

U.S. Department of Labor Occupational Safety and Health Administration
3477 Corporate Parkway,
Suite 120
Center Valley, PA 18034
Phone: 267-429-7542 Fax: 267-429-7567



01/31/2013

A-TREAT BOTTLING CO.
2001 UNION BLVD.,
Allentown, PA 18103

Dear Employer,

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 1990, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dated together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

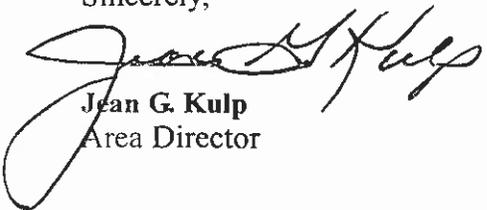
As indicated on page 8 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 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 the citation. The running of this contest period is not interrupted by an informal conference. You must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean G. Kulp". The signature is fluid and cursive, with a large loop at the end of the last name.

Jean G. Kulp
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
3477 Corporate Parkway,
Suite 120
Center Valley, PA 18034
Phone: 267-429-7542 Fax: 267-429-7567



Citation and Notification of Penalty

To:
A-TREAT BOTTLING CO.
2001 UNION BLVD.,
Allentown, PA 18103

Inspection Number: 558321
Inspection Date(s): 08/02/2012 - 01/29/2013
Issuance Date: 01/31/2013

Inspection Site:
2001 UNION BLVD.,
Allentown, PA 18103

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.

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 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 must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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 these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at 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 01/31/2013. The conference will be held at the OSHA office located at 3477 Corporate Parkway, Suite 120, Center Valley, PA 18034 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 558321

Company Name: A-TREAT BOTTLING CO.
Inspection Site: 2001 UNION BLVD., Allentown, PA 18103
Issuance Date: 01/31/2013

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 3477 Corporate Parkway, Suite 120, Center Valley, PA 18034**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

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 of not more than 6 months or both.

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



Citation and Notification of Penalty

Company Name: A-TREAT BOTTLING CO.
Inspection Site: 2001 UNION BLVD., Allentown, PA 18103

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

29 CFR 1910.95(b)(1): When employees were subjected to sound exceeding those listed in Table G-16, feasible administrative or engineering controls were not utilized:

- a) Production Area, 2 liter Filling Station: An employee, 2 Liter Filler Operator, was exposed to continuous noise at 280% of the permissible exposure level of 90 dBA or an eight-hour time-weighted average of 97.4 dBA. This exposure was observed over a 472 minute sampling period on August 8, 2012. A zero exposure was assumed for the 8 minutes not sampled. The employer did not implement feasible administrative or engineering controls to reduce employee exposure to occupational noise, on or about August 8, 2012.
- b) Production Area, 20 Ounce Filling Station: An employee, 20 ounce Filler Operator, was exposed to continuous noise at 214% of the permissible exposure level of 90 dBA or an eight-hour time-weighted average of 95.5 dBA. This exposure was observed over a 470 minute sampling period on August 15, 2012. A zero exposure was assumed for the 10 minutes not sampled. The employer did not implement feasible administrative or engineering controls to reduce employee exposure to occupational noise, on or about August 15, 2012.
- c) Production Area, Can Filling Station: An employee, 2 Liter Filler Operator, was exposed to continuous noise at 188% of the permissible exposure level of 90 dBA or an eight-hour time-weighted average of 94.5 dBA. This exposure was observed over a 461 minute sampling period on August 15, 2012. A zero exposure was assumed for the 19 minutes not sampled. The employer did not implement feasible administrative or engineering controls to reduce employee exposure to occupational noise, on or about August 15, 2012.

A-TREAT BOTTLING COMPANY, WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD (29 CFR 1910.95(b)(1)) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 314722240, CITATION NUMBER 01, ITEM NUMBER 01, AND WAS AFFIRMED AS A FINAL ORDER ON November 26, 2011, WITH RESPECT TO A WORKPLACE LOCATED AT 2001 UNION BOULEVARD, ALLENTOWN, PA 18109.

