

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1141 Montlimar Drive, Suite 1006

Mobile, AL 36609  
Phone: (251)441-6131 FAX: (251)441-6396



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## Citation and Notification of Penalty

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**To:**  
MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
and its successors  
4 Cut Rate Rd.  
Phenix City, AL 36870

**Inspection Number:** 315111930  
**Inspection Date(s):** 12/15/2010-01/13/2011  
**Issuance Date:** 06/10/2011

**Inspection Site:**  
4 Cut Rate Rd.  
Phenix City, AL 36870

*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 3 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 each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

**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.

**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 your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [WWW.OSHA.GOV](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/10/2011. The conference will be held at the OSHA office located at 1141 Montlimar Drive, Suite 1006, Mobile, AL, 36609 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

Company Name: MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
Inspection #: 315111930

**NOTICE OF CORRECTIVE ACTION**

CORRECTIVE ACTION TAKEN FOR EACH STANDARD VIOLATED SHOULD BE SUBMITTED TO THIS OFFICE ON OR BEFORE THE DATE BY WHICH VIOLATION(S) MUST BE ABATED AS INDICATED IN THE "CITATION AND NOTIFICATION OF PENALTY".

THIS INFORMATION MAY BE WRITTEN BELOW, ON THE REVERSE SIDE OR ON ATTACHED PAGES IF NECESSARY.

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<u>CITATION NO.</u>	<u>ITEM NO.</u>	<u>CORRECTIVE ACTION TAKEN</u>	<u>DATE COMPLETED</u>
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NAME OF COMPANY OFFICIAL

DATE

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TITLE

**NOTE:** 29 USC 666.(g): Whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months or both.

**POSTING:** A copy of the completed Corrective Action Worksheet should be posted for employee review.



### **Citation and Notification of Penalty**

**Company Name:** MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
**Inspection Site:** 4 Cut Rate Rd., Phenix City, AL 36870

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

29 CFR 1910.147(c)(8): Lockout or tagout was not performed only by authorized employees who were performing servicing or maintenance:

- a) The Stacker in the Planer Mill: On December 15, 2010, and at times prior to; employees were exposed to amputation, caught-in and struck-by hazards while engaged in maintenance, repairs, cleaning and jam clearing as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out by the authorized maintenance employee performing the maintenance work.
- b) The Cut Up Saw behind the Round Table in the Planer Mill: On December 15, 2010, and at times prior to; employees were exposed to amputation hazards while engaged in belt and blade changes on the Cut Up Saw as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out by the authorized maintenance employee performing the maintenance work.
- c) The Breakdown Hoist In-feed Table in the Planer Mill: On or about March 18, 2011, and at times prior to; employees were exposed to amputation hazards while engaged in cleaning and un-jamming the Breakdown Hoist In-feed Table as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out by the authorized maintenance employee performing the maintenance work.
- d) The Breakdown Hoist in the Planer Mill: On or about March 18, 2011, and at times prior to; employees were exposed to amputation hazards while engaged in cleaning and un-jamming the Breakdown Hoist as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out by the authorized maintenance employee performing the maintenance work.
- e) The Planer In-feed Table in the Planer Mill: On or about March 18, 2011, and at times prior to; employees were exposed to amputation hazards while engaged in cleaning and un-jamming the Planer In-feed Table as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out by the authorized maintenance employee performing the maintenance work.

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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:** MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
**Inspection Site:** 4 Cut Rate Rd., Phenix City, AL 36870

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- f) The Planer In-feed in the Planer Mill: On or about March 18, 2011, and at times prior to; employees were exposed to amputation hazards while engaged in cleaning and un-jamming the Planer In-feed as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out by the authorized maintenance employee performing the maintenance work.
  
- g) The Stick Chain in the Planer Mill: On or about March 18, 2011, and at times prior to; employees were exposed to amputation hazards while engaged in cleaning and un-jamming the Stick Chain as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out by the authorized maintenance employee performing the maintenance work.

