

U.S. Department of Labor Occupational Safety and Health Administration
1400 Old Country Road
Suite 208
Westbury, NY 11590



02/16/2022

DME CONSTRUCTION ASSOCIATES INC.
and its successors
126 Old Field Road
Setauket, NY 11733

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 an 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 (516) 334-3344.

You will note on page 6 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,

Kevin J. Sullivan
Kevin J. Sullivan
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
1400 Old Country Road
Suite 208
Westbury, NY 11590



Citation and Notification of Penalty

To:
DME CONSTRUCTION ASSOCIATES INC.
and its successors
126 Old Field Road
Setauket, NY 11733

Inspection Number: 1548707
Inspection Date(s): 08/19/2021 - 2/16/2022
Issuance Date: 02/16/2022

Inspection Site:
101 Bethpage Sweet Hollow Rd.
Old Bethpage, NY 11804

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 (516) 334-3344. 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 02/16/2022. The conference will be held by telephone or at the OSHA office located at 1400 Old Country Road, Suite 208, Westbury, NY 11590 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1548707

Company Name: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804
Issuance Date: 02/16/2022

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, 1400 Old Country Road, Suite 208, Westbury, NY 11590.**

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: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

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

29 CFR 1926.754(e)(3)(ii): All covers were not secured when installed to prevent accidental displacement by the wind, equipment or employees:

Instance a) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- While replacing metal roof panels on a commercial building, employees worked and walked near a translucent, fiberglass skylight on the north side of the roof that was approximately 18'9" above the ground. The skylight was covered by a metal roof panel that was not secured; on or about 8/17/21 through 8/19/21.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 23, 2022
Proposed Penalty:	\$3,108.00

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: 1548707
Inspection Date(s): 08/19/2021 - 2/16/2022
Issuance Date: 02/16/2022



Citation and Notification of Penalty

Company Name: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

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

29 CFR 1926.754(e)(3)(iii): All covers were not painted with high-visibility paint or marked with the word "HOLE" or "COVER" to provide warning of the hazard:

Instance a) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- While replacing metal roof panels on a commercial building, employees worked and walked near a translucent fiberglass skylight on the north side of the roof that was approximately 18'9" above the ground. The skylight was covered by a metal roof panel that the employer failed to paint with high visibility paint or mark with the word "Hole" or "Cover"; on or about 8/17/21 through 8/19/21.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 23, 2022
Proposed Penalty:	\$3,108.00

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: 1548707
Inspection Date(s): 08/19/2021 - 2/16/2022
Issuance Date: 02/16/2022



Citation and Notification of Penalty

Company Name: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

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

29 CFR 1926.1412(f)(7): The employer did not document, maintain, or retain for a minimum of 12 months the items checked, the results of the inspection, the name and signature of the person conducting the inspection, and the date of the inspection:

a) Worksite, 101 Sweet Hollow Rd., Old Bethpage, NY- Employee was operating a National telescoping crane, Model 800D, serial number 290691. The employer did not retain the required documentation related to the annual/comprehensive inspection of the crane for a minimum of 12 months, ; on or about 8/17/21 through 8/19/21.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 03, 2022
Proposed Penalty:	\$2,486.00

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: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

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

29 CFR 1926.1417(c)(1): The procedures applicable to the operation of the equipment, including rated capacities (load charts), recommended operating speeds, special hazard warnings, instructions, and operator's manual, were not readily available in the cab at all times for use by the operator:

a) Worksite, 101 Sweet Hollow Rd., Old Bethpage, NY- Employee was operating a National Crane, Model 800D, serial number 290961 telescoping crane while performing steel erection work replacing metal roofing panels. The operator's manual was not in the cab while the crane was in operation and the crane operator did not know where it could be found; on or about 8/17/21 through 8/19/21.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

The employer should make sure he has a copy of the Operator's Manual for the crane and it is readily available for the crane operator at all times.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 01, 2022
Proposed Penalty:	\$3,108.00

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: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

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

29 CFR 1926.754(e)(2)(ii): Roof and floor holes and openings were not decked over. Where large size, configuration or other structural design did not allow openings to be decked over (such as elevator shafts, stair wells, etc.) employees were not protected in accordance with standard 1926.760(a)(1) prior to beginning the job:

The employer does not ensure roof holes and openings are decked over while employees are performing steel erection activities. The violation was recently observed on or about August 19, 2021, at a worksite located at or near 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY, when employees were replacing metal roofing panels near a translucent, fiberglass skylight on the south side of the roof on a commercial building. The employees' work brought them increasingly closer to the skylight, which was approximately 18'9" above the ground and was not decked over or otherwise covered. To abate this violation, the employer must ensure that skylights, and any other roof holes or openings, are decked over while employees perform work on the roof.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 23, 2022
Proposed Penalty:	\$29,005.00

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: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

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

29 CFR 1926.760(a)(1): The employer did not ensure that each employee engaged in a steel erection activity who was on a walking/working surface with an unprotected side or edge more than 15 feet (4.6 m) above a lower level was protected from fall hazards by personal fall arrest systems:

The employer does not require and ensure the use of personal fall arrest systems when employees are exposed to fall hazards. The violation was recently observed on or about August 17-19, 2021, at a worksite located at or near 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY., when employees were performing steel erection activities at more than 15 feet above lower levels.