Abatement certification and documentation required within 10 days after abatement date. The

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: A-TREAT BOTTLING CO.
Inspection Site: 2001 UNION BLVD., Allentown, PA 18103

certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

Feasible abatement methods include but are not limited to:

1. Controlling noise levels at the filling machines by conducting preventive maintenance on the pneumatic system to reduce the amount of air leaking from valves and other devices on the system.
2. Controlling noise levels by enclosing the motor on the 20 ounce filling machine.
3. Controlling noise levels at the 20 ounce capping machine by installing noise damping material over the cap conveyance mechanism.
4. Installing noise absorbing panels that meet FDA requirements on surfaces surrounding the 20 ounce and 2 liter Filler Stations. The wall directly behind the 20 ounce Filler Station should be covered with wall panels. The wall directly behind the 2 Liter Filler Station should be covered with wall panels and baffles installed above the filler machine.
5. Administratively controlling employee exposure to noise by limiting their time in the noise producing operations such as the filling stations.

ABATEMENT STEPS ARE AS FOLLOW:

STEP 1 - As an interim protective measure and when administrative or engineering controls fail to reduce sound levels within the levels of table G-16, effective hearing protection shall be provided and used by all exposed employees. In addition, an effective hearing conservation program in accordance with 29 CFR 1910.95(c) through (n) shall be maintained.

STEP 2 - A written detailed plan of abatement shall be submitted to the Area Director outlining a schedule for the implementation of engineering and/or administrative measures to control employee

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: A-TREAT BOTTLING CO.
Inspection Site: 2001 UNION BLVD., Allentown, PA 18103

exposures to noise as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with the dates required by this citation:

1. Evaluation of engineering control options;
2. Selection of optimum control method and completion of design;
3. Procurement, installation and operation of selected control measures;
4. Testing and acceptance or modification/redesign of controls.

All proposed control measures shall be evaluated for each particular use by a competent industrial hygienist or other technically qualified person. Thirty (30) day progress reports are required during the abatement period.

STEP 3 - Abatement shall have been completed by the implementation of feasible engineering and/or administrative controls upon verification of their effectiveness in achieving compliance.

Other: 03/07/2013
Engineering Controls: 06/05/2013
Plan: 05/06/2013

Date By Which Violation Must be Abated: 06/05/2013
Proposed Penalty: \$7700.00

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: A-TREAT BOTTLING CO.
Inspection Site: 2001 UNION BLVD., Allentown, PA 18103

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

29 CFR 1910.95(g)(5)(i): The employer did not establish, within 6 months of an employee's first exposure at or above the action level, a valid baseline audiogram against which subsequent audiograms can be compared:

- a) 2 Liter Kayat Machine: An employee, Machine Operator, was exposed to continuous noise at 75.4% of the permissible exposure level of 90 dBA or an eight-hour time-weighted average of 87.9 dBA. This exposure was observed over a 433 minute sampling period on August 8, 2012. A zero exposure was assumed for 47 minutes not sampled. The employer did not conduct a baseline audiogram within 6 months of the employee's first exposure to occupational noise, on or about August 8, 2012.
- b) Production Area: An employee, Maintenance Mechanic, was exposed to continuous noise at 92.4% of permissible exposure limit of 90 dBA or an eight-hour time-weighted average of 89.43 dBA. This exposure was observed over a 421 minute sampling period on August 15, 2012. A zero exposure was assumed for the 59 minutes not samples. The employer did not conduct a baseline audiogram within 6 months of the employee's first exposure to occupational noise, on or about August 8, 2012.

A-TREAT BOTTLING COMPANY, WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD (29 CFR 1910.95(g)(5)(i)) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 314722240, CITATION NUMBER 02, ITEM NUMBER 02, AND WAS AFFIRMED AS A FINAL ORDER ON November 26, 2011, WITH RESPECT TO A WORKPLACE LOCATED AT 2001 UNION BOULEVARD, ALLENTOWN, PA 18103.

A-TREAT BOTTLING COMPANY, WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD (29 CFR 1910.95(g)(6)) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311270912, CITATION NUMBER 01, ITEM NUMBER 03(a), AND WAS AFFIRMED AS A FINAL ORDER ON JULY 9, 2008, WITH RESPECT TO A WORKPLACE LOCATED AT 2001 UNION BOULEVARD, ALLENTOWN, PA 18103.

