U.S. Department of Labor
Occupational Safety and Health Administration
4404 South Technology Drive
Sioux Falls, SD 57106
Phone: 605-361-9566

Citation and Notification of Penalty

To:
Hultgren Construction, LLC
402 West 9th Street
Sioux Falls, SD 57104

Inspection Number: 1195237
Inspection Date(s): 12/02/2016 – 4/21/2017
Issuance Date: 04/21/2017

Inspection Site:
132 - 136 S. Phillips Ave.
Sioux Falls, SD 57104

The violations described in this Citation and Notification of Penalty 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 penalties listed herein 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 violations 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 violations cited herein 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 citations and/or penalties.

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 citations and/or proposed penalties within 15 working days after receipt, the citations and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

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

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

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

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

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

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

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

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

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

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

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

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citations issued on 04/21/2017. The conference will be held by telephone or at the OSHA office located at 4404 South Technology Drive, Sioux Falls, SD 57106 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1195237

Company Name: Hultgren Construction, LLC
Inspection Site: 132 - 136 S. Phillips Ave, Sioux Falls, SD 57104
Issuance Date: 04/21/2017

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, 4404 South Technology Drive, Sioux Falls, SD 57106**

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

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

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

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

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

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

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

_____	_____
Signature	Date
_____	_____
Typed or Printed Name	Title

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

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

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1910.134(c)(1): A written respiratory protection program with worksite specific procedures, as specified in subparagraphs (c)(1)(i) through (ix) of this section, was not established and implemented where respirator(s) were necessary to protect the health of the employee or whenever respirator(s) were required by the employer:

(a) **Hultgren Construction, LLC at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not have a written respiratory protection program with worksite specific procedures, as specified in subparagraphs (c)(1)(i) through (ix) of this section. The program was not established and implemented whenever respirators were required by the employer, in that the employer required the use of a half-face, negative pressure, air-purifying respirator during demolition operations. This hazard exposed employees to health hazards to include silicosis.

Abatement Note: The employer shall include in the program the following provisions of this section, as applicable:

(1) Procedures for selecting respirators for use in the workplace;

(2) Medical evaluations of employees required to use respirators;

(3) Fit testing procedures for tight-fitting respirators;

(4) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;

(5) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;

(6) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators;

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: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

(7) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;

(8) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and

(9) Procedures for regularly evaluating the effectiveness of the program.

Note: The requirements applicable to construction work under 1926.103 are identical to those set forth at 29 CFR 1910.134 of this chapter.

Abatement Note: Abatement certification and documentation is required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1910.134(c)(2)(i): Where respirator use was not required, and where the employer determined that voluntary respirator use was permissible, the employer did not provide the respirator users with the information contained in Appendix D to this section ("Information for Employees Using Respirators When Not Required Under the Standard"):

(a) **Hultgren Construction, LLC at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure where respirator use was not required, and where the employer permitted the voluntary use of filtering face-pieces, the employer did not provide the respirator users with the information contained in Appendix D to this section ("Information for Employees Using Respirators When Not Required Under the Standard").

Note: The requirements applicable to construction work under 29 CFR 1926.103 are identical to those set forth at 29 CFR 1910.134 of this chapter.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$2897.00

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: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazards in the workplace:

(a) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the employer did not identify and evaluate the respiratory hazards in the workplace. Employees and temporary employees performed demolition activities that involved the removal of brick walls with sledge hammers and a hammer drill. The demolition process generated dust and respirable silica. This condition exposed employees to respiratory hazards including silica, asbestos, acids, and welding fumes.

Note: The requirements applicable to construction work under 29 CFR 1926.103 are identical to those set forth at 29 CFR 1910.134 of this chapter.

Abatement Note: Abatement certification and documentation is required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1910.178(l)(1)(i): The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l).