Instance a) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #1 was replacing metal roofing panels on the roof of a commercial building. Throughout the workday the employee worked and walked near the unprotected roof edges on the north and south sides of the roof, approximately 16 feet above the ground, and was not protected from fall hazards by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Instance b) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #1 was replacing metal roofing panels on the roof of a commercial building. Each time an existing metal roof panel was lifted and removed from the roof, it created unprotected sides or edges, approximately 16-19 feet above the ground. While replacing the metal roofing panel the employee worked and walked near the newly created unprotected edges and was not protected from falling by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Instance c) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #1 was replacing metal roofing panels near an uncovered, translucent, fiberglass skylight on the south side of the roof of a commercial building. The skylight, which was approximately 18 '9" above the ground, could not be covered while the metal roofing panels adjacent to it were being replaced. The employee was not protected from fall hazards by the use of a personal fall arrest system; on or about 8/19/2021. To abate this violation, the employer must ensure that its

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: 1548707
Inspection Date(s): 08/19/2021 - 2/16/2022
Issuance Date: 02/16/2022



Citation and Notification of Penalty

Company Name: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

Provide enough fall protection equipment to protect employees at all times on multiple jobsites if necessary.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: February 23, 2022
Proposed Penalty: \$145,027.00

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: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

Citation 2 Item 3 Type of Violation: **Willful - Serious**

29 CFR 1926.760(a)(1): The employer did not ensure that each employee engaged in a steel erection activity who was on a walking/working surface with an unprotected side or edge more than 15 feet (4.6 m) above a lower level was protected from fall hazards by personal fall arrest systems:

The employer does not require and ensure the use of personal fall arrest systems when employees are exposed to fall hazards. The violation was recently observed on or about August 17-19, 2021, at a worksite located at or near 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY., when employees were performing steel erection activities at more than 15 feet above lower levels.

Instance a) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #2 was replacing metal roofing panels on the roof of a commercial building. Throughout the workday the employee worked and walked near the unprotected roof edges on the north and south sides of the roof, approximately 16 feet above the ground, and was not protected from fall hazards by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Instance b) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #2 was replacing metal roofing panels on the roof of a commercial building. Each time an existing metal roof panel was lifted and removed from the roof, it created unprotected sides or edges, approximately 16-19 feet above the ground. While replacing the metal roofing panel the employee worked and walked near the newly created unprotected edges and was not protected from falling by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Instance c) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #2 was replacing metal roofing panels near an uncovered, translucent, fiberglass skylight on the south side of the roof of a commercial building. The skylight, which was approximately 18 '9" above the ground, could not be covered while the metal roofing panels adjacent to it were being replaced. The employee was not protected from fall hazards by the use of a personal fall arrest system; on or about 8/19/2021. To abate this violation, the employer must ensure that its

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: 1548707
Inspection Date(s): 08/19/2021 - 2/16/2022
Issuance Date: 02/16/2022



Citation and Notification of Penalty

Company Name: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: February 23, 2022
Proposed Penalty: \$145,027.00

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: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

Citation 2 Item 4 Type of Violation: **Willful - Serious**

29 CFR 1926.760(a)(1): The employer did not ensure that each employee engaged in a steel erection activity who was on a walking/working surface with an unprotected side or edge more than 15 feet (4.6 m) above a lower level was protected from fall hazards by personal fall arrest systems:

The employer does not require and ensure the use of personal fall arrest systems when employees are exposed to fall hazards. The violation was recently observed on or about August 17-19, 2021, at a worksite located at or near 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY., when employees were performing steel erection activities at more than 15 feet above lower levels.

