

U.S. Department of Labor
Occupational Safety and Health Administration
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345



Citation and Notification of Penalty

To:
CREATIVE MULTICARE, INC.
and its successors
P.O. Box 1147
Jonesboro, GA 30237

Inspection Number: 1436552
Inspection Date(s): 10/08/2019 - 04/02/2020
Issuance Date: 04/03/2020

Inspection Site:
395 North Perry Parkway
Perry, GA 31069

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 770-493-6644. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/03/2020. The conference will be held by telephone or at the OSHA office located at 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1436552

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069
Issuance Date: 04/03/2020

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, 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345**

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: 1436552
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Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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 1 a Type of Violation: **Serious**

29 CFR 1910.106(d)(4)(i):" Inside storage rooms shall be constructed to meet the required fire-resistive rating for their use. Creative Multicare, Inc - On or about March 6, 2020, in the inside storage room and mixing room located at 820 Rock Quarry Road, Stockbridge, GA, employees stored and dispensed flammable liquids for mixing, and the room was not constructed as required for fire resistive rating, exposing employees to flammable vapors. In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

07/02/2020
\$7711.00

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: 1436552
Inspection Date(s): 10/08/2019 - 04/02/2020
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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

29 CFR 1910.106(d)(4)(iii): Wiring. Electrical wiring and equipment located in inside storage rooms used for Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 °F (37.8 °C), shall be approved under subpart S of this part for Class I, Division 2 Hazardous Locations; for Category 3 flammable liquids with a flashpoint at or above 100 °F (37.8 °C) and Category 4 flammable liquids, shall be approved for general use.

Creative Multicare, Inc - On or about March 6, 2020, in the inside storage room and mixing room located at 820 Rock Quarry Road, Stockbridge, GA, employees stored and dispensed flammable liquids for mixing, and electrical wiring were not approved for Class I Division II.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

07/02/2020

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: 1436552
Inspection Date(s): 10/08/2019 - 04/02/2020
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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

29 CFR 1910.106(d)(4)(iv): Ventilation. Every inside storage room shall be provided with either a gravity or a mechanical exhaust ventilation system. Such system shall be designed to provide for a complete change of air within the room at least six times per hour.

Creative Multicare, Inc. - On or about March 6, 2020, in the inside storage room and mixing room located at 820 Rock Quarry Road, Stockbridge, GA, the inside storage room did not have gravity or mechanical exhaust ventilation exposing workers to chemical, explosion, and fire hazards.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

07/02/2020

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: 1436552
Inspection Date(s): 10/08/2019 - 04/02/2020
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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

29 CFR 1910.178(c)(2)(iii): Only approved power-operated industrial trucks designated as EX were not used in atmospheres containing any of the chemicals referenced in this section in quantities sufficient to produce explosive or ignitable mixtures:

Creative Multicare, Inc. - On or about March 6, 2020, in the inside storage room and mixing room located at 820 Rock Quarry Road, Stockbridge, GA, employee operated a powered industrial truck that was designated as EX and not approved to be used in atmospheres containing lacquer solvent vapors exposing workers to an explosion and fire hazard.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

07/02/2020

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: 1436552
Inspection Date(s): 10/08/2019 - 04/02/2020
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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

29 CFR 1910.132(a): Protective equipment was not used when necessary whenever hazards capable of causing injury and impairment were encountered in a manner capable of causing injury or impairment in the function of any part of the body:

Creative Multicare, Inc.- On or about October 7, 2019, in the residential bathroom located at Hampton Place Apartments, 395 North Perry Parkway, Perry, GA, an employee was exposed to a flash fire and burn hazard while using a highly flammable Lacquer Thinner (Toluene, Acetone, Isopropyl Alcohol, MEK, and Glycol Ether mixture) to clean and resurface bathroom bathtubs and counter tops. The employer did not provide flame retardant clothing for exposed workers.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated: 04/29/2020
Proposed Penalty: \$7711.00

