

U.S. Department of Labor

Occupational Safety and Health Administration
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345
Phone: 770-493-6644 Fax: 770-493-7725



Citation and Notification of Penalty

To:

R.A.W. Construction, LLC
and its successors
710 LEWIS BLVD SOUTH
Tallahassee, FL 32305

Inspection Number: 1256440

Inspection Date(s): 08/16/2017 -

Issuance Date: 12/14/2017

Inspection Site:

Old Broadnax Mill Rd.
Loganville, GA 30052

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

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

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

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

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

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

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

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

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

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

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 12/14/2017. The conference will be held by telephone or at the OSHA office located at 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345 on _____ at _____ . Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1256440

Company Name: R.A.W. Construction, LLC
Inspection Site: Old Broadnax Mill Rd., Loganville, GA 30052
Issuance Date: 12/14/2017

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

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

Inspection Number: 1256440
Inspection Date(s): 08/16/2017 -
Issuance Date: 12/14/2017



Citation and Notification of Penalty

Company Name: R.A.W. Construction, LLC
Inspection Site: Old Broadnax Mill Rd., Loganville, GA 30052

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

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe condition(s) and the regulation(s) applicable to his work environment to control or eliminate any hazard(s) or other exposure to illness or injury:

- a.) On or about August 16, 2017, untrained employees were permitted to enter and work inside of unprotected excavations exceeding 5' in depth
- b.) On or about August 18, 2017, untrained employees were permitted to enter and work inside of unprotected excavations exceeding 7' in depth
- c.) On or about August 18, 2017, untrained employees were permitted to work at and near the edges of an active roadway without wearing high visibility safety vests.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/11/2018
\$7967.00

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: 1256440
Inspection Date(s): 08/16/2017 -
Issuance Date: 12/14/2017



Citation and Notification of Penalty

Company Name: R.A.W. Construction, LLC
Inspection Site: Old Broadnax Mill Rd., Loganville, GA 30052

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

29 CFR 1926.651(d): Employees exposed to public vehicular traffic were not wearing warning vests provided by the employer:

On or about August 16, 2017, employees who were welding did not don warning vests when they exited the excavation and went to the truck parked in the traffic lane. Multiple trucks were parked in the traffic lane of Old Broadnax Mill Road and exposed the employees to vehicular traffic as they retrieved materials and entered the truck cab.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

01/11/2018
\$7967.00

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: R.A.W. Construction, LLC
Inspection Site: Old Broadnax Mill Rd., Loganville, GA 30052

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

29 CFR 1926.651(k)(1): An inspection of the excavations, the adjacent areas, and protective systems was not conducted by the competent person prior to the start of work and as needed throughout the shift:

- a. On or about August 16, 2017, employees were exposed to cave-in and struck-by hazards when employees were permitted to work in an excavation more than seven feet deep with no cave in protection and no ladder/appropriate ramp as a means of egress. Employees were welding gas line pipes.
- b. On or about August 18, 2017, an employee was exposed to cave-in and struck-by hazards when the employee was permitted to enter a five foot excavation with no cave in protection or ladder/appropriate ramp as a means of egress. The employee entered the excavation to move cables out of the way of the excavator.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/11/2018
Proposed Penalty:	\$12675.00

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

Inspection Number: 1256440
Inspection Date(s): 08/16/2017 -
Issuance Date: 12/14/2017



Citation and Notification of Penalty

Company Name: R.A.W. Construction, LLC
Inspection Site: Old Broadnax Mill Rd., Loganville, GA 30052

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

29 CFR 1926.652(a)(1): Each employee in an excavation was not protected from cave-ins by an adequate protective system designed in accordance with 29 CFR 1926.652 (b) or (c).

a. On or about August 16, 2017, employees were exposed to cave-in and struck-by hazards when no protective system was in use when employees were in an excavation more than seven feet deep welding the gas line pipe.

b. On or about August 18, 2017, an employee was exposed to cave-in and struck-by hazards when no protective system was in use when the employee entered an excavation five feet deep in order to move cables out of the way of the excavator.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/11/2018
\$12675.00

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: 1256440
Inspection Date(s): 08/16/2017 -
Issuance Date: 12/14/2017



Citation and Notification of Penalty

Company Name: R.A.W. Construction, LLC
Inspection Site: Old Broadnax Mill Rd., Loganville, GA 30052

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 5 a Type of Violation: **Serious**

29 CFR 1910.1200(g)(1): Employers did not have a safety data sheet in the workplace for each hazardous chemical which they use: (Construction Reference: 1926.59):

On or about August 16, 2017, the employer did not have safety data sheets available to all employees who used or was exposed to chemicals such as welding rods and welding gases.

