

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

402 West Washington St - Room W195

Indianapolis, IN 46204

Phone: (317)232-1979 FAX: (317)233-3790



Safety Order and Notification of Penalty

To:

Vazquez Contracting LLC
and its successors
412 S. Green River Rd.
Evansville, IN 47715

Inspection Number: 318117256

CSHO ID: X0092

Optional Report No.: 03120

Inspection Date(s): 10/10/2019 - 10/16/2019

Issuance Date: 11/13/2019

Inspection Site:

3125 Blackiston Mill Rd.
Clarksville, IN 47129

The violation(s) described in this Safety Order 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.

An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

Informal Conference - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any of the results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

Right to Contest - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s)

and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

Posting - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

Penalties - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

Abatement - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

PMAs - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance

during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty..

Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

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 Indiana Department of Labor/IOSHA at the address shown above.

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 Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

Indiana Department of Labor

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 11/13/2019. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington St - Room W195
Indianapolis, IN 46204
Phone: (317)232-1979 FAX: (317)233-3790



INVOICE/DEBT COLLECTION NOTICE

Company Name: Vazquez Contracting LLC
and its successors
Inspection Site: 3125 Blackiston Mill Rd., Clarksville, IN 47129
Issuance Date: 11/13/2019

Summary of Penalties for Inspection Number: 318117256

Safety Order 1, NonSerious = \$400.00
TOTAL PENALTIES = \$400.00

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance. You may also make a payment online at <https://payingov.com/dol/>. Your account number is your inspection number.

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

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).


Jameson Berry
Director of Construction Safety

11-13-19
Date

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington St - Room W195
Indianapolis, IN 46204
Phone: (317)232-1979 FAX: (317)233-3790



Notification of Failure to Abate Alleged Violations

To: Vazquez Contracting LLC and its successors 412 S. Green River Rd. Evansville, IN 47715	Original Inspection Number: 318102811 Original Inspection Date(s): 9/6/2018 - 10/24/2018 Inspection Number: 318117256 Inspection Date(s): 10/10/2019 - 10/16/2019 Issuance Date: 11/13/2019
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Inspection Site:
3125 Blackiston Mill Rd.
Clarksville, IN 47129

The violation(s) described in this Notification of Failure to Abate Alleged Violations is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

After the original inspection, a Safety Order(s) was issued to you in accordance with the provisions of the Occupational Safety and Health Act of 1970 (the Act), notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon reinspection, it is alleged that you have failed to abate the violation(s) listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty is computed by multiplying a daily penalty times the number of days the violation(s) remained unabated. You are to notify the Area Director in writing of the date and nature of the corrective action taken. If you do not abate the violation(s), further penalties may be proposed and other enforcement action to compel abatement may be taken under section 11(b) of the Act.

You are further notified that you must pay the ADDITIONAL PENALTY unless you inform the Area Director in writing that you intend to contest the Notification or the Additional Penalty within 15 working days (excluding weekends and State holidays) from your receipt of this notification. If you do not contest within 15 working days after receipt, the Notification and the additional penalties will become the final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Notification 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 the Notification is affirmed by the Review Commission.

Notification of Corrective Action - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the IOSHA office issuing the safety order and identification above. The certification **must** be sent by you within **10 calendar days** of

the abatement date of the abatement date identification on the safety order. For **Knowing and Repeat** violations, documents (examples: photos, copies of recipes, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the safety order is classified as Serious and the safety orders states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the safety order indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

For each safety order where you do contest the violation or the abatement date, your obligation to submit abatement certification and any documents is delayed until the contest and the 10-day period after the abatement date have expired. See 29CFR 1903.19 and the OSHA 3000 booklet for more information.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the safety order and safety order item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to IOSHA, also be posted at the location where the violation appeared and the corrective action took place.

Inspection Activity Data - you should be aware that IOSHA publishes information on its inspection and safety order activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 7 calendar days after the Safety Order Issuance Date. 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.

Make your check or money order payable to "Indiana DOL/IOSHA". Please indicate the Inspection Number on the remittance.