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: 1436552
Inspection Date(s): 10/08/2019 - 04/02/2020
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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 1910.132(d)(1): The employer did not assess the workplace to determine if hazards were present, or were likely to be present, which necessitated the use of personal protective equipment:

a) Creative Multicare, Inc. - On or about October 7, 2019, in the residential bathroom located at Hampton Place Apartments, 395 North Perry Parkway, Perry, Georgia, an employee was exposed to face, eyes and hand hazards while using a highly flammable Lacquer Thinner consisting of a Toluene, Acetone, Isopropyl Alcohol, MEK, and Glycol Ether mixture to clean and resurface bathroom bathtubs and counter tops without an adequate PPE assessment and enforcement. The hazard assessment was deficient because it did not evaluate the need for chemical goggle or a face shield for employees using hazardous liquid chemicals.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

04/29/2020
\$5783.00

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: 1436552
Inspection Date(s): 10/08/2019 - 04/02/2020
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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

29 CFR 1910.133(a)(1): Protective eye equipment was not required where there was a reasonable probability of injury that could be prevented by such equipment:

Creative Multicare, Inc. - On or about October 7, 2019, in the residential bathroom located at Hampton Place Apartments, 395 North Perry Parkway, Perry, GA, an employee was exposed to an eye injury and a skin irritation hazard while using a highly flammable Lacquer Thinner consisting of a Toluene, Acetone, Isopropyl Alcohol, MEK, and Glycol Ether mixture to clean and resurface bathroom bathtubs and counter tops without using chemical goggles or a face shield.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

04/15/2020

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: 1436552
Inspection Date(s): 10/08/2019 - 04/02/2020
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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

29 CFR 1910.138(a): The employer did not select and require employee(s) to use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasion; punctures; chemical burns; thermal burns; and harmful temperature extremes:

On or about October 7, 2019, in the residential bathroom located at Hampton Place Apartments, 395 North Perry Parkway, Perry, GA, an employee was exposed to hand injury and a skin irritation hazard while using a highly flammable Lacquer Thinner consisting of a Toluene, Acetone, Isopropyl Alcohol, MEK, and Glycol Ether mixture to clean and resurface bathroom bathtubs and counter tops. The employer did not ensure employees wore adequate hand protection.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

04/15/2020

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: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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

29 CFR 1910.134(g)(1)(i)(A): Respirators with tight-fitting facepieces were worn by employees who had facial hair that came between the sealing surface of the facepiece and the face or that interfered with valve function:

- a) On or about October 7, 2019, in the residential bathroom located at Hampton Place Apartments, 395 North Perry Parkway, Perry, GA, an employee was provided and required to use a half face, negative pressure respirator when chemical washing a bathtub. The employee was wearing a half face, negative pressure respirator with a beard.
- b) On or about February 12, 2020, in the residential bathroom located at Eastwood Village Apartments, 3005 Eastwood Village Drive, Unit 1420, Stockbridge, GA, an employee was provided and required to use a full face, negative pressure respirator when chemical washing a bathtub. The employee was wearing a full face, negative pressure respirator with a beard.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated: 04/15/2020
Proposed Penalty: \$5783.00

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

Inspection Number: 1436552
Inspection Date(s): 10/08/2019 - 04/02/2020
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

Citation 1 Item 5 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:

Creative Multicare, Inc - On or about March 6, 2020, in the inside storage and mixing room located at 820 Rock Quarry Road, Stockbridge, GA, employees were exposed to corrosive chemicals such as but not limited to the caustic potash liquid, when the employer did not have a suitable facility for quick drenching or flushing eyes and body for immediate use.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:	04/29/2020
Proposed Penalty:	\$7711.00

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: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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

29 CFR 1910.307(c)(2)(i): The employer did not ensure that equipment was approved for the class of location and the ignitable or combustible properties of the specific vapor that was be present:

a) Creative Multicare, Inc. - On or about October 7, 2019, in the residential bathroom located at Hampton Place Apartments, 395 North Perry Parkway, Perry, GA, an employee was exposed to flash fire and explosion hazard while using a highly flammable Lacquer Thinner consisting of a Toluene, Acetone, Isopropyl Alcohol, MEK, and Glycol Ether mixture to clean and resurface bathroom bathtubs and counter tops in a bathroom containing ignition sources such as a light switch, wall outlet, and ventilation fan that could ignite the solvent vapors.

