

U.S. Department of Labor Occupational Safety and Health Administration
639 Granite Street
Suite 114
Braintree, MA 02184



02/08/2024

Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
and its successors
406 Pleasant Street
Framingham, MA 01701

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 (617) 565-6924.

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,

James Mulligan
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
639 Granite Street
Suite 114
Braintree, MA 02184



Citation and Notification of Penalty

To: Brothers Construction Services, Inc., dba dba Brothers
Construction and Roofing dba Brothers Roofing
and its successors
406 Pleasant Street
Framingham, MA 01701

Inspection Number: 1691549
Inspection Date(s): 08/17/2023 - 08/17/2023
Issuance Date: 02/08/2024

Inspection Site:
42-44 Lexington Ave.
Hyde Park, MA 02136

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 (617) 565-6924. 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 02/08/2024. The conference will be held by telephone or at the OSHA office located at 639 Granite Street, Suite 114, Braintree, MA 02184 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1691549

Company Name: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing

Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

Issuance Date: 02/08/2024

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, 639 Granite Street, Suite 114, Braintree, MA 02184.**

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: 1691549
Inspection Date(s): 08/17/2023 - 08/17/2023
Issuance Date: 02/08/2024



Citation and Notification of Penalty

Company Name: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

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

29 CFR 1926.20(b)(2):The employer did not initiate and maintain programs which provided for frequent and regular inspections of the job site, materials and equipment to be made by a competent person(s).

Location: Worksite

On or about August 17, 2023, employees were exposed to multiple fall hazards, and eye and head injuries because the employer did not provide for frequent and regular inspections by a competent person.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

February 16, 2024
\$7,098.00

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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

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

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels is not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b).

The employer does not require the use of any form of fall protection during roofing work. This violation was most recently observed at the Worksite at 42-44 Lexington Ave., Hyde Park, MA 02136, where multiple employees were not protected from fall hazards of approximately 20 feet to the ground. To abate this violation, the employer must ensure that its employees performing roofing work are protected from falls, and that no employee is allowed onto a roof more than 6 feet high without adequate fall protection.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees from fall hazards. (An abatement plan and periodic progress reports may also be required if the abatement period is more than 90 days).

The employer routinely fails to ensure that each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels be protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b), as observed by CSHOs on August 17, 2023, and for the multiple 501(b)(13) serious, repeat-serious, and willful violations of this standard by this employer:

-OSHA previously issued a citation alleging a Repeat-Serious violation of this occupational safety and health standard, 29 CFR 1926.501(b)(13) which was contained in OSHA inspection number 1667997, inspection date 5/3/2023, citation number 1, item number 1 a to Brothers Construction & Roofing, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 326 Front St., Marion, MA 02738.

-OSHA previously issued a citation alleging a Repeat-Serious violation of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.501(b)(10) which was contained in OSHA inspection number 1593445, citation number 2, item number 1 and was affirmed as a final order on 6/29/2022 to Brothers Construction Services, Inc. dba Brothers Construction & Roofing, the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 90 Eames St., Framingham, MA 01702.

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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing

Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

-OSHA previously issued a citation alleging a Repeat-Serious violation of this occupational safety and health standard, 29 CFR 1926.501(b)(13) which was contained in OSHA inspection number 1566993, citation number 2, item number 1, and was affirmed as a final order on 2/22/2022 to Brothers Construction Services, Inc., with respect to a workplace located at 111 Fairfield Rd., Needham, MA 02492.

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.501(b)(11) which was contained in OSHA inspection number 1464728, citation number 1, item number 4 and was affirmed as a final order on 5/7/2020 to Brothers Construction Services, Inc. dba Brothers Roofing, the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 62 Wareham, MA 02346.

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, 29 CFR 1926.501(b)(13) which was contained in OSHA inspection number 1415747, citation number 1, item number 1 and was affirmed as a final order on 2/27/2020 to Brothers Construction Services, Inc. dba Brothers Roofing, the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 186 Garner St., Arlington, MA 02474.

-OSHA previously issued a citation alleging a Willful-Serious violation of this occupational safety and health standard, 29 CFR 1926.501(b)(13) which was contained in OSHA inspection number 1081403, citation number 2, item number 2 and was affirmed as a final order on 2/16/2016 to AS General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 51 Pleasant St., Woburn, MA 01801.