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the Notification of Failure to Abate Alleged Violations issued on 11/28/2018. The conference will be held at the OSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN, 46204 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Abate Alleged Violation

Original Inspection:	318102811	Inspection Number:	318117256
Original Inspection Date(s):	9/6/2018 - 10/24/2018	Inspection Date(s):	10/10/2019 - 10/16/2019
		Issuance Date:	
		CSHO ID:	X0092
		Optional Report No.:	03120

Company Name: Vazquez Contracting LLC

Inspection Site: 3125 Blackiston Mill Rd., Clarksville, IN 47129

Safety Order 01 Item 001

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

Jobsite – 500 Diamond Ave, Evansville, IN 47711 - On September 6, 2018, during construction activities, the employer had not developed, implemented or maintained such programs, where employees were exposed to Firestone, Quick Prime Plus Primer number W56-358-7041 and Gentite, and All Purpose Bonding Adhesive number W54GT10052.

FAILURE TO ABATE

On October 10, 2019, a follow-up inspection determined the employer did not implement a hazard communication program for employees who use hazardous chemicals such as, but not limited to: Firestone, Quick Prime Plus Primer number W56-358-7041 and Gentite, All Purpose Bonding Adhesive number W54GT10052, For a period of thirty (30) or more days, including thirty (30) days from September 6, 2018. The employer failed to provide a hazard communication program, as required by the terms of Safety Order and Notification of Penalty issued In Re Inspection of Vazquez Contracting, LLC, Inspection No. 318102811, part of citations issued to the employer on November 28, 2018, the Final Order resulting therefrom.

FAILURE TO ABATE Safety Order 01 Item 001, INSPECTION NO. 318102811, ISSUED ON November 28, 2018.

Additional Penalty:

\$24,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Abate Alleged Violation

Original Inspection:	318102811	Inspection Number:	318117256
Original Inspection Date(s):	9/6/2018 - 10/24/2018	Inspection Date(s):	10/10/2019 - 10/16/2019
		Issuance Date:	
		CSHO ID:	X0092
		Optional Report No.:	03120

Company Name: Vazquez Contracting LLC

Inspection Site: 3125 Blackiston Mill Rd., Clarksville, IN 47129

Safety Order 01 Item 002

29 CFR 1926.20(b)(1): The employer did not initiate and maintain such programs as may be necessary to comply with this part:

Jobsite – 500 Diamond Ave, Evansville, IN 47711 - On September 6, 2018, during construction activities, the employer had not developed, implemented, or enforced an accident prevention safety and health program which included but is not limited to the following items:

- (1) A statement of management commitment toward the identification and evaluation of occupational hazards.
- (2) Establishment of employee participation in safety meetings and inspections.
- (3) Development of documentation of the instructions of each employee in the recognition and avoidance of unsafe work.

FAILURE TO ABATE

On October 10, 2019, a follow-up inspection determined the employer did not implement a safety and health program for employees, exposed to fall hazards, improperly installed ladder, a lack of PPE, and hazardous chemicals, for a period of thirty (30) or more days, including thirty (30) days from January 17, 2019. The employer failed to provide a safety and health program, as required by the terms of Safety Order and Notification of Penalty issued In Re Inspection of Vazquez Contracting, LLC, Inspection No. 318102811, part of citations issued to the employer on November 28, 2018, the Final Order resulting therefrom.

FAILURE TO ABATE Safety Order 01 Item 002, INSPECTION NO. 318102811, ISSUED ON November 28, 2018.

Additional Penalty:

\$24,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Abate Alleged Violation

Original Inspection:	318102811	Inspection Number:	318117256
Original Inspection Date(s):	9/6/2018 - 10/24/2018	Inspection Date(s):	10/10/2019 - 10/16/2019
		Issuance Date:	
		CSHO ID:	X0092
		Optional Report No.:	03120

Company Name: Vazquez Contracting LLC

Inspection Site: 3125 Blackiston Mill Rd., Clarksville, IN 47129

Safety Order 01 Item 005

29 CFR 1926.503(a)(1): The employers training program did not enable each employee to recognize the hazards of falling and to train each employee in procedure to be followed in order to minimize fall hazards:

Jobsite – 500 Diamond Ave, Evansville, IN 47711 - On September 6, 2018, during construction activities, employee exposed to falls was not provided with a training program that would enable him to recognize and minimize fall hazards.