(a) **Hultgren Construction, LLC at 132-136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure that forklift operators had been trained and evaluated as required by 29 CFR 1910.178(l) in the topics as outlined in 29 CFR 1910.178(l)(3). Employees operated a SkyTrak 10054 rough terrain forklift to place a trash container on the roof for construction debris removal. This condition exposed employees to struck-by hazards and improper operation of the forklift.

Abatement Note: The certification shall include:

(1) The name of the operator;
(2) The date of the training;
(3) The date of the evaluation; and,
(4) The identity of the person(s) performing the training and evaluation.

Abatement Note: Training shall consist of a combination of formal instruction (e.g., lecture, discussion, interactive computer learning, video tape, written material), practical training (demonstrations performed by the trainer and practical exercises performed by the trainee), and evaluation of the operator's performance in the workplace.

Note: The requirements applicable to construction work under 1926.602(d) are identical to those set forth at 1910.178(l) of this chapter.

Abatement Note: Abatement certification and documentation is required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

Inspection Number: 1195237
Inspection Dates: 12/02/2016 – 4/21/2017
Issuance Date: 04/21/2017

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

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: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1910.1200(e)(1): The employer had not developed, implemented, and maintained at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met:

(a) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure that a written hazard communication program which at least described how the criteria specified for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also included a hazardous chemicals list and methods used to inform employees of the hazards of non-routine tasks, had not been developed for employee exposures, such as but not limited, to the following:

(1) Brick Sealant
(2) Acid Wash
(3) Welding fumes from plasma torch operations
(4) Silica

Note: The requirements applicable to construction work under 29 CFR 1926.56 are identical to those set forth at 1910.1200 of this chapter.

Abatement Note: Abatement certification and documentation is required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

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: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1926.20(b)(1): An accident prevention program was not developed and/or maintained to provide compliance with the general safety and health provisions of the standard:

(a) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 2, 2016, the controlling and exposing employer had not developed an accident prevention program when employees were exposed to hazards such as falls from elevation, falls from scaffolding, ladder hazards, respiratory hazards including asbestos and silica, and struck-by hazards related to the demolition activities being conducted at the Lewis Drug Downtown project.

Abatement Note: A complete accident prevention program includes the following elements:

(1) Management Commitment and Leadership

(a) Policy Statement: goals established, issued, and communicated to employees.

(b) Program reviewed annually.

(c) Participation in safety meetings, inspections; agenda item in meetings.

(d) Safety rules and procedures incorporated into site operations.

(2) Assignment of responsibility

(a) Safety designee on site, knowledgeable and accountable.

(b) Supervisor's (including foremen) safety and health responsibilities understood.

(c) Employee adherence to safety rules.

(3) Identification and control of hazards

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

(a) Periodic site inspection program involving supervisors.

(b) Preventative controls in place (PPE, maintenance, engineering controls).

(c) Action taken to address hazards.

(d) Safety committee, where appropriate.

(e) Technical reference materials available.

(4) Training and Education

(a) Supervisors receive basic safety and health training.

(b) Specialized training taken when needed.

(c) Existence of an employee training program, which is ongoing and effective.

(5) Recordkeeping and Hazard Analysis

(a) Records maintained of employee illnesses/injuries and posted.

(b) Supervisors perform accident investigations, determine causes, implement corrective action.

(6) First aid and medical assistance

(a) First aid supplies and medical services available.

(b) Employees informed of medical results.

(c) Emergency procedures and training, where necessary

Abatement Note: Abatement certification and documentation is required for this item (see enclosed

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

"Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1926.20(b)(2): The employer did not initiate and maintain an accident prevention program which provides for frequent and regular inspections of jobsites, materials, and equipment to be made by a competent person (i.e., a person who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has the authority to take prompt corrective measures to eliminate them):

(a) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure an accident prevention program was developed and implemented for the work environment to include regular inspections of the job-site, materials, and equipment; conducted by a competent person. Employees were exposed to fall hazards, scaffolding hazards, respiratory hazards to include asbestos and silica, and struck-by hazards. This condition exposed employees to hazards related to the demolition of a load bearing wall.