-OSHA previously issued a citation alleging a Repeat-Serious violation of this occupational safety and health standard, 29 CFR 1926.501(b)(13) which was contained in OSHA inspection number 1046935, citation number 2, item number 3 and was affirmed as a final order on 6/5/2015 to AS General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 62 Ryan Farm Rd., Windham, NH 03087.

-OSHA previously issued a citation alleging a Repeat-Serious violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(10) which was contained in OSHA inspection number 899051, citation number 1, item number 1 and was affirmed as a final order on 5/2/2013 to AS General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 91-95 Washington St., Holliston, MA 01746.

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, 29 CFR 1926.501(b)(13) which was contained in OSHA inspection number 315142026, citation number 1, item number 4 and was affirmed as a final order on 10/31/2011 to AS General Construction & Roofing, Incorporated, the

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: 1691549
Inspection Date(s): 08/17/2023 - 08/17/2023
Issuance Date: 02/08/2024



Citation and Notification of Penalty

Company Name: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

same owner of Brothers Construction Services, Inc., with respect to a workplace located at 91 Harvard St., Dedham, MA 02026.

OSHA also previously issued multiple fall protection and other citations to a second different company owned by the same owner as the company now being cited. The name of this previous company was A S General Construction, Inc. This company failed to pay penalties and failed to comply with the applicable standards, and so the Secretary of Labor had to obtain an enforcement order under Section 11(b) of the Act in 2016 - see First Circuit Case No. 16-1683.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 16, 2024
Proposed Penalty:	\$70,982.00

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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

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

29 CFR 1926.503(a)(1): The employer does not have a program to ensure compliance with fall protection requirements, and does not designate any competent person to ensure that workers use appropriate fall protection. To abate this item the employer must initiate and maintain a program, including frequent and regular inspections by competent persons it designates, to ensure that workers use appropriate fall protection."

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including the names and qualifications of the persons it is designating as competent and a description of their responsibilities.

For example, at the Worksite located at 42-44 Lexington Ave., Hyde Park, MA 02136, on or about August 17, 2023, employees were exposed to fall hazards of an estimated 20 feet, where the employer did not ensure that employees who were required to work from the roof at a height above six feet were trained in the hazards associated with falls and how to avoid them.

The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed to minimize these hazards, as observed by CSHOs on August 17, 2023, as well as prior inspections of either this employer or another business owned by the same owner with 503(a)(1) citations, including each of the below examples:

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, 29 CFR 1926.503(a)(1) which was contained in OSHA inspection number 1593445, citation number 1, item number 1 and was affirmed as a final order on 6/29/2022 to Brothers Construction Services, Inc. dba Brothers Construction & Roofing, Inc., with respect to a workplace located at 90 Eames St., Framingham, MA 01702. The owner of this business cited previously is the same owner of the company now being cited here.

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, 29 CFR 1926.503(a)(1) which was contained in OSHA inspection number 1566993, citation number 1, item number 2, and was affirmed as a final order on 2/22/2022 to Brothers Construction Services, Inc., with respect to a workplace located at 111 Fairfield Rd., Needham, MA 02492.

OSHA also previously issued multiple fall protection and other citations to a second different company owned by the same owner as the company now being cited. The name of this previous company was A S General

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: 1691549
Inspection Date(s): 08/17/2023 - 08/17/2023
Issuance Date: 02/08/2024



Citation and Notification of Penalty

Company Name: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

Construction, Inc. This company failed to pay penalties and failed to comply with the applicable standards, and so the Secretary of Labor had to obtain an enforcement order under Section 11(b) of the Act in 2016 - see First Circuit Case No. 16-1683.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: February 16, 2024
Proposed Penalty: \$70,982.00

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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

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

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

29 CFR 1926.1053(b)(1): Where portable ladders were used for access to an upper landing surface and the ladder's length allows, the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface being accessed.

Location: Worksite

On or about August 17, 2023, employees were exposed to a fall hazard of an estimated 20 feet while using a ladder that did not extend at least 3 feet above the upper landing surface.