FAILURE TO ABATE

On October 10, 2019, a follow-up inspection determined the employer did not have a fall protection training program and failed to provide employees with fall protection training, for a period of thirty (30) or more days, including thirty (30) days from January 17, 2019. The employer failed to provide fall protection training for employees, as required by the terms of Safety Order and Notification of Penalty issued In Re Inspection of Vazquez Contracting, LLC, Inspection No. 318102811, part of citations issued to the employer on November 28, 2018, the Final Order resulting therefrom.

FAILURE TO ABATE Safety Order 01 Item 005, INSPECTION NO. 318102811, ISSUED ON November 28, 2018.

Additional Penalty:

\$24,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Abate Alleged Violation

Original Inspection:	318102811	Inspection Number:	318117256
Original Inspection Date(s):	9/6/2018 - 10/24/2018	Inspection Date(s):	10/10/2019 - 10/16/2019
		Issuance Date:	
		CSHO ID:	X0092
		Optional Report No.:	03120

Company Name: Vazquez Contracting LLC

Inspection Site: 3125 Blackiston Mill Rd., Clarksville, IN 47129

Safety Order 01 Item 001

29 CFR 1926.20(b)(1): The employer did not initiate and maintain such programs as may be necessary to comply with this part:

Jobsite – 1001 N Main St, Evansville, IN 47720 - On February 15, 2019, during construction activities, the employer had not developed, implemented, or enforced an accident prevention safety and health program which included but is not limited to the following items:

- (1) A statement of management commitment toward the identification and evaluation of occupational hazards.
- (2) Establishment of employee participation in safety meetings and inspections.
- (3) Development of documentation of the instructions of each employee in the recognition and avoidance of unsafe work.

Vazquez Contracting LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1926.20(b)(1), which was contained in OSHA inspection number 318102811, citation number 01, item number 001, issued on 11/28/2018, with respect to a workplace location at 500 Diamond Ave, Evansville, IN 47711

FAILURE TO ABATE

On October 10, 2019, a follow-up inspection determined the employer did not implement a safety and health program for employees, exposed to fall hazards, improperly installed ladder, and no fall protection training program, for a period of thirty (30) or more days, including thirty (30) days from May 10, 2019.

The employer failed to provide a safety and health program, as required by the terms of Safety Order and Notification of Penalty issued In Re Inspection of Vazquez Contracting, LLC, Inspection No. 318108115, part of citations issued to the employer on March 22, 2019, the Final Order resulting therefrom.

FAILURE TO ABATE Safety Order 01 Item 001, INSPECTION NO. 318102811, ISSUED ON November 28, 2018.

Additional Penalty:

\$18,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Abate Alleged Violation

Original Inspection:	318102811	Inspection Number:	318117256
Original Inspection Date(s):	9/6/2018 - 10/24/2018	Inspection Date(s):	10/10/2019 - 10/16/2019
		Issuance Date:	
		CSHO ID:	X0092
		Optional Report No.:	03120

Company Name: Vazquez Contracting LLC

Inspection Site: 3125 Blackiston Mill Rd., Clarksville, IN 47129

Safety Order 01 Item 003

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee exposed to fall hazards.

Jobsite – 1001 N Main St, Evansville, IN 47720 - On February 15, 2019, during construction activities, employees exposed to fall hazards were not provided with fall protection training program.

Vazquez Contracting LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1926.503(a)(1), which was contained in OSHA inspection number 318102811, citation number 01, item number 005, issued on 11/28/2018, with respect to a workplace location at 500 Diamond Ave, Evansville, IN 47711

FAILURE TO ABATE

On October 10, 2019, a follow-up inspection determined the employer did not have a fall protection training program and failed to provide employees with fall protection training, for a period of thirty (30) or more days, including thirty (30) days from May 10, 2019. The employer failed to provide fall protection training for employees, as required by the terms of Safety Order and Notification of Penalty issued In Re Inspection of Vazquez Contracting, LLC Inspection No. 318108115, part of citations issued to the employer on March 22, 2019, the Final Order resulting therefrom.