Abatement Note: OSHA defines a "competent" person as one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

Abatement Note: Abatement certification and documentation is required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

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: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1926.50(g): Where the eyes or body of any person was exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

(a) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure suitable facilities for quick drenching or flushing of the eyes were provided in the immediate working area for emergency use for employees mixing and applying muriatic acid, which is a corrosive. Employees mixed, sprayed and brushed muriatic acid on existing brick for the purposes of cleaning. This condition exposed employees to serious eye injuries.

Abatement Note: A feasible means of abatement includes but is not limited to:

(1) A portable eye wash device, appropriate for the expected hazardous exposure, and containing not less than one gallon of potable water; or

(2)A plumbed emergency eyewash unit capable of delivering not less than 1.5 liters (0.4 gallons) of clean water per minute, with flow valves that are simple to operate, go "on" in one second or less, and remain "on" during the eyewash procedure. For details on emergency eyewash and shower equipment, OSHA references the American National Standard for Emergency Eyewash and Shower Equipment, ANSI Z358.1.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$3622.00

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: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1926.96: The employer did not ensure employees wore proper footwear which met the requirements and specifications in American National Standard for Men's Safety-Toe Footwear, Z41.1-1967.

(a) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016 , the controlling and exposing employer did not ensure employees engaged in the demolition of a 32 - 38 inch wide load bearing wall were wearing the proper foot protection which met the requirements under ANSI Z41.1-1967. Employees were wearing tennis shoes while removing a masonry brick wall. Employees were exposed to falling bricks in close proximity to employees. This condition exposed employees to struck-by hazards from falling bricks.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$4346.00

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: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

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

(a) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure that employees and temporary employees wore protective helmets when exposed to overhead hazards such as, but not limited to, falling tools, materials, and debris. This condition exposed employees to struck-by hazards.

Abatement Note: Abatement certification and documentation is required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1926.102(a)(1): Eye and face protective equipment were not provided when machines or operations presented potential eye or face injury:

(a) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure the employees were provided eye protection when projectile hazards created by pneumatic nail guns, hammer drills and sledge hammers were present. The condition exposed employees to the risk of eye injuries.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$4346.00

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1926.451(b)(1): Each platform on all working levels of scaffolds was not fully planked or decked between the front uprights and the guardrail supports:

(a) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure the working platform on the fabricated frame scaffold utilized on Skelly's roof was fully planked, in that only one plank was placed on the scaffold for employees to work from at the highest level. This condition exposed the employee to a fall of approximately 18 feet.

Abatement Note: Abatement certification and documentation is required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1926.451(c)(2): Supported scaffold poles, legs, posts, frames, and uprights shall bear on base plates and mud sills or other adequate firm foundation.

(a) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure the narrow base scaffolding system utilized base plates. The narrow base scaffolding fabricated frames were placed directly on the floor without the use of base plates or casters located in the Copper Lounge and Skelly's. This condition exposed employees to falls up to 12 feet.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1926.451(g)(1): Each employee on a scaffold more than 10 feet above a lower level was not protected from falling to the lower level:

(a) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure that employees were protected from a fall from elevation, in that guardrails or other suitable fall protection were not properly installed on the working platform of the scaffolding. The scaffold system used on the roof of Skelly's south lacked top rail. This condition exposed employees to a fall of approximately 18 feet.