The employer routinely fails to ensure that portable ladders used for access to upper landing surfaces extend at least 3 feet (.9 m) above the upper landing surface being accessed, as observed by CSHOs on August 17, 2023, as well as per prior OSHA inspections with 1053(b)(1), or equivalent OSHA standards citations:

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.1053(b)(6) which was contained in OSHA inspection number 1619534, citation number 1, item number 1 and was affirmed as a final order on 12/30/2022 to Brothers Construction & Roofing, Inc., the same owner as Brothers Construction Services, Inc., with respect to a workplace located at 47 Conant Street, Acton, MA 01718.

-OSHA previously issued a citation alleging a Serious violation, under the company name of was previously cited for a serious violation of this occupational safety and health standard, 29 CFR 1926.1053(b)(1) which was contained in OSHA inspection number 1566993, citation number 1, item number 3 and was affirmed as a final order on 2/22/2022 to Brothers Construction Services, Inc., with respect to a workplace located at 111 Fairfield Rd, Needham, MA 02492.

-OSHA previously issued a citation alleging Serious violation of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.1053(b)(22) which was contained in OSHA inspection number 1415747, citation number 1, item number 2-b and was affirmed as a final order on 2/27/2020 to Brothers Construction Services, Inc. dba Brothers Roofing, the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 186 Garner St., Arlington, MA 02474.

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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

-OSHA previously issued three citation alleging Serious violations of this occupational safety and health standard, or its equivalent standards 29 CFR 1926.1053(b)(5)(i), 1926.1053(b)(6), and 1926.1053(b)(16) which were contained in OSHA inspection number 1081403, citation number 1, item numbers 5, 6, and 7, and was affirmed as a final order on 2/16/2016 to A S General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 51 Pleasant St., Woburn, MA 01801.

-OSHA previously issued a citation alleging a Repeat-Serious violation of this occupational safety and health standard, 29 CFR 1926.1053(b)(1) which was contained in OSHA inspection number 1046935, citation number 2, item number 4 and was affirmed as a final order on 6/5/2015 to A S General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 62 Ryan Farm Rd., Windham, NH 03087.

-OSHA previously issued a citation alleging a Repeat-Serious violation of this occupational safety and health standard, 29 CFR 1926.1053(b)(1) which was contained in OSHA inspection number 899051, citation number 1, item number 2 and was affirmed as a final order on 5/20/2013 to AS General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 91-95 Washington St., Holliston, MA 01746.

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, 29 CFR 1926.1053(b)(1) which was contained in OSHA inspection number 315142026, citation number 1, item number 5 and was affirmed as a final order on 10/31/2011 to AS General Construction & Roofing, Incorporated, the same owner as Brothers Construction Services, Inc., with respect to a workplace located at 91 Harvard St., Dedham, MA 02026.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$70,982.00

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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

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

29 CFR 1926.1053(b)(22): Employees using ladders were carrying objects or loads that could cause the employee to lose balance and fall.

Location: Worksite

On or about about August 17, 2023, employees were exposed to fall hazards of an estimated 20 feet when carrying roofing materials and tools, while ascending and descending a ladder.

The employer fails to ensure that employees using ladders do not carry objects or loads that could cause the employee to lose balance and fall, as observed by CSHOs on August 17, 2023, as well as per prior OSHA inspections with 1053(b)(22), or equivalent OSHA standards citations:

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.1053(b)(6) which was contained in OSHA inspection number 1619534, citation number 1, item number 1 and was affirmed as a final order on 12/30/2022 to Brothers Construction & Roofing, Inc., the same owner as Brothers Construction Services, Inc., with respect to a workplace located at 47 Conant Street, Acton, MA 01718.

-OSHA previously issued a citation alleging a Serious violation, under the company name of was previously cited for a serious violation of this occupational safety and health standard, 29 CFR 1926.1053(b)(1) which was contained in OSHA inspection number 1566993, citation number 1, item number 3 and was affirmed as a final order on 2/22/2022 to Brothers Construction Services, Inc., with respect to a workplace located at 111 Fairfield Rd, Needham, MA 02492.

