



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
Division of Occupational Safety and Health
PO Box 44600 • Olympia, Washington 98504-4600

February 6, 2023

AAA CONTRACTORS INC
24816 Pacific Hwy S
Kent, WA 98032-5442

OSHA #: 1620561
Inspection: 317970376
UBI: 602884326
Region: 02-Safety
Inspector ID: S2400
Reference: 102416952

Dear Employer:

Enclosed are the results of the safety and health inspection of your workplace. This packet contains:

- **Citation Invoice** – The total assessed penalty is \$437,581.00
- **Citation and Notice of Assessment** – Washington Administrative Code (WAC) Violations.
- **Employer Certification of Abatement instruction and form** - Correct all violations and return written verification or additional penalties may result.
- **Employer Appeal Rights** – You have 15 working days to appeal this citation.

You must immediately post this Citation and Notice of Assessment at or near where the violation(s) occurred, where employees can easily find and read it, or where employees normally receive posted information. All postings must remain until you have corrected all violations, or for seven working days, whichever is longer. “Working day” means a calendar day, except Saturdays, Sundays and all legal state holidays.

Because this inspection is public information, the result will be posted online 30 days after the above date by the Department of Labor & Industries. You may view it at <https://secure.lni.wa.gov/verify> .

Please visit <https://www.lni.wa.gov/agency/public-disclosure/> if you would like to request a copy of the inspection file. Your choices are:

- Safety & Health Citation Only
- Safety & Health Brief Inspector Summary Report (short description the inspector writes to summarize the reason for the inspection only – not complete file)
- Safety & Health Detailed Inspection Summary Report (detailed summary of inspection including penalty calculation only – not complete file)
- Safety & Health Citation and Complete Inspection File (The complete legal file which contains the detailed information regarding the inspector’s findings, the citation, and calculation of any penalty. This will be especially helpful if you are contemplating filing an appeal.)

If you have questions, call the compliance supervisor, Patrick Oliver, at (425) 395-5584.

Respectfully,

L&I Assistant Director
Division of Occupational Safety & Health

Enclosure(s)



Washington State Department of
Labor & Industries
Division of Occupational Safety and Health

Invoice

Inspection: 317970376

UBI: 602884326
Legal Name: AAA CONTRACTORS INC
DBA Name: AAA CONTRACTORS INC
Inspection Site: Corner of,
NE 38th St & Lincoln Ave NE, Renton, WA,
98056

Issued: February 6, 2023
Opening Conference: September 7, 2022
Closing Conference: January 24, 2023
Inspector ID: S2400

Summary of Assessed Penalties Due

The Citation and Notice of Assessment includes a full description of each violation.

Violation Item	Violation Type	WAC	Correction Due Date	Penalty Amount
1-1	Willful Serious	WAC 296-155-657(1)(a)	Not Applicable	\$145,027.00
1-2	Willful Serious	WAC 296-155-655(3)(b)	Not Applicable	\$145,027.00
1-3	Willful Serious	WAC 296-155-655(11)(a)	Not Applicable	\$145,027.00
2-1	Serious	WAC 296-155-110(2)	3/11/2023	\$2,500.00
3-1	General	WAC 296-155-110(9)	Not Applicable	\$0.00
3-2	General	WAC 296-155-120(1)	3/11/2023	\$0.00
3-3	General	WAC 296-155-120(2)	Not Applicable	\$0.00
3-4	General	WAC 296-27-02105(3)	3/11/2023	\$0.00
<u>Total Penalty Due</u>				\$437,581.00

PAYMENT INFORMATION

Payment is due 15 working days from receipt of this citation.

Make check payable to the Department of Labor and Industries.

