



Citation and Notification of Penalty

To:
Dream Stone, Inc.
and its successors
4040 Kodiak Ct.
Longmont, CO 80504

Inspection Number: 311910301
Inspection Date(s): 02/18/2009-04/15/2009
Issuance Date: 04/15/2009

Inspection Site:
4040 Kodiak Ct.
Longmont, CO 80504

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

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

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

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal

conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

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

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

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

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 your inspection will be available 30 calendar days after the Citation 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.

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 OSHA office issuing the citation

and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violation, documents (examples: photos, copies of receipts, training records, etc.) demonstration that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to submitted along with abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

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 citation and citation 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 OSHA, also be posted at the location where the violation appeared and the corrective action took place.

Abatement-Certification Letter

Herb Gibson, Area Director
U.S. Department of Labor-OSHA
1391 Speer Blvd., Suite 210
Denver, CO 80204
(303) 844-5285

Fax: (303) 844-6676

Dream Stone, Inc.
4040 Kodiak Ct.
Longmont, CO 80504

The hazard referenced in Inspection Number _____ for violation identified as:
Citation ____ and item ____ was corrected on _____ by what method _____

The hazard referenced in Inspection Number _____ for violation identified as
Citation ____ and item ____ was corrected on _____ by what method _____

The hazard referenced in Inspection Number _____ for violation identified as
Citation ____ and item ____ was corrected on _____ by what method _____

The hazard referenced in Inspection Number _____ for violation identified as
Citation ____ and item ____ was corrected on _____ by what method _____

The hazard referenced in Inspection Number _____ for violation identified as
Citation ____ and item ____ was corrected on _____ by what method _____

The affected employees and their representative have been informed of the above abatement measures.

I attest that the information contained in this document is accurate.

Signature

Typed or Printed Name

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/15/2009. The conference will be held at the OSHA office located at OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, 1391 SPEER BLVD., SUITE 210, DENVER, CO, 80204 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Dream Stone, Inc.
Inspection Site: 4040 Kodiak Ct., Longmont, CO 80504

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

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

29 CFR 1910.132(d)(1)(i): The employer did not assess the workplace to determine if hazards were present, or likely to be present, which necessitated the use of personal protective equipment (PPE) and did not select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment:

- (a) **Dream Stone, Inc., 4040 Kodiak Ct., Longmont, CO:** On or about March 13, 2009 and at times prior thereto, the employer had not adequately assessed the workplace to determine the types of personal protective equipment that were necessary to protect employees against the hazards present in the workplace such as but not limited to the following:
- (1) Bonstone Materials Corporation Touchstone Edge System, Parts A and B, which contain Bisphenol A/epichlorohydrin resin and trimethylhexamethylenediamine which can cause skin sensitization, allergic reactions, skin burns and respiratory sensitization/asthma. Adequate gloves were not provided.
 - (2) Armour Products, Inc., Armour Etch which contains inorganic fluoride compounds. This chemical can be fatal if swallowed, causes eye and skin burns, and may cause respiratory tract irritation. The MSDS advises to wear rubber or neoprene gloves, to check gloves daily for pinhole leaks, and to neutralize with sodium carbonate or dilute ammonia after each use. Adequate gloves were not provided.
 - (3) Employees handle stone slabs weighing up to several hundred pounds each and were not provided with or required to wear steel toed/safety shoes.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement-Certification Letter").

Abatement Note: 1910.132(d)(2):The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Dream Stone, Inc.
Inspection Site: 4040 Kodiak Ct., Longmont, CO 80504

the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

Date By Which Violation Must be Abated: 05/20/2009
Proposed Penalty: \$ 375.00

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

29 CFR 1910.136(a): The employer did not ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards:

- (a) **Dream Stone, Inc., 4040 Kodiak Ct., Longmont, Colorado:** On or about February 18, 2009, and at times prior thereto, shop employees who work with and handle heavy stone slabs did not wear protective footwear. This exposed employees to crushing hazards to the feet.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement-Certification Letter").

Abatement Note: 1910.136(b) Criteria for protective footwear.

- (1) Protective footwear purchased after July 5, 1994 shall comply with ANSI Z41-1991, "American National Standard for Personal Protection-Protective Footwear," which is incorporated by reference as specified in Sec. 1910.6, or shall be demonstrated by the employer to be equally effective.

Date By Which Violation Must be Abated: 05/05/2009



Citation and Notification of Penalty

Company Name: Dream Stone, Inc.
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Citation 1 Item 2 Type of Violation: **Serious**

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

- (a) **Dream Stone, Inc., 4040 Kodiak Ct., Longmont, CO:** On or about February 18, 2009 and at times prior thereto, the employer did not develop and implement a written hazard communication program which addressed labels and other forms of warnings, maintaining current MSDSs, and training employees as required by this section.
- (1) Labelling was inadequate in that labels of some hazardous chemicals were obscured and illegible;
 - (2) The MSDS program was inadequate in that there was no inventory list of the various chemicals used and MSDSs were not available for each product used.
 - (3) Employee training was inadequate in that it did not address specific hazards of chemicals and measure that employees could take to protect themselves.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement-Certification Letter").

Date By Which Violation Must be Abated: 05/20/2009
Proposed Penalty: \$ 300.00


HERB GIBSON
Area Director

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
DENVER AREA OFFICE
1391 SPEER BLVD., SUITE 210
DENVER, CO 80204
Phone: (303)844-5285 FAX: 303-844-6676



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Dream Stone, Inc.
Inspection Site: 4040 Kodiak Ct., Longmont, CO 80504
Issuance Date: 04/15/2009

Summary of Penalties for Inspection Number 311910301

Citation 1, Serious	= \$	675.00
TOTAL PROPOSED PENALTIES	= \$	675.00

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

OSHA does not agree to any restrictions or conditions put on any check or money order 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 2%. 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.



HERB GIBSON
Area Director

4/15/09

Date