

U.S. Department of Labor

Occupational Safety and Health Administration
7935 East Prentice Avenue
Suite 209
Greenwood Village, CO 80111



Citation and Notification of Penalty

To:

Key Structures, LLC
and its successors
319 Lockheed St
Pueblo, CO 81001

Inspection Number: 1515993**Inspection Date(s):** 02/23/2021 - 03/30/2021**Issuance Date:** 08/13/2021**Inspection Site:**

319 Lockheed St
Pueblo, CO 81001

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 by calling (303) 843-4500. 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 at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. 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 08/13/2021. The conference will be held by telephone or at the OSHA office located at 7935 East Prentice Avenue, Suite 209, Greenwood Village, CO 80111 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1515993

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001
Issuance Date: 08/13/2021

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, 7935 East Prentice Avenue, Suite 209, Greenwood Village, CO 80111.**

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



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

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

29 CFR 1910.22(a)(1): The employer did not ensure that all places of employment, passageways, storerooms, service rooms, and walking-working surfaces were kept in a clean, orderly, and sanitary condition.

a) Main Work Floor: On or about February 23, 2021, and at times prior, employees were exposed to slip, trip and fall hazards while performing work operations throughout the facility as walking surfaces were not kept in an orderly condition. Construction debris, pallets, insulation, and hand tool cords were located over walking surfaces. Key Structures, LLC, failed to ensure that these items were properly stored to prevent injury.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:
Proposed Penalty:

September 09, 2021
\$9,655.00

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

Inspection Number: 1515993
Inspection Date(s): 02/23/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

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 2 a Type of Violation: **Serious**

29 CFR 1910.23(c)(7)(i): The employer did not ensure that ladders placed in locations such as passageways, doorways, or driveways where they can be displaced by other activities or traffic were secured to prevent accidental displacement:

a) Sections 10-14: On or about February 23, 2021, employees were utilizing ladders during texture and trim operations; ladders were not secured to prevent accidental displacement, and were placed in high traffic locations. Key Structures, LLC, exposed employees to fall from heights hazards.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 09, 2021
\$11,586.00

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: 1515993
Inspection Date(s): 02/23/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

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

29 CFR 1910.23(b)(8): The employer did not ensure that ladders were used only for the purposes for which they were designed:

a) Sections 10-14: On or about February 23, 2021, employees were utilizing ladders inappropriately during texture and trim operations in that self-supporting ladders were used as non self-supporting (single) ladders and leaned against structures. Key Structures, Inc., exposed employees to fall from height hazards.

b) Section 12: On or about February 23, 2021, and at times prior, employees were utilizing ladders inappropriately during painting operations in that self-supporting ladders were used as supports for wooden plank used as an elevated scaffold working surface. Key Structures, LLC, exposed employees to fall from heights hazards.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:
Proposed Penalty:

September 09, 2021
\$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

Inspection Number: 1515993
Inspection Date(s): 02/23/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

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

29 CFR 1910.95(c)(1): The employer did not administer a continuing, effective hearing conservation program as described in 29 CFR 1910.95(c) through (o) whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level of 85 decibels measured on the A scale, or equivalently a dose of fifty percent:

a) Roofing Area: On or about March 30, 2021, and at times prior, an employee was exposed to excess noise while performing manufactured home construction. One employee in the roofing area was exposed to noise at a dose in excess of the 50 percent dose action level (AL). The employee was exposed to noise at a dose of 80.42% which is 1.6 times the action level of 85 dB. The employer, Key Structures, LLC, failed to implement a continuing and effective hearing conservation program when employee's exposure was greater than the action level as measured over an 8-hour time-weighted average.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 09, 2021
\$11,586.00

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: 1515993
Inspection Date(s): 02/23/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

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

29 CFR 1910.140(d)(2)(ii): The employer did not ensure that personal fall arrest systems are rigged in such a manner that the employee cannot free fall more than 6 feet (1.8 m) or contact a lower level:

a) Roofing Area: On or about February 23, 2021, employees were exposed to fall hazards in excess of 13 feet in height to the concrete surface below while performing roofing operations. Key Structures, LLC, did not ensure that lifelines of personal fall arrest systems were rigged in such a manner that employees could not free fall more than 6 feet or contact a lower level.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 09, 2021
Proposed Penalty:	\$9,655.00