**"ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED"**

Date By Which Violation Must be Abated:	06/29/2011
Proposed Penalty:	\$ 7000.00

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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: MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
Inspection Site: 4 Cut Rate Rd., Phenix City, AL 36870

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

29 CFR 1910.132(a): Protective equipment is not used when necessary whenever hazards capable of causing injury and impairment are encountered.

- a) MDLG, Inc. dba Phenix Lumber Company and John M. Dudley fail to protect employees from fall hazards while performing work on the top of the Sorter in the Planer Mill by providing and requiring that employees use fall protection. On 12 January 2011 and at times prior to; employees were exposed to fall hazards of up to 11 feet 11 inches to the floor below while performing maintenance activities on the top of the Sorter.

To abate this hazard, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley must provide adequate fall protection equipment and methods to employees and ensure that they are utilized whenever employees are exposed to fall hazards.

Date by which violation must be abated: Immediately upon receipt of the Citation and Notification of Penalty.

Pursuant to 29 C.F.R. 1903.19, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley, within 10 days of receipt of this Citation and Notification of Penalty, must submit documents describing the measures it is taking to ensure compliance, including a description of how the employer will provide and require that employees use fall protection equipment and methods to eliminate employee exposure to fall hazards.

**"ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED"**

Proposed Penalty: \$ 70000.00



**Citation and Notification of Penalty**

**Company Name:** MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
**Inspection Site:** 4 Cut Rate Rd., Phenix City, AL 36870

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**Citation 2 Item 2** Type of Violation: **Willful**

29 CFR 1910.147(c)(5)(i): Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware are not provided by the employer for isolating, securing, or blocking of machines or equipment from energy sources:

- a) MDLG, Inc. dba Phenix Lumber Company and John M. Dudley fail to protect employees from hazardous energy sources while engaged in maintenance, repairs, cleaning and un-jamming machinery and equipment throughout the facility: On March 29, 2011, and at times prior to; employees engaged in maintenance, repairs, cleaning and un-jamming machinery and equipment in the facility were exposed to amputation, caught-in and struck-by hazards as a result of the employer's failure to issue lockout devices to employees for the purpose of isolating hazardous energy sources.

To abate this hazard, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley must provide lockout, tag out or other devices to employees and ensure that they are utilized whenever employees are potentially exposed to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

Date by which violation must be abated: Immediately upon receipt of the Citation and Notification of Penalty.

Pursuant to 29 C.F.R. 1903.19, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley, within 10 days of receipt of this Citation and Notification of Penalty, must submit documents describing the measures it is taking to ensure compliance, including a description of how the employer will provide and require that employees use lockout, tag out or other energy isolation devices to employees to eliminate employee exposure to hazardous energy sources.

**"ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED"**

**Proposed Penalty:** \$ 70000.00

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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:** MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
**Inspection Site:** 4 Cut Rate Rd., Phenix City, AL 36870

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

29 CFR 1910.147(c)(7)(i) (A): Each authorized employee does not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control:

- a) MDLG, Inc. dba Phenix Lumber Company and John M. Dudley fail to provide authorized employee training to protect employees from hazardous energy sources while engaged in cleaning and un-jamming the Planer In Feed and Planer In Feed Table in the Planer Mill: On December 15, 2010, and at times prior to; EMPLOYEE #1 was exposed to amputation, caught-in and struck-by hazards while engaged in cleaning operations as a result of the employer's failure to ensure that all authorized employees receive authorized employee training for the control of hazardous energy sources.

To abate this hazard, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley must provide lockout, tag out authorized training to all employees that are potentially exposed to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

Date by which violation must be abated: Immediately upon receipt of the Citation and Notification of Penalty.

Pursuant to 29 C.F.R. 1903.19, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley, within 10 days of receipt of this Citation and Notification of Penalty, must submit documents describing the measures it is taking to ensure compliance, including a description of how the employer will provide authorized lockout/ tag out training to employees to eliminate employee exposure to hazardous energy sources.

