

U.S. Department of Labor

Occupational Safety and Health Administration
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324



Citation and Notification of Penalty

To:

Downrite Engineering Corp.
and its successors
14241 SW 143 Court
Miami, FL 33186

Inspection Number: 1646412**Inspection Date(s):** 01/26/2023 - 07/24/2023**Issuance Date:** 07/24/2023**Inspection Site:**

2601 NW 119th St, Lennar at Westview
Miami, FL 33167

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 (954) 424-0242. 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 07/24/2023. The conference will be held by telephone or at the OSHA office located at 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1646412

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167
Issuance Date: 07/24/2023

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, 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324.**

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: 1646412
Inspection Date(s): 01/26/2023 - 07/24/2023
Issuance Date: 07/24/2023



Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

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

29 CFR 1910.410(a)(1): Each dive team member did not have the experience or training necessary to perform assigned tasks in a safe and healthful manner (as incorporated by reference under 29 CFR 1926.1076):

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees performing diving operations were exposed to a drowning hazard in that they were assigned duties and tasks beyond their experience and training.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 17, 2023
Proposed Penalty:	\$15,625.00

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

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

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Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

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

29 CFR 1910.410(a)(3): All dive team members were not trained in cardiopulmonary resuscitation and first aid (American Red Cross standard course or equivalent) (as incorporated by reference under 29 CFR 1926.1076):

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One) and at times prior, employees performing diving operations were exposed to a drowning hazard in that members of the dive team were not trained in cardiopulmonary resuscitation ("CPR") and first aid.

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Date By Which Violation Must be Abated:	August 17, 2023
Proposed Penalty:	\$15,625.00

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Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

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

29 CFR 1910.410(c)(1):The employer or an employee designated by the employer was not at the dive location in charge of all aspects of the diving operation affecting the safety and health of dive team members (as incorporated by reference under 29 CFR 1926.1076):

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees performing diving operations were exposed to a drowning hazard in that the designated person in charge (DNIC) at the dive location was not at the dive location the entire time.

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Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

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

29 CFR 1910.420(b)(2): For each diving mode engaged in, the safe practices manual did not include all elements specified in 29 CFR 1910.410(b)(2)(i) through 29 CFR 1910.420(b)(2)(iv)(as incorporated by reference under 29 CFR 1926.1080) :

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees were exposed to a drowning hazard because the employer did not maintain a diving mode. For each diving mode engaged in, the safe practices manual shall include:

- (1) Safety procedures and checklists for diving operations
- (2) Assignments and responsibilities of the dive team members
- (3) Equipment procedures and checklists
- (4) Emergency procedures for fire, equipment failure, adverse environmental conditions, and medical illness and injury

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 17, 2023
Proposed Penalty: \$15,625.00



Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

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

29 CFR 1910.421(b): The employer did not maintain the following at the dive location: a list of the telephone or call numbers for an operational decompression chamber (if not at the dive location), accessible hospitals, available physicians, available means of transportation and nearest U.S. Coast Guard Rescue Coordination Center (as incorporated by reference under 29 CFR 1926.1081):

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees performing diving operations were exposed to a drowning hazard in that an emergency aid list at the worksite, including the following:

- (1) An operational decompression chamber.
- (2) Accessible hospitals.
- (3) Available physicians.
- (4) Available means of transportation; and
- (5) The nearest U.S. Coast Guard Rescue Coordination.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 17, 2023
Proposed Penalty: \$11,162.00

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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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.421(c)(1) :A first aid kit appropriate for the diving operation and approved by a physician was not available at the dive location (as incorporated by reference under 29 CFR 1926.1081):

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees performing diving operations were exposed to a drowning hazard in that a first aid kit was not maintained at the worksite.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 17, 2023
Proposed Penalty:	\$15,625.00

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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Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

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

29 CFR 1910.421(c)(3): The employer did not provide an American Red Cross standard first aid handbook or equivalent and a bag-type manual resuscitator with transparent mask and tubing was not available at the dive location (as incorporated by reference under 29 CFR 1926.1081) :

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at time prior, employees performing diving operations were exposed to a drowning hazard in that an American Red Cross standard first aid handbook or equivalent and a bag-type manual resuscitator with transparent mask and tubing at the site was not maintained at the worksite.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 17, 2023
Proposed Penalty: \$0.00

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

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

Inspection Number: 1646412
Inspection Date(s): 01/26/2023 - 07/24/2023
Issuance Date: 07/24/2023



Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

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 1910.421(d)(1): Planning of a diving operation did not include an assessment of the safety and health aspects of the diving mode (as incorporated by reference under 29 CFR 1926.1081):

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees performing diving operations were exposed to a drowning hazard in that the employer did not perform a planning and assessment of the diving mode.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 17, 2023
Proposed Penalty:	\$15,625.00

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
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Inspection Date(s): 01/26/2023 - 07/24/2023
Issuance Date: 07/24/2023



Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

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

29 CFR 1910.421(d)(2): Planning of a diving operation did not include an assessment of the surface and underwater conditions (as incorporated by reference under 29 CFR 1926.1081):

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees were exposed to a drowning hazard in that the employer did not assess the safety and health aspects of surface and underwater conditions.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 17, 2023
Proposed Penalty:	\$0.00

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

U.S. Department of Labor
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Issuance Date: 07/24/2023



Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

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

29 CFR 1910.421(d)(9): Planning of a diving operation did not include an assessment of the safety and health aspects of the emergency procedures (as incorporated by reference under 29 CFR 1926.1081):

On or about January 26, 2023, and at times prior to, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), employees performing diving operations were exposed to a drowning hazard in that the employer did not ensure that required emergency procedures were available at the worksite.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 17, 2023
Proposed Penalty:	\$0.00

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



Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

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

29 CFR 1910.421(f)(1): Dive team members were not briefed in accordance with 1910.421(f)(1)(i) through 1910.421(f)(2)(as incorporated by reference under 29 CFR 1926.1081):

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees performing diving operations were exposed to drowning hazard in that before the diving operation, the employer did not brief the dive team members on the following:

- (1) The tasks to be undertaken.
- (2) Safety procedures for the diving mode.
- (3) Any unusual hazards or environmental conditions likely to affect the safety of the diving operation.
- (4) Any modifications to operating procedures necessitated by the specific diving operation.
- (5) Prior individual dive team member assignments, the employer did not inquire into the dive team member's current state of physical fitness. Neither did the employer notify the dive team of the procedures for reporting physical problems or adverse physiological effects during and after the dive.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 17, 2023
Proposed Penalty: \$15,625.00

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: 1646412
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Issuance Date: 07/24/2023



Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

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

29 CFR 1910.422(b)(3):The employer did not provide means to assist an injured diver from the water or into a bell (as incorporated by reference under 29 CFR 1926.1082):

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees performing diving operations were exposed to a drowning hazard in that the employer did not provide a means to assist an injured diver from the water.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 17, 2023
Proposed Penalty:	\$15,625.00

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: 1646412
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Issuance Date: 07/24/2023



Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.422(c)(2): The employer failed to provide an operational two-way communication system at the dive location to obtain emergency assistance (as incorporated by reference under 29 CFR 1926.1082):

On or about January 26, 2023, and at times prior to, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), employees performing diving operations were exposed to a drowning hazard in that the employer did not provide an operational two-way communication system to the crew at the dive location.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 17, 2023
Proposed Penalty:	\$15,625.00

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Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.425(c)(2): A diver was not stationed at the underwater point of entry when surface-supplied air diving was conducted in enclosed or physically confining spaces (as incorporated by reference under 29 CFR 1926.1085):

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees performing diving operations were exposed to a drowning hazard in that a stand-by diver was not available at culvert entrance.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.430(a)(2): Equipment modification(s), test(s), calibration(s), or maintenance service were not recorded using a tagging or logging system:

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees performing diving operations were exposed to a drowning hazard in that the air compressor was not tested or kept up to date maintenance.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 17, 2023
Proposed Penalty:	\$11,162.00

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

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

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Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.430(b)(2): Air compressor intakes were not located away from areas containing exhaust or other contaminants:

On or about January 26, 2023, and at times prior to, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), employees performing diving operations were exposed to a drowning hazard in that the air inlet of the air compressor was adjacent to a truck with the engine running.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 17, 2023
Proposed Penalty: \$15,625.00

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Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.430(c)(3)(i) :Umbilicals were not marked in 10-foot increments to 100 feet beginning at the diver's end, and in 50-foot increments thereafter (as incorporated by reference under 29 CFR 1926.1090):

On or about January 26, 2023, and at times prior to, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), employees performing diving operations were exposed to a drowning hazard in that they did not have an umbilical cord that was marked in 10-foot increments.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 17, 2023
Proposed Penalty:	\$11,162.00

