

U.S. Department of Labor
Occupational Safety and Health Administration
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345



Citation and Notification of Penalty

To:
Atlanta Kitchen LLC
and its successors
201 Laredo Dr
Decatur, GA 30030

Inspection Number: 1379393
Inspection Date(s): 02/12/2019 - 05/16/2019
Issuance Date: 08/06/2019

Inspection Site:
201 Laredo Dr
Decatur, GA 30030

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 by calling 770-493-6644. 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. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

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

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

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

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

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

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/06/2019. The conference will be held by telephone or at the OSHA office located at 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1379393

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030
Issuance Date: 08/06/2019

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, 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345**

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

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

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Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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 1 a Type of Violation: **Serious**

29 CFR 1910.95(g)(1): The employer did not establish and maintain an audiometric testing program as provided by 29 CFR 1910.95(g) by making audiometric testing available to all employees whose exposures equal or exceed an 8-hour time-weighted average of 85 decibels:

a)Atlanta Kitchen Inc., Decatur, GA - On or about 03/12/19, and times prior to, in the fabrications area, employee's polishing granite counter tops was exposed to noise at a time-weighted average (TWA) of 92.7 dBA, exceeding the action level of 85 dBA. An annual audiometric testing program was not maintained.

b)Atlanta Kitchen Inc., Decatur, GA - On or about 03/12/19 in the saw area, employee's operating the GMM machine was exposed to noise at a time-weighted average (TWA) of 89.4 dBA, exceeding the action level of 85 dBA. An annual audiometric testing program was not maintained.

c)Atlanta Kitchen Inc., Decatur, GA - On or about 03/12/19, and times prior to, in the saw area, employee's operating the CNC machine was exposed to noise at a time-weighted average (TWA) of 88.5 dBA, exceeding the action level of 85 dBA. An annual audiometric testing program was not maintained.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

08/30/2019
\$9472.00

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: 1379393
Inspection Date(s): 02/12/2019 - 05/16/2019
Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

29 CFR 1910.95(k)(2): The training program was not repeated annually for each employee included in the hearing conservation program:

a)Atlanta Kitchen Inc., Decatur, GA - On or about 03/12/19, in the fabrications area, employee's polishing granite counter tops was exposed to noise at a time-weighted average (TWA) of 92.7 dBA, exceeding the action level of 85 dBA. Annual noise training was not maintained and documented.

b)Atlanta Kitchen Inc., Decatur, GA - On or about 03/12/19, and times prior to, in the saw area, employee's operating the GMM machine was exposed to noise at a time-weighted average (TWA) of 89.4 dBA, exceeding the action level of 85 dBA.
Annual noise training was not maintained and documented.

c)Atlanta Kitchen Inc., Decatur, GA - On or about 03/12/19, and times prior to, in the saw area, employee's operating the CNC machine was exposed to noise at a time-weighted average (TWA) of 88.5 dBA, exceeding the action level of 85 dBA. Annual noise training was not maintained and documented.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

08/30/2019

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: 1379393
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Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

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

Atlanta Kitchen Inc., Decatur, GA - On or about 2/12/19, employees in the material handling and polishing area manually transferring granite slabs weighing greater than 300 pounds exposing employees to foot injuries. The employer did not ensure that employees were wearing foot protection. and training had not been conducted.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

08/30/2019
\$7576.00

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: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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 3 a Type of Violation: **Serious**

29 CFR 1910.1053(c): The employer did not ensure that no employee was exposed to an airborne concentration of respirable crystalline silica in excess of 50 ug/m³, calculated as an 8-hour TWA:

a)Atlanta Kitchens, LLC-Decatur, GA- On or about May 16 2019, and times prior to, an employee dry polishing and dry buffing granite counter tops was exposed to respirable silica levels of 145 micrograms per cubic meter (ug/m³), 2.9 times the permissible exposure limit (PEL) of 50 ug/m³. The exposure was derived from a sample taken over 465 minutes. Zero exposure was assumed for the 15 minutes not sampled.