**"ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED"**

**Proposed Penalty:** \$ **70000.00**

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: MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
Inspection Site: 4 Cut Rate Rd., Phenix City, AL 36870

**Citation 2 Item 4 Type of Violation: Willful**

29 CFR 1910.147(c)(7)(i) (A): Each authorized employee does not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control:

- a) MDLG, Inc. dba Phenix Lumber Company and John M. Dudley fail to provide authorized employee training to protect employees from hazardous energy sources while engaged in cleaning and un-jamming the Sorter, Sorter Transfer Chains and Stackers in the Planer Mill: On December 16, 2010, and at times prior to; EMPLOYEE #2 was exposed to amputation, caught-in and struck-by hazards while engaged in operating, maintaining and cleaning operations as a result of the employer's failure to ensure that all authorized employees receive authorized employee training for the control of hazardous energy sources.

To abate this hazard, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley must provide lockout, tag out authorized training to all employees that are potentially exposed to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

Date by which violation must be abated: Immediately upon receipt of the Citation and Notification of Penalty.

Pursuant to 29 C.F.R. 1903.19, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley, within 10 days of receipt of this Citation and Notification of Penalty, must submit documents describing the measures it is taking to ensure compliance, including a description of how the employer will provide authorized employee lockout/ tag out training to employees to eliminate their exposure to hazardous energy sources.

**"ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED"**

Proposed Penalty: \$ 70000.00

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: MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
Inspection Site: 4 Cut Rate Rd., Phenix City, AL 36870

**Citation 2 Item 5 Type of Violation: Willful**

29 CFR 1910.147(c)(7)(i) (A): Each authorized employee does not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control:

- a) MDLG, Inc. dba Phenix Lumber Company and John M. Dudley fail to provide authorized employee training to protect employees from hazardous energy sources while engaged in cleaning and un-jamming the Stick Chain in the Planer Mill: On December 17, 2010, and at times prior to; the employer failed to protect EMPLOYEE #3 from amputation, caught-in and struck-by hazards while engaged in cleaning and clearing-out operations as a result of the employer's failure to ensure that all authorized employees receive authorized employee training for the control of hazardous energy sources.

To abate this hazard, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley must provide lockout, tag out authorized training to all employees that are potentially exposed to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

Date by which violation must be abated: Immediately upon receipt of the Citation and Notification of Penalty.

Pursuant to 29 C.F.R. 1903.19, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley, within 10 days of receipt of this Citation and Notification of Penalty, must submit documents describing the measures it is taking to ensure compliance, including a description of how the employer will provide authorized employee lockout/ tag out training to employees to eliminate their exposure to hazardous energy sources.

**"ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED"**

Proposed Penalty: \$ 70000.00

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: MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
Inspection Site: 4 Cut Rate Rd., Phenix City, AL 36870

**Citation 2 Item 6 Type of Violation: Willful**

29 CFR 1910.147(d)(4)(i): Lockout or tag out devices are not used for the application of energy control:

- a) MDLG, Inc. dba Phenix Lumber Company and John M. Dudley fail to protect employees from hazardous energy sources while engaged in cleaning and un-jamming underneath the Breakdown Hoist at the Planer Mill by requiring that locks be placed on each energy isolation device: On December 15, 2010, and at times prior to; employees were exposed to amputation, caught-in and struck-by hazards while engaged in cleaning and clearing-out operations underneath the Breakdown Hoist as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out.

To abate this hazard, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley must require that employees place locks on each energy isolation device whenever employees are potentially exposed to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

Date by which violation must be abated: Immediately upon receipt of the Citation and Notification of Penalty.