No abatement certification or documentation is required for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$7967.00

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: 1256440
Inspection Date(s): 08/16/2017 -
Issuance Date: 12/14/2017



Citation and Notification of Penalty

Company Name: R.A.W. Construction, LLC
Inspection Site: Old Broadnax Mill Rd., Loganville, GA 30052

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area: (Construction Reference: 1926.59)

On or about August 16, 2017, the employer had not trained employees who used or were exposed to chemicals such as welding rods and welding gases about the hazards associated with these chemicals.

No abatement certification or documentation is required for this item.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: R.A.W. Construction, LLC
Inspection Site: Old Broadnax Mill Rd., Loganville, GA 30052

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

29 CFR 1926.651(c)(2): A stairway, ladder, ramp or other safe means of egress was not located in trench excavations that were 4 feet (1.22m) or more in depth so as to require no more than 25 feet (7.62m) of lateral travel for employees:

a. On or about August 16, 2017, employees were exposed to struck-by and engulfment hazards when there was no ladder in an excavation that was more than seven feet deep. The ramp at the end of the excavation was blocked by the excavator that was digging out the excavation. Employees were welding and helping the pipe in the excavation.

b. On or about August 18, 2017, an employee was exposed to struck-by and engulfment hazards when there was no ladder or ramp in an excavation that was approximately five feet deep. Employee was moving cables out of the way of the excavator.

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

The employer was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 801141, citation number 1, item number 1 and was affirmed as a final order on 03/11/2013, with respect to a workplace located at 1806 Pine Island Road, Plantation, FL 33322 .

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/11/2018
\$49797.00

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: R.A.W. Construction, LLC
Inspection Site: Old Broadnax Mill Rd., Loganville, GA 30052

Citation 2 Item 2 Type of Violation: **Repeat**

29 CFR 1926.651(j)(2): Protection was not provided by placing and keeping excavated or other materials or equipment at least 2 feet (.61m) from the edge of excavations, or by the use of retaining devices that were sufficient to prevent materials or equipment from falling or rolling into excavations, or by a combination of both if necessary.

- a. On or about August 16, 2017, employees were exposed to struck-by hazards when the spoil excavation spoil pile was not two feet from the rim of the excavation while the employees were in the excavation welding gas pipes..
- b. On or about August 16, 2017, employees were exposed to struck-by hazards when the excavator was positioned at the end of the excavation and was moving soil while the employees were in the excavation welding gas pipes.
- c. On or about August 18, 2017, an employee was exposed to struck-by hazards when the spoil pile was not two feet from the rim of the excavation while the employee entered the excavation to move cables out of the way for the excavator.
- d. On or about August 18, 2017, an employee was exposed to struck-by hazards when the excavator was positioned at the end of the excavation and was waiting for the employee to move cables so that it could continue moving soil.

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

The employer was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 801141, citation number 1, item number 3 and was affirmed as a final order on 3/11/2013, with respect to a workplace located at 1806 Pine Island Road, Plantation, FL 33322.

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

Inspection Number: 1256440
Inspection Date(s): 08/16/2017 -
Issuance Date: 12/14/2017



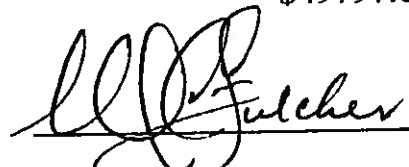
Citation and Notification of Penalty

Company Name: R.A.W. Construction, LLC
Inspection Site: Old Broadnax Mill Rd., Loganville, GA 30052

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/11/2018
\$49797.00


William C. Fulcher
Area Director

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

U.S. Department of Labor
Occupational Safety and Health Administration
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345
Phone: 770-493-6644 Fax: 770-493-7725



INVOICE / DEBT COLLECTION NOTICE

Company Name: R.A.W. Construction, LLC
Inspection Site: Old Broadnax Mill Rd., Loganville, GA 30052
Issuance Date: 12/14/2017

Summary of Penalties for Inspection Number	1256440
Citation 1, Serious	\$49251.00
Citation 2, Repeat	\$99594.00
TOTAL PROPOSED PENALTIES	\$148845.00

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

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

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

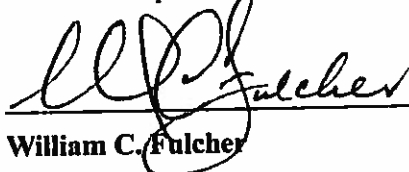
account, the bank will attempt to make the transfer up to 2 times.

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

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

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

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



William C. Fulcher
Area Director

12/14/2017
Date