b)Atlanta Kitchens, LLC-Decatur, GA- On or about May 16, 2019, and times prior to, an employee assisting with dry grinding and dry buffing granite counter tops was exposed to respirable silica levels of 118 micrograms per cubic meter (ug/m³), 2.36 times the permissible exposure limit (PEL) of 50 ug/m³. The exposure was derived from a sample taken over 405 minutes. Zero exposure was assumed for the 75 minutes not sampled.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/23/2019
\$13260.00

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

Inspection Number: 1379393
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Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

29 CFR 1910.1053(f)(1): The employer did not ensure engineering and work practice controls are present and appropriate, unless the employer can demonstrate that such controls are not feasible:

Atlanta Kitchens, LLC-Decatur, GA- On or about May 16, 2019, the employer had not established procedures to prevent or fix malfunctions that would result in increased exposures (e.g., inspections of booth for damages and gaps to maintain silica dust inside the booth). Also, the employer had not investigated work practice controls such as the use of water to control dust and/or the positioning of local exhaust hoods:

a) an employee dry polishing and dry buffing granite counter tops was exposed to respirable silica levels of 145 micrograms per cubic meter (ug/m³), 2.9 times the permissible exposure limit (PEL) of 50 ug/m³. The exposure was derived from a sample taken over 465 minutes. Zero exposure was assumed for the 15 minutes not sampled.

b) an employee assisting with dry polishing and dry buffing granite counter tops was exposed to respirable silica levels of 118 micrograms per cubic meter (ug/m³), 2.36 times the permissible exposure limit (PEL) of 50 ug/m³. The exposure was derived from a sample taken over 405 minutes. Zero exposure was assumed for the 75 minutes not sampled.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

11/05/2019

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: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

29 CFR 1910.1053(g)(2): Where respirator use is required by this section, the employer did not institute a respiratory protection program in accordance with 29 CFR 1910.134.

Atlanta Kitchens, LLC-Decatur, GA- On or about May 16, 2019, the written respiratory protection program did not include proper filters for silica, change schedule, storage, jobs descriptions, etc. Employees were using organic vapor cartridges respirable for silica, and respirators were stored on a nail in the dry polishing area:

- a) an employee dry polishing and dry buffing granite counter tops was exposed to respirable silica levels of 145 micrograms per cubic meter (ug/m3), 2.9 times the permissible exposure limit (PEL) of 50 ug/m3. The exposure was derived from a sample taken over 465 minutes. Zero exposure was assumed for the 15 minutes not sampled.
- b) an employee assisting with dry polishing and dry buffing granite counter tops was exposed to respirable silica levels of 118 micrograms per cubic meter (ug/m3), 2.36 times the permissible exposure limit (PEL) of 50 ug/m3. The exposure was derived from a sample taken over 405 minutes. Zero exposure was assumed for the 75 minutes not sampled.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/30/2019

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

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Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

29 CFR 1910.134(d)(1)(i): Selection of appropriate respirators was not based on the respiratory hazard(s) to which the worker was exposed and user factors that affect respirator performance and reliability:

Atlanta Kitchen Inc., Decatur, GA - On or about 2/12/19, employees dry polishing granite counter tops were provided and required to wear tight fitting half mask respirators for protection against silica dust. Employees were using organic vapor cartridges for protection against silica. The employer did not ensure that employees were using the correct cartridge.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/23/2019

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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

Atlanta Kitchen Inc., Decatur, GA - On or about 2/12/19 , employees dry polishing granite counter tops were provided and required to wear tight fitting half mask respirators for protection against silica dust. A medical evaluation was not performed prior to requiring employees to wear the respirators.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

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Occupational Safety and Health Administration

Inspection Number: 1379393
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Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

29 CFR 1910.134(f)(2): Employee(s) using a tight-fitting facepiece respirator were not annually fit tested:

Atlanta Kitchen Inc., Decatur, GA - On or about 2/12/19 , employees dry polishing granite counter tops were provided and required to wear tight fitting half mask respirators for protection against silica dust. Annual fit testing was not performed and/or documented.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/23/2019

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: 1379393
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Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

29 CFR 1910.134(h)(1)(i): Respirators issued for the exclusive use of an employee were not cleaned and disinfected as often as necessary to be maintained in a sanitary condition:

