

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Houston South Area Office  
17625 El Camino Real, Suite 400  
Houston, TX 77058  
Phone: (281)286-0583 FAX: (281)286-6352



## Citation and Notification of Penalty

**To:**  
JSW Steel (USA) Inc.

**Inspection Number:** 315723452  
**Inspection Date(s):** 10/05/2011 - 12/09/2011

and its successors  
5200 East McKinney Road  
Baytown, TX 77523

**Issuance Date:** 03/06/2012

**Inspection Site:**  
5200 East McKinney Road  
Baytown, TX 77523

*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 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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**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. 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 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, 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.

OSHA 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.

**Notification of Corrective Action** - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office 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. (Please see attached "Corrective Action Verification.")

**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.

## Corrective Action Verification

Dear Sir:

OSHA's inspections are intended to result in the abatement/correction of violations of the OSHA Act. To verify that this has been accomplished, Section 1903.19 requires that an employer certify to OSHA, within ten (10) days of the final abatement date that each item cited has been corrected.

This abatement certification letter must include the following:

Name of Employer

OSHA Inspection Number

Citation and Item Numbers to which the submission relates

The date each item was abated, specific action taken to abate each violation and appropriate documentation for the action taken. Where appropriate, this documentation should include photographs, work orders, purchase orders, personal protective equipment provided, standard operation procedures, copies of written programs, engineering controls, monitoring data, etc. Adequate supporting documentation may allow us to close the case file. **The lack of adequate documentation could result in a follow-up inspection.**

A statement that affected employees and their representatives have been informed of the abatement actions

A statement that the information submitted is accurate

The signature of the employer or the employer's authorized representative.

Following is a sample format that may be used for this submittal:

Name of Employer \_\_\_\_\_

<u>Citation Number</u>	<u>Item No. Instance No.</u>	<u>Date Item Abated</u>	<u>Corrective Action Taken</u>
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Date this letter of submission posted \_\_\_\_\_

I certify that the information submitted is correct.

\_\_\_\_\_  
Employer or Authorized Representative



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on \_\_\_\_\_ 03/06/2012. The conference will be held at the OSHA office located at Houston South Area Office, 17625 El Camino Real, Suite 400, Houston, TX, 77058 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**U.S. Department of Labor**      Occupational Safety and Health Administration  
17625 El Camino Real; Suite 400  
Houston, TX 77058  
Phone: (281)286-0583, Fax: (281)286-6352

Reply to the Attention of: HSAO

Dear Employer:

Under a law passed by Congress in 1996, the Small Business Administration (SBA) has established the SBA Ombudsman and SBA Regional Fairness Boards to investigate small business complaints pertaining to federal agency enforcement actions.

If you are a small business and believe you have been treated unfairly by the Occupational Safety and Health Administration (OSHA), you may file a written, signed complaint with the SBA Ombudsman at:

Small Business Administration  
Office of the National Ombudsman  
409 Third Street, S.W., MC2120  
Washington, DC 20024-0005  
Phone: (202)205-2417  
Fax: (202)418-5719

You can also access and download the Complaint/Comment form by visiting their website at:

<http://www.sba.gov/aboutsba/sbaprograms/ombudsman/index.html>

Or, call Toll Free: 1-888-REGFAIR

NOTE: Filing a complaint with the SBA Ombudsman does not affect any obligation you may have to comply with an OSHA citation or other enforcement action. Nor does it mean you need not take other available legal steps to protect your interest.

Your support in worker occupational health and safety is appreciated.

Sincerely,



Mark R. Briggs  
Area Director



**Citation and Notification of Penalty**

**Company Name:** JSW Steel (USA) Inc.  
**Inspection Site:** 5200 East McKinney Road, Baytown, TX 77523

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

29 CFR 1910.138(a): The employer did not select and require employees to use the appropriate hand protection when employee's hands are exposed to hazards such as those from skin absorption of harmful substances; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes:

The employer does not ensure that employees cleaning and sweeping spilled Grey Nap-Rock are wearing gloves. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Coating Department on October 7, 2011.