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

Inspection Number: 558321
Inspection Date(s): 08/02/2012 - 01/29/2013
Issuance Date: 01/31/2013



Citation and Notification of Penalty

Company Name: A-TREAT BOTTLING CO.
Inspection Site: 2001 UNION BLVD., Allentown, PA 18103

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

Date By Which Violation Must be Abated: 03/07/2013
Proposed Penalty: \$15400.00

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: A-TREAT BOTTLING CO.
Inspection Site: 2001 UNION BLVD., Allentown, PA 18103

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

29 CFR 1910.95(g)(6): At least annually after obtaining the baseline audiogram, the employer did not obtain a new audiogram for each employee exposed at or above an 8-hour time-weighted average of 85 decibels :

- a) 20 Ounce Filling Station: An employee, 20 Ounce Filler Operator, was exposed to continuous noise at 220% Of the permissible exposure limit of 90dBA or an eight-hour time-weighted average of 95.71 dBA. This exposure was observed over a 470 minute sampling period on August 15, 2012. Zero exposure was assumed for the 10 minutes not sampled. The employer did not conduct an annual audiogram within 12 months of the employee's previous audiogram, on or about August 15, 2012.

A-TREAT BOTTLING COMPANY, WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD (29 CFR 1910.95(g)(5)(i)) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 314722240, CITATION NUMBER 02, ITEM NUMBER 02, AND WAS AFFIRMED AS A FINAL ORDER ON NOVEMBER 26, 2011, WITH RESPECT TO A WORKPLACE LOCATED AT 2001 UNION BOULEVARD, ALLENTOWN, PA 18103.

A-TREAT BOTTLING COMPANY, WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD (29 CFR 1910.95(g)(6)) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311270912, CITATION NUMBER 01, ITEM NUMBER 03(a), AND WAS AFFIRMED AS A FINAL ORDER ON JULY 9, 2008, WITH RESPECT TO A WORKPLACE LOCATED AT 2001 UNION BOULEVARD, ALLENTOWN, PA 18103.

No abatement certification or documentation required.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$19250.00

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: A-TREAT BOTTLING CO.
Inspection Site: 2001 UNION BLVD., Allentown, PA 18103

Citation 1 Item 4 Type of Violation: **Repeat**

29 CFR 1910.95(k)(1): The employer did not train each employee who is exposed to noise at or above an 8-hour time-weighted average of 85 decibels in accordance with the requirements of 29 CFR 1910.95(k):

- a) Production Area: An employee, Laborer , was exposed to continuous noise at 81% of the permissible exposure level of 90dBA or an eight-hour time-weighted average of 88.5 dBA. This exposure was observed over a 464 minute sampling period on August 8, 2012. A zero exposure was assumed for the 16 minutes not sampled. The employer did not provided training to the employee prior to initial exposure to the noise, on or about August 8, 2012.

A-TREAT BOTTLING COMPANY, WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD (29 CFR 1910.95(k)(1)) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 314722240, CITATION NUMBER 02, ITEM NUMBER 03(b), AND WAS AFFIRMED AS A FINAL ORDER ON NOVEMBER 26, 2011, WITH RESPECT TO A WORKPLACE LOCATED AT 2001 UNION BOULEVARD, ALLENTOWN, PA 18103.

A-TREAT BOTTLING COMPANY, WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD (29 CFR 1910.95(k)(2)) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311270912, CITATION NUMBER 01, ITEM NUMBER 03(b), AND WAS AFFIRMED AS A FINAL ORDER ON JULY 9, 2008, WITH RESPECT TO A WORKPLACE LOCATED AT 2001 UNION BOULEVARD, ALLENTOWN, PA 18103.

No abatement certification or documentation required.

ABATEMENT NOTE:

Employees shall be informed of the following:

1. The effects of noise on hearing.
2. The purpose of hearing protectors, the advantages, disadvantages, and attenuation of various types,

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

Inspection Number: 558321
Inspection Date(s): 08/02/2012 - 01/29/2013
Issuance Date: 01/31/2013



Citation and Notification of Penalty

Company Name: A-TREAT BOTTLING CO.
Inspection Site: 2001 UNION BLVD., Allentown, PA 18103

and instructions on selection, fitting, use, and care.
3. The purpose of audiometric testing and an explanation of the test procedures.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$385.00

 1/31/13
Jean G. Kulp
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
3477 Corporate Parkway,
Suite 120
Center Valley, PA 18034
Phone: 267-429-7542 Fax: 267-429-7567



INVOICE / DEBT COLLECTION NOTICE

Company Name: A-TREAT BOTTLING CO.
Inspection Site: 2001 UNION BLVD., Allentown, PA 18103
Issuance Date: 01/31/2013

Summary of Penalties for Inspection Number	558321
Citation 1, Repeat	\$42735.00
TOTAL PROPOSED PENALTIES	\$42735.00

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 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 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 one percent (1%). 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.



Jean G. Kulp
Area Director



Date