Atlanta Kitchen Inc., Decatur, GA - On or about 2/12/19, employees dry polishing granite counter tops were provided and required to wear tight fitting half mask respirators for protection against silica dust. Respirators were stored on a nail in the dry fabricating area, and were not cleaned and disinfected as often as necessary to be maintained in a sanitary condition.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

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

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Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

29 CFR 1910.134(h)(2)(i): Respirators were not stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals or were not packed or stored to prevent deformation of the facepiece and exhalation valve:

Atlanta Kitchen Inc., Decatur, GA - On or about 2/12/19, employees dry polishing granite counter tops were provided and required to wear tight fitting half mask respirators for protection against silica dust. Respirators were stored on a nail in the dry fabricating area. Respirators were not stored to protect them from damage, contamination, dust, sunlight, extreme temperatures.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

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Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

29 CFR 1910.134(k)(1): The employer shall ensure that each employee who are required to use respirators has been properly trained:

Atlanta Kitchen Inc., Decatur, GA - On or about 2/12/19 , employees dry polishing granite counter tops were provided and required to wear tight fitting half mask respirators for protection against silica dust. Adequate respirator re-training had not been conducted or documented in that employees were wearing a respirator over a hat that interfered with the sealing surface of the respirator. Another employee was wearing an organic vapor respirator for silica dust.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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Company Name: Atlanta Kitchen LLC
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Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.1053(d)(1): The employer did not assess the exposure of each employee who was or may reasonably be expected to be exposed to respirable crystalline silica at or above the action level in accordance with either the performance option in paragraph (d)(2) or the scheduled monitoring option in paragraph (d)(3) of this section:

a)Atlanta Kitchen Inc., Decatur, GA - On or about 2/12/19, employees polishing, cutting, and buffing granite counter tops that contains 20%-50% silica. The employer had not conducted monitoring to determine employees exposure to respirable crystalline silica and/or monitoring has to be repeated every three to six months until two consecutive measurements, taken 7 or more days apart, are below the action level.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

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Proposed Penalty:

09/23/2019
\$9472.00

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Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

29 CFR 1910.1053(c)(1): The employer did not establish a regulated area wherever an employee's exposure to airborne concentrations of respirable crystalline silica was, or could have been reasonably expected to be, in excess of the PEL:

a) Atlanta Kitchen Inc., Decatur, GA - On or about May 16, 2019, employees were required to dry polish granite counter tops that contain silica. The employer had not established a regulated area while polishing, in that, the silica dust cloud generated from dry polishing was being released into the production area. The employer did not establish an adequate regulated area (signage, demarcation, and containment of dust):

a) an employee dry polishing and dry buffing granite counter tops was exposed to respirable silica levels of 145 micrograms per cubic meter (ug/m3), 2.9 times the permissible exposure limit (PEL) of 50 ug/m3. The exposure was derived from a sample taken over 465 minutes. Zero exposure was assumed for the 15 minutes not sampled.

b) an employee assisting with dry polishing and dry buffing granite counter tops was exposed to respirable silica levels of 118 micrograms per cubic meter (ug/m3), 2.36 times the permissible exposure limit (PEL) of 50 ug/m3. The exposure was derived from a sample taken over 405 minutes. Zero exposure was assumed for the 75 minutes not sampled.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

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Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

29 CFR 1910.1053(f)(2)(I): The employer did not ensure develop a written Exposure Control Program (ECP) was developed:

Atlanta Kitchens, LLC-Decatur, GA- On or about May 16, 2019, the employer had not developed a written exposure control plan:

- a) an employee dry polishing and dry buffing granite counter tops was exposed to respirable silica levels of 145 micrograms per cubic meter (ug/m3), 2.9 times the permissible exposure limit (PEL) of 50 ug/m3. The exposure was derived from a sample taken over 465 minutes. Zero exposure was assumed for the 15 minutes not sampled.
- b) an employee assisting with dry polishing and dry buffing granite counter tops was exposed to respirable silica levels of 118 micrograms per cubic meter (ug/m3), 2.36 times the permissible exposure limit (PEL) of 50 ug/m3. The exposure was derived from a sample taken over 405 minutes. Zero exposure was assumed for the 75 minutes not sampled.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/23/2019
\$9472.00