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: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

Citation 1 Item 5 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:

- a) Framing Area: On or about February 23, 2021, and at times prior, employees were exposed to chemical hazards while working with chemicals such as, but not limited to, AlphaSeal 5200A (4,4'-Diphenylmethane Diisocyanate MDI) and AlphaSeal 5200B (Cyclohexyldimethylamine, Ethanediol). The employer, Key Structures, LLC, failed to provide 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.
- b) Drywall Area: On or about February 23, 2021, and at times prior, employees were exposed to chemical hazards while working with chemicals such as, but not limited to, USG Sheetrock Easy Sand 45 Joint Compound (Crystalline Silica Quartz). The employer, Key Structures, LLC, failed to provide 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.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:
Proposed Penalty:

September 09, 2021
\$7,724.00

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

Inspection Number: 1515993
Inspection Date(s): 02/23/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

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 6 a Type of Violation: **Serious**

29 CFR 1926.451(b)(2): Scaffold platforms and walkways were not at least 18 inches wide:

a) Section 12: On or about February 23, 2021, and at times prior, employees were exposed to fall hazards while utilizing self-supporting ladders as supports for a 10 inch wide wooden plank (used as an elevated scaffold working surface) during painting operations. Key Structures, LLC, exposed employees to fall from heights hazards.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 09, 2021
Proposed Penalty:	\$13,516.00

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: 1515993
Inspection Date(s): 02/23/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

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

29 CFR 1926.451(e)(1): When scaffold platforms were more than 2 feet (0.6 m) above or below a point of access, portable ladders, hook-on ladders, attachable ladders, stair towers (scaffold stairways/towers), stairway-type ladders (such as ladder stands), ramps, walkways, integral prefabricated scaffold access, or direct access from other scaffold, structure, personnel hoist, or similar surface were not used:

a) Roofing Area: On or about February 23, 2021, and at times prior, employees were performing roofing operations and employees were utilizing scaffolding guardrails and cross braces to access and egress roof surfaces of manufactured housing. Key Structures, LLC, exposed employees to fall from heights hazards of approximately 7 feet.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 09, 2021
Proposed Penalty:	\$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

Inspection Number: 1515993
Inspection Date(s): 02/23/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

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

29 CFR 1926.451(f)(3): Scaffolds and scaffold components were not inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold's structural integrity:

a) Main Work Area: On or about February 23, 2021, and at times prior, employees were exposed to fall hazards of 7 feet to the floor surface below as scaffolds and scaffold components were not inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold's structural integrity. Key Structures, LLC, employees were utilizing a mobile scaffold with damaged components, including locking wheel mechanisms.

b) Section 12: On or about February 23, 2021, and at times prior, employees performing painting operations were exposed to fall hazards greater than 4 feet to the floor surface below as scaffolds and scaffold components were not inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold's structural integrity. Key Structures, LLC, employees were utilizing self-supporting ladders as supports for a 10 inch wooden plank (used as an elevated scaffold working surface).

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 09, 2021
Proposed Penalty:	\$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

Inspection Number: 1515993
Inspection Date(s): 02/23/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

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

29 CFR 1926.454(b): The employer did not have each employee who was 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:

a) Roofing Area: On or about February 23, 2021, and at times prior, the employer did not ensure that each employee involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold was trained by a competent person to recognize hazards. Key Structures, LLC, exposed employees to fall from heights hazards of 7 feet.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

September 09, 2021

Proposed Penalty:

\$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

Inspection Number: 1515993
Inspection Date(s): 02/23/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