Write Inspection number 317970376 on the check and mail to:

Attn: DOSH Cashier
Department of Labor and Industries
PO Box 44835
Olympia, WA 98504-4835
Or deliver to: **Any L&I office**



Post This Document

**Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317970376**

UBI: 602884326

Issued: February 6, 2023

Legal Name: AAA CONTRACTORS INC

Opening Conference: September 7, 2022

DBA Name: AAA CONTRACTORS INC

Closing Conference: January 24, 2023

Inspection Site: Corner of, NE 38th St & Lincoln Ave NE Renton,
WA 98056

Inspector ID: S2400

Message

This employer has been identified as a Severe Violator Enforcement case under the Labor & Industries Division of Occupational Safety & Health's (DOSH), Severe Violator Enforcement Program (SVEP). Your company will be subject to follow-up inspections to determine if the conditions cited here still exist in the future. Follow-up inspections of this company will continue at a heightened level until the Department is satisfied that the conditions no longer exist.

The following violations qualify this employer for SVEP:

1-1 (Willful Serious)

1-2 (Willful Serious)

1-3 (Willful Serious)

The Occupational Safety & Health Administration (OSHA) has been notified. For further information, please refer to DOSH Directive 2.68 and OSHA Instruction CPL 02-00-149.

Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317970376

Violation 1 Item 1

Violation Type: Willful Serious

WAC 296-155-657(1)(a)

The employer did not ensure that each employee in a excavation more than four feet in depth was protected from cave-ins by an adequate protective system.

Upon inspection, four employees were determined to be working in and near a trench/excavation more than four feet in depth in order to install sewer pipes without an adequate protective system to prevent cave-ins at a jobsite in Renton, WA.

When excavations, more than four feet, do not have adequate protective systems to protect against cave-ins, employees injured by a cave-in or engulfment could suffer injuries resulting in permanent disability or death.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$145,027.00

Violation 1 Item 2

Violation Type: Willful Serious

WAC 296-155-655(3)(b)

The employer did not ensure that there was a safe means of egress from trench excavations.

Upon inspection, four employees were determined to be working in and near a trench/excavation without safe egress at a jobsite in Renton, WA. At the jobsite the ladder did not extend at least three feet above the trench, two separate sections of ladder were lashed together with rope, and the ladder side rails and rungs were damaged and not removed from use.

When a safe means of egress is not provided to employees working in trench excavations, there is no means of safely evacuating a trench in the event of a cave-in and employees could suffer injuries capable of causing permanent disability or death.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$145,027.00



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**Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317970376**

Violation 1 Item 3

Violation Type: Willful Serious

WAC 296-155-655(11)(a)

The employer did not ensure that daily inspections of the excavation, the adjacent areas, and protective systems are made by a competent person for evidence of a situation that could result in possible cave-ins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions.

Upon inspection, it was determined that four employees had been working in or near a trench more than four feet in depth without a competent person on-site to ensure that soil was properly classified before work began, inspect the trench for cave-in protection before allowing employees to have access, and did not ensure adequate access and egress for employees working in the trench.

Employees injured by cave in/engulfment due to no daily inspection by a competent person could suffer injuries resulting in permanent disability or death.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$145,027.00



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**Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317970376**

Violation 2 Item 1

Violation Type: Serious

WAC 296-155-110(2)

The employer did not develop a formal Accident Prevention Program that was tailored to the needs of the workplace or operation, and to the types of hazards involved.

Upon inspection, it was determined that four employees were working on a construction site and conducting trenching and excavation operations without a formal Accident Prevention Program that was tailored to address trenching and excavation hazards.

Without an Accident Prevention Program tailored to excavation and trenching operations, employees may be unaware of cave-in and engulfment hazards present at the work place that are capable of causing injuries resulting in permanent disability or death.

The following additional correction documentation is required for this violation:

Update your Accident Prevention Program to include requirements contained in WAC 296-155 Part N: Excavation, Trenching, and Shoring and include an updated copy of your Accident Prevention Program with your completed Employer Certification of Abatement.

**Correct by: 3/11/2023
Assessed penalty: \$2,500.00**



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Citación por Infracción y Multa Civil
Inspection: 317970376

Violation 3 Item 1

Violation Type: General

WAC 296-155-110(9)

The employer did not ensure that weekly walk-around safety inspections were documented.