FAILURE TO ABATE Safety Order 01 Item 003, INSPECTION NO. 318102811, ISSUED ON November 28, 2018.

Additional Penalty:

\$18,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Abate Alleged Violation

Original Inspection:	318102811	Inspection Number:	318117256
Original Inspection Date(s):	9/6/2018 - 10/24/2018	Inspection Date(s):	10/10/2019 - 10/16/2019
		Issuance Date:	
		CSHO ID:	X0092
		Optional Report No.:	03120

Company Name: Vazquez Contracting LLC

Inspection Site: 3125 Blackiston Mill Rd., Clarksville, IN 47129

Safety Order 01 Item 001

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

Jobsite - 1st Ave and Delaware, Evansville, IN 47710 - On July 11, 2019 during construction activities, Safety Data Sheets (SDS) were not maintained on the jobsite for any products in use or available for use such as but not limited to STO Rapid Guard, Chaulking and STO Gold Coat, Latex Coating.

FAILURE TO ABATE

On October 10, 2019, a follow-up inspection determined the employer did not maintain Safety Data Sheets (SDS) for chemicals used by employees including but not limited to; Sto Gold Coat latex coating and Sto Rapid Guard Caulking, for a period of thirty (21) or more days, including thirty (21) days from September 19, 2019. The employer failed to provide Safety Data Sheets (SDS), as required by the terms of Safety Order and Notification of Penalty issued In Re Inspection of Vazquez Contracting, LLC, Inspection No. 318113255, part of citations issued to the employer on August 2, 2019, the Final Order resulting therefrom.

FAILURE TO ABATE Safety Order 01 Item 001, INSPECTION NO. 318102811, ISSUED ON November 28, 2018.

Additional Penalty:

\$12,600.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Abate Alleged Violation

Original Inspection:	318102811	Inspection Number:	318117256
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Company Name: Vazquez Contracting LLC

Inspection Site: 3125 Blackiston Mill Rd., Clarksville, IN 47129

Safety Order 01 Item 004

29 CFR 1926.454(b)(2): The employer did not have each employee who is involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazard associated with the work in question:

Jobsite – 1st Ave and Delaware, Evansville, IN 47710 - On July 11, 2019 during construction activities, I observed one employee engaged in chaulking, while in a boom basket, had not been trained by a competent person.

FAILURE TO ABATE

On October 10, 2019, a follow-up inspection determined the employer did not implement an aerial lift training program for employees exposed to standing on the mid-rail of an aerial lift, and not tied-off while working from an aerial lift, for a period of twenty-one (21) or more days, including twenty-one (21) days from September 19, 2019. The employer failed to provide aerial lift training, as required by the terms of Safety Order and Notification of Penalty issued In Re Inspection of Vazquez Contracting, LLC, Inspection No. 318113255, part of citations issued to the employer on August 2, 2019, the Final Order resulting therefrom.

FAILURE TO ABATE Safety Order 01 Item 004, INSPECTION NO. 318102811, ISSUED ON November 28, 2018.

Additional Penalty:

\$12,600.00

Indiana Department of Labor
Indiana Occupational Safety and Health Administration

Notification of Failure to Abate Alleged Violation

Original Inspection:	318102811	Inspection Number:	318117256
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Company Name: Vazquez Contracting LLC
Inspection Site: 3125 Blackiston Mill Rd., Clarksville, IN 47129

Safety Order 02 Item 001

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met: (Construction Reference: 1926.59)

Jobsite – 1st Ave and Delaware, Evansville, IN 47710 - On July 11, 2019 during construction activities, the employer had not developed, implemented or maintained such program where employees were exposed to chaulking and latex coating.