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

29 CFR 1910.101(b): The in-plant handling, storage, and utilization of all compressed gases in cylinders, portable tanks, rail tankcars, or motor vehicle cargo tanks were not in accordance with Compressed Gas Association Pamphlet P-1-1965, which is incorporated by reference as specified in CFR 1910.6:

a) Behind Sealant Storage Wooden Containment: On or about February 23, 2021, and times prior, compressed gas cylinders (nitrogen) were not stored in a cylinder storage area with the names of the gasses prominently posted per Compressed Gas Association P-1-1965 Section 3.3.2. Key Structures, LLC, exposed employees to struck-by hazards.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:
Proposed Penalty:

September 09, 2021
\$5,792.00

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: 1515993
Inspection Date(s): 02/23/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

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

29 CFR 1926.452(w)(2): Scaffold casters and wheels were not locked with positive wheel and/or wheel and swivel locks, or equivalent means, to prevent movement of the scaffold while the scaffold was used in a stationary manner:

a) Roofing Area: On or about February 23, 2021, and at times prior, employees were exposed to fall hazards of 7 feet to the concrete floor surface below as casters and wheels of mobile scaffolds were not locked with positive wheel and/or wheel and swivel locks, or equivalent means, to prevent movement of the scaffold while the scaffold was used in a stationary manner. These were damaged and not capable of locking. The scaffolding in use was the same scaffolding observed during a previous site visit by OSHA on 09/10/2020. Key Structures, LLC, exposed employees to fall from heights hazards.

Key Structures, LLC, was previously cited for a violation of this occupational safety and health standard or its equivalent standard (29 CFR 1910.27(a)), which was contained in OSHA inspection number 1492276, citation number 1, item number 1, instance a, and was affirmed as a final order on 01/13/2021, with respect to a workplace located at 319 Lockheed St, Pueblo, CO 81001.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 09, 2021
Proposed Penalty:	\$115,854.00

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: 1515993
Inspection Date(s): 02/23/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

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

29 CFR 1926.454(a): The employer did not have each employee who performed work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards.

a) Roofing Area: On or about February 23, 2021, and at times prior, employees were exposed to fall hazards of 7 feet to the concrete surface below as employees were not trained by a qualified person to recognize the hazards associated with the type of scaffold being used and how to control or minimize those hazards. Key Structures, LLC, exposed employees to fall from heights hazards.

Key Structures, LLC, was previously cited for a violation of this occupational safety and health standard or its equivalent standard (29 CFR 1910.27(a)), which was contained in OSHA inspection number 1492276, citation number 1, item number 1, instance c, and was affirmed as a final order on 01/13/2021, with respect to a workplace located at 319 Lockheed St, Pueblo, CO 81001.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 09, 2021
\$19,311.00


Chad Vivian
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
7935 East Prentice Avenue
Suite 209
Greenwood Village, CO 80111



INVOICE / DEBT COLLECTION NOTICE

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001
Issuance Date: 08/13/2021

Summary of Penalties for Inspection Number: 1515993

Citation 1 Item 1, Serious	\$9,655.00
Citation 1 Item 2a, Serious	\$11,586.00
Citation 1 Item 2b, Serious	\$0.00
Citation 1 Item 3, Serious	\$11,586.00
Citation 1 Item 4, Serious	\$9,655.00
Citation 1 Item 5, Serious	\$7,724.00
Citation 1 Item 6a, Serious	\$13,516.00
Citation 1 Item 6b, Serious	\$0.00
Citation 1 Item 6c, Serious	\$0.00
Citation 1 Item 6d, Serious	\$0.00
Citation 1 Item 7, Serious	\$5,792.00
Citation 2 Item 1, Willful - Serious	\$115,854.00
Citation 3 Item 1, Repeat - Serious	\$19,311.00

TOTAL PROPOSED PENALTIES: \$204,679.00

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 at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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.

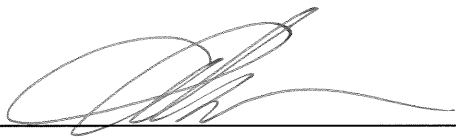
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

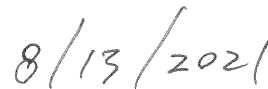
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (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.