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

Inspection Number: 1379393
Inspection Date(s): 02/12/2019 - 05/16/2019
Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

29 CFR 1910.1053(h)(1): The employer allowed dry sweeping or dry brushing where such activity could contribute to employee exposure to respirable crystalline silica and wet sweeping, HEPA-filtered vacuuming or other methods that minimize the likelihood of exposure were feasible and/or allowed the use of compressed air to clean, without the use of a ventilation system that effectively captures the dust cloud created by the compressed air:

a)Atlanta Kitchen Inc., Decatur, GA - On or about 2/12/19 employees were required to dry polishing granite counter tops that contains 20%-50% silica. The employer allowed dry sweeping with a broom to clean the floors creating silica dust.

b)Atlanta Kitchen Inc., Decatur, GA - On or about 2/12/19, employees were using compressed air to clean clothing, equipment, and machinery from dry granite dust containing silica and the compressed air was not used in conjunction with a ventilation system that effectively captures the dust cloud created by the compressed air, as required by 1910.0153(h)(2).

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

08/16/2019
\$9472.00

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: 1379393
Inspection Date(s): 02/12/2019 - 05/16/2019
Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

29 CFR 1910.1053(j)(3)(i): The employer did not ensure that each employee covered by this section can demonstrate knowledge and understanding of respirable crystalline silica hazards and controls:

Atlanta Kitchen Inc., Decatur, GA - On or about 2/12/19, employees wet and dry polishing, used compressed air to clean silica dust and granite counter tops that contains 20%-50% silica. Information and training under the new globally harmonized system (GHS) such as, but not limited to task in the workplace that generate respirable silica dust hazards, measures used to protect employees from exposures to respirable crystalline silica hazards, work practice controls, respirators, medical surveillance program (Cancer, lung effects, immune system effects, and kidney effects), and engineering controls.

b) Atlanta Kitchen Inc., Decatur, GA - On or about 2/12/19, and times prior to, employees were using compressed air to clean clothing, equipment, and machinery from dry granite dust containing silica and the compressed air was not used in conjunction with a ventilation system that effectively captures the dust cloud created by the compressed air.

NOTE: This training should include machine operators, maintenance employees and polishers. Employees did not demonstrate knowledge of the hazards and health effects of silica.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

09/23/2019
\$9472.00

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: 1379393
Inspection Date(s): 02/12/2019 - 05/16/2019
Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

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

29 CFR 1910.1053(i)(1)(i): The employer did not make medical surveillance available at no cost to the employee, and at a reasonable time and place, for each employee who will be occupationally exposed to respirable crystalline silica at or above the action level for 30 or more days per year.

Atlanta Kitchens, LLC-Decatur, GA- On or about May 16, 2019, the employer did not provide medical surveillance for employees exposed to respirable silica above the action level for 30 or more days:

- a) an employee dry polishing and dry buffing granite counter tops was exposed to respirable silica levels of 145 micrograms per cubic meter (ug/m³), 2.9 times the permissible exposure limit (PEL) of 50 ug/m³. The exposure was derived from a sample taken over 465 minutes. Zero exposure was assumed for the 15 minutes not sampled.
- b) an employee assisting with dry polishing and dry buffing granite counter tops was exposed to respirable silica levels of 118 micrograms per cubic meter (ug/m³), 2.36 times the permissible exposure limit (PEL) of 50 ug/m³. The exposure was derived from a sample taken over 405 minutes. Zero exposure was assumed for the 75 minutes not sampled.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

09/23/2019
\$9472.00

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: 1379393
Inspection Date(s): 02/12/2019 - 05/16/2019
Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.32(b)(5): The employer did not post a copy of the annual summary in each establishment in a conspicuous place or places where notices to employees are customarily posted:

Atlanta Kitchens, Decatur, GA- On or about February 12, 2019, the employer did not post a copy of the OSHA 300A form.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$1895.00

A handwritten signature in black ink, appearing to read "W. C. Fulcher", written over a horizontal line.