(b) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016 , the controlling and exposing employer did not ensure that employees were protected from a fall from elevation, in that guardrails or other suitable fall protection were not properly installed on the working platform of the scaffolding. The narrow width scaffold system used within Skelly's south and the Copper Lounge lacked guardrails. This condition exposed employees to a fall of approximately 11 feet.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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 15 a Type of Violation: **Serious**

29 CFR 1926.451(g)(2): The employer did not have a competent person determine the feasibility and safety of providing fall protection for employees erecting or dismantling supported scaffolds:

(a) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure that a competent person determined the feasibility and safety associated with providing fall protection for employees erecting or dismantling supported scaffolds on top of Skelly's roof. The condition exposed employees to fall hazards during the erection and dismantling activities associated with the use of a fabricated frame scaffolding system.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1926.454(a): The employer did not have each employee who performs work while on scaffolds trained by a person qualified in the subject matter to recognize those hazards associated with the type of scaffolds being used and to understand the procedures to control or minimize those hazards:

(a) **Hultgren Construction, LLC at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not have each employee who performs work while on a scaffold trained by a person qualified in the subject matter to recognize those hazards associated with the type of scaffolding being used and to understand the procedures to control or minimize those hazards. The employer did not ensure each employee working with and on scaffold systems were properly trained on the proper use and limitations of the scaffolds. The condition exposed employees to fall hazards of approximately 11 feet and 18 feet.

Abatement Note: The training shall include the following elements at a minimum:

(1) The nature of any electrical hazards, fall hazards, and falling object hazards in the work area;

(2) The correct procedures for dealing with electrical hazards and for erecting, maintaining, and disassembling the fall protection systems and falling object protection systems being used:

(3) The proper use of the scaffold, and the proper handling of materials on the scaffold;

(4) The maximum intended load and the load-carrying capacities of the scaffold used; and

(5) Any other pertinent requirements of this subpart.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

Date By Which Violation Must be Abated: 05/12/2017

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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 16 a Type of Violation: **Serious**

29 CFR 1926.501(b)(1): Each employee on a walking/working surface having an unprotected side or edge which was six feet (1.8m) or more above a lower level was not protected from falling by the use of a guardrail system, a safety net system, or personal fall arrest system.

(a) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure each employees were protected from fall hazards while dumping wheelbarrows of material near the perimeters edge of the roof. Employees and temporary employees were removing plaster from a wall and using a wheelbarrow to transport the material to the edge of the roof for removal without the use of a fall protection system. This condition exposed the employees to a fall hazard of approximately 16 feet.

(b) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure each employee engaged in the removal of a mezzanine was protected from fall hazards. Employees and temporary employees were working on the mezzanine while attempting to remove it within the Copper Lounge without the use of fall protection. This condition exposed the employees to a fall hazard of approximately 9 feet.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

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: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1926.502(d)(6)(i): A snap-hook not of the design type was engaged directly to webbing, rope or wire rope:

(a) **Hultgren Construction, LLC at 132 – 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure each temporary employee using a personal fall arrest system while working on a scaffolding system, was not wrapping the lanyard around the structural member of the scaffolding, and connecting back into the webbing of the lanyard. The lanyard and snap-hook were not specifically designed for the purpose of tying back into the lanyard. In the event of a fall, the snap-hook gate could be exposed to forces in excess of the design specifications causing it to break or deform. This condition exposed an employee to a fall hazard of approximately 18 feet.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated: 05/12/2017

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1926.503(a)(2): The employer did not assure that each employee had been trained by a competent person qualified in the standards contained in subpart M:

(a) **Hultgren Construction, LLC at 132-136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure that each employee and temporary employee who was exposed to fall hazards, had been trained by a competent person, in that employees were working on the roof and removing a mezzanine without the use of a fall protection system. This condition exposed the employees to a fall hazard in excess of 6 feet.

Abatement Note: 1926.503(b)(1) provides that the employer shall verify compliance with paragraph 1926.503(a) by preparing a written certification record, which shall contain the name of the person being trained, the dates of training, and the signature of the person who conducted the training, or the signature of the employer. If the employer relies on training conducted by another employer, the certification record shall indicate the date the employer determined the prior training was adequate rather than the date of the actual training.