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Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

Citation 1 Item 15 Type of Violation: **Serious**

29 CFR 1910.430(h)(1)(i): Surfaced-supplied air and mixed gas masks and helmets did not have a non-return valve at the attachment point between the helmet or mask and hose which closed readily and positively (as incorporated by reference under 29 CFR 1926.1090:

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees performing diving operations were exposed to a drowning hazard in that the employer did not provide air masks and helmets with a non-return valve.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 17, 2023
Proposed Penalty: \$15,625.00

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Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

Citation 1 Item 16 Type of Violation: **Serious**

29 CFR 1910.430(j)(2): Employee without SCUBA diving heavy gear was not wearing a safety harness (as incorporated by reference under 29 CFR 1926.1090):

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees performing diving operations were exposed to a drowning hazard in that they were not wearing a safety harness.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 17, 2023
Proposed Penalty:	\$15,625.00

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: 1646412
Inspection Date(s): 01/26/2023 - 07/24/2023
Issuance Date: 07/24/2023



Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

Citation 1 Item 17 Type of Violation: **Serious**

29 CFR 1926.106(a):Employee(s) working over or near water where the danger of drowning existed, were not provided with U.S. Coast Guard approved life jacket(s) or buoyant work vest(s):

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees performing diving operations were exposed to a drowning hazard in that the employer did not provide a U.S. Coast Guard-approved life jacket or buoyant work vests.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 17, 2023
Proposed Penalty:	\$11,162.00

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: 1646412
Inspection Date(s): 01/26/2023 - 07/24/2023
Issuance Date: 07/24/2023



Citation and Notification of Penalty

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

Citation 1 Item 18 Type of Violation: **Serious**

29 CFR 1926.106(d): A lifesaving skiff was not immediately available at locations where employees are working over or adjacent to water:

On or about January 26, 2023, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), and at times prior, employees performing diving operations were exposed to a drowning hazard in that the employer did not provide a skiff.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 17, 2023
Proposed Penalty:	\$11,162.00

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: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167

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

29 CFR 1910.423(d)(1):The following information was not recorded and maintained for each diving operation (as incorporated by reference under 29 CFR 1926.1083):

On or about January 26, 2023, and at times prior to, at 2601 NW 119th St, Miami, Florida 33167 (Spur Canal Number One), employees were engaged in underwater dredging and the employer did not record and or maintain the following information for each diving operation:

- (i) Names of dive-team members including the designated person-in-charge.
- (ii) Date, time, and location.
- (iii) Diving modes used.
- (iv) General nature of work performed.
- (v) Approximate underwater and surface conditions (visibility, water temperature and current); and
- (vi) Maximum depth and bottom time for each diver.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 17, 2023
Proposed Penalty: \$0.00

Condell Eastmond
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Downrite Engineering Corp.
Inspection Site: 2601 NW 119th St, Lennar at Westview, Miami, FL 33167
Issuance Date: 07/24/2023

Summary of Penalties for Inspection Number: 1646412

Citation 1 Item 1, Serious	\$15,625.00
Citation 1 Item 2, Serious	\$15,625.00
Citation 1 Item 3, Serious	\$15,625.00
Citation 1 Item 4, Serious	\$15,625.00

Citation 1 Item 5, Serious	\$11,162.00
Citation 1 Item 6a, Serious	\$15,625.00
Citation 1 Item 6b, Serious	\$0.00
Citation 1 Item 7a, Serious	\$15,625.00
Citation 1 Item 7b, Serious	\$0.00
Citation 1 Item 7c, Serious	\$0.00
Citation 1 Item 8, Serious	\$15,625.00
Citation 1 Item 9, Serious	\$15,625.00
Citation 1 Item 10, Serious	\$15,625.00
Citation 1 Item 11, Serious	\$15,625.00
Citation 1 Item 12, Serious	\$11,162.00
Citation 1 Item 13, Serious	\$15,625.00
Citation 1 Item 14, Serious	\$11,162.00
Citation 1 Item 15, Serious	\$15,625.00
Citation 1 Item 16, Serious	\$15,625.00
Citation 1 Item 17, Serious	\$11,162.00
Citation 1 Item 18, Serious	\$11,162.00
Citation 2 Item 1, Other-than-Serious	\$0.00

TOTAL PROPOSED PENALTIES: \$258,935.00

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

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

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

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

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all

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

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

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

Condell Eastmond

Area Director

Date