Pursuant to 29 C.F.R. 1903.19, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley, within 10 days of receipt of this Citation and Notification of Penalty, must submit documents describing the measures it is taking to ensure compliance, including a description of how the employer will require and ensure that locks are placed on each energy isolation device to eliminate employee exposure to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

**"ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED"**

Proposed Penalty: \$ 70000.00

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: MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
Inspection Site: 4 Cut Rate Rd., Phenix City, AL 36870

**Citation 2 Item 7 Type of Violation: **Willful****

29 CFR 1910.147(d)(4)(i): Lockout or tag out devices are not used for the application of energy control:

- a) MDLG, Inc. dba Phenix Lumber Company and John M. Dudley fail to protect employees from hazardous energy sources while engaged in cleaning and un-jamming the Breakdown Hoist In Feed Conveyor at the Planer Mill by requiring that locks be placed on each energy isolation device: On December 15, 2010, and at times prior to; employees were exposed to amputation, caught-in and struck-by hazards while engaged in cleaning and clearing-out operations on the Breakdown Hoist In Feed Conveyor as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out.

To abate this hazard, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley must require that employees place locks on each energy isolation device whenever employees are potentially exposed to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

Date by which violation must be abated: Immediately upon receipt of the Citation and Notification of Penalty.

Pursuant to 29 C.F.R. 1903.19, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley, within 10 days of receipt of this Citation and Notification of Penalty, must submit documents describing the measures it is taking to ensure compliance, including a description of how the employer will require and ensure that locks are placed on each energy isolation device to eliminate employee exposure to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

**"ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED"**

Proposed Penalty: \$ 70000.00

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:** MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
**Inspection Site:** 4 Cut Rate Rd., Phenix City, AL 36870

**Citation 2 Item 8 Type of Violation: **Willful****

29 CFR 1910.147(d)(4)(i): Lockout or tag out devices are not used for the application of energy control:

- a) MDLG, Inc. dba Phenix Lumber Company and John M. Dudley fail to protect employees from hazardous energy sources while engaged in cleaning and un-jamming the Planer In Feed at the Planer Mill by requiring that locks be placed on each energy isolation device: On December 15, 2010, and at times prior to; employees were exposed to amputation, caught-in and struck-by hazards while engaged in cleaning and clearing-out operations on the Planer In Feed as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out.
  
- b) MDLG, Inc. dba Phenix Lumber Company and John M. Dudley fail to protect employees from hazardous energy sources while engaged in maintaining and repairing the Planer In feed at the Planer Mill by requiring that locks be placed on each energy isolation device: On December 15, 2010, and at times prior to; employees were exposed to amputation, caught-in and struck-by hazards while engaged in maintenance and repair work on the Planer In Feed as a result of the employer's failure to ensure that the hazardous energy sources on were isolated or locked out.

To abate this hazard, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley must require that employees place locks on each energy isolation device whenever employees are potentially exposed to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

Date by which violation must be abated: Immediately upon receipt of the Citation and Notification of Penalty.

Pursuant to 29 C.F.R. 1903.19, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley, within 10 days of receipt of this Citation and Notification of Penalty, must submit documents describing the measures it is taking to ensure compliance, including a description of how the employer will require and ensure that locks are placed on each energy isolation device to eliminate employee exposure to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

**"ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED"**

**Proposed Penalty:** \$ 70000.00

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: MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
Inspection Site: 4 Cut Rate Rd., Phenix City, AL 36870

**Citation 2 Item 9 Type of Violation: **Willful****

29 CFR 1910.147(d)(4)(i): Lockout or tag out devices are not used for the application of energy control:

- a) MDLG, Inc. dba Phenix Lumber Company and John M. Dudley fail to protect employees from hazardous energy sources while engaged in cleaning and un-jamming the Planer In feed table at the Planer Mill by requiring that locks be placed on each energy isolation device: On December 15, 2010, and at times prior to; employees were exposed to amputation, caught-in and struck-by hazards while engaged in cleaning and clearing-out operations on the Planer In Feed Table as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out.

