

## U.S. Department of Labor

Occupational Safety and Health Administration  
639 Granite Street  
4th Floor  
Braintree, MA 02184  
Phone: 617-565-6924 Fax: 617-565-6923



# Citation and Notification of Penalty

**To:**  
ATLANTIC DRAIN SERVICE COMPANY, INC.  
200 Center Street  
Bellingham, MA 02019

**Inspection Number:** 1186266  
**Inspection Date(s):** 10/21/2016 - 10/21/2016  
**Issuance Date:** 04/11/2017

**Inspection Site:**  
10 - 12 Dartmouth Street  
Boston, MA 02116

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

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

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

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

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://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](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/11/2017. The conference will be held by telephone or at the OSHA office located at 639 Granite Street, 4th Floor, Braintree, MA 02184 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1186266**

Company Name: ATLANTIC DRAIN SERVICE COMPANY, INC.

Inspection Site: 10 - 12 Dartmouth Street, Boston, MA 02116

Issuance Date: 04/11/2017

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, 639 Granite Street, 4th Floor, Braintree, MA 02184**

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

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

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

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

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

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



### Citation and Notification of Penalty

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

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

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

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are exposed to struck-by hazards from vehicular traffic and flying debris generated from power and pneumatic tools, where a competent person failed to adequately inspect the jobsite prior to or at any other time during the course of work.

The employer routinely fails to assure effective protection against worksite hazards as required by the standard, as demonstrated on or about October 17, 2016 to October 21, 2016, when employees, working in and around an unprotected trench were not protected from hazards associated with unguarded power tools, lack of proper PPE and roadway traffic at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure frequent and regular inspections of the job site, materials and equipment to be made by a competent person(s) to protect employees from hazards.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from struck-by, crushing and other hazards.

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

**Inspection Number:** 1186266  
**Inspection Date(s):** 10/21/2016 - 10/21/2016  
**Issuance Date:** 04/11/2017



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/19/2017
Proposed Penalty:	\$12675.00

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:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

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

29 CFR 1926.102(a)(1): Employees shall be provided with eye and face protection equipment when machines or operations present potential eye or face injury from physical, chemical, or radiation agents.

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees who are not wearing eye and face protection are exposed to eye and face injuries from flying debris while working with power tools, such as hand held portable electric angle grinders, and pneumatic tools.

The employer routinely fails to assure effective protection against eye/face injuries as required by the standard, as demonstrated on or about October 17, 2016 to October 21, 2016, when employees were not protected from struck-by/flying object hazards where eye/face protection was not worn at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure that affected employees use appropriate eye or face protection when exposed to eye or face hazards from flying particles

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from eye or face injuries.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/19/2017
Proposed Penalty:	\$12675.00





**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

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

29 CFR 1926.303(b)(1): Grinding machines were not equipped with safety guards in conformance with the requirements of American National Standards Institute, B7.1-1970, Safety Code for the Use, Care and Protection of Abrasive Wheels, and paragraph (d) of this section.

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees cutting PVC pipe with the unguarded portable electric hand-held angle grinder are exposed to laceration, puncture and amputation hazards.

The employer routinely fails to assure effective protection against laceration, puncture and amputation hazards as demonstrated on or about October 17, 2016 to October 21, 2016, when employees, were utilizing an unguarded portable electric hand-held angle grinder at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure employees are not exposed to laceration, puncture and amputation hazards by operating hand-held power tools with the proper guards installed.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from laceration and amputation hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/19/2017  
\$9461.00



### Citation and Notification of Penalty

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.

**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

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 4 a Type of Violation: **Serious**

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

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are exposed to falls when using ladders placed in trenches that are not secured or extended three-feet above the side of the trench.

The employer routinely fails to assure effective protection from falls and other hazards associated with ascending or descending ladders as required by the standard, as demonstrated on or about October 17, 2016 through 21, 2016, when employees ascending/descending the 20 foot extension ladder, to access/egress the approximately 12 foot deep trench, were not protected from falls by securing or extending the ladder at least three-feet above the side of the trench at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure that ladders used for accessing and egressing all trenches extend at least three feet above the trench to protect employees from hazards.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from fall hazards and other hazards associated with working from ladders and accessing and exiting trenches.