Pursuant to 29 CFR 1903.19, within 10 days of the abatement date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees wear the required hand protection when cleaning and sweeping Grey Nap-Rock.

<b>Date By Which Violation Must be Abated:</b>	<b>03/14/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 3300.00</b>



**Citation and Notification of Penalty**

**Company Name:** JSW Steel (USA) Inc.  
**Inspection Site:** 5200 East McKinney Road, Baytown, TX 77523

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

29 CFR 1910.252(b)(3): Employees exposed to the hazards created by welding, cutting, or brazing operations were not protected by personal protective equipment in accordance with the requirements of 29 CFR 1910.132:

- a) The employer does not ensure that employees wear clothing that protects the employees from thermal hazards while cutting steel plate pieces. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Salvage Department on September 16, 2011.
- b) The employer does not ensure that employees wear clothing that protects the employees from thermal hazards while cutting steel plate pieces. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Flame Cutting Department on December 9, 2011.

Pursuant to 29 CFR 1903.19, within 10 days of the abatement date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees wear clothing to protect against thermal hazards such as, but not limited to, sparks and metal slag while cutting steel plates.

**Date By Which Violation Must be Abated:** 03/14/2012  
**Proposed Penalty:** \$ 6600.00



**Citation and Notification of Penalty**

**Company Name:** JSW Steel (USA) Inc.  
**Inspection Site:** 5200 East McKinney Road, Baytown, TX 77523

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

29 CFR 1910.253(d)(4)(iii): Station outlets were not marked to indicate the name of the gas:

- a) The employer does not ensure that the piping system station outlets for the fuel gas are marked to indicate the name of the gas that was contained inside of the lines. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Salvage Department on September 16, 2011.
- b) The employer does not ensure that the piping system station outlets for the fuel gas are marked to indicate the name of the gas that was contained inside of the lines. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Flame Cutting Department on December 9, 2011.

Pursuant to 29 CFR 1903.19, within 10 days of the abatement date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all station outlets for the fuel gas are marked.

Date By Which Violation Must be Abated:	03/14/2012
Proposed Penalty:	\$ 5500.00



## Citation and Notification of Penalty

**Company Name:** JSW Steel (USA) Inc.  
**Inspection Site:** 5200 East McKinney Road, Baytown, TX 77523

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

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

29 CFR 1910.253(e)(1): Equipment was not installed and used only in the service for which it was approved and as recommended by the manufacturer:

- a) The employer does not ensure that the employees using Goodyear Gemini 3/8" Grade R Acetylene Only STD Duty Max hose to perform flame cutting activities on steel plates using natural gas was used as recommended by the manufacturer. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Flame Cutting Department on December 9, 2011.
- b) The employer does not ensure that the acetylene pressure reducing regulators installed on a fuel gas line that contained natural gas was used as recommended by the manufacturer. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Flame Cutting Department on December 9, 2011.
- c) The employer does not ensure that the employees using Koike LPG Gas Cutting Tips, model #O-KP7, tip #7, to perform steel plate cutting with natural gas was used as recommended by the manufacturer. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Flame Cutting Department on December 9, 2011.
- d) The employer does not ensure that the employees using Koike LPG Gas Cutting Tips, model #O-KP7, tip #3, to perform steel plate cutting with natural gas was used as recommended by the manufacturer. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Salvage Department on December 9, 2011.

Pursuant to 29 CFR 1903.19, within 10 days of the abatement date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all cutting hoses, pressure reducing regulators, and torch cutting tips are used in accordance with manufacturer recommendations.