-OSHA previously issued a citation alleging Serious violation of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.1053(b)(22) which was contained in OSHA inspection number 1415747, citation number 1, item number 2-b and was affirmed as a final order on 2/27/2020 to Brothers Construction Services, Inc. dba Brothers Roofing, the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 186 Garner St., Arlington, MA 02474.

-OSHA previously issued three citation alleging Serious violations of this occupational safety and health standard, or its equivalent standards 29 CFR 1926.1053(b)(5)(i), 1926.1053(b)(6), and 1926.1053(b)(16) which were

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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

contained in OSHA inspection number 1081403, citation number 1, item numbers 5, 6, and 7, and was affirmed as a final order on 2/16/2016 to A S General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 51 Pleasant St., Woburn, MA 01801.

-OSHA previously issued a citation alleging a Repeat-Serious violation of this occupational safety and health standard, 29 CFR 1926.1053(b)(1) which was contained in OSHA inspection number 1046935, citation number 2, item number 4 and was affirmed as a final order on 6/5/2015 to A S General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 62 Ryan Farm Rd., Windham, NH 03087.

-OSHA previously issued a citation alleging a Repeat-Serious violation of this occupational safety and health standard, 29 CFR 1926.1053(b)(1) which was contained in OSHA inspection number 899051, citation number 1, item number 2 and was affirmed as a final order on 5/20/2013 to AS General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 91-95 Washington St., Holliston, MA 01746.

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, 29 CFR 1926.1053(b)(1) which was contained in OSHA inspection number 315142026, citation number 1, item number 5 and was affirmed as a final order on 10/31/2011 to AS General Construction & Roofing, Incorporated, the same owner as Brothers Construction Services, Inc., with respect to a workplace located at 91 Harvard St., Dedham, MA 02026.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: February 16, 2024
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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

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

29 CFR 1926.100(a): Employees working in areas where there was a possible danger of head injury from impact, or falling or flying objects, or from electrical shock and burns, were not protected by protective helmets.

Location: Worksite

On or about August 17, 2023, employees were exposed to head injuries while working unprotected on the ground below the roof, where the employer failed to provide them with hardhats, and while other employees were performing roofing activities at a height of an estimated 20 feet above.

The employer routinely fails to protect employees with hardhats while they are working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, as observed by CSHO on August 17, 2023, as well as per prior OSHA inspections with 100(a) OSHA standard citations:

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, 29 CFR 1926.100(a) which was contained in OSHA inspection number 1464728, citation number 1, item number 1, and was affirmed as a final order on 5/7/2020 to Brothers Construction Services, Inc. dba Brothers Roofing, the same owner of Brothers Construction Services, Inc. with respect to a workplace located at 62 Wareham St., Middleboro, MA 02346.

-OSHA previously issued a citation alleging a Repeat-Serious violation of this occupational safety and health standard, 29 CFR 1926.100(a) which was contained in OSHA inspection number 1081403, citation number 3, item number 1, and was affirmed as a final order on 2/16/2016 to AS General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 51 Pleasant St., Woburn, MA 01801.

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, 29 CFR 1926.100(a) which was contained in OSHA inspection number 1046935, citation number 1, item number 1-a, and was affirmed as a final order on 6/5/2015 to AS General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 62 Ryan Farm Rd., Windham, NH 03087.

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: 1691549
Inspection Date(s): 08/17/2023 - 08/17/2023
Issuance Date: 02/08/2024



Citation and Notification of Penalty

Company Name: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: February 16, 2024
Proposed Penalty: \$14,195.00

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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

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

29 CFR 1926.102(a)(1):The employer did not ensure that each affected employee used appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

Location: Worksite

On or about August 17, 2023, unprotected employees were permitted by employer to operate pneumatic nail guns, as well as a circular saw, without wearing impact resistant eye protection. The employer failed to provide eye protection to employees, and no eye protection was available to employees on site.