Abatement Note: The competent person shall be qualified in the following areas:

(1) The nature of fall hazards in the work area;

(2) The correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used;

(3) The use and operation of guardrail systems, personal fall arrest systems, safety net systems, warning line systems, safety monitoring systems, controlled access zones, and other protection to be used;

(4) The role of each employee in the safety monitoring system when this system is used;

(5) The limitations on the use of mechanical equipment during the performance of roofing work on low-sloped roofs;

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: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

(6) The correct procedures for the handling and storage of equipment and materials and the erection of overhead protection;

(7) The role of employees in fall protection plans;

(8) The standards contained in this subpart.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/12/2017

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1926.851(b): All stairs, passageways, ladders and incidental equipment thereto, which are covered by this section, shall be periodically inspected and maintained in a clean safe condition.

(a) **Hultgren Construction, LLC at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure work areas and passageways were maintained and kept clear from debris that had accumulated as a result of demolition activities within the Lewis Drug Downtown project. The demolition of a 32-36 inch wide load bearing wall created a significant amount of brick and brick debris that was piled around the work area and in passageways. This condition exposed the employees to trip, slip and fall hazards.

Abatement Note: Abatement certification and documentation is required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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

29 CFR 1926.857(a): The storage of waste material and debris on any floor shall not exceed the allowable floor loads.

(a) **Hultgren Construction, LLC at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure sections of masonry were not permitted to fall upon the floors of Skelly's and the Copper Lounge floor during demolition. The employer had employees and temporary employees engaged in the removal of a load bearing wall and piled the brick and debris in different areas of the floor without ensuring the safe carrying capacities of the floor were not exceeded. This condition exposed employees to crushing hazards and fall hazards related to floor collapse.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 19 Type of Violation: **Serious**

29 CFR 1926.1052(c)(1)(ii): Stairways having four or more risers or rising more than 30 inches (76cm) whichever is less were not equipped with one stair rail system along each unprotected side or edge:

(a) **Hultgren Construction, LLC at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure that the east stairway allowing access to the Copper Lounge basement was not equipped with an adequate stair rail system. This condition exposed employees to a fall hazard of approximately 6 feet.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$2897.00

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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 20 a Type of Violation: **Serious**

29 CFR 1926.1053(b)(4): Ladders shall be used only for the purpose for which they were designed.

(a) **Hultgren Construction, LLC at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the employer did not ensure a ladder within the Lewis Drug Downtown project was used for the purpose in which it was designed. Employees were using a ladder that was originally designed to travel on a rail system above the Copper Lounge to retrieve alcohol bottles from behind the bar. Employees removed the ladder from the track system and leaned it against a wall to allow access to the mezzanine during demolition activities. This hazard exposed the employees to fall hazards from heights of approximately 7 feet.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 20 b Type of Violation: **Serious**

29 CFR 1926.1060(a): The employer did not provide a training program for each employee using ladders and stairways, as necessary, which would train each employee in the procedures to be followed to minimize hazards related to ladders and stairways:

(a) **Hultgren Construction, LLC at 132 - 136 S. Phillips Ave., Sioux Falls, SD 57104**: On or about and at times prior to December 2, 2016, the controlling and exposing employer did not provide a training program for each employee using ladders in the procedures to be followed to minimize hazards related to ladders. This condition exposed the employees to a fall hazard of up to approximately 7 feet.

Abatement Note: The employer shall ensure that each employee has been trained by a competent person in the following areas, as applicable:

(a) The nature of fall hazards in the work area;
(b) The correct procedures for erecting, maintaining, and disassembling the fall protection systems to be used;
(c) The proper construction, use, placement, and care in handling of all stairways and ladders;
(d) The maximum intended load-carrying capacities of ladders; and
(e) The standards contained in this subpart.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/12/2017

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

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 21 a Type of Violation: **Serious**

29 CFR 1926.1101(f)(2)(i): Each employer who has a workplace or work operation covered by this standard shall ensure that a "competent person" conducts an exposure assessment immediately before or at the initiation of the operation to ascertain expected exposures during that operation or workplace. The assessment must be completed in time to comply with requirements which are triggered by exposure data or the lack of a "negative exposure assessment," and to provide information necessary to assure that all control systems planned are appropriate for that operation and will work properly.