To abate this hazard, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley must require that employees place locks on each energy isolation device whenever employees are potentially exposed to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

Date by which violation must be abated: Immediately upon receipt of the Citation and Notification of Penalty.

Pursuant to 29 C.F.R. 1903.19, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley, within 10 days of receipt of this Citation and Notification of Penalty, must submit documents describing the measures it is taking to ensure compliance, including a description of how the employer will require and ensure that locks are placed on each energy isolation device to eliminate employee exposure to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

**"ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED"**

Proposed Penalty: \$ 70000.00

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:** MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
**Inspection Site:** 4 Cut Rate Rd., Phenix City, AL 36870

**Citation 2 Item 10 Type of Violation: Willful**

29 CFR 1910.147(d)(4)(i): Lockout or tag out devices are not used for the application of energy control:

- a) MDLG, Inc. dba Phenix Lumber Company and John M. Dudley fail to protect employees from hazardous energy sources while engaged in cleaning and un-jamming the Sorter at the Planer Mill by requiring that locks be placed on each energy isolation device: On December 15, 2010, and at times prior to; employees were exposed to amputation, caught-in and struck-by hazards while engaged in cleaning, maintaining and repairing the Sorter as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out.

To abate this hazard, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley must require that employees place locks on each energy isolation device whenever employees are potentially exposed to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

Date by which violation must be abated: Immediately upon receipt of the Citation and Notification of Penalty.

Pursuant to 29 C.F.R. 1903.19, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley, within 10 days of receipt of this Citation and Notification of Penalty, must submit documents describing the measures it is taking to ensure compliance, including a description of how the employer will require and ensure that locks are placed on each energy isolation device to eliminate employee exposure to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

**"ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED"**

**Proposed Penalty:** \$ 70000.00

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:** MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
**Inspection Site:** 4 Cut Rate Rd., Phenix City, AL 36870

**Citation 2 Item 11 Type of Violation: **Willful****

29 CFR 1910.147(d)(4)(i): Lockout or tag out devices are not used for the application of energy control:

- a) MDLG, Inc. dba Phenix Lumber Company and John M. Dudley fail to protect employees from hazardous energy sources while engaged in cleaning, un-jamming or working between the Sorter Transfer Chains at the Planer Mill by requiring that locks be placed on each energy isolation device: On December 15, 2010, and at times prior to; employees were exposed to amputation, caught-in and struck-by hazards while engaged in operating, cleaning or working between the Sorter Transfer Chains as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out.

To abate this hazard, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley must require that employees place locks on each energy isolation device whenever employees are potentially exposed to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

Date by which violation must be abated: Immediately upon receipt of the Citation and Notification of Penalty.

Pursuant to 29 C.F.R. 1903.19, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley, within 10 days of receipt of this Citation and Notification of Penalty, must submit documents describing the measures it is taking to ensure compliance, including a description of how the employer will require and ensure that locks are placed on each energy isolation device to eliminate employee exposure to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

**"ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED"**

**Proposed Penalty:** \$ 70000.00

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:** MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
**Inspection Site:** 4 Cut Rate Rd., Phenix City, AL 36870

**Citation 2 Item 12 Type of Violation: **Willful****

29 CFR 1910.147(d)(4)(i): Lockout or tag out devices are not used for the application of energy control:

- a) MDLG, Inc. dba Phenix Lumber Company and John M. Dudley fail to protect employees from hazardous energy sources while engaged in cleaning, un-jamming under or on top of the Stacker at the Planer Mill by requiring that locks be placed on each energy isolation device: On December 15, 2010, and at times prior to; employees were exposed to amputation, caught-in and struck-by hazards while engaged in cleaning or un-jamming the area under or on top of the Stacker as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out.

To abate this hazard, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley must require that employees place locks on each energy isolation device whenever employees are potentially exposed to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

Date by which violation must be abated: Immediately upon receipt of the Citation and Notification of Penalty.