Instance a) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #3 was replacing metal roofing panels on the roof of a commercial building. Throughout the workday the employee worked and walked near the unprotected roof edges on the north and south sides of the roof, approximately 16 feet above the ground, and was not protected from fall hazards by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Instance b) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #3 was replacing metal roofing panels on the roof of a commercial building. Each time an existing metal roof panel was lifted and removed from the roof, it created unprotected sides or edges, approximately 16-19 feet above the ground. While replacing the metal roofing panel the employee worked and walked near the newly created unprotected edges and was not protected from falling by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Instance c) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #3 was replacing metal roofing panels near an uncovered, translucent, fiberglass skylight on the south side of the roof of a commercial building. The skylight, which was approximately 18 '9" above the ground, could not be covered while the metal roofing panels adjacent to it were being replaced. The employee was not protected from fall hazards by the use of a personal fall arrest system; on or about 8/19/2021. To abate this violation, the employer must ensure that its

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

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

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Inspection Date(s): 08/19/2021 - 2/16/2022
Issuance Date: 02/16/2022



Citation and Notification of Penalty

Company Name: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: February 23, 2022
Proposed Penalty: \$145,027.00

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: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

Citation 2 Item 5 Type of Violation: **Willful - Serious**

29 CFR 1926.760(a)(1): The employer did not ensure that each employee engaged in a steel erection activity who was on a walking/working surface with an unprotected side or edge more than 15 feet (4.6 m) above a lower level was protected from fall hazards by personal fall arrest systems:

The employer does not require and ensure the use of personal fall arrest systems when employees are exposed to fall hazards. The violation was recently observed on or about August 17-19, 2021, at a worksite located at or near 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY., when employees were performing steel erection activities at more than 15 feet above lower levels.

Instance a) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #4 was replacing metal roofing panels on the roof of a commercial building. Throughout the workday the employee worked and walked near the unprotected roof edges on the north and south sides of the roof, approximately 16 feet above the ground, and was not protected from fall hazards by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Instance b) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #4 was replacing metal roofing panels on the roof of a commercial building. Each time an existing metal roof panel was lifted and removed from the roof, it created unprotected sides or edges, approximately 16-19 feet above the ground. While replacing the metal roofing panel the employee worked and walked near the newly created unprotected edges and was not protected from falling by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Instance c) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #4 was replacing metal roofing panels near an uncovered, translucent, fiberglass skylight on the south side of the roof of a commercial building. The skylight, which was approximately 18 '9" above the ground, could not be covered while the metal roofing panels adjacent to it were being replaced. The employee was not protected from fall hazards by the use of a personal fall arrest system; on or about 8/19/2021. To abate this violation, the employer must ensure that its

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: 1548707
Inspection Date(s): 08/19/2021 - 2/16/2022
Issuance Date: 02/16/2022



Citation and Notification of Penalty

Company Name: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: February 23, 2022
Proposed Penalty: \$145,027.00

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: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

Citation 2 Item 6 Type of Violation: **Willful - Serious**

29 CFR 1926.760(a)(1): The employer did not ensure that each employee engaged in a steel erection activity who was on a walking/working surface with an unprotected side or edge more than 15 feet (4.6 m) above a lower level was protected from fall hazards by personal fall arrest systems:

The employer does not require and ensure the use of personal fall arrest systems when employees are exposed to fall hazards. The violation was recently observed on or about August 17-19, 2021, at a worksite located at or near 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY., when employees were performing steel erection activities at more than 15 feet above lower levels.

Instance a) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #5 was replacing metal roofing panels on the roof of a commercial building. Throughout the workday the employee worked and walked near the unprotected roof edges on the north and south sides of the roof, approximately 16 feet above the ground, and was not protected from fall hazards by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Instance b) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #5 was replacing metal roofing panels on the roof of a commercial building. Each time an existing metal roof panel was lifted and removed from the roof, it created unprotected sides or edges, approximately 16-19 feet above the ground. While replacing the metal roofing panel the employee worked and walked near the newly created unprotected edges and was not protected from falling by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Instance c) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #5 was replacing metal roofing panels near an uncovered, translucent, fiberglass skylight on the south side of the roof of a commercial building. The skylight, which was approximately 18 '9" above the ground, could not be covered while the metal roofing panels adjacent to it were being replaced. The employee was not protected from fall hazards by the use of a personal fall arrest system; on or about 8/19/2021. To abate this violation, the employer must ensure that its

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: 1548707
Inspection Date(s): 08/19/2021 –2/16/2022
Issuance Date: 02/16/2022



Citation and Notification of Penalty

Company Name: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 23, 2022
Proposed Penalty:	\$145,027.00

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: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

Citation 2 Item 7 Type of Violation: **Willful - Serious**

29 CFR 1926.760(a)(1): The employer did not ensure that each employee engaged in a steel erection activity who was on a walking/working surface with an unprotected side or edge more than 15 feet (4.6 m) above a lower level was protected from fall hazards by personal fall arrest systems:

The employer does not require and ensure the use of personal fall arrest systems when employees are exposed to fall hazards. The violation was recently observed on or about August 17-19, 2021, at a worksite located at or near 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY., when employees were performing steel erection activities at more than 15 feet above lower levels.

