

Biggest OSHA fines of Q1 2021

The OSHA citations this quarter included three fatalities, all involving the use of aerial lifts.

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The first quarter of 2021 saw OSHA cite contractors for fall protection, excavation and trenching violations but also for fatalities involving the use of aerial lifts. One of those projects was a high-profile Amazon project in Suffolk, Virginia, and the other a project in Brooklyn, New York.

OSHA requires that anyone operating an aerial lift go through the appropriate training, but, even so, acknowledges that there are hazards associated with their use that can lead to injury or death. These hazards include:

- Falls from elevated levels.
- Falling objects from lifts.
- Tip-overs.
- Ejections from the lift platform.
- Collapses.
- Electrocutions.
- Contact with ceilings and other overhead objects.

Here are the biggest Q1 OSHA fines of \$125,000 and more:

Carework Construction - Newark, New Jersey

Total Proposed Fines: \$404,811

Status: Violations Under Contest

During a planned inspection of a Carework Construction project in Wyckoff, New Jersey, OSHA inspectors found that the contractor was in violation of fall protection standards and cited Carework with one willful and two repeat violations related to fall protection, as well as head and eye protection. Carework has contested the citations and total fines of \$404,811.

OSHA cited Carework in March 2020 for eight serious and two repeat violations after inspecting another one of the contractor's projects in Wyckoff. The agency cited Carework for violations related to fall protection, scaffolds, ladders, eye, face and head protection and fined the company a total of \$49,620.

Arrow Plumbing - Blue Springs, Missouri

Total Proposed Fines: \$299,590

Status: Violations Under Contest

In February, OSHA issued Blue Springs, Missouri-based contractor Arrow Plumbing two serious and two repeat violation citations, proposing fines of \$299,590. The agency found Arrow in violation of head protection requirements, but the citations mostly centered around excavation and trenching standards.

OSHA inspectors said that Arrow allowed its employees to work in unprotected trenches, exposed a worker to unsecured gas and electric lines, did not provide "basic safeguards" against trench collapses and let an unprotected employee risk head injuries by exposing them to overhead struck-by hazards.

The agency also said that Arrow committed these violations despite committing to a trench safety program after one of its employees was killed in 2016 during an unprotected trench collapse. Arrow was able to negotiate a fine of \$81,954, down from \$294,059.

Boak & Sons - Youngstown, Ohio

Total Proposed Fines: \$218,197

Status: Penalty Payment Plan in Place

OSHA cited Youngstown, Ohio, roofing contractor Boak & Sons with one serious and four repeat violations with total proposed fines of \$218,197. Boak entered into a settlement agreement with OSHA, and the agency reduced the fine to \$100,356.

Agency inspectors found violations in the areas of ladder safety; eye, head and face protection; and scaffolding and fall protection.

Boak has also been subject to previous inspections in the last several years, both primarily for fall protection violations (here and here).

Cunyas Roofing - Bismarck, North Dakota

Total Proposed Fines: \$207,802

Status: Pending Abatement of Violations, Pending Penalty Payment (here and here)

OSHA issued contractor Cunyas Roofing two willful and two other violation citations after inspecting two of the company's projects in Bismarck, North Dakota. The agency fined Cunyas a total of \$207,802.

One of the standards OSHA said Cunyas violated is 1926.501 b(13), which requires contractors performing residential work at heights of 6 feet or more above lower levels to protect employees with guardrails, safety net systems or personal fall arrest systems.

The other standard OSHA said Cunyas violated is 1926.95 d(6), which requires employers to pay for employee personal protective equipment (PPE).

Osman "Alex" Inestrosa (dba Lifetime Contractor Corp.) - Trenton, New Jersey

Total Proposed Fines: \$201,090

Status: Pending Penalty Payment (here and here)

OSHA issued Osman "Alex" Inestrosa of Lifetime Contractor Corp. a total of 10 citations — seven willful and three serious — and fined the company a total of \$201,090 after inspecting two of its New Jersey projects.

The first inspection occurred after the agency received a complaint about one of the contractor's projects in Mahwah, New Jersey. In that case OSHA found that Inestrosa allowed an employee to make roof repairs without the proper fall protection. The inspector also cited the company for tripping and fire hazards, as well as hard hat and eye protection violations.

The second inspection came after a multi-car garage collapsed and injured one of Inestrosa's employees on a project in Elmwood Park, New Jersey. Again, OSHA cited the contractor for fall protection, hardhat and eye safety violations, in addition to those for improper ladder use.

Eastern Constructors - Geismar, Louisiana

Total Proposed Fines: \$170,534**Status: Violations Under Contest**

OSHA launched an investigation into Louisiana contractor Eastern Constructors after two of its employees were killed while performing structural steel work on a new Amazon fulfillment center in Suffolk, Virginia. According to the agency's inspection report, Eastern's employees were using aerial lifts to perform work at the fifth-floor level when the building collapsed as a crane was hoisting a steel beam into place. Both workers fell approximately 54 feet after falling materials from the collapse struck the aerial lifts.

OSHA fined Eastern \$170,534 and issued the company one willful and three serious citations for violations including:

- Using worn cables during arc welding and cutting operations.
- Not maintaining a permanent and continuous path to ground from to ground from circuits, equipment and enclosures.
- Failure to maintain structural stability during the erection process and abide by procedures for multistory structures.
- Failure to adhere to column anchorage guidelines.
- Failure to follow requirements for open web steel joists.

Eastern is contesting the violations.

Marfi Contracting Corp. - Staten Island, New York**Total Proposed Fines: \$148,683****Status: Violations Under Contest**

OSHA issued five citations — two serious, one willful, one repeat and one other — to Staten Island, New York construction company Marfi Contracting after one of its employees fell through a roof and died. The agency proposed total fines of \$148,683. Marfi is contesting the violations.

According to OSHA, two Marfi employees were using an aerial lift to give them access to a roof from which they were supposed to clean the roof of debris and repair holes. One employee left the lift basket and began walking across the roof. The roof collapsed, and the employee fell approximately 25 feet to his death.

The citation OSHA issued to Marfi includes:

- Failure to have a competent person make frequent and regular inspections of the project, materials and equipment.
- Failure to provide employee training on fall hazards.
- Failure to determine the integrity of walking and working surfaces.
- Failure to provide guardrails, safety net systems or personal fall arrest systems.
- Failure to communicate potential hazards to employees.