Pursuant to 29 C.F.R. 1903.19, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley, within 10 days of receipt of this Citation and Notification of Penalty, must submit documents describing the measures it is taking to ensure compliance, including a description of how the employer will require and ensure that locks are placed on each energy isolation device to eliminate employee exposure to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

**"ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED"**

**Proposed Penalty:** \$ 70000.00

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: MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
Inspection Site: 4 Cut Rate Rd., Phenix City, AL 36870

**Citation 2 Item 13 Type of Violation: **Willful****

29 CFR 1910.147(d)(4)(i): Lockout or tag out devices are not used for the application of energy control:

- a) MDLG, Inc. dba Phenix Lumber Company and John M. Dudley fail to protect employees from hazardous energy sources while engaged in cleaning, un-jamming the Stick Chain at the Planer Mill by requiring that locks be placed on each energy isolation device: On December 17, 2010, and at times prior to; employees were exposed to amputation, caught-in and struck-by hazards while engaged in cleaning or un-jamming the Stick Chain as a result of the employer's failure to ensure that the hazardous energy sources were isolated or locked out.

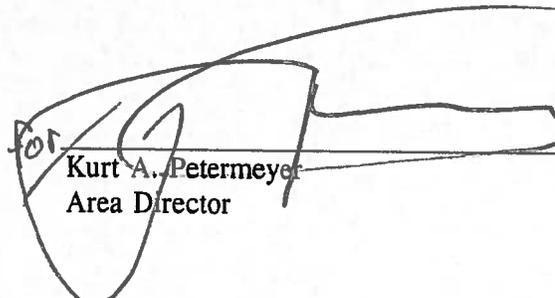
To abate this hazard, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley must require that employees place locks on each energy isolation device whenever employees are potentially exposed to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

Date by which violation must be abated: Immediately upon receipt of the Citation and Notification of Penalty.

Pursuant to 29 C.F.R. 1903.19, MDLG, Inc. dba Phenix Lumber Company and John M. Dudley, within 10 days of receipt of this Citation and Notification of Penalty, must submit documents describing the measures it is taking to ensure compliance, including a description of how the employer will require and ensure that locks are placed on each energy isolation device to eliminate employee exposure to hazardous energy sources during maintenance, repairs, un-jamming or cleaning machinery and equipment.

**"ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED"**

Proposed Penalty: \$ 70000.00

*for*  
  
Kurt A. Petermeyer  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1141 Montlimar Drive, Suite 1006  
Mobile, AL 36609  
Phone: (251)441-6131 FAX: (251)441-6396



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** MDLG, Inc. dba Phenix Lumber Co. & John M. Dudley  
**Inspection Site:** 4 Cut Rate Rd., Phenix City, AL 36870  
**Issuance Date:** 06/10/2011

**Summary of Penalties for Inspection Number 315111930**

<b>Citation 1, Serious</b>	= \$	<b>7000.00</b>
<b>Citation 2, Willful</b>	= \$	<b>91000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>91700.00</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.

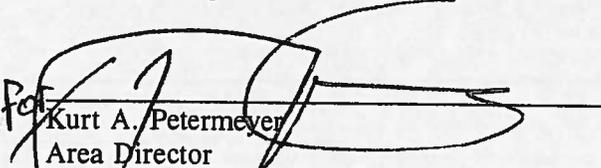
If a personal check is issued it will be converted into an electric fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 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 four percent (4%) 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.

  
Kurt A. Petermeyer  
Area Director

6/14/2011  
Date

**NOTICE:** The penalties assessed for this inspection already reflects reductions granted for size, good faith and history.

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Citation and Notification of Penalty.

If the hazards itemized on this citation(s) are not abated/corrected and a follow-up inspection is conducted, your establishment may receive a Failure to Abate Citation for the uncorrected hazards with subsequent additional monetary penalties of up to thirty (30) times the original penalty amount of the uncorrected hazards.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the Citation(s).