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

**Inspection Number:** 1186266  
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**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

<b>Date By Which Violation Must be Abated:</b>	<b>04/19/2017</b>
<b>Proposed Penalty:</b>	<b>\$12675.00</b>

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:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

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

29 CFR 1926.1053(b)(15): Ladders were not inspected by a competent person for visible defects on a periodic basis and after an occurrence that could affect their safe use:

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Ladders provided by Atlantic Drain Service Company are not inspected for defects by a company designated competent person.

The employer routinely fails to assure effective protection against hazards associated with ladders which are not inspected for defects as required by the standard, as demonstrated on or about October 17, 2016 to October 21, 2016, when employees, working in a trench, approximately 12 feet below grade, were not protected from such hazards at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure that ladders are inspected by a competent person on a periodic basis and after any occurrence that could affect their safe use to protect employees from hazards.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from hazards associated with damaged or defective ladders.

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

**Inspection Number:** 1186266  
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**Issuance Date:** 04/11/2017



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**

**04/19/2017**

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:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

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

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

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are exposed to fall hazards while entering and exiting the trench with tools and materials in their hands that does not allow for safe ascending and descending of the extension ladder.

The employer routinely fails to assure effective protection against hazards associated with employees climbing ladders with materials and tools in their hands, as demonstrated on or about October 17, 2016 to October 21, 2016, when employees, working in a trench, approximately 12 feet below grade, were not protected from such hazards at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure that employees do not carry objects or loads that could cause the employees to lose their balance and fall.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from hazards associated with carrying objects or loads on ladders.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/19/2017



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

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

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

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

On or about 24 October 2016, the employer failed to provide copies of the injury and illness records within the required four business hours after they were requested both verbally and in writing.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/19/2017
Proposed Penalty:	\$18922.00



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

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

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury:

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are not trained to recognize and avoid hazards. Employees are regularly exposed to cave-in hazards, hazards from power tools, vehicular traffic and other hazards.

The employer routinely fails to instruct each employee in the recognition and avoidance of unsafe conditions associated with trenches, unsupported utilities, tools, traffic and recognized hazards as required by the standard, as demonstrated on or about October 17, 2016 to October 21, 2016, when Kelvin Mattocks, was not instructed on and protected from such hazards at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure that employees are trained to recognize and avoid hazards to protect employees.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps to instruct each employee in the recognition and avoidance of unsafe conditions.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/09/2017
Proposed Penalty:	\$126749.00





**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

**Citation 2 Item 3** Type of Violation: **Willful**

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury:

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are not trained to recognize and avoid hazards. Employees are regularly exposed to cave-in hazards, hazards from power tools, vehicular traffic and other hazards.

The employer routinely fails to instruct each employee in the recognition and avoidance of unsafe conditions associated with trenches, unsupported utilities, tools, traffic and recognized hazards as required by the standard, as demonstrated on or about October 17, 2016 to October 21, 2016, when Robert Higgins, was not instructed on and protected from such hazards at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure that employees are trained to recognize and avoid hazards to protect employees.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps to instruct each employee in the recognition and avoidance of unsafe conditions.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/09/2017
Proposed Penalty:	\$126749.00



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.

**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

**Citation 2 Item 4** Type of Violation: **Willful**

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury:

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are not trained to recognize and avoid hazards. Employees are regularly exposed to cave-in hazards, hazards from power tools, vehicular traffic and other hazards.

The employer routinely fails to instruct each employee in the recognition and avoidance of unsafe conditions associated with trenches, unsupported utilities, tools, traffic and recognized hazards as required by the standard, as demonstrated on or about October 17, 2016 to October 21, 2016, when Henry Tyra, was not instructed on and protected from such hazards at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure that employees are trained to recognize and avoid hazards to protect employees.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps to instruct each employee in the recognition and avoidance of unsafe conditions.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/09/2017
Proposed Penalty:	\$126749.00



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

**Citation 2 Item 5** Type of Violation: **Willful**

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury:

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are not trained to recognize and avoid hazards. Employees are regularly exposed to cave-in hazards, hazards from power tools, vehicular traffic and other hazards.

The employer routinely fails to instruct each employee in the recognition and avoidance of unsafe conditions associated with trenches, unsupported utilities, tools, traffic and recognized hazards as required by the standard, as demonstrated on or about October 17, 2016 to October 21, 2016, when Anthony Barahona, was not instructed on and protected from such hazards at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure that employees are trained to recognize and avoid hazards to protect employees.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps to instruct each employee in the recognition and avoidance of unsafe conditions.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/09/2017
Proposed Penalty:	\$126749.00



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

**Citation 2 Item 6** Type of Violation: **Willful**

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury:

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are not trained to recognize and avoid hazards. Employees are regularly exposed to cave-in hazards, hazards from power tools, vehicular traffic and other hazards.