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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: JSW Steel (USA) Inc.  
Inspection Site: 5200 East McKinney Road, Baytown, TX 77523

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Date By Which Violation Must be Abated: 03/14/2012  
Proposed Penalty: \$ 7000.00

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

29 CFR 1910.253(e)(6)(i): Pressure reducing regulators were not used for the gas and pressure for which they were intended:

The employer does not ensure that acetylene pressure reducing regulators installed on fuel gas lines that contained natural gas were used for the gas they were manufactured. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Flame Cutting Department on December 9, 2011.

Pursuant to 29 CFR 1903.19, within 10 days of the abatement date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that pressure reducing regulators are used for the gas they are intended.

Date By Which Violation Must be Abated: 03/14/2012



**Citation and Notification of Penalty**

**Company Name:** JSW Steel (USA) Inc.  
**Inspection Site:** 5200 East McKinney Road, Baytown, TX 77523

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

29 CFR 1910.1200(g)(8): The employer did not ensure that material safety data sheets (MSDSs) were readily accessible to the employees in their work area during each work shift:

The employer does not ensure that material safety data sheets (MSDSs) were readily accessible to employees during their work shifts. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Flame Cutting Department on December 9, 2011.

Pursuant to 29 CFR 1903.19, within 10 days of the abatement date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that MSDSs are accessible during the employee work shifts.

Date By Which Violation Must be Abated:	03/14/2012
Proposed Penalty:	\$ 5500.00



**Citation and Notification of Penalty**

**Company Name:** JSW Steel (USA) Inc.  
**Inspection Site:** 5200 East McKinney Road, Baytown, TX 77523

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

29 CFR 1910.1200(h)(1): The employer did not provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment or whenever a new physical or health hazard the employees have not previously been trained about was introduced into their work area:

- a) The employer does not ensure that employees are aware of the type of fuel gas they are using to cut pieces of steel plates. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Flame Cutting Department on December 9, 2011.
- b) The employer does not ensure that employees are aware of the type of fuel gas they are using to cut pieces of steel plates. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Salvage Department on December 9, 2011.

Pursuant to 29 CFR 1903.19, within 10 days of the abatement date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees are trained on the gases and chemicals in their workplace.

Date By Which Violation Must be Abated: 03/14/2012  
Proposed Penalty: \$ 3300.00



**Citation and Notification of Penalty**

**Company Name:** JSW Steel (USA) Inc.  
**Inspection Site:** 5200 East McKinney Road, Baytown, TX 77523

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

**Citation 2 Item 1a** Type of Violation: **Repeat**

29 CFR 1910.1200(f)(5)(i): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein:

- a) The employer did not ensure that a label was placed on the blue 55-gallon drum. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas at the entrance of Bay 6 South on October 5, 2011.
- b) The employer did not ensure that a label was placed on the orange plastic 55-gallon drum. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the walkway leading to the entrance of Bay 6 South on October 5, 2011.
- c) The employer did not ensure that a label was placed on the 5-gallon plastic containers. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas on the ramp near the Slab Yard on October 5, 2011.

JSW STEEL (USA) INC. HAS PREVIOUSLY BEEN CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD WHICH IS CONTAINED IN OSHA INSPECTION NUMBER 311960736, CITATION NUMBER 3, ITEM NUMBER 3, ISSUED ON MAY 5, 2009, WITH RESPECT TO A WORKPLACE LOCATED AT 5200 EAST MCKINNEY RD., BAYTOWN, TEXAS. THIS BECAME A FINAL ORDER ON JUNE 12, 2009.

Pursuant to 29 CFR 1903.19, within 10 days of the abatement date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all containers and drums containing hazardous substances are labeled.

**Date By Which Violation Must be Abated:** 03/14/2012

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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:** JSW Steel (USA) Inc.  
**Inspection Site:** 5200 East McKinney Road, Baytown, TX 77523

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Proposed Penalty: \$ 220.00

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

29 CFR 1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings:

- a) The employer did not ensure that a hazard warning was placed on the blue 55-gallon drum. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas at the entrance of Bay 6 South on October 5, 2011.
- b) The employer did not ensure that a hazard warning was placed on the orange plastic 55-gallon drum. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the walkway leading to the entrance of Bay 6 South on October 5, 2011.
- c) The employer did not ensure that a hazard warning was placed on the 5-gallon plastic containers. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas on the ramp near the Slab Yard on October 5, 2011.