Chad Vivian
Area Director



Date

U.S. Department of Labor

Occupational Safety and Health Administration
7935 East Prentice Avenue
Suite 209
Greenwood Village, CO 80111



Citation and Notification of Penalty

To:

Key Structures, LLC
and its successors
319 Lockheed St
Pueblo, CO 81001

Inspection Number: 1517905**Inspection Date(s):** 03/03/2021 - 03/30/2021**Issuance Date:** 08/13/2021**Inspection Site:**

319 Lockheed St
Pueblo, CO 81001

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 by calling (303) 843-4500. 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 at www.pay.gov. At the top of the pay.gov homepage, type “OSHA” in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. 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 08/13/2021. The conference will be held by telephone or at the OSHA office located at 7935 East Prentice Avenue, Suite 209, Greenwood Village, CO 80111 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1517905

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001
Issuance Date: 08/13/2021

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, 7935 East Prentice Avenue, Suite 209, Greenwood Village, CO 80111.**

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: 1517905
Inspection Date(s): 03/03/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

Citation 1 Item 1 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:

(a) On or about March 3, 2021, and at times prior, the employer did not ensure that each affected employee used appropriate eye protection when exposed to eye hazards. An employee of Key Structures, LLC, was exposed to eye hazards from flying particles while using a pneumatic nail gun without the benefit of eye protective equipment.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:
Proposed Penalty:

September 09, 2021
\$5,792.00

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: 1517905
Inspection Date(s): 03/03/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

Citation 1 Item 2 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) On or about March 3, 2021, and at times prior, the employer did not ensure that junction boxes were provided with covers approved for the purpose. Employees of Key Structures, LLC, were exposed to contact with electrical hazards in that a junction box with live wiring in the West wall of Section 1 did not have a cover.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:
Proposed Penalty:

September 09, 2021
\$5,792.00

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

Inspection Number: 1517905
Inspection Date(s): 03/03/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

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

29 CFR 1910.334(a)(2)(ii): There was a defect or evidence of damage that could have exposed an employee to injury and the defective or damaged item was not removed from service:

(a) On or about March 3, 2021, and at times prior, the employer did not ensure that electrical tools with evidence of damage were removed from service. Employees of Key Structures, LLC, were exposed to contact with electrical hazards in that a Skilsaw circular saw, model #809001948, was in use with a spliced power cord and was not removed from service.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:
Proposed Penalty:

September 09, 2021
\$5,792.00

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

Inspection Number: 1517905
Inspection Date(s): 03/03/2021 - 03/30/2021
Issuance Date: 08/13/2021



Citation and Notification of Penalty

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001

Citation 2 Item 1 Type of Violation: **Other-than-Serious**


29 CFR 1910.303(g)(1): Sufficient access and working space was not provided and maintained about all electric equipment (operating at 600 volts, nominal, or less to ground) to permit ready and safe operation and maintenance of such equipment:

(a) On or about March 3, 2021, and at times prior, the employer did not ensure that sufficient access and working space were provided and maintained about all electric equipment operating at less than 600 volts to permit ready and safe operation and maintenance of such equipment. Key Structures, LLC, did not maintain access to electrical panels in section 1 east, and section D-13 which were blocked by equipment and materials.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:
Proposed Penalty:

September 09, 2021
\$0.00


Chad Vivian
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
7935 East Prentice Avenue
Suite 209
Greenwood Village, CO 80111



INVOICE / DEBT COLLECTION NOTICE

Company Name: Key Structures, LLC
Inspection Site: 319 Lockheed St, Pueblo, CO 81001
Issuance Date: 08/13/2021

Summary of Penalties for Inspection Number: 1517905

Citation 1 Item 1, Serious	\$5,792.00
Citation 1 Item 2, Serious	\$5,792.00
Citation 1 Item 3, Serious	\$5,792.00
Citation 2 Item 1, Other-than-Serious	\$0.00

TOTAL PROPOSED PENALTIES:	\$17,376.00
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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 at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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 two times.

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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.

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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.



Chad Vivian

Area Director

8/13/2021

Date