The employer routinely fails to protect each affected employees with appropriate eye or face protection when exposed to eye or face hazards from flying particles, as observed by CSHO on August 17, 2023 as well as per prior OSHA inspections with 102(a) OSHA standard citations:

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, 29 CFR 1926.102(a)(1) which was contained in OSHA inspection number 1566993, citation number 1, item number 1, and was affirmed as a final order on 2/22/2022 to Brothers Construction Services, Inc., with respect to a workplace located at 111 Fairfield Rd., Needham, MA 02492

-OSHA previously issued a citation alleging a Repeat-Serious violation of this occupational safety and health standard, 29 CFR 1926.102(a)(1) which was contained in OSHA inspection number 1081403, citation number 3, item number 2, and was affirmed as a final order on 2/16/2016 to AS General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 51 Pleasant St., Woburn, MA 01801.

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, 29 CFR 1926.102(a)(1) which was contained in OSHA inspection number 1046935, citation number 1, item number 1-b, and was affirmed as a final order on 6/5/2015 to AS General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 62 Ryan Farm Rd., Windham, NH 03087.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

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

Inspection Number: 1691549
Inspection Date(s): 08/17/2023 - 08/17/2023
Issuance Date: 02/08/2024



Citation and Notification of Penalty

Company Name: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

Date By Which Violation Must be Abated:
Proposed Penalty:

February 16, 2024
\$35,488.00

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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing

Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

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

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

29 CFR 1926.451(f)(7): Scaffolds were not erected, moved, dismantled, or altered, by trained and experienced employees under the supervision and direction of a competent person qualified in scaffold erection, moving, dismantling or alteration;; Such activities were not performed only by experienced and trained employees selected for such work by the competent person.

Location: Worksite

On or about August 17, 2023, employees were exposed to fall hazards of an estimated 17 feet while standing on and working from a ladder jack scaffold that was built by untrained employees. No competent person qualified in scaffolds was on site.

The employer routinely fails to ensure that scaffolding used on his job sites be built, altered, or moved by a trained employee and supervised by a competent person trained for such work, as observed by CSHO on August 17, 2023, as well as per prior OSHA inspections with 451(f)(7), or equivalent OSHA standards citations:

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, or its equivalent standards 29 CFR 1926.452(k)(5) which was contained in OSHA inspection number 1557543, as citation number 1, item number 1, and was affirmed as a final order on 5/7/2020 to Brothers Construction Services, Inc., with respect to a workplace located at 480 Appleton St., Arlington, MA 02474.

-OSHA previously issued a citation alleging multiple Serious violations of this occupational safety and health standard, or its equivalent standards 29 CFR 1926.451(f)(6), and 29 CFR 1926.452(k)(5) which were contained in OSHA inspection number 1464728, as citation number 1, item number 1-a and citation 1, item number 1-b, and was affirmed as a final order on 5/7/2020 to Brothers Construction Services, Inc., with respect to a workplace located at 62 Wareham St., Middleboro, MA 02346.

-OSHA previously issued a citation alleging a Willful-Serious violation, as well as Repeat-Serious violations, and a Serious violation of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in OSHA inspection number 1081403, Willful-Serious citation number 2, item number 1. Repeat-Serious violations in this inspection citation 3 item 3 451(b)(5)(i), citation 3 item 4 451(e)(1), citation 3 item 5 451(f)(3), citation 3 item 6 452(k)(1), citation 3 item 7 452(k)(5). A Serious violation as well, citation 1 item 2

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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

454(a). and was affirmed as a final order on 2/16/2016 to AS General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 51 Pleasant St., Woburn, MA 01801.

-OSHA previously issued a citation alleging a Repeat-Serious violation as well as Serious violations of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in OSHA inspection number 1046935, citation number 2, item number 2. Serious violations- citation 1, item 2-a 451(b)(4), citation 1 item 2-b 451(b)(5)(i), citation 1 item 3 451(e)(1), citation 1 item 4 451(f)(3)). and was affirmed as a final order on 6/5/2015 to AS General Construction, Inc, the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 62 Ryan Farm Rd., Windham, NH 03087.

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in OSHA inspection number 315142026, citation number 1, item number 7, citations issued on 9/21/2011 to AS General Construction & Roofing, Inc. , with respect to a workplace located at 91 Harvard St., Dedham, MA 02026.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: February 16, 2024
Proposed Penalty: \$35,488.00

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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

Citation 3 Item 3 b Type of Violation: Repeat - Serious

29 CFR 1926.451(g)(1): Employees on scaffolds more than 10 feet (3.1 m) above a lower level were not protected from falling to that lower level by fall protection established in paragraphs (g)(1)(i)-(vii) of this section.