The employer routinely fails to instruct each employee in the recognition and avoidance of unsafe conditions associated with trenches, unsupported utilities, tools, traffic and recognized hazards as required by the standard, as demonstrated on or about October 17, 2016 to October 21, 2016, when Jean Payoute, was not instructed on and protected from such hazards at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure that employees are trained to recognize and avoid hazards to protect employees.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps to instruct each employee in the recognition and avoidance of unsafe conditions.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/09/2017
Proposed Penalty:	\$126749.00



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

**Citation 2 Item 7** Type of Violation: **Willful**

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

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are exposed to cave-in hazards while they are working in trenches, where a safe means of access/egress is not kept in the trench at all times.

The employer routinely fails to assure a safe means of access/egress as required by the standard, as demonstrated on or about October 17, 2016 through 21, 2016, when employees, working in a trench, approximately 12 feet below grade, were not protected from cave-in and other hazards where a safe means of egress was removed with employees in the trench at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure that employees have a stairway, ladder, ramp or other safe means of access/egress available at all times when employees are in the trench or excavation.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from cave-in, crushing and other hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/19/2017
Proposed Penalty:	\$126749.00



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

**Citation 2 Item 8** Type of Violation: **Willful**

29 CFR 1926.651(i)(1): Where the stability of adjoining buildings, walls, or other structures was endangered by excavation operations, support systems such as shoring, bracing or underpinning was not provided to ensure the stability of such structures for the protection of employees.

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are exposed to struck-by hazards when the stability of adjoining buildings, walls, or other structures are not shored, braced or underpinned.

The employer routinely fails to assure effective protection against struck-by, caught between/crushing and other hazards as required by the standard, as demonstrated on October 21, 2016, when employees, working in a trench, approximately 12 feet below grade, were not protected from an undermined and/or unsupported light post at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure that adjoining buildings, walls, or other structures are shored, braced or underpinned to protect employees from hazards.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from struck-by, crushing and other hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/19/2017
Proposed Penalty:	\$126749.00



### Citation and Notification of Penalty

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

#### Citation 2 Item 9 Type of Violation: **Willful**

29 CFR 1926.651(k)(2): Where the competent person found evidence of a situation that could result in possible cave-in, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions, exposed employee(s) was/were not removed from the hazardous area until the necessary precautions have been taken to ensure their safety.

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are exposed to cave-in and other associated hazards were not removed from the approximately 12 foot deep trench.

The employer routinely fails to remove employees from hazardous areas where a competent person finds evidence of a situation that could result in a possible cave-in, indication of failure of protective systems or other hazardous conditions as demonstrated on October 21, 2016 when employees working in an unprotected trench, approximately 12 feet below grade, were not removed from the trench until the necessary precautions were put in place in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure that employees are removed from hazardous areas where evidence of cave-in, failing / inadequate protective systems or other hazardous conditions are identified by a competent person.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from struck-by, crushing, cave-in and other hazards.

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

**Inspection Number:** 1186266  
**Inspection Date(s):** 10/21/2016 - 10/21/2016  
**Issuance Date:** 04/11/2017



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

<b>Date By Which Violation Must be Abated:</b>	<b>04/19/2017</b>
<b>Proposed Penalty:</b>	<b>\$126749.00</b>

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:** ATLANTIC DRAIN SERVICE COMPANY, INC.

**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

#### Citation 2 Item 10 Type of Violation: **Willful**

29 CFR 1926.652(a)(1): Each employee in an excavation was not protected from cave-ins by an adequate protective system designed in accordance with 29 CFR 1926.652(c). The employer had not complied with the provisions of 29 CFR 1926.652(b)(1)(i) in that that the excavation was sloped at an angle steeper than one and one-half horizontal to one vertical (34 degrees measured from the horizontal):

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are not protected from cave-ins while working in trenches. On October 21, 2016, two employees were killed while working in an unprotected trench with straight cut walls, approximately 12 feet deep.

The employer routinely fails to assure effective protection against cave-in hazards by using a protective system or other provisions of the subpart as required by the standard, as demonstrated on October 21, 2016, when employees, working in a trench approximately 12 feet below grade, were not protected from cave-ins at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

To abate this violation, the employer must ensure that all employees entering trenches and excavations are protected from cave-ins in accordance with 29 CFR 1926.652 to protect employees from hazards.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from cave-in hazards.

