees shall always stand firmly on the floor of the basket, and shall not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position:

a. On the site, employees utilized a JLG 600S aerial lift to access the upper levels of a multi-story steel building. The employees climbed over the top rail of the basket to gain access to the structure and were exposed to a fall of 59 feet to the ground.

The Seneca Steel Erectors Inc. was previously cited for a violation of this occupational safety and health standard, 29 CFR 1926.453(b)(2)(iv), which was contained in OSHA inspection number 890423, citation number 1, item number 1 and was affirmed as final order on February 27, 2013, with respect to a workplace located at 5825 Venture Drive, Dublin, Ohio 43017.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/28/2016
Proposed Penalty:	\$17459.00

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: 1162135
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Citation and Notification of Penalty

Company Name: Seneca Steel Erectors Inc.
Inspection Site: 3075 Loyalty Circle Building 3, Columbus, OH 43219

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

29 CFR 1926.453(b)(2)(v): A body belt shall be worn and a lanyard attached to the boom or basket when working from an aerial lift:

a. On the steel erection site where employees were installing bridging, bracing, were welding steel and accessed the steel from a sixty foot JLG aerial lift, the employees were observed going up and down in the lift not connected to an attachment point in the JLG, thereby exposing employees to a fall hazard.

Seneca Steel Erectors Inc. was previously cited for a violation of this occupational safety and health standard, 29 CFR 1926.453(b)(2)(v), which was contained in OSHA inspection number 890423, citation number 1, item number 2 and was affirmed as final order on February 27, 2013, with respect to a workplace located at 5825 Venture Drive, Dublin, Ohio 43017.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

10/28/2016
\$17459.00



Larry Johnson
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
200 N. High Street
Room 620
Columbus, OH 43215
Phone: 614-469-5582 Fax: 614-469-6791



INVOICE / DEBT COLLECTION NOTICE

Company Name: Seneca Steel Erectors Inc.
Inspection Site: 3075 Loyalty Circle Building 3, Columbus, OH 43219
Issuance Date: 10/18/2016

Summary of Penalties for Inspection Number	1162135
Citation 1, Serious	\$57368.00
Citation 2, Repeat	\$34918.00
TOTAL PROPOSED PENALTIES	\$92286.00

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.



Larry Johnson
Area Director



Date