Location: Worksite

On or about August 17, 2023, employees were exposed to fall hazards of an estimated 17 feet while working unprotected without any fall protection on the ladder jack scaffold on site.

The employer routinely fails to ensure that each employee on a scaffold be protected from falls more than 10 feet above a lower level, as observed by CSHO on August 17, 2023, as well as per prior OSHA inspections with 451(g)(1), or equivalent OSHA standards citations:

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, or its equivalent standards 29 CFR 1926.452(k)(5) which was contained in OSHA inspection number 1557543, as citation number 1, item number 1, and was affirmed as a final order on 5/7/2020 to Brothers Construction Services, Inc., with respect to a workplace located at 480 Appleton St., Arlington, MA 02474.

-OSHA previously issued a citation alleging multiple Serious violations of this occupational safety and health standard, or its equivalent standards 29 CFR 1926.451(f)(6), and 29 CFR 1926.452(k)(5) which were contained in OSHA inspection number 1464728, as citation number 1, item number 1-a and citation 1, item number 1-b, and was affirmed as a final order on 5/7/2020 to Brothers Construction Services, Inc., with respect to a workplace located at 62 Wareham St., Middleboro, MA 02346.

-OSHA previously issued a citation alleging a Willful-Serious violation, as well as Repeat-Serious violations, and a Serious violation of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in OSHA inspection number 1081403, Willful-Serious citation number 2, item number 1. Repeat-Serious violations in this inspection citation 3 item 3 451(b)(5)(i), citation 3 item 4 451(e)(1), citation 3 item 5 451(f)(3), citation 3 item 6 452(k)(1), citation 3 item 7 452(k)(5). A Serious violation as well, citation 1 item 2 454(a). and was affirmed as a final order on 2/16/2016 to AS General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 51 Pleasant St., Woburn, MA 01801.

-OSHA previously issued a citation alleging a Repeat-Serious violation as well as Serious violations of this

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: 1691549
Inspection Date(s): 08/17/2023 - 08/17/2023
Issuance Date: 02/08/2024



Citation and Notification of Penalty

Company Name: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in OSHA inspection number 1046935, citation number 2, item number 2. Serious violations- citation 1, item 2-a 451(b)(4), citation 1 item 2-b 451(b)(5)(i), citation 1 item 3 451(e)(1), citation 1 item 4 451(f)(3)). and was affirmed as a final order on 6/5/2015 to AS General Construction, Inc, the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 62 Ryan Farm Rd., Windham, NH 03087.

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in OSHA inspection number 315142026, citation number 1, item number 7, citations issued on 9/21/2011 to AS General Construction & Roofing, Inc. , with respect to a workplace located at 91 Harvard St., Dedham, MA 02026.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 16, 2024
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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

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

29 CFR 1926.452(k)(2): Ladders used to support the ladder jack scaffolding did not meet the requirements of Subpart X.

Location: Worksite

On or about August 17, 2023 employees were exposed to fall hazards of an estimated 17 feet where the angle of the ladders for the ladder jack scaffold on site exceeded the required 4:1 ratio, and cords were wrapped around and through the ladder rungs.

The employer routinely fails to ensure that scaffolding used on his job sites be built, altered, or moved by a trained employee and supervised by a competent person trained for such work, as observed by CSHO on August 17, 2023, as well as per prior OSHA inspections with 451(f)(7), or equivalent OSHA standards citations:

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, or its equivalent standards 29 CFR 1926.452(k)(5) which was contained in OSHA inspection number 1557543, as citation number 1, item number 1, and was affirmed as a final order on 5/7/2020 to Brothers Construction Services, Inc., with respect to a workplace located at 480 Appleton St., Arlington, MA 02474.

-OSHA previously issued a citation alleging multiple Serious violations of this occupational safety and health standard, or its equivalent standards 29 CFR 1926.451(f)(6), and 29 CFR 1926.452(k)(5) which were contained in OSHA inspection number 1464728, as citation number 1, item number 1-a and citation 1, item number 1-b, and was affirmed as a final order on 5/7/2020 to Brothers Construction Services, Inc., with respect to a workplace located at 62 Wareham St., Middleboro, MA 02346.