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

**Inspection Number:** 1186266  
**Inspection Date(s):** 10/21/2016 - 10/21/2016  
**Issuance Date:** 04/11/2017



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

<b>Date By Which Violation Must be Abated:</b>	<b>04/19/2017</b>
<b>Proposed Penalty:</b>	<b>\$126749.00</b>

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:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

#### Citation 3 Item 1 Type of Violation: **Repeat**

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

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are exposed to head injuries from struck by hazards from loose rocks and soil, dropped tools, and falling debris while working in an approximately 12 foot deep trench without head protection.

The employer routinely fails to assure effective protection against head injuries as required by the standard, as demonstrated on October 21, 2016, when employees, not wearing head protection, working in a trench, approximately 12 feet below grade, were not protected from overhead falling/dropped object hazards at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

The Company, Atlantic Drain Service Company, Inc. was previously cited for a Serious violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.100(a), which was contained in OSHA inspection number 310673454, citation number 1, item number 2, issued on 11/26/2007 and was affirmed as a final order on 1/18/2008, with respect to a workplace located at the corner of Boylston and Charles Streets, Boston, MA 02116.

The Company, Atlantic Drain Service Company, Inc. was previously cited for a Repeat violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.100(a), which was contained in OSHA inspection number 508618, citation number 2, item number 2, issued on 11/14/2007 and was affirmed as a final order on 10/18/2013, with respect to a workplace located at 406 Harrison Avenue, Boston, MA 02111.

To abate this violation, the employer must ensure that all employees are provided with and use hardhats to protect employees from hazards.

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

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

**Inspection Number:** 1186266  
**Inspection Date(s):** 10/21/2016 - 10/21/2016  
**Issuance Date:** 04/11/2017



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from struck-by and other hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/19/2017
Proposed Penalty:	\$66227.00

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:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

#### Citation 3 Item 2 Type of Violation: **Repeat**

29 CFR 1926.651(i)(3): Sidewalks, pavements, or appurtenant structures had been undermined and a support system or another method was not provided to protect employees from the possible collapse of such structures:

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are exposed to struck-by and crushing hazards where appurtenant structures, such as a curbstone, had been undermined and not supported in any way.

The employer routinely fails to assure effective protection against struck-by, caught between/crushing and other hazards as required by the standard, as demonstrated on October 21, 2016, when employees, working in a trench, approximately 12 feet below grade, were not protected from undermined curbstone hazards at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

The Company, Atlantic Drain Service Company, Inc., was previously cited for a Serious violation of this occupational safety and health standard, which was contained in OSHA Inspection 310673454, Citation 1, Item 3, issued on November 26, 2007, with respect to a workplace located at the corner of Boylston Street and Charles Street, Boston, MA 02116, which became a final order on January 18, 2008.

The Company, Atlantic Drain Service Company, Inc., was previously cited for a Repeat violation of this occupational safety and health standard, which was contained in OSHA Inspection 508618, Citation 2, Item 3, issued on November 14, 2012, with respect to a workplace located at 406 Harrison Avenue, Boston, MA 02111, which became a final order on October 18, 2013.

To abate this violation, the employer must ensure that curbstones have not been undermined and not supported in any way to protect employees from hazards.

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

**Inspection Number:** 1186266  
**Inspection Date(s):** 10/21/2016 - 10/21/2016  
**Issuance Date:** 04/11/2017



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from struck-by, crushing and other hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/19/2017
Proposed Penalty:	\$66227.00

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:** ATLANTIC DRAIN SERVICE COMPANY, INC.

**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

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

#### Citation 3 Item 3 a Type of Violation: **Repeat**

29 CFR 1926.652(c)(1): Designs for timber shoring in trenches were not determined in accordance with the conditions and requirements set forth in appendices A and C to this subpart.

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are exposed to cave-in hazards while working in a trench where timber shoring is not properly selected, designed or constructed.

The employer routinely fails to assure effective protection against cave-in hazards as required by the standard, as demonstrated on or about October 17, 2016 to October 19, 2016, when employees were working in a trench, approximately 12 feet below grade, where timber shoring was not designed according to appendix C of 29 CFR 1926, Subpart P at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

The company, Atlantic Drain Service Company, Inc. was previously cited for a similar Willful violation of this occupational safety and health standard, which was contained in OSHA Inspection 310673454, Citation 2, Item 1, issued on November 26, 2007, with respect to a workplace located at the corner of Boylston Street and Charles Street, Boston, MA 02116, which became a final order on January 18, 2008.