William C. Fulcher
Area Director

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
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345



INVOICE / DEBT COLLECTION NOTICE

Company Name: Atlanta Kitchen LLC
Inspection Site: 201 Laredo Dr, Decatur, GA 30030
Issuance Date: 08/06/2019

Summary of Penalties for Inspection Number	1379393
Citation 1, Serious	\$87140.00
Citation 2, Other-than-Serious	\$1895.00
TOTAL PROPOSED PENALTIES	\$89035.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

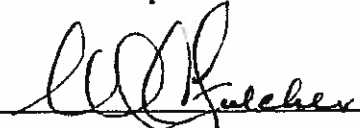
account, the bank will attempt to make the transfer up to 2 times.

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

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



William C. Fulcher
Area Director

08/04/2019
Date

U.S. Department of Labor

Occupational Safety and Health Administration
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345



Citation and Notification of Penalty

To:
Atlanta Kitchen, LLC
and its successors
196 Rio Circle
Decatur, GA 30030

Inspection Number: 1378228
Inspection Date(s): 02/12/2019 - 02/13/2019
Issuance Date: 08/06/2019

Inspection Site:
201 Laredo Drive
Decatur, GA 30030

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 by calling 770-493-6644. 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. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

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

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

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

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

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

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/06/2019. The conference will be held by telephone or at the OSHA office located at 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345 on _____ at _____ . Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1378228

Company Name: Atlanta Kitchen, LLC
Inspection Site: 201 Laredo Drive, Decatur, GA 30030
Issuance Date: 08/06/2019

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, 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345**

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

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

Inspection Number: 1378228
Inspection Date(s): 02/12/2019 - 02/13/2019
Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen, LLC
Inspection Site: 201 Laredo Drive, Decatur, GA 30030

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 1 a Type of Violation: **Serious**

29 CFR 1910.37(a) (3): Exit route(s) were not kept free and unobstructed:

a. 201 Laredo Drive, Decatur, GA - The designated, marked, and identified emergency exit door in the shop area was blocked with several large storage granite slabs, storage materials and large water cooler, etc., making it difficult to access in the event of an emergency, on or about 02/12-13/19.

- a. Maintenance Department Area
- b. Completed Staging Area

No abatement certification or documentation is required for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$7577.00

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: 1378228
Inspection Date(s): 02/12/2019 - 02/13/2019
Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen, LLC
Inspection Site: 201 Laredo Drive, Decatur, GA 30030

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

29 CFR 1910.37(b)(6): Each exit sign was not illuminated to a surface value of at least five foot-candles (54 lux) by a reliable light source and be distinctive in color:

a. 201 Laredo Drive, Decatur, GA - Employees were exposed to fire hazard. Employees working in and around the shop area were exposed to hazard due to the designated emergency exit sign lights were not illuminated, on or about 02/12-13/19.

- a. Maintenance Area
- b. Fabrication Area

No abatement certification or documentation is required for this item.

Date By Which Violation Must be Abated: Corrected During Inspection



Citation and Notification of Penalty

Company Name: Atlanta Kitchen, LLC
Inspection Site: 201 Laredo Drive, Decatur, GA 30030

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 2 a Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

a. 201 Laredo Drive, Decatur, GA (Throughout Facility) - The employees (maintenance and machine operators) were exposed to sudden energization or start-up of multi-energy source machines. The employer did not have machine specific written procedures for locking out/tagging out the multi-energy machines to safe guard employees performing services and/or maintenance on machinery or equipment, the machines are equipped with electrical, pneumatic, hydraulic and high pressure water as energy source, on or about 02/12-13/19.