Instance a) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #6 was replacing metal roofing panels on the roof of a commercial building. Throughout the workday the employee worked and walked near the unprotected roof edges on the north and south sides of the roof, approximately 16 feet above the ground, and was not protected from fall hazards by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Instance b) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #6 was replacing metal roofing panels on the roof of a commercial building. Each time an existing metal roof panel was lifted and removed from the roof, it created unprotected sides or edges, approximately 16-19 feet above the ground. While replacing the metal roofing panel the employee worked and walked near the newly created unprotected edges and was not protected from falling by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

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
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Citation and Notification of Penalty

Company Name: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: February 23, 2022
Proposed Penalty: \$145,027.00

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: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

Citation 2 Item 8 Type of Violation: **Willful - Serious**

29 CFR 1926.760(a)(1): The employer did not ensure that each employee engaged in a steel erection activity who was on a walking/working surface with an unprotected side or edge more than 15 feet (4.6 m) above a lower level was protected from fall hazards by personal fall arrest systems:

The employer does not require and ensure the use of personal fall arrest systems when employees are exposed to fall hazards. The violation was recently observed on or about August 17-19, 2021, at a worksite located at or near 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY., when employees were performing steel erection activities at more than 15 feet above lower levels.

Instance a) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #7 was replacing metal roofing panels on the roof of a commercial building. Throughout the workday the employee worked and walked near the unprotected roof edges on the north and south sides of the roof, approximately 16 feet above the ground, and was not protected from fall hazards by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Instance b) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #7 was replacing metal roofing panels on the roof of a commercial building. Each time an existing metal roof panel was lifted and removed from the roof, it created unprotected sides or edges, approximately 16-19 feet above the ground. While replacing the metal roofing panel the employee worked and walked near the newly created unprotected edges and was not protected from falling by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

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

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

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Citation and Notification of Penalty

Company Name: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 23, 2022
Proposed Penalty:	\$145,027.00

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: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

Citation 2 Item 9 Type of Violation: **Willful - Serious**

29 CFR 1926.760(a)(1): The employer did not ensure that each employee engaged in a steel erection activity who was on a walking/working surface with an unprotected side or edge more than 15 feet (4.6 m) above a lower level was protected from fall hazards by personal fall arrest systems:

The employer does not require and ensure the use of personal fall arrest systems when employees are exposed to fall hazards. The violation was recently observed on or about August 17-19, 2021, at a worksite located at or near 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY., when employees were performing steel erection activities at more than 15 feet above lower levels.

Instance a) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #8 was replacing metal roofing panels on the roof of a commercial building. Throughout the workday the employee worked and walked near the unprotected roof edges on the north and south sides of the roof, approximately 16 feet above the ground, and was not protected from fall hazards by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Instance b) Worksite, 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY- Employee #8 was replacing metal roofing panels on the roof of a commercial building. Each time an existing metal roof panel was lifted and removed from the roof, it created unprotected sides or edges, approximately 16-19 feet above the ground. While replacing the metal roofing panel the employee worked and walked near the newly created unprotected edges and was not protected from falling by the use of a personal fall arrest system; on or about 8/17/21 through 8/19/2021. To abate this violation, the employer must ensure that its employees performing steel erection activities more than 15 feet above lower levels are protected from falls, and that no employee is allowed to perform steel erection activities at heights greater than 15 feet above lower levels without the protection of a personal fall arrest system.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

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

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

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Citation and Notification of Penalty

Company Name: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: February 23, 2022
Proposed Penalty: \$145,027.00

Kevin J. Sullivan

Kevin J. Sullivan
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
1400 Old Country Road
Suite 208
Westbury, NY 11590



INVOICE / DEBT COLLECTION NOTICE

Company Name: DME CONSTRUCTION ASSOCIATES INC.
Inspection Site: 101 Bethpage Sweet Hollow Rd., Old Bethpage, NY 11804
Issuance Date: 02/16/2022

Summary of Penalties for Inspection Number: 1548707

Citation 1 Item 1, Serious	\$3,108.00
Citation 1 Item 2, Serious	\$3,108.00
Citation 1 Item 3, Serious	\$2,486.00
Citation 1 Item 4, Serious	\$3,108.00
Citation 2 Item 1, Willful - Serious	\$29,005.00
Citation 2 Item 2, Willful - Serious	\$145,027.00
Citation 2 Item 3, Willful - Serious	\$145,027.00
Citation 2 Item 4, Willful - Serious	\$145,027.00
Citation 2 Item 5, Willful - Serious	\$145,027.00
Citation 2 Item 6, Willful - Serious	\$145,027.00
Citation 2 Item 7, Willful - Serious	\$145,027.00
Citation 2 Item 8, Willful - Serious	\$145,027.00
Citation 2 Item 9, Willful - Serious	\$145,027.00

TOTAL PROPOSED PENALTIES: **\$1,201,031.00**

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.

Kevin J. Sullivan _____

Kevin J. Sullivan

Area Director

2/16/2022 _____

Date