JSW STEEL (USA) INC. HAS PREVIOUSLY BEEN CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.1200(f)(5)(i), WHICH IS CONTAINED IN OSHA INSPECTION NUMBER 311960736, CITATION NUMBER 3, ITEM NUMBER 3, ISSUED ON MAY 5, 2009, WITH RESPECT TO A WORKPLACE LOCATED AT 5200 EAST MCKINNEY RD., BAYTOWN, TEXAS. THIS BECAME A FINAL ORDER ON JUNE 12, 2009.

Pursuant to 29 CFR 1903.19, within 10 days of the abatement date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all containers and drums containing hazardous substances are marked with hazard warnings.

Date By Which Violation Must be Abated: 03/14/2012



**Citation and Notification of Penalty**

**Company Name:** JSW Steel (USA) Inc.  
**Inspection Site:** 5200 East McKinney Road, Baytown, TX 77523

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

29 CFR 1910.134(c)(2)(i): The employer did not provide the respirator users with the information contained in Appendix D of this section ("Information for Employees Using Respirators When Not Required Under the Standard"):

The employer does not ensure that employees wearing 3M, model #8210, filtering face pieces, were provided with Appendix D for respirator use. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Coating Department on October 7, 2011.

Pursuant to 29 CFR 1903.19, within 10 days of the abatement date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees who use respirators voluntarily are provided with Appendix D.

Date By Which Violation Must be Abated:	03/14/2012
Proposed Penalty:	\$ 1100.00



**Citation and Notification of Penalty**

**Company Name:** JSW Steel (USA) Inc.  
**Inspection Site:** 5200 East McKinney Road, Baytown, TX 77523

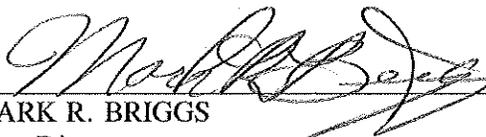
**Citation 3 Item 2 Type of Violation: **Other****

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace, including a reasonable estimate of employee exposures to respiratory hazard(s) and an identification of the contaminant's chemical state and physical form:

The employer does not ensure that the respiratory hazards are assessed and evaluated prior to employee exposure. This violation was most recently observed at the employer's worksite located at 5200 East McKinney Road, Baytown, Texas in the Flame Cutting Department on September 16, 2011.

Pursuant to 29 CFR 1903.19, within 10 days of the abatement date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all respiratory hazards have been assessed and evaluated.

**Date By Which Violation Must be Abated:** 03/14/2012  
**Proposed Penalty:** \$ 1100.00

  
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MARK R. BRIGGS  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Houston South Area Office  
17625 El Camino Real, Suite 400  
Houston, TX 77058  
Phone: (281)286-0583 FAX: (281)286-6352



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** JSW Steel (USA) Inc.  
**Inspection Site:** 5200 East McKinney Road, Baytown, TX 77523  
**Issuance Date:** 03/06/2012

**Summary of Penalties for Inspection Number 315723452**

<b>Citation 1, Serious</b>	= \$	<b>31200.00</b>
<b>Citation 2, Repeat</b>	= \$	<b>220.00</b>
<b>Citation 3, Other</b>	= \$	<b>2200.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>33620.00</b>

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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.

OSHA does not agree to any restrictions or conditions 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 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.

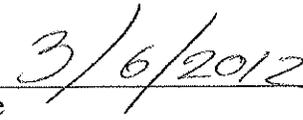
**Interest.** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 4%. Interest 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.

  
\_\_\_\_\_  
Mark R. Briggs  
Area Director

  
\_\_\_\_\_  
Date