

U.S. Department of Labor
Occupational Safety and Health Administration
8344 East R.L. Thornton Frwy.
Suite 420
Dallas, TX 75228
Phone: (214)320-2400 FAX: (214)320-2598



Citation and Notification of Penalty

To:
American Marazzi Tile, Inc.
and its successors
359 Clay Road
Sunnyvale, TX 75182

Inspection Number: 314183450
Inspection Date(s): 07/13/2011- 08/04/2011
Issuance Date: 01/12/2012

Inspection Site:
359 Clay Road
Sunnyvale, TX 75182

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. 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. 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 violations 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 (example: 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.

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. 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 01/12/2012. The conference will be held at the OSHA office located at 8344 East R.L. Thornton Frwy., Suite 420, Dallas, TX, 75228 on _____ at _____.

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

ABATEMENT CERTIFICATION

STEPHEN BOYD, Area Director
U.S. Department of Labor - OSHA
8344 East R.L. Thornton Frwy.
Suite 420
Dallas, TX 75228
Phone: (214)320-2400

American Marazzi Tile, Inc.
359 Clay Road
Sunnyvale, TX 75182

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by way of _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by way of _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by way of _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by way of _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by way of _____.

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

Signature

Typed or Printed Name



Citation and Notification of Penalty

Company Name: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

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

29 CFR 1910.29(a)(4)(ii): Scaffold caster(s) were not provided with a positive wheel and/or swivel lock to prevent movement:

The employer does not provide mobile ladder stands with casters that provided a positive wheel and/or swivel lock to prevent movement. This violation occurred on July 14, 2011, and times prior thereto, where two (2) mobile ladder stands with casters used by employees in the Storage Area located next to Glaze Lines #9 and #10 did not have operable locking mechanisms to prevent movement.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that casters are provided with a positive wheel and/or swivel lock installed to prevent movement.

Date By Which Violation Must be Abated:	01/22/2012
Proposed Penalty:	\$ 5000.00

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: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

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

29 CFR 1910.132(d)(2): The employer did not verify that the required workplace hazard assessment had been performed through a written certification that identified the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and which identified the document as a certification of hazard assessment:

The employer does not assess workplace hazards to determine the need for personal protective equipment. This violation occurred on July 14, 2011, and at times prior thereto, where employees working throughout the facility were exposed to eye, face, hand, and finger injuries.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that appropriate personal protective equipment (i.e. safety glasses, face shield, rubber gloves, etc.) is being selected and used by employees.

Date By Which Violation Must be Abated:	01/22/2012
Proposed Penalty:	\$ 5000.00

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: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

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

29 CFR 1910.132(f)(1): The employer had not provided training to each employee who is required to use personal protective equipment:

The employer does not provide training to employees required to use personal protective equipment (PPE). This violation occurred on July 14, 2011, and times prior thereto, where maintenance and production employees, who were required to use personal protective equipment such as but not limited to safety glasses, gloves, and welding goggles, were not provided with training.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that all employees required to use personal protective equipment (PPE) are provided PPE training (i.e. when and what PPE is necessary, how to properly wear, PPE limitations, proper care, maintenance, useful life and disposal of the PPE, etc.)

Date By Which Violation Must be Abated: 01/22/2012

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: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

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

29 CFR 1910.133(a)(1): Protective eye and face equipment was not required where there was a reasonable probability of injury that could be prevented by such equipment:

The employer does not required the use of protective eye and face equipment. This violation occurred on July 14, 2011, and times prior thereto, where Warehouse Department employees and Maintenance Department employees, were not required to use personal protective equipment such as but not limited to safety glasses and face shields.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that all employees use personal protective equipment (PPE).

Date By Which Violation Must be Abated:	01/22/2012
Proposed Penalty:	\$ 5000.00

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: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

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

29 CFR 1910.138(a): The employer did not select and require employees to use appropriate hand protection when employees hands were exposed to hazardous condition(s):

The employer does not select and require employees to use personal protective equipment (PPE) for hands. This violation occurred on July 14, 2011, and times prior thereto, where Warehouse Department employees were not wearing gloves when using hazardous chemicals for packing tile.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that all employees use personal protective equipment (PPE) for hands when the hazards necessitate the use.

Date By Which Violation Must be Abated: 01/22/2012

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

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146, Permit-required confined spaces, acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned:

The employer does not provide confine space training to employees who enter into the dust collector silo. This violation occurred on July 14, 2011, and times prior thereto, where maintenance employees performed repair work inside of a dust collector silo and were not provided with training.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that employees are provided training.