Upon inspection, it was determined that four employees were working on a construction site where slips, trips, falls, struck-by and cave-in hazards were present without weekly walk-around safety inspections conducted.

When weekly walk-around safety inspections are not documented, employees are unable to verify if slips, trips, falls, struck-by and cave-in hazards are being identified and corrected increasing the likelihood of injury.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$0.00

Violation 3 Item 2

Violation Type: General

WAC 296-155-120(1)

The employer did not ensure that where a crew is present, a person with a valid first-aid certificate is available.

Four employees were working on a jobsite where slips, trips, falls, struck-by and cave-in hazards were present without a person with a valid first-aid certificate.

When a person, with a valid first-aid certificate, on a jobsite where hazards exist is not available, employees cannot be afforded timely first-aid, potentially increasing the severity of any injuries.

The following additional correction documentation is required for this violation:

Provide first-aid training to employees and provide copies of training records with your completed Employer Certification of Abatement.

Correct by: 3/11/2023
Assessed penalty: \$0.00



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**Citation and Notice of Assessment
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Inspection: 317970376**

Violation 3 Item 3

Violation Type: General

WAC 296-155-120(2)

The employer did not ensure that crew leaders, supervisors or persons in direct charge had a valid first-aid certificate.

Three employees were working on a jobsite where slips, trips, falls, struck-by and cave-in hazards were present without a crew leader or supervisor with a valid first-aid certificate.

When crew leaders, supervisors or persons in direct charge do not have a valid first-aid certificate, employees cannot be afforded timely first-aid potentially increasing the severity of any injuries.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$0.00

Violation 3 Item 4

Violation Type: General

WAC 296-27-02105(3)

A company executive did not certify that the OSHA 300 Log is correct and complete.

Upon inspection, the employer provided OSHA 300 Logs that were not certified by a company executive and OSHA 300 Logs did not accurately reflect the amount of hours worked.

When a company executive does not certify that OSHA 300 Logs were correct and complete, injury trends may not be identified and corrected.

The following additional correction documentation is required for this violation:

Correct and certify your OSHA 300/300A Logs for Year 2020 and 2021, and include corrected OSHA 300 records with your Employer Certification of Abatement.

**Correct by: 3/11/2023
Assessed penalty: \$0.00**

Employer Certification of Abatement Instructions Inspection: 317970376

What you must do now:

- Check the correction due date(s) shown on the enclosed Employer Certification of Abatement Form. You must fully correct the hazards by these dates.
 - Describe on the form how you corrected each hazard, rather than what you *intend to do* in the future. Examples:
 - Right:** *All staff have received the required training.*
 - Wrong:** *All staff will receive the required training next week.*
- Use attachments if you need more space. Submit additional documentation of hazard correction if requested in the citation packet.
- Fill in the date you corrected the hazard and sign.
 - Post a copy of the completed form for at least seven working days, or until you have corrected all violations, whichever is longer. It must be posted near the hazard location or in a place that is readily accessible by affected employees and their representatives.
 - Send your completed form to the address provided.

Note: If we do not receive written confirmation you have corrected the hazards, we will take follow-up action, which may include additional penalties. If you provide us with false information, you may face criminal penalties.

If you are unable to fix the hazard(s) by the correction due date(s):

We must receive your written request for an extension **before** the correction due date(s) listed for the hazard(s). Correction due dates are shown on the enclosed Citation and Notice of Assessment and on your Employer Certification of Abatement Form(s).

Extensions are not automatically granted. To be considered for an extension, you must provide the following:

- Inspection number, employer name, telephone number, and site address.
- Violation and Item number for each requested extension.
- Correction due date on the citation and additional time needed.
- Steps taken to fix the hazard by the correction due date.
- Why you cannot correct the hazard by the correction due date.
- How you will protect your employees until you fix the hazard.

