

U.S. Department of Labor
Occupational Safety and Health Administration
1771 West Diehl Road, Suite 210
Naperville, IL 60563



Citation and Notification of Penalty

To:
B & R Repair, Inc.
and its successors
9903 Jeans Road
Lemont, IL 60439

Inspection Number: 1582106
Inspection Date(s): 03/08/2022 - 09/06/2022
Issuance Date: 09/06/2022

Inspection Site:
9903 Jeans Road
Lemont, IL 60439

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 (630) 300-7100. 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 09/06/2022. The conference will be held by telephone or at the OSHA office located at 1771 West Diehl Road, Suite 210, Naperville, IL 60563 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1582106

Company Name: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439
Issuance Date: 09/06/2022

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, 1771 West Diehl Road, Suite 210, Naperville, IL 60563.**

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: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

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

29 CFR 1910.132(d)(1)(i): When the employer had assessed the workplace hazard(s) and determined that hazard(s) were present, the employer did not select and/or use the types of personal protective equipment that would protect the affected employee from the hazard(s) identified:

- a. Bay 6: On or about March 7, 2022, a mechanic was on top of a semi tanker trailer with an unprotected side or edge that is 4 feet or more above a lower level while completing the DOT annual certification for a semi tanker trailer, VIN: 159T74221B0017026. The employer did not select the type of personal protective equipment that would protect the affected employee from the hazard, specifically a fall protection system to protect the employee from falling to a lower level.
- b. Bay 2: On or about March 7, 2022, an employee was completing a visual inspection and maintenance on a semi tanker trailer. The employee was walking on top of the semi tanker trailer. The employer did not select the type of personal protective equipment that would protect the affected employee from the hazard, specifically a fall protection system to protect the employee from falling to a lower level.
- c. Bay 10: On or about March 8, 2022, an employee was completing air monitoring readings inside semi tanker trailers before entering them for internal inspections. The employer did not select the type of personal protective equipment that would protect the affected employee from the hazard, specifically a fall protection system to protect the employee from falling to a lower level.
- d. Bay 6: On or about March 7, 2022, employees attempted rescue and emergency services on an unconscious entrant from a permit required confined space. The entry hatch was on top of the trailer. The employer did not select the type of personal protective equipment that would protect the affected employee from the hazard, specifically a fall protection system to protect the employee from falling to a lower level.

Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 13, 2022**
Proposed Penalty: **\$10,151.00**

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: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

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

29 CFR 1910.132(f)(1): 29 CFR 1910.132(f)(1): The employer did not provide training to each employee who is required by this section to use personal protection equipment (PPE):

Bay 1-10: On or about March 7, 2022, employees were working at heights of 8.8 feet on top of semi trailer tankers conducting visual external inspections. The employer did not provide training to the employees who are required to use personal protection equipment, specifically a fall protection harness.

Bay 10: On or about March 8, 2022, an employee was completing the air monitoring readings inside semi tanker trailers before entering them for internal inspections. The employer did not provide training to the employees who are required to use personal protection equipment, specifically a fall protection harness.

Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 13, 2022
Proposed Penalty:	\$8,702.00



Citation and Notification of Penalty

Company Name: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

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 3 a Type of Violation: **Serious**

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

- a. Bay 6: On or about March 7, 2022, employees at B & R Repair, Inc were required to wear respirators while completing the visual internal inspection portion of the annual DOT certification in rubber lined semi tanker trailers containing sodium hypochlorite solution. The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace.
- b. Bay 6: On or about March 7, 2022, an employee attempted rescue and emergency services for an unconscious entrant from a permit required confined space, a rubber lined semi tanker trailer containing sodium hypochlorite. The employee was required to wear a full-face respirator during the rescue to enter the permit-required confined space. The employer did not provide a medical evaluation to determine the employee's ability to use a respirator before the employee was fit tested or required to use the respirator in the workplace.

Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 13, 2022
Proposed Penalty:	\$10,151.00

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: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

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

29 CFR 1910.134(f)(2): 29 CFR 1910.134(f)(2): The employer did not ensure that an employee using a tight-fitting respirator is fit tested prior to initial use, whenever a different respirator facepiece (size, style, make or model) is used, and at least annually thereafter.

- a. Bay 6: On or about March 7, 2022, employees at B & R Repair, Inc were required to wear respirators while completing the visual internal inspection portion of the annual DOT certification in rubber lined semi tanker trailers containing sodium hypochlorite solution. The employer did not ensure that employees required to use a tight-fitting facepiece respirator were fit tested prior to initial use, whenever a different respirator facepiece is used, and at least annually thereafter.
- b. Bay 6: On or about March 7, 2022, an employee attempted rescue and emergency services for an unconscious entrant from a permit required confined space, a rubber lined semi tanker trailer containing sodium hypochlorite. The employee was required to wear a full-face respirator during the rescue to enter the permit-required confined space. The employer did not ensure that employees required to use a tight-fitting facepiece respirator were fit tested prior to initial use, whenever a different respirator facepiece is used, and at least annually thereafter.

Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 13, 2022
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.



Citation and Notification of Penalty

Company Name: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

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

29 CFR 1910.134(k)(1): The employer did not provide respirator training that ensured that each employee could demonstrate knowledge of at least the following elements: Why the respirator is necessary and how improper fit, usage, or maintenance can compromise the protective effect of the respirator; What the limitations and capabilities of the respirator are; How to use the respirator effectively in emergency situations, including situations in which the respirator malfunctions; How to inspect, put on and remove, use, and check the seals of the respirator; What the procedures are for maintenance and storage of the respirator; and How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators:

- a. Bay 6 : On or about March 7, 2022, the employer did not provide employees with effective training on the medical signs and symptoms preventing effective use, effects of improper fit, limitations, and maintenance and care. The employer required employees to wear half-mask respirators to protect employees while entering a permit required confined space, specifically the rubber lined semi tanker trailer containing sodium hypochlorite.
- b. Bay 6 : On or about March 7, 2022, the employer did not provide employees with effective training on the medical signs and symptoms preventing effective use, effects of improper fit, limitations, and maintenance and care. The employer required an employee to wear a full-face tight-fitting respirator while entering a permit required confined space to perform rescue and emergency services on an unconscious entrant.

Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 13, 2022
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.



Citation and Notification of Penalty

Company Name: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

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 4 a Type of Violation: **Serious**

29 CFR 1910.146(d)(2): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not identify and evaluate the hazards of permit spaces before employees entered:

- a. Bay 6: On or about March 7, 2022, employees were required to enter a permit-required confined space, a rubber-lined semi tanker trailer containing sodium hypochlorite, a corrosive, in order to complete the annual DOT certification which consists of an internal inspection. The employer did not identify and evaluate the hazards of permit spaces before employees entered the rubber-lined semi tanker trailer containing sodium hypochlorite, and failed to monitor for chlorine gas.
- b. Bay 6: On or about March 7, 2022, employees were required to enter a permit-required confined space, a rubber-lined semi tanker trailer containing sodium hypochlorite, a corrosive, in order to conduct safe and rescue services on an unconscious employee. The employer did not identify and evaluate the hazards of permit spaces before employees entered the rubber-lined semi tanker trailer containing sodium hypochlorite, and failed to monitor for chlorine gas.

Abatement documentations is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 13, 2022
Proposed Penalty:	\$10,151.00

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: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

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

29 CFR 1910.146(d)(5)(iii): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), when testing for atmospheric hazards, the employer did not evaluate permit space conditions when entry operations were conducted by testing first for oxygen, then for combustible gases and vapors, and then for toxic gases and vapors:

a. Bay 6: On or about March 7, 2022, employees were required to enter a permit-required confined space, a rubber-lined semi tanker trailer containing sodium hypochlorite, a corrosive, in order to complete the annual DOT certification which consists of an internal inspection. The employer did not evaluate permit space conditions for toxic gasses and vapors when entry operations were conducted by employees.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 13, 2022
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.



Citation and Notification of Penalty

Company Name: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

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

29 CFR 1910.146(d)(6): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not provide at least one attendant outside the permit space into which entry was authorized for the duration of entry operations:

Bay 6: On or about March 7, 2022, employees at B & R Repair, Inc. were required to complete the visual internal inspection portion of the annual DOT certification inside a permit-required confined space, a rubber-lined semi tanker trailer containing a sodium hypochlorite solution. The employer did not provide at least one attendant outside the permit space into which entry was authorized for the duration of entry operations.

Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(c).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 13, 2022
Proposed Penalty:	\$10,151.00

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: 1582106
Inspection Date(s): 03/08/2022 - 09/06/2022
Issuance Date: 09/06/2022



Citation and Notification of Penalty

Company Name: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

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

29 CFR 1910.146(e)(1): Before entry was authorized, the employer did not document the completion of measures required by 29 CFR 1910.146(d)(3) by preparing an entry permit:

Bay 6: On or about March 7, 2022, a mechanic entered a semi tanker trailer while being exposed to sodium hypochlorite solution in order to complete the annual DOT certification which included an internal inspection. The space was classified as a permit-required confined space. Before entry was authorized, the employer did not document the completion of measures required by 29 CFR 1910.146(d)(3) by preparing an entry permit.

Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 13, 2022
Proposed Penalty:	\$10,151.00

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: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

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

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146 (permit required confined spaces) acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under 29 CFR 1910.146:

Bay 6: On or about March 7, 2022, employees at B & R Repair, Inc. were required to complete the visual internal inspection portion of the annual DOT certification inside a permit-required confined space, a rubber-lined semi tanker trailer containing a sodium hypochlorite solution. The employer did not provide training so that all employees whose work involved a permit-required confined space acquired the understanding, knowledge, and skills, necessary for the safe performance of the duties.

Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 13, 2022
Proposed Penalty:	\$10,151.00

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: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

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

29 CFR 1910.146(k)(1)(ii): The employer did not evaluate a prospective rescue service's ability, in terms of proficiency with rescue related tasks and equipment, to function appropriately while rescuing entrants from the particular permit space or types of permit spaces identified:

On or about March 7, 2022, a mechanic entered a semi tanker trailer while being exposed to sodium hypochlorite solution in order to complete the annual DOT certification which included an internal inspection. The space was classified as a permit-required confined space. The employer designated the local authorities to provide emergency rescue services for confined spaces. The employer did not evaluate the prospective rescue service's ability, in terms of proficiency with rescue related tasks and equipment, to provide the emergency services.

Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 13, 2022
Proposed Penalty:	\$10,151.00

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: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

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

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

- a. Bay 6: On or about March 7, 2022, employees were conducting an inspection of a semi tanker trailer containing sodium hypochlorite, a corrosive solution. There was no suitable eyewash station or safety shower in the vicinity of the tanks to quickly drench the eyes or skin of the employees in the event of exposure to corrosive materials.
- b. Bay 6: On or about March 7, 2022, an employee was exposed to sodium hypochlorite, a corrosive solution, while conducting rescue operations on an unconscious employee inside the permit-required confined space. There was no suitable eyewash station or safety shower in the vicinity of the tanks to quickly drench the eyes or skin of the employees in the event of exposure to corrosive materials.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 13, 2022
Proposed Penalty:	\$5,801.00

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: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

Citation 1 Item 10 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. Bay 6: On or about March 7, 2022, employees were exposed to corrosive materials i.e., sodium hypochlorite during the annual DOT certification for the semi tanker trailer. The employee was also rinsing the semi tanker trailer and collecting the sodium hypochlorite solution. Employees were not provided effective information and training on the chemicals in their work area to which they were exposed.

b. Bay 6: On or about March 7, 2022, employees were exposed to corrosive materials i.e., sodium hypochlorite while conducting rescue of an employee found unconscious inside a semi tanker trailer. Employees were not provided effective information and training on the chemicals in their work area to which they were exposed.

Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 13, 2022
Proposed Penalty:	\$8,702.00

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: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

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

29 CFR 1910.146(k)(3): The employer did not use a retrieval system or methods to facilitate non-entry rescue when an authorized entrant entered a permit space.

Bay 6: On or about March 7, 2022, employees attempted rescue and emergency services for an entrant from a permit-required confined space. The entrant was found unconscious inside semi tanker trailer. The employer directed an unauthorized entrant to conduct the rescue operation without the use of a retrieval system or methods to facilitate a non-entry rescue. The employer does not protect the employees who conduct rescues by requiring the use of a retrieval system or method to facilitate non-entry rescue of the employees who conduct rescues.

Abatement documentation is required of this item in accordance with the requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 13, 2022
Proposed Penalty:	\$116,022.00

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: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439

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


29 CFR 1910.146(d)(9): The employer did not develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and for preventing unauthorized personnel from attempting a rescue;

Bay 6: On or about March 7, 2022, employees attempted rescue and emergency services for an entrant from a permit-required confined space. The entrant was found unconscious inside the semi tanker trailer. The employer does not protect employees by developing and implementing procedures for summoning rescue and emergency services, for rescuing entrants from permit space, for providing necessary emergency services to rescued employees, and for preventing unauthorized personnel from attempting a rescue.

Abatement documentation is required of this item in accordance with requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: October 13, 2022
Proposed Penalty: \$116,022.00



Jacob Scott
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
1771 West Diehl Road, Suite 210
Naperville, IL 60563



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: B & R Repair, Inc.
Inspection Site: 9903 Jeans Road, Lemont, IL 60439
Issuance Date: 09/06/2022

Summary of Penalties for Inspection Number: 1582106

Citation 1 Item 1, Serious	\$10,151.00
Citation 1 Item 2, Serious	\$8,702.00
Citation 1 Item 3a, Serious	\$10,151.00
Citation 1 Item 3b, Serious	\$0.00
Citation 1 Item 3c, Serious	\$0.00
Citation 1 Item 4a, Serious	\$10,151.00
Citation 1 Item 4b, Serious	\$0.00
Citation 1 Item 5, Serious	\$10,151.00
Citation 1 Item 6, Serious	\$10,151.00
Citation 1 Item 7, Serious	\$10,151.00
Citation 1 Item 8, Serious	\$10,151.00
Citation 1 Item 9, Serious	\$5,801.00
Citation 1 Item 10, Serious	\$8,702.00
Citation 2 Item 1, Willful - Serious	\$116,022.00
Citation 2 Item 2, Willful - Serious	\$116,022.00

TOTAL PROPOSED PENALTIES: \$326,306.00

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](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.

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.



Jacob Scott

Area Director

09/06/2022

Date