Date By Which Violation Must be Abated: 01/22/2012
Proposed Penalty: \$ 5000.00



Citation and Notification of Penalty

Company Name: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

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

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure that the purpose and function of the energy control program was understood by the employees and that the knowledge and skills required for the safe application, usage and removal of the energy controls was acquired by the employees:

The employer does not provide lockout/tagout training to employees. This violation occurred July 13, 2011, and times prior thereto, where maintenance and production employees, who setup, adjust, inspect, modify, maintain and/or service machines and equipment were not trained.

Pursuant to 29 C.F.R. 1903.19, with ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that training is provided to authorized and affected employees on the energy control program.

Date By Which Violation Must be Abated: 01/22/2012
Proposed Penalty: \$ 5000.00

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

29 CFR 1910.157(g)(2): The educational program to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting was not provided to all employees upon initial employment, and at least annually thereafter:

The employer does not provide training on fire extinguisher use. This violation occurred on July 14, 2011, and times prior thereto, where employees required to use portable fire extinguishers were not provided with training.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure training is provided to all employees required to use fire extinguishers.

Date By Which Violation Must be Abated: 01/22/2012
Proposed Penalty: \$ 3000.00

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: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by points of operation, ingoing nip points, rotating parts, flying chips, and sparks:

The employer does not provide machine guarding to protect employees from the hazards created by rotating parts. This violation most recently occurred on July 14, 2011, where:

- a) Maintenance Department employees operated a horizontal band saw that did not have a guard over the unused portions of saw blade.
- b) Maintenance Department employees operated a Enco milling machine that did not have a guard over the rotating chuck.
- c) Maintenance Department employees operated a Err Max drill press that did not have a guard over the rotating chuck.
- d) Maintenance Department employees operated a Summitt lathe that did not have a guard over the rotating chuck.
- e) Maintenance Department employees operated a Vectrax milling machine that did not have a guard over the rotating chuck.
- f) Selection Department employees operated a Strapping machine that did not have a guard over rotating strapping parts.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that guards are installed over the rotating parts.

Date By Which Violation Must be Abated:	01/22/2012
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

The employer does not ensure guards are installed to protect employees from point of operation hazards. This violation occurred on July 14, 2011, and times prior thereto, where Selection Department employees operated two (2) CPK carton packing machines that did not have the point of operation guarded.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that the point of operation is guarded on the CPK carton packing machines.

Date By Which Violation Must be Abated:	01/22/2012
Proposed Penalty:	\$ 7000.00

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: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

Citation 1 Item 9a Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one-eighth inch:

The employer does not ensure that work rests on grinding machinery are adjusted within one-eight inches of the wheel. This violation occurred on July 14, 2011, and times prior thereto, where maintenance employees operated a Baldor pedestal grinder that had a work rest that was approximately 3/4-inch away from the abrasive wheel.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that work rests are adjusted within one-eight inch from abrasive wheels.

Date By Which Violation Must be Abated:	01/22/2012
Proposed Penalty:	\$ 4000.00

Citation 1 Item 9b Type of Violation: **Serious**

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch:

The employer does not ensure tongue guards are adjusted to within 1/4-inch of the abrasive wheels. This violation occurred on July 14, 2011, and times prior thereto, where Maintenance Department employees operated a Baldor pedestal grinder that had a tongue guard that was 3/4-inch away from the abrasive wheel.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that tongue guards are adjusted within one-fourth inch from abrasive wheels.

Date By Which Violation Must be Abated:	01/22/2012
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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: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.253(b)(4)(iii): Oxygen cylinders in storage were not separated from fuel gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least 5 feet (1.5 m) high having a fire resistance rating of at least one-half hour:

The employer does not ensure that oxygen and acetylene cylinders are stored at least 20-feet away from each other, or are separated by a noncombustible barrier at least 5-feet high having a fire resistance rating of at least one-half hour. This violation occurred on July 14, 2011, and times prior thereto, where oxygen and acetylene cylinders were stored together outside of an open, over-head door in the maintenance shop.

Pursuant to 29 C.F.R. 1903.19, within ten (1) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure stored oxygen and acetylene cylinders are separated by at least 20-feet, or by a noncombustible barrier that is at least 5-feet high and has a fire rating of at least one-half hour.