- a. Mario Edge Polisher
- b. GMM- Brick Saws
- c. Robo Machine
- d. Fusion Machiner
- e. Montessor Machine
- f. CNC Machine

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

08/30/2019
\$11366.00

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

Inspection Number: 1378228
Inspection Date(s): 02/12/2019 - 02/13/2019
Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen, LLC
Inspection Site: 201 Laredo Drive, Decatur, GA 30030

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

29 CFR 1910.147(c)(7)(iv): The employer did not certify that employee training had been accomplished and kept up to date:

a. 201 Laredo Drive, Decatur, GA (Throughout Facility) - The employees (maintenance and machine operator) were exposed to sudden energization or start-up of multi-energy source machines. Employees perform servicing and maintenance activities such as installing, setting up, adjusting, inspecting, cleaning, maintaining, repairing, and servicing a variety of machines and equipment, such as Fusion machine, BACA machine and CNC machine. A certification record of maintenance and operators employees training containing each employee name and date of training was not available and/or not being documented, on or about 02/12-13/19.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

08/30/2019

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

Inspection Number: 1378228
Inspection Date(s): 02/12/2019 - 02/13/2019
Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen, LLC
Inspection Site: 201 Laredo Drive, Decatur, GA 30030

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

29 CFR 1910.147(d)(4)(i): Lockout or tagout devices were not affixed to each energy isolating device by authorized employees:

a. 201 Laredo Drive, Decatur, GA (Throughout Facility) - The machine operators were not provided locks and keys apparatus to affix to each machines for the isolating of the machines energy source. Employees are performing cleaning and/or servicing on the machines without locking and/or tagging out the equipment, on or about 02/12/-13/19.

- a. Mario Edge Polisher Machine
- b. GMM-Brick Saws
- c. Robo Machine
- d. Fusion Machine
- e. Montessor Machine
- f. CNC Machine

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

08/30/2019

Proposed Penalty:

\$11366.00

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

Inspection Number: 1378228
Inspection Date(s): 02/12/2019 - 02/13/2019
Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen, LLC
Inspection Site: 201 Laredo Drive, Decatur, GA 30030

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

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

a. 201 Laredo Drive, Decatur, GA (Shop Area) - Employees were exposed to struck-by hazard. The machine guarding and/or safety features (light curtain and safety cable) on the machines were inoperable, the machines function is to make cuts to the granite slab. There is no guarding to prevent the employees/operators from coming in contact to the movable parts, exposing employees to injuries, on or about 02/12-13/19.

- a. Fusion Granite Cutter Machine
- b. BACA Machine (Water Jet)

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

08/30/2019
\$7577.00

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

Inspection Number: 1378228
Inspection Date(s): 02/12/2019 - 02/13/2019
Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen, LLC
Inspection Site: 201 Laredo Drive, Decatur, GA 30030

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

29 CFR 1910.305(b)(2)(i): All pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose and each outlet box in completed installations did not have a cover, faceplate, or fixture canopy:

a. 201 Laredo Drive, Decatur, GA (Shop Area) - Employees were exposed to minor electrical shock hazard. The front face cover were missing from the electrical equipment outlet boxes, which prevents employees from coming in contact with live wires. The receptacle outlets was energized, on or about 02/12-13/19.

- a. Time clock electrical receptacle (120V)
- b. Sump Pump Motor (208V)

No abatement certification or documentation is required for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5683.00

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: 1378228
Inspection Date(s): 02/12/2019 - 02/13/2019
Issuance Date: 08/06/2019



Citation and Notification of Penalty

Company Name: Atlanta Kitchen, LLC
Inspection Site: 201 Laredo Drive, Decatur, GA 30030

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.178(l) (6): The employer did not certify that each operator has been trained and evaluated as required by this paragraph (l):

a. 201 Laredo Drive, Decatur, GA (Shop Area) - The employer did not properly certify and/or produced the proper documentations that the designated operators of the powered industrial trucks (Sit-down forklifts) had received training and was evaluated on the powered industrial trucks, on or about 02/12-13/19.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

08/30/2019
\$0.00

A handwritten signature in black ink, appearing to read "W. C. Fulcher", written over a horizontal line.

William C. Fulcher
Area Director

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
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345



INVOICE / DEBT COLLECTION NOTICE

Company Name: Atlanta Kitchen, LLC
Inspection Site: 201 Laredo Drive, Decatur, GA 30030
Issuance Date: 08/06/2019

Summary of Penalties for Inspection Number	1378228
Citation 1, Serious	\$43569.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$43569.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

account, the bank will attempt to make the transfer up to 2 times.

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

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



William C. Fulcher

Area Director



Date