The company, Atlantic Drain Service Company, Inc. was previously cited for a similar Willful violation of this occupational safety and health standard, which was contained in OSHA Inspection 508618, Citation 1, Item 1, issued on November 14, 2012, with respect to a workplace located at 406 Harrison Avenue, Boston, MA 02111, which became a final order on October 18, 2013.

To abate this violation, the employer must ensure timber shoring used for employee protection from cave-ins is selected, designed and constructed in accordance with Appendices A and C to protect employees from hazards.

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

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

**Inspection Number:** 1186266  
**Inspection Date(s):** 10/21/2016 - 10/21/2016  
**Issuance Date:** 04/11/2017



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from cave-in, struck-by, crushing and other hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/19/2017
Proposed Penalty:	\$126749.00

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:** ATLANTIC DRAIN SERVICE COMPANY, INC.

**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

#### Citation 3 Item 3 b Type of Violation: **Repeat**

29 CFR 1926.652(c)(2)(ii): Deviations from the specifications, recommendations and limitations issued by the manufacturer were made without the specific written approval of the manufacturer.

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are exposed to cave-in hazards where written approval of the manufacturer was not given for deviations from manufacturer assembly instructions where the employer is using wooden cross braces and an insufficient number of spreaders.

The employer routinely fails to assure effective protection against cave-in hazards as required by the standard, as demonstrated on or about October 17, 2016 to October 19, 2016, when employees were working in a trench approximately 12 feet below grade, where the portable aluminum shoring system was not used according to the recommendations and limitations issued by the manufacturer and specific written approval of the manufacturer was not obtained at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

The company, Atlantic Drain Service Company, Inc. was previously cited for a similar Willful violation of this occupational safety and health standard, which was contained in OSHA Inspection 310673454, Citation 2, Item 1, issued on November 26, 2007, with respect to a workplace located at the corner of Boylston Street and Charles Street, Boston, MA 02116, which became a final order on January 18, 2008.

The company, Atlantic Drain Service Company, Inc. was previously cited for a similar Willful violation of this occupational safety and health standard, which was contained in OSHA Inspection 508618, Citation 1, Item 1, issued on November 14, 2012, with respect to a workplace located at 406 Harrison Avenue, Boston, MA 02111, which became a final order on October 18, 2013.

To abate this violation, the employer must not deviate from the manufacturer's specifications, recommendations and limitations with respect to aluminum shoring used for employee protection from cave-ins without specific written approval.

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

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

**Inspection Number:** 1186266  
**Inspection Date(s):** 10/21/2016 - 10/21/2016  
**Issuance Date:** 04/11/2017



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.

**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from cave-in, struck-by, crushing and other hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/19/2017

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:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

#### Citation 3 Item 3 c Type of Violation: **Repeat**

29 CFR 1926.652(d)(2): Manufactured materials and equipment used for protective systems were not used and maintained in a manner that was consistent with the recommendations of the manufacturer and in a manner that would prevent employee exposure to hazards.

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees are exposed to cave-in and crushing hazards when manufactured materials and equipment, used for protective systems, are not used in conformance with the recommendations of the manufacturer and in a manner that will prevent employees from being exposed to hazards.

The employer routinely fails to assure effective protection against cave-in, struck-by, crushing and other hazards as required by the standard, as demonstrated on or about October 17, 2016 to October 19, 2016, , when employees, working in a trench, approximately 12 feet below grade, were not protected from struck by/caught between and cave-in hazards where the height of the protective systems was only eight-feet high leaving approximately four-feet of unprotected trench walls above the protective systems at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116.

The company, Atlantic Drain Service Company, Inc. was previously cited for a similar Willful violation of this occupational safety and health standard, which was contained in OSHA Inspection 310673454, Citation 2, Item 1, issued on November 26, 2007, with respect to a workplace located at the corner of Boylston Street and Charles Street, Boston, MA 02116, which became a final order on January 18, 2008.

The company, Atlantic Drain Service Company, Inc. was previously cited for a similar Willful violation of this occupational safety and health standard, which was contained in OSHA Inspection 508618, Citation 1, Item 1, issued on November 14, 2012, with respect to a workplace located at 406 Harrison Avenue, Boston, MA 02111, which became a final order on October 18, 2013.