Date By Which Violation Must be Abated:	01/22/2012
Proposed Penalty:	\$ 3000.00

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: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.1030(c)(1)(i): The employer had not established a written Exposure Control Plan designed to eliminate or minimize employee exposure to bloodborne pathogens:

The employer, having employees with an occupational exposure to blood, does not have a written Exposure Control Plan designed to eliminate or minimize employee exposure. This violation was discovered on July 14, 2011, where employees were exposed to bloodborne pathogens while cleaning work areas, machinery and equipment following workplace injuries.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that a written exposure control plan is developed and implemented to eliminate or minimize exposures.

Date By Which Violation Must be Abated:	01/22/2012
Proposed Penalty:	\$ 3000.00



Citation and Notification of Penalty

Company Name: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.1200(h)(1): Employees were not provided information and training as specified in 29 CFR 1910.1200(h)(1) and (2) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

The employer does not train employees exposed to hazardous chemicals. This violation occurred on July 14, 2011, and times prior thereto, where employees using hazardous chemicals had not received training on the hazards associated with chemicals being used in their work areas.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure employees are provided training on the hazardous chemicals being used.

Date By Which Violation Must be Abated:	01/22/2012
Proposed Penalty:	\$ 6000.00



Citation and Notification of Penalty

Company Name: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

The employer does not develop, document, and utilize energy control procedures to control potentially hazardous energy when employees setup, adjust, inspect, modify, maintain and/or service machines and equipment. This violation occurred on July 13, 2011, and times prior thereto, where the employer had not develop, document and utilize these procedures for equipment and machines such as but not limited to the Arpac wrapping machine, Strap Machine, Brushing machine, CPK Packers, Nuovatima Palletizer machines, Kiln oven machines, TG Mac Glaze machines, Sacmi press machines, and Glaze double disc cabin equipment.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, 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 energy control procedures are developed, documented and utilized.

Date By Which Violation Must be Abated:	01/22/2012
Proposed Penalty:	\$ 70000.00



Citation and Notification of Penalty

Company Name: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

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

29 CFR 1910.219(d)(1): Pulley(s) with part(s) seven feet or less from the floor or work platform were not guarded in accordance with the requirements specified in 29 CFR 1910.219 paragraphs (m) and (o):

The employer does not guard pulleys located less than seven feet above the floor areas. This violation most recently occurred on July 14, 2011, and times prior thereto, where employees operated conveyor systems that did not have guards installed over pulleys in Production Departments, such as but not limited to the Selection Dept., Kiln Dept., Glaze Line Dept., and Press Dept.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that pulleys with parts seven feet or less from the floor or work platform are guarded in accordance with the requirements of 29 CFR 1910.219 paragraphs (m) and (o).

Date By Which Violation Must be Abated:	01/22/2012
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: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

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

29 CFR 1910.219(e)(1)(i): Horizontal belts which had both runs 42 inches or less from the floor level were not fully enclosed by guards conforming to requirements specified in 29 CFR 1910.219(m) and (o):

The employer does not guard belts located 42 inches or less above the floor areas. This violation occurred on July 14, 2011, and time prior thereto, where employees operated conveyor systems that did not have guards installed over belts in Production Departments, such as but not limited to the Selection Dept., Kiln Dept., Glaze Line Dept., Press Dept., and Body Prep Dept.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that belts 42 inches or less from the floor or work platform are guarded in accordance with the requirements of 29 CFR 1910.219 paragraphs (m) and (o).

Date By Which Violation Must be Abated: 01/22/2012



Citation and Notification of Penalty

Company Name: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182

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

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven feet or less above floors or platforms were not enclosed:

The employer does not ensure guards are installed to protect employees from rotating sprockets and chains. This violation occurred on July 14, 2011, and times prior thereto, where Selection Department employees operated CPK carton packing machines that did not have a guard installed over rotating sprocket wheels and chains.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that guards are installed over rotating sprocket wheels and chains.

Date By Which Violation Must be Abated: 01/22/2012

A handwritten signature in black ink, appearing to read "Stephen Boyd", written over a horizontal line.

STEPHEN BOYD
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration
8344 East R.L. Thornton Frwy.
Suite 420
Dallas, TX 75228
Phone: (214)320-2400 FAX: (214)320-2598



**INVOICE/
DEBT COLLECTION NOTICE**

Company Name: American Marazzi Tile, Inc.
Inspection Site: 359 Clay Road, Sunnyvale, TX 75182
Issuance Date: 01/12/2012

Summary of Penalties for Inspection Number 314183450

Citation 1, Serious	= \$ 58000.00
Citation 2, Willful	= \$ 140000.00
TOTAL PROPOSED PENALTIES	= \$ 198000.00

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 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 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.



STEPHEN BOYD
Area Director

1/12/2012

Date