For more information, contact:

Or call: (425) 395-5584

Patrick Oliver, Compliance Supervisor

Department of Labor and Industries

2111 N Northgate Way Suite 300

SEATTLE, WA 98133

You must post all documentation associated with your request for extension with your citation packet. All postings must remain until you have corrected all violations, or unless you have appealed and received and posted your hearing notice.



Employer Certification of Abatement Form

Inspection: 317970376

UBI: 602884326

Issued: February 6, 2023

Legal Name: AAA CONTRACTORS INC

DBA Name: AAA CONTRACTORS INC

Site Address: Corner of, NE 38th St & Lincoln Ave NE, Renton, WA, 98056

You must complete this form and return it to: Ian Seiler, Department of Labor & Industries
2111 N. Northgate Way, Ste 300, SEATTLE, WA 98133
Or Fax to:

Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
2-1	Serious	WAC 296-155-110(2)	3/11/2023
Violation Summary: Accident prevention program does not address excavation hazards			
How you corrected the hazard →			
Date you corrected the hazard →			
3-2	General	WAC 296-155-120(1)	3/11/2023
Violation Summary: No first aid certified person present			
How you corrected the hazard →			
Date you corrected the hazard →			
3-4	General	WAC 296-27-02105(3)	3/11/2023
Violation Summary: OSHA 300 summary not certified by company executive			
How you corrected the hazard →			
Date you corrected the hazard →			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature Name

Title Date Phone No.

DOSH USE ONLY

DOSH Reviewer's Signature Date

For Employers

If you are cited for a violation of Occupational Safety and/or Health rules, you have the right to appeal the citation. **You have 15 working days from the date you receive this citation to appeal.** (RCW 49.17.140(1)) "Working day" means a calendar day, except Saturdays, Sundays and all legal state holidays. Your appeal must be in writing. It may be mailed, faxed, personally delivered or electronically filed. If you electronically file, the Department will send an automated acknowledgement that the appeal was received. **If you do not receive acknowledgement, please ensure you have addressed it to the correct email.** You can also contact the Appeals Program at the number listed below.

For violations classified as serious, willful, repeat serious, or failure to abate serious, an employer must correct the violations by the date listed on the Citation and Notice / Employer's Certification of Abatement form unless a stay of abatement date is requested in the appeal as described on this page. A stay of abatement date means the employer's requirement to abate or correct the hazard is put on hold until the appeal is resolved. All general and repeat general violations under appeal automatically have stay of abatement dates until a final order on those violations has been issued. If you only need an extension of an abatement date, please see the above section entitled, **"If you are unable to fix the hazard(s) by the correction due date(s)"**.

Your appeal must include:

- Name, address, telephone number, and fax number if available of the employer who is appealing, and for the employer's representative, if any, such as an attorney or interpreter.
- Inspection Number (You will find this nine-digit number in the top right corner of this page.)
- Statement explaining:
 1. What you think is wrong with the citation and any related facts.
 2. How you think the citation should be changed.
 3. What relief you are seeking and why.

If you are requesting a stay of abatement date for serious, willful, repeat serious or failure to abate serious, you must also include:

- Each violation and item number for which a stay of abatement date is requested; and
- The reason for the stay of abatement date request.

Note: Employees and/or employee representatives may elect to participate in appeal hearings.

Posting requirement:

You must post your appeal documents (along with this citation packet) until the appeal is resolved. You must also post all other documents related to this appeal.

For Employees or Their Representatives

If your employer is cited, you may only appeal the correction due date(s).

Your appeal must include:

- Your name, address, telephone number, and fax number if available and the same information for anyone who is representing you, if any.
- Inspection number.
- Statement explaining why the correction due date should be changed.

Send all appeals to:

Assistant Director for DOSH
Attn: Appeals Program
PO Box 44604
Olympia, WA 98504-4604
Fax to: **(360) 902-5581** or deliver to: **Any L&I office**
Electronically to: DOSHAppeals@Lni.wa.gov

For more information call the Appeals Program: **(360) 902-5486.**

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Kent, WA 98032-5442

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