To abate this violation, the employer must ensure the recommendations of the manufacturer of the trench boxes are followed and that the trench boxes are used in a manner that will prevent employees

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:** ATLANTIC DRAIN SERVICE COMPANY, INC.

**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

from being exposed to hazards.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from cave-in, struck-by, crushing and other hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/19/2017



### Citation and Notification of Penalty

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

#### Citation 3 Item 3 d Type of Violation: **Repeat**

29 CFR 1926.652(e)(1)(ii): Support systems were not installed and removed in a manner that protected employees from cave-ins, structural collapses, or from being struck by members of the support system:

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

Employees installing and removing support systems are not protected from cave-ins, structural collapses or from being struck by members of the support system.

The employer routinely fails to assure effective protection against cave-in, struck-by, crushing and other hazards as required by the standard, as demonstrated on or about October 17, 2016 to October 19, 2016, when employees, working in a trench, approximately 12 feet below grade, while a trench box was being lowered for installation at the site in front of 10 - 12 Dartmouth Street, Boston, MA 02116. The wood shoring was not installed on or about October 17, 2016 to October 19, 2016, with the required wales.

The company, Atlantic Drain Service Company, Inc. was previously cited for a similar Willful violation of this occupational safety and health standard, which was contained in OSHA Inspection 310673454, Citation 2, Item 1, issued on November 26, 2007, with respect to a workplace located at the corner of Boylston Street and Charles Street, Boston, MA 02116, which became a final order on January 18, 2008.

The company, Atlantic Drain Service Company, Inc. was previously cited for a similar Willful violation of this occupational safety and health standard, which was contained in OSHA Inspection 508618, Citation 1, Item 1, issued on November 14, 2012, with respect to a workplace located at 406 Harrison Avenue, Boston, MA 02111, which became a final order on October 18, 2013.

To abate this violation, the employer must ensure that support systems are installed and removed in a manner to protect employees from hazards.

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

**Inspection Number:** 1186266  
**Inspection Date(s):** 10/21/2016 - 10/21/2016  
**Issuance Date:** 04/11/2017



**Citation and Notification of Penalty**

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance; including an explanation of how these steps protect employees from cave-in, struck-by, crushing and other hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/19/2017

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:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116

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

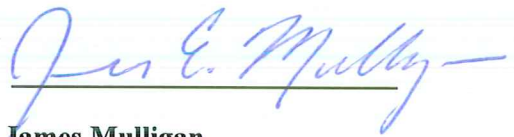
29 CFR 1904.39(b)(2): What information do I need to give to OSHA about the in-patient hospitalization, amputation, or loss of an eye? You must give OSHA the following information for each fatality, in-patient hospitalization, amputation, or loss of an eye: (i) The establishment name; (ii) The location of the work-related incident; (iii) The time of the work-related incident; (iv) The type of reportable event (i.e., fatality, in-patient hospitalization, amputation, or loss of an eye); (v) The number of employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye; (vi) The names of the employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye; (vii) Your contact person and his or her phone number; and (viii) A brief description of the work-related incident.

Location: Jobsite in front of 10 - 12 Dartmouth Street, Boston, MA

The employer failed to provide within 8 hours the names of the employees who suffered fatalities.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$9461.00

  
**James Mulligan**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
639 Granite Street  
4th Floor  
Braintree, MA 02184  
Phone: 617-565-6924 Fax: 617-565-6923



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** ATLANTIC DRAIN SERVICE COMPANY, INC.  
**Inspection Site:** 10 - 12 Dartmouth Street, Boston, MA 02116  
**Issuance Date:** 04/11/2017

<b>Summary of Penalties for Inspection Number</b>	<b>1186266</b>
<b>Citation 1, Serious</b>	<b>\$47486.00</b>
<b>Citation 2, Willful</b>	<b>\$1159663.00</b>
<b>Citation 3, Repeat</b>	<b>\$259203.00</b>
<b>Citation 4, Other-than-Serious</b>	<b>\$9461.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$1475813.00</b>

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](http://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



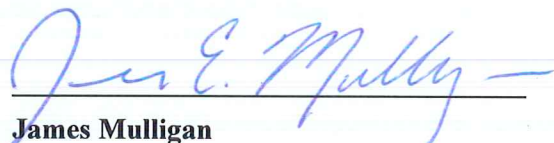
your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

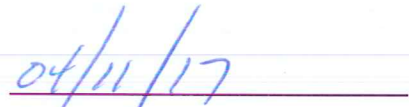
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

  
**James Mulligan**  
Area Director

  
Date