-OSHA previously issued a citation alleging a Willful-Serious violation, as well as Repeat-Serious violations, and a Serious violation of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in OSHA inspection number 1081403, Willful-Serious citation number 2, item number 1. Repeat-Serious violations in this inspection citation 3 item 3 451(b)(5)(i), citation 3 item 4 451(e)(1), citation 3 item 5 451(f)(3), citation 3 item 6 452(k)(1), citation 3 item 7 452(k)(5). A Serious violation as well, citation 1 item 2 454(a). and was affirmed as a final order on 2/16/2016 to AS General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 51 Pleasant St., Woburn, MA 01801.

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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

-OSHA previously issued a citation alleging a Repeat-Serious violation as well as Serious violations of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in OSHA inspection number 1046935, citation number 2, item number 2. Serious violations- citation 1, item 2-a 451(b)(4), citation 1 item 2-b 451(b)(5)(i), citation 1 item 3 451(e)(1), citation 1 item 4 451(f)(3)). and was affirmed as a final order on 6/5/2015 to AS General Construction, Inc, the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 62 Ryan Farm Rd., Windham, NH 03087.

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in OSHA inspection number 315142026, citation number 1, item number 7, citations issued on 9/21/2011 to AS General Construction & Roofing, Inc. , with respect to a workplace located at 91 Harvard St., Dedham, MA 02026.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: February 16, 2024
Proposed Penalty: \$0.00



Citation and Notification of Penalty

Company Name: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

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

29 CFR 1926.452(k)(4) Ladders used to support ladder jacks were not placed, fastened, or equipped with devices to prevent slipping:

On or about August 17, 2023, employees were exposed to a fall hazard of an estimated 17 feet, where support jacks for the ladder jack scaffold were not properly secured.

The employer failed to ensure that ladders used to support the ladder jacks were secured, as observed by CSHO on August 17, 2023, as well as per prior OSHA inspections with 452(k)(4), or equivalent OSHA standards citations:

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, or its equivalent standards 29 CFR 1926.452(k)(5) which was contained in OSHA inspection number 1557543, as citation number 1, item number 1, and was affirmed as a final order on 5/7/2020 to Brothers Construction Services, Inc., with respect to a workplace located at 480 Appleton St., Arlington, MA 02474.

-OSHA previously issued a citation alleging multiple Serious violations of this occupational safety and health standard, or its equivalent standards 29 CFR 1926.451(f)(6), and 29 CFR 1926.452(k)(5) which were contained in OSHA inspection number 1464728, as citation number 1, item number 1-a and citation 1, item number 1-b, and was affirmed as a final order on 5/7/2020 to Brothers Construction Services, Inc., with respect to a workplace located at 62 Wareham St., Middleboro, MA 02346.

-OSHA previously issued a citation alleging a Willful-Serious violation, as well as Repeat-Serious violations, and a Serious violation of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in OSHA inspection number 1081403, Willful-Serious citation number 2, item number 1. Repeat-Serious violations in this inspection citation 3 item 3 451(b)(5)(i), citation 3 item 4 451(e)(1), citation 3 item 5 451(f)(3), citation 3 item 6 452(k)(1), citation 3 item 7 452(k)(5). A Serious violation as well, citation 1 item 2 454(a). and was affirmed as a final order on 2/16/2016 to AS General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 51 Pleasant St., Woburn, MA 01801.

-OSHA previously issued a citation alleging a Repeat-Serious violation as well as Serious violations of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in OSHA inspection number 1046935, citation number 2, item number 2. Serious violations- citation 1, item 2-a 451(b)(4), citation 1 item 2-b 451(b)(5)(i), citation 1 item 3 451(e)(1), citation 1 item 4 451(f)(3)). and was affirmed

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: 1691549
Inspection Date(s): 08/17/2023 - 08/17/2023
Issuance Date: 02/08/2024



Citation and Notification of Penalty

Company Name: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

as a final order on 6/5/2015 to AS General Construction, Inc, the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 62 Ryan Farm Rd., Windham, NH 03087.