FAILURE TO ABATE

Vazquez Contracting LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1910.1200(e)(1), which was contained in OSHA inspection number 318113255, citation number 02, item number 001, issued on 08/02/2019, with respect to a workplace location at 1st Ave. and Delaware, Evansville, IN 47710.

FAILURE TO ABATE Safety Order 02 Item 001, INSPECTION NO. 318102811, ISSUED ON November 28, 2018.

Additional Penalty: \$12,600.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Abate Alleged Violation

Original Inspection:	318102811	Inspection Number:	318117256
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		Optional Report No.:	03120

Company Name: Vazquez Contracting LLC

Inspection Site: 3125 Blackiston Mill Rd., Clarksville, IN 47129

Safety Order 02 Item 002

29 CFR 1926.20(b)(1): The employer did not initiate and maintain such programs as may be necessary to comply with this part.

Jobsite – 1st Ave and Delaware, Evansville, IN 47710 - On July 11, 2019 during construction activities, the employer had not developed, or implemented, an accident prevention safety & health program which included but is not limited to the following items:

- (1) A statement of management commitment toward the identification and evaluation of occupational hazards
- (2) Establishment of employee participation in safety meetings and inspections.
- (3) Development of documentation of the instructions of each employee in the recognition and avoidance of unsafe work.

Vazquez Contracting LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1926.20(b)(1), which was contained in OSHA inspection number 318102811, citation number 01, item number 002, issued on 11/28/2018, with respect to a workplace location at 500 Diamond Ave, Evansville, IN 47710 and OSHA inspection number 318108115, citation number 01, item number 001, issued on 3/22/2019, with respect to a workplace location at 1001 Main St, Evansville, IN 47720

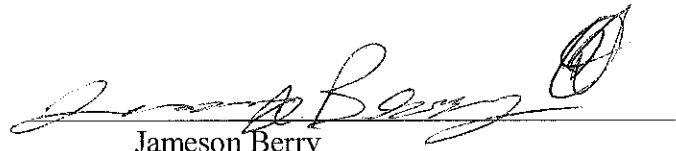
FAILURE TO ABATE

On October 10, 2019, a follow-up inspection determined the employer did not implement a safety and health program for employees, exposed to No SDS for chemicals being used, No Haz-com program, standing on the mid-rail of an aerial lift, not tied-off while working from an aerial lift, no aerial lift training, and not wearing proper PPE (gloves), for a period of twenty-one (21) or more days, including twenty-one (21) days from September 19, 2019. The employer failed to provide a safety and health program, as required by the terms of Safety Order and Notification of Penalty issued In Re Inspection of Vazquez Contracting, LLC, Inspection No. 318113255, part of citations issued to the employer on August 2, 2019, the Final Order resulting therefrom.

FAILURE TO ABATE Safety Order 02 Item 002, INSPECTION NO. 318102811, ISSUED ON November 28, 2018.

Additional Penalty:

\$12,600.00



Jameson Berry
Director Construction Safety

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington St - Room W195
Indianapolis, IN 46204
Phone: (317)232-1979 FAX: (317)233-3790



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Vazquez Contracting LLC
and its successors
Inspection Site: 3125 Blackiston Mill Rd., Clarksville, IN 47129
Issuance Date: 11/28/2018
Opt. Insp. Nr: 03120

Summary of Penalties for Inspection Number: 318102811
Followup Inspection Number: 318117256

Safety Order 1, Serious = \$133,200.00
Safety Order 2, Repeat = \$25,200.00
TOTAL ADDITIONAL PROPOSED PENALTIES
= \$158,400.00

To avoid additional charges, please remit payment promptly to this Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

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

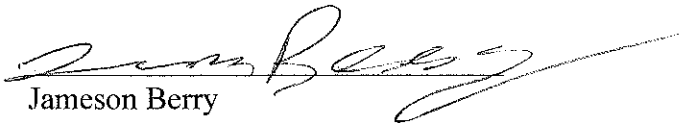
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts 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 5%. 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 Safety Order 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.


Jameson Berry
Director Construction Safety

11-13-19
Date