(a) **Hultgren Construction, LLC at 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer, with a work operation covered by the asbestos standard, did not ensure that a "competent person" conducted an exposure assessment immediately before or at the initiation of the operation to ascertain expected exposures during that operation. Employees removed a section of piping containing thermal system insulation during demolition activities within the basement of the Copper Lounge. Thermal system insulation is Presumed Asbestos Containing Material (PACM). Removal of the thermal system insulation was Class I asbestos work. A competent person had not performed an exposure assessment. This condition exposed employees to an asbestos hazard.

Abatement Note: A competent person is capable of identifying existing asbestos hazards in the workplace and capable of selecting the appropriate control strategy for asbestos exposure, and who has the authority to take prompt corrective measures to eliminate them. In addition, for Class I and II work, who has received training which meets the criteria of EPA's Model Accreditation Plan for supervisors.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

Date By Which Violation Must be Abated:	05/12/2017
Proposed Penalty:	$5070.00

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 21 b Type of Violation: **Serious**

29 CFR 1926.1101(k)(9)(ii): Training was not provided prior to or at the time of initial assignment and at least annually thereafter for employees likely to be exposed in excess of a PEL and for employees performing Class I through IV asbestos operations:

(a) **Hultgren Construction, LLC at 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure that training was provided prior to or at the time of initial assignment and at least annually thereafter for employees performing Class I asbestos operations. A temporary employee removed a section of piping with thermal system insulation in the basement during the demolition of the Copper Lounge space. Thermal system insulation is Presumed Asbestos Containing Material (PACM). Removal of the thermal system insulation was Class I asbestos work. This condition exposed employees to an asbestos hazard.

Abatement Note: Training for Class I operations and for Class II operations that require the use of critical barriers (or equivalent isolation methods) and/or negative pressure enclosures under this section shall be the equivalent in curriculum, training method and length to the EPA Model Accreditation Plan (MAP) asbestos abatement workers training (40 CFR Part 763, subpart E, appendix C).

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/12/2017

Citation and Notification of Penalty

Company Name: Hultgren Construction, LLC
Inspection Site: 132 -136 S. Phillips Ave., Sioux Falls, SD 57104

Citation 1 Item 21 c Type of Violation: **Serious**

29 CFR 1926.1101(l)(2): Asbestos waste, scrap, debris, bags, containers, equipment, and contaminated clothing consigned for disposal was not collected and disposed of in sealed, labeled, impermeable bags or other closed, labeled, impermeable containers:

(a) **Hultgren Construction, LLC at 136 S. Phillips Ave., Sioux Falls, SD 57104:** On or about and at times prior to December 2, 2016, the controlling and exposing employer did not ensure that asbestos waste, scrap, debris, bags, containers, equipment, and contaminated clothing consigned for disposal was collected and disposed of in sealed, labeled, impermeable bags or other closed, labeled, impermeable containers. Employees removed thermal system insulation off pipes located in the basement of the Copper Lounge building. The insulation was placed in unsealed plastic bags and disposed into a trash skip. This condition exposed employees to an asbestos hazard.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/12/2017

Sheila Stanley
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
4404 South Technology Drive
Sioux Falls, SD 57106
Phone: 605-361-9566

INVOICE / DEBT COLLECTION NOTICE

Company Name: **Hultgren Construction, LLC**
Inspection Site: **132 - 136 S. Phillips Ave., Sioux Falls, SD 57104**
Issuance Date: **04/21/2017**

Summary of Penalties for Inspection Number	**1195237**
Citation 1, Serious	**$99228.00**
TOTAL PROPOSED PENALTIES	**$99228.00**

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.

Sheila Stanley

Sheila Stanley
Area Director

4/21/2017
Date