b) Creative Multicare, Inc. - On or about February 12, 2020, in the residential bathroom at Eastwood Village Apartments, 3005 Eastwood Village Drive, Unit 1420, Stockbridge, GA, an employee was exposed to flash fire and explosion hazard while using a highly flammable Lacquer Thinner consisting of a Toluene, Acetone, Isopropyl Alcohol, MEK, and Glycol Ether mixture to clean and resurface a bathtub in a bathroom containing ignition sources such as a light switch, wall outlet, and portable ventilation fan that could ignite the solvent vapors.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/20/2020
Proposed Penalty: \$13494.00

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: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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 7 a Type of Violation: **Serious**

29 CFR 1910.1000(b)(2): Employee(s) were exposed to an airborne concentration of Toluene listed in Table Z-2 in excess of the ceiling concentration of 300 parts per million (ppm):

- a) Creative Multicare, Inc. - On or about February 12, 2020, in the residential bathroom located at Eastwood Village Apartments, 3005 Eastwood Village Drive, Unit 1420, Stockbridge, GA, an employee conducting a chemical wash in an apartment was exposed to toluene at 640 ppm for a 10 minute period. The exposure was derived from a sample taken in which the employee conducted chemical washes of two bathtubs for an actual exposures of 10 minutes of the 20 minute sampling period while wearing a negative pressure respirator.
- b) Creative Multicare, Inc. - On or about October 7, 2019, in the residential bathroom located at Hampton Place Apartments, 395 North Perry Parkway, Perry, GA, an employee conducting a chemical wash in an apartment was exposed to toluene concentration much greater than the allowable peak exposure standard of 500 ppm, with an approximate calculated exposure of 20,000 to 22,000 ppm for a finite period of time. This exposure greatly exceeds the General Industry Peak Exposure standard for toluene, and also the NIOSH Immediately Dangerous to Life and Health concentration (IDLH) of 500 ppm for toluene, above which self-contained breathing apparatus respiratory protection is required.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

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Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

Date By Which Violation Must be Abated:	12/24/2020
Proposed Penalty:	\$13494.00

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: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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

29 CFR 1910.1000(e): Feasible administrative or engineering controls were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

Effective engineering controls were not provided in the following:

a) Creative Multicare, Inc. - On or about February 12, 2020, in the residential bathroom located at Eastwood Village Apartments, 3005 Eastwood Village Drive, Unit 1420, Stockbridge, GA, an employee conducting a chemical wash in an apartment was exposed to toluene at 640 ppm for a 10 minute period. The exposure was derived from a sample taken in which the employee conducted chemical washes of two bathtubs for an actual exposures of 10 minutes of the 20 minute sampling period while wearing a negative pressure respirator.

b) Creative Multicare, Inc. - On or about October 7, 2019, in the residential bathroom located at Hampton Place Apartments, 395 North Perry Parkway, Perry, GA, an employee conducting a chemical wash in an apartment was exposed to toluene concentration much greater than the allowable peak exposure standard of 500 ppm, with an approximate calculated exposure of 20,000 to 22,000 ppm for a finite period of time. This exposure greatly exceeds the General Industry Peak Exposure standard for toluene, and also the NIOSH Immediately Dangerous to Life and Health concentration (IDLH) of 500 ppm for toluene, above which self-contained breathing apparatus respiratory protection is required.

General methods of control applicable in these circumstances include, but are not limited to the following:

1. Evaluate and/or develop local exhaust ventilation system.

However, other methods of abatement may be equally, or more appropriate. Ultimate responsibility for determining the most appropriate abatement method rests with the employer given its superior knowledge of the specific conditions at its worksite.

