



DIVISION OF LABOR AND INDUSTRY
MARYLAND OCCUPATIONAL SAFETY AND HEALTH
MICHAEL PENN, CSP, SMS, ACTING ASSISTANT COMMISSIONER
10946 GOLDEN WEST DRIVE, SUITE 160
HUNT VALLEY, MD 21031

9/21/23

Maryland Department of Transportation State Highway Administration
320 West Warren Road
Hunt Valley, MD 21030

Pursuant to Labor and Employment Article § 5-212, the insurance of citations must be within six months from the date of the occurrence. The agency will follow up with the issuance of a Hazard Alert Letter.

A handwritten signature in black ink, appearing to read "Michael A. Penn", followed by a horizontal line.

Michael A. Penn, CSP, SMS
Acting Assistant Commissioner

cc: Maryland Department of Transportation State Highway Administration
Paul J. Wiedefeld, Secretary

Citation and Notification of Penalty

To:
Maryland Department of Transportation State Highway
Administration
320 West Warren Road
Hunt Valley, MD 21030

Inspection Number: 1666750
Inspection Date: 03/22/2023-09/19/2023
Issuance Date: 09/21/2023
Case No.: L5124-004-23

Inspection Site:
Interstate 695 Inner Loop, Mile Marker 14.5
Woodlawn, MD 21207

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 is an official charging document which has specific deadlines for actions and is known as a Citation and Notification of Penalty (this Citation) which describes violations of the Maryland Occupational Safety and Health Act (Labor & Employment Article, Titles 1, 2 and 5) and Regulations. 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, unless within 15 working days (excluding weekends and State holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the Commissioner at the address shown above. 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 becomes a final order of the Commissioner.

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 State holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

Types of Violations - Violations are characterized as follows: (1) Willful - a violation where either: (a) the employer committed an intentional and knowing violation of the Act or Regulations or (b) though the employer was not intentionally violating the Act or regulations, he or she acted with plain indifference to or in careless disregard of employer responsibilities under the Act; (2) Serious - a violation where there is a substantial probability that death or serious physical harm could result, unless the employer did not know and could not know through the exercise of reasonable diligence, the existence of the violation; (3) Other - a violation that has a direct relationship to job safety and health, but which is not a serious violation; (4) Repeated - a violation of the same or similar standard for which an employer has been previously cited and which has become a final order; and (5) Failure to Correct - a violation for which a citation has been issued and the employer has failed to correct the violation within the permitted period for its correction.

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1666750
Case No.: L5124-004-23
Inspection Date: 03/22/2023-09/19/2023
Issuance Date: 09/21/2023

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one during the 15 working day contest period. During such an informal conference you may present evidence concerning abatement 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 prior to the expiration of your contest period. Please keep in mind that a written letter of intent to contest must be submitted to the Commissioner 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 page 4 (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, the agency may settle 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 penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Commissioner in writing that you intend to contest the citation(s) and/or penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Commissioner.

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless contested. Make your check or money order payable to "Division of Labor & Industry/MOSH". Please indicate the Case No. on the remittance.

MOSH 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 Commissioner at the address shown above.

Contest By 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 Commissioner at the address shown above and postmarked within 15 working days (excluding weekends and State holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1666750
Case No.: L5124-004-23
Inspection Date: 03/22/2023-09/19/2023
Issuance Date: 09/21/2023

Notification of Corrective Action - For violations which you do not contest, you **must** notify the Commissioner promptly by letter or the enclosed Abatement Verification Response form that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Commissioner in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. An additional citation, possibly with a penalty, maybe issued if abatement verification/documentation is not received.

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, but not sooner than 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.

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1666750
Case No.: L5124-004-23
Inspection Date: 03/22/2023-09/19/2023
Issuance Date: 09/21/2023

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with **MOSH** to discuss the citation(s) issued on

09/21/2023. The conference will be held at: _____

(location)

on _____ at _____ am/pm.

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

NOTICE TO EMPLOYEES - Any Employee or representative of employees who believes that any period of time fixed in this Citation for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the Commissioner at the address shown above within 15 work days (excluding weekends and state holidays) of the issuance of this citation.

EMPLOYER DISCRIMINATION UNLAWFUL - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under the Maryland Occupational Safety and Health Act. An employee who believes that he or she has been discriminated against may file a complaint with the Commissioner at the address shown above no later than 30 days after the discrimination.

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1666750
Case No.: L5124-004-23
Inspection Date: 03/22/2023-09/19/2023
Issuance Date: 09/21/2023

Citation and Notification of Penalty

Company Name: Maryland Department of Transportation State Highway Administration
Inspection Site: Interstate 695 Inner Loop, Mile Marker 14.5, Woodlawn, MD 21207

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

29 CFR 1926.200(g)(1): At points of hazard, construction areas were not posted with legible traffic control signs:

(a) Date of Violation: On or About 03/22/23

Location: I-695 Inner Loop Median

Condition: Traffic control signs were not posted in advance of openings in the temporary concrete barrier of the work zone to warn road users that construction vehicles may be transitioning into or out of the work zone, exposing contractors' employees to struck-by hazards.

Abatement documentation (photographs, receipts, copies of programs, training certification, etc.) is required for this item.

<u>Date By Which Violation Must be Abated:</u>	<u>September 29, 2023</u>
<u>Proposed Penalty:</u>	<u>\$0.00</u>



Michael A. Penn, CSP, SMS
Acting Assistant Commissioner

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1666750
Case No.: L5124-004-23
Inspection Date: 03/22/2023-09/19/2023
Issuance Date: 09/21/2023

Citation and Notification of Penalty

Company Name: Maryland Department of Transportation State Highway Administration
Inspection Site: Interstate 695 Inner Loop, Mile Marker 14.5, Woodlawn, MD 21207

**INVOICE/
DEBT COLLECTION NOTICE**

Summary of Penalties for Inspection Number: 1666750

Citation 1 Item 1, Serious	\$0.00
TOTAL PROPOSED PENALTIES:	\$0.00

Maryland Department of Labor
Division of Labor and Industry
Maryland Occupational Safety and Health (MOSH)

Inspection Number: 1666750
Case No.: L5124-004-23
Inspection Date: 03/22/2023-09/19/2023
Issuance Date: 09/21/2023

Company Name: Maryland Department of Transportation State Highway Administration
Inspection Site: Interstate 695 Inner Loop, Mile Marker 14.5, Woodlawn, MD 21207

ABATEMENT VERIFICATION RESPONSE

Return To:
Maryland Occupational Safety and Health
10946 Golden West Drive, Suite 160
Hunt Valley, MD 21031

As a result of the inspection/investigation conducted at your establishment, certain alleged hazards/violations were disclosed as indicated in the enclosed CITATION(s). **YOU ARE OBLIGATED BY LAW** to correct hazardous conditions or practices in your workspace.

Please complete this **ABATEMENT VERIFICATION RESPONSE** and return it to the Agency at the above address as soon as possible by indicating what action you have taken to correct the violation(s) and date corrections were made within the time frame set forth. **USE ADDITIONAL PAPER AS NECESSARY.**

Citation	Description	Type	Abatement Due Date	Describe Action Taken	Date Corrected
1-1	1926.200(g)(1)	Serious	September 29, 2023		

Affected employees and their representatives were informed on _____ Date _____ of abatement steps taken.

I certify that the above statements are true and correct.

Company Representative

Title