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in OSHA inspection number 315142026, citation number 1, item number 7, citations issued on 9/21/2011 to AS General Construction & Roofing, Inc. , with respect to a workplace located at 91 Harvard St., Dedham, MA 02026.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 16, 2024
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: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

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

29 CFR 1926.452(k)(5): Scaffold platforms were bridged on to another.

Location: Worksite

On or about August 17, 2023, employees were exposed to fall hazards of an estimated 17 feet where the scaffold platforms for the ladder jack scaffold were bridged onto each other.

The employer routinely fails to ensure that scaffold platforms are not bridged onto each other, as observed by CSHO on August 17, 2023, as well as per prior OSHA inspections with 452(k)(5), or equivalent OSHA standards citations:

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, or its equivalent standards 29 CFR 1926.452(k)(5) which was contained in OSHA inspection number 1557543, as citation number 1, item number 1, and was affirmed as a final order on 5/7/2020 to Brothers Construction Services, Inc., with respect to a workplace located at 480 Appleton St., Arlington, MA 02474.

-OSHA previously issued a citation alleging multiple Serious violations of this occupational safety and health standard, or its equivalent standards 29 CFR 1926.451(f)(6), and 29 CFR 1926.452(k)(5) which were contained in OSHA inspection number 1464728, as citation number 1, item number 1-a and citation 1, item number 1-b, and was affirmed as a final order on 5/7/2020 to Brothers Construction Services, Inc., with respect to a workplace located at 62 Wareham St., Middleboro, MA 02346.

-OSHA previously issued a citation alleging a Willful-Serious violation, as well as Repeat-Serious violations, and a Serious violation of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in OSHA inspection number 1081403, Willful-Serious citation number 2, item number 1. Repeat-Serious violations in this inspection citation 3 item 3 451(b)(5)(i), citation 3 item 4 451(e)(1), citation 3 item 5 451(f)(3), citation 3 item 6 452(k)(1), citation 3 item 7 452(k)(5). A Serious violation as well, citation 1 item 2 454(a). and was affirmed as a final order on 2/16/2016 to AS General Construction, Inc., the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 51 Pleasant St., Woburn, MA 01801.

-OSHA previously issued a citation alleging a Repeat-Serious violation as well as Serious violations of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in

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: 1691549
Inspection Date(s): 08/17/2023 - 08/17/2023
Issuance Date: 02/08/2024



Citation and Notification of Penalty

Company Name: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

OSHA inspection number 1046935, citation number 2, item number 2. Serious violations- citation 1, item 2-a 451(b)(4), citation 1 item 2-b 451(b)(5)(i), citation 1 item 3 451(e)(1), citation 1 item 4 451(f)(3)). and was affirmed as a final order on 6/5/2015 to AS General Construction, Inc, the same owner of Brothers Construction Services, Inc., with respect to a workplace located at 62 Ryan Farm Rd., Windham, NH 03087.

-OSHA previously issued a citation alleging a Serious violation of this occupational safety and health standard, or its equivalent standard 29 CFR 1926.451(g)(1) which was contained in OSHA inspection number 315142026, citation number 1, item number 7, citations issued on 9/21/2011 to AS General Construction & Roofing, Inc. , with respect to a workplace located at 91 Harvard St., Dedham, MA 02026.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 16, 2024
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: 1691549
Inspection Date(s): 08/17/2023 - 08/17/2023
Issuance Date: 02/08/2024



Citation and Notification of Penalty

Company Name: Brothers Construction Services, Inc., dba dba Brothers Construction and Roofing dba Brothers Roofing
Inspection Site: 42-44 Lexington Ave., Hyde Park, MA 02136

Citation 4 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.40(a):The employer did not provide an authorized government representative the records within the four business hours.

On or about August 17, 2023, the employer failed to provide copies of the injury and illness records to an authorized representative. The OSHA Logs were requested at 12:30pm and the employer did not provide them within the four business hours. To this date, these records have not been provided to the compliance officer.

Date By Which Violation Must be Abated:
Proposed Penalty:

February 16, 2024
\$1,014.00

James Mulligan
Area Director

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

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.

James Mulligan
Area Director

Date