

U.S. Department of Energy Cites Whittaker Construction and Excavating, Inc., and Harris Rebar Placing, LLC for Worker Safety and Health Program Violations

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WASHINGTON, D.C. – The U.S. Department of Energy (DOE) today issued a Preliminary Notices of Violations (PNOV) to Whittaker Construction and Excavating, Inc (WCEI) and Harris Rebar Placing, LLC (HRP) for violations of worker safety and health requirements. DOE’s enforcement program holds contractors accountable for meeting regulatory requirements and maintaining a safe and healthy workplace.

The violations are associated with an ironworker who suffered severe injuries from a fall from concrete formwork at Fermi National Accelerator Laboratory (Fermilab) on May 25, 2023. The PNOVs cite one Severity Level I violation for WCEI and HRP as per the requirements enforceable under 10 C.F.R. Part 851, *Worker Safety and Health Program*. WCEI and HRP are each cited for violations in the areas of: management responsibilities, hazard prevention and abatement, construction safety, and training and information.

DOE proposes a civil penalty of \$59,000 to WCEI based on the safety significance of the violation and in consideration of WCEI’s timely implementation of comprehensive corrective actions to prevent recurrence. Additionally, DOE proposes a civil penalty of \$118,000 to HRP based on the safety significance of the violation.

Section 234C of the Atomic Energy Act of 1954, as amended, authorizes the Energy Department to pursue regulatory enforcement under 10 C.F.R. Part 851 against DOE contractors for violations of worker safety and health requirements. DOE’s enforcement program encourages contractors to identify and correct worker safety and health program deficiencies at an early stage, before they contribute to, or result in more serious safety and health events.

HRP was a construction sub-tier subcontractor to WCEI. WCEI was a general construction subcontractor to Fermi Research Alliance, LLC (FRA). FRA is the management and operating contractor for the Fermi National Laboratory located in Batavia, Illinois.

Additional details on these PNOVs are available on the DOE website at:
<https://www.energy.gov/ea/listings/notices-violation>