Citation and Notification of Penalty

Company Name: Old North State Masonry, LLC; Joseph S. Anastasi DBA Old North State Masonry
Inspection Site: 711 East Morehead Street, Charlotte, NC 28202

Citation 01 Item 001 Type of Violation: **Serious**

29 CFR 1926.451(a)(1): Each scaffold and/or scaffold component was not capable of supporting, without failure, its own weight and at least 4 times the maximum intended load applied or transmitted to it:

a) Jobsite, Hydro Mobile mast climbing scaffold – where the bearing bridge section between mast climbing work platforms (MCWP) #14 and #15 was not capable of supporting its own weight and four times the maximum intended load. The employer assembled the bridge section in a configuration different from the approved engineering drawings and did not determine the safe loading capacity of the as-built scaffold.

On or about January 2, 2023, the bridge section was used by a subcontractor and loaded with approximately 1765 lbs. of employees, materials, and equipment without knowing the safe loading capacity of the scaffold. Three employees were fatally injured when the bridge section collapsed, and they fell approximately 70 feet to the ground. Two other employees suffered non-life-threatening injuries.

Date By Which Violation Must Be Abated: **Corrected During Inspection**
Proposed Penalty: **$14,502.00**

Citation and Notification of Penalty

Company Name: Old North State Masonry, LLC; Joseph S. Anastasi DBA Old North State Masonry
Inspection Site: 711 East Morehead Street, Charlotte, NC 28202

Citation 01 Item 002 Type of Violation: **Serious**

29 CFR 1926.451(a)(6): Scaffolds were not constructed in accordance with the design by a qualified person:

a) Jobsite, Hydro Mobile mast climbing scaffold – where the employer constructed the bearing bridge in a manner that deviated from the approved engineering design drawings, including, but not limited to, where the EXT02 Multi-Purpose Insert (MPI) sections were installed in both parallel and perpendicular directions, instead of in a parallel-only direction as designed.

On or about January 2, 2023, three employees of a subcontractor were fatally injured after falling approximately 70 feet to the ground when the bridge section of the Hydro Mobile mast climbing scaffold collapsed after a failure between parallel MPI section EXT02-0032 and perpendicular section EXT02-128. Two other employees suffered non-life-threatening injuries.

Date By Which Violation Must Be Abated: **Corrected During Inspection**
Proposed Penalty: **$14,502.00**

Citation and Notification of Penalty

Company Name: Old North State Masonry, LLC; Joseph S. Anastasi DBA Old North State Masonry
Inspection Site: 711 East Morehead Street, Charlotte, NC 28202

Citation 01 Item 003 Type of Violation: **Serious**

29 CFR 1926.451(a)(6): Scaffolds were not constructed in accordance with the design by a qualified person:

a) Jobsite, Hydro Mobile mast climbing scaffold – where the employer constructed the bearing bridge using Multi-Purpose Insert (MPI) sections with serial numbers EXT02-0110, EXT02-0032, and EXT02-0128 without the special reinforcing kit as required by the manufacturer per their technical notice HMT-0061-01-E, dated August 20, 2008, which states:

"***Important: It should be noticed that bearing is authorized on multi-purpose bridges having serial number serial number "EXT02-134" and up only. Special reinforcing kit to be used mandatory for other serial numbers.***"

On or about January 2, 2023, three employees of a subcontractor were fatally injured after falling approximately 70 feet to the ground when the bridge section of the Hydro Mobile mast climbing scaffold collapsed after a failure between parallel MPI section EXT02-0032 and perpendicular section EXT02-0128. Two other employees suffered non-life-threatening injuries.

Date By Which Violation Must Be Abated: **Corrected During Inspection**
Proposed Penalty: **$14,502.00**

Citation and Notification of Penalty

Company Name: Old North State Masonry, LLC; Joseph S. Anastasi DBA Old North State Masonry
Inspection Site: 711 East Morehead Street, Charlotte, NC 28202

Citation 01 Item 004 Type of Violation: **Serious**

29 CFR 1926.451(a)(6): Scaffolds were not constructed in accordance with the design by a qualified person:

a) Jobsite, Hydro Mobile mast climbing scaffold – where the employer constructed the bearing bridge using Multi-Purpose Insert (MPI) sections with serial numbers EXT02-0110, EXT02-0032, and EXT02-0128, manufactured in or about 2005, without conducting the ultrasonic testing and re-testing required by the manufacturer in document HMT-0176-03-E for all M Series old style bridges that are more than ten (10) years old:

"10 year inspection: Every structure older than ten (10) years old must be submitted to ultrasonic wall thickness testing by a qualified person or entity to determine if the structure's integrity meets Hydro Mobile's minimum requirements. After the results of the ultrasonic testing are determined, the re-testing criteria must be applied."

On or about January 2, 2023, three employees of a subcontractor were fatally injured after falling approximately 70 feet to the ground when the bridge section of the Hydro Mobile mast climbing scaffold collapsed after a failure between parallel MPI section EXT02-0032 and perpendicular section EXT02-0128. Two other employees suffered non-life-threatening injuries.

Date By Which Violation Must Be Abated: **Corrected During Inspection**
Proposed Penalty: **$14,502.00**

Citation and Notification of Penalty

Company Name: Old North State Masonry, LLC; Joseph S. Anastasi DBA Old North State Masonry
Inspection Site: 711 East Morehead Street, Charlotte, NC 28202

Citation 01 Item 005 Type of Violation: **Serious**

29 CFR 1926.451(f)(3): Scaffolds and scaffold components were not inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold's structural integrity:

a) Jobsite, Hydro Mobile mast climbing scaffold – where masonry subcontractor employees were walking and working, and the employer did not ensure the scaffold system was inspected before each work shift.

Date By Which Violation Must Be Abated: **Immediately Upon Receipt**
Proposed Penalty: **$14,502.00**

North Carolina Department of Labor
Occupational Safety and Health Division

Inspection Number: 318257458
Inspection Date(s): 1/2/2023 - 6/28/2023
Issuance Date: 6/28/2023

Citation and Notification of Penalty

Company Name: Old North State Masonry, LLC; Joseph S. Anastasi DBA Old North State Masonry
Inspection Site: 711 East Morehead Street, Charlotte, NC 28202

Citation 01 Item 006 Type of Violation: **Serious**

29 CFR 1926.451(f)(4): Part(s) of a scaffold that were damaged or weakened, such that the scaffold's strength was less than that required by paragraph (a) of this section, were not immediately repaired, replaced, braced to meet those provisions, nor removed from service until repaired.

a) Jobsite, Hydro Mobile mast climbing scaffold – where the employer constructed the bearing bridge using Multi-Purpose Insert (MPI) sections with serial numbers EXT02-0110, EXT02-0032, and EXT02-0128, and the steel members were heavily rusted and deteriorated, affecting both the structural integrity and strength of the scaffold.

On or about January 2, 2023, three employees of a subcontractor were fatally injured after falling approximately 70 feet to the ground when the bridge section of the Hydro Mobile mast climbing scaffold collapsed after a failure between parallel MPI section EXT02-0032 and perpendicular section EXT02-0128. Two other employees suffered non-life-threatening injuries.

Date By Which Violation Must Be Abated: **Corrected During Inspection**
Proposed Penalty: **$14,502.00**

District Supervisor
for the Director