Abatement Schedule

Step 1 - A written detailed plan of abatement shall be submitted to the Area Director outlining a

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Citation and Notification of Penalty

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

schedule for the implementation of engineering and/or administrative measures to control employee exposures to hazardous substances as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with the abatement dates required by this citation:

- (1) Evaluation of engineering/administrative control options;
- (2) Selection of optimum control methods and completion of design;
- (3) Procurement, installation and operation of selected control measures;
- (4) Testing and acceptance or modification/redesign of controls.

All proposed control measures shall be approved for each particular use by a competent industrial hygienist or other technically qualified person. 90-day progress reports are required during the abatement period.

Step 2: Abatement shall have been completed by the implementation of feasible engineering and /or administrative controls upon verification of their effectiveness in achieving compliance.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Plan08/14/2020
Engineering Controls10/05/2020

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/24/2020

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Occupational Safety and Health Administration

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Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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

29 CFR 1910.1200(f)(6): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the information specified under paragraphs (f)(6)(i) through (ii) of this section:

Creative Multicare, Inc. - On or about October 7, 2019, in the residential bathroom located at Hampton Place Apartments, 395 North Perry Parkway, Perry, GA, an employee was exposed to skin irritation hazard while using a highly flammable Lacquer Thinner consisting of a Toluene, Acetone, Isopropyl Alcohol, MEK, and Glycol Ether mixture to clean and resurface bathroom bathtubs and counter tops and the container used inside the bathtub was not properly labeled.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

04/15/2020
\$5783.00

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: 1436552
Inspection Date(s): 10/08/2019 - 04/02/2020
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace; including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminant's chemical state and physical form:

On or about October 7, 2019, in the residential bathroom located at Hampton Place Apartments, 395 North Perry Parkway, Perry, GA an employee was exposed to a potential chemical overexposure hazard while wearing a negative pressure respirator for protection while using a highly flammable Lacquer Thinner consisting of a Toluene, Acetone, Isopropyl Alcohol, MEK, and Glycol Ether mixture to conduct a chemical wash of a bathroom bathtub. Evaluation of the chemical wash cleaning task was not performed and an identification of the employees reasonable daily exposure was not evaluated. The employer did not evaluate the exposure to the lacquer thinner.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/20/2020
Proposed Penalty:	\$115657.00

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: 1436552
Inspection Date(s): 10/08/2019 - 04/02/2020
Issuance Date: 04/03/2020



Citation and Notification of Penalty

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069

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

29 CFR 1910.29(b)(2): The employer did not ensure that midrails, screens, mesh, intermediate vertical members, solid panels, or equivalent intermediate members are installed between the walking-working surface and the top edge of the guardrail system as follows when there is not a wall or parapet that is at least 21 inches (53 cm) high:

Creative Multicare, Inc - On or about March 6, 2020, Warehouse - In the inside storage and mixing room located at 820 Rock Quarry Road, Stockbridge, GA, employees were exposed to fall hazards of approximately 4 $\frac{1}{2}$ feet to the concrete below in that the employer did not ensure that there was a mid-rail when accessing the mixing tank.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

04/29/2020
\$0.00

A handwritten signature in black ink that reads "Michael Hejazi, Ph.D.".

William Cochran
Acting 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
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345



INVOICE / DEBT COLLECTION NOTICE

Company Name: CREATIVE MULTICARE, INC.
Inspection Site: 395 North Perry Parkway, Perry, GA 31069
Issuance Date: 04/03/2020

Summary of Penalties for Inspection Number	1436552
Citation 1, Serious	\$67470.00
Citation 2, Willful	\$115657.00
Citation 3, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$183127.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your

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

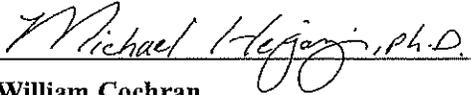
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Type text


William Cochran
Acting Area Director

4/3/2020
Date

U.S. Department of Labor Occupational Safety and Health Administration
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345



04/03/2020

CREATIVE MULTICARE, INC.
P.O. Box 1147
Jonesboro, GA 30237

Dear Employer,

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following a Federal OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at 770-493-6644.

You will note on page 2 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

William Cochran
Acting Area Director

Michael Hejazi, Ph.D.
Enclosures