

U.S. Department of Labor
Occupational Safety and Health Administration
1033 La Posada Suite 375
Austin, TX 78752
Phone: 512-374-0271 Fax: 512-374-0086



COPIED

Citation and Notification of Penalty

To:
American Plant Food Corporation
and its successors
9901 Texas Highway 95
Bartlett, TX 76511

Inspection Number: 949132
Inspection Date(s): 11/19/2013 - 11/19/2013
Issuance Date: 05/05/2014

Inspection Site:
9901 Texas Highway 95
Bartlett, TX 76511

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 either call to schedule an informal conference (see paragraph below) or** 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. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions 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 05/05/2014. The conference will be held by telephone or at the OSHA office located at 1033 La Posada, Suite 375, Austin, TX 78752 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 949132

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511
Issuance Date: 05/05/2014

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, 1033 La Posada, Suite 375, Austin, TX 78752**

Citation Number 1 Item Number 1a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 1b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 2 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 3a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 3b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 4 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 5a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 5b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 6 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 7 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 8 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 9 was corrected on _____
By (Method of Abatement): _____

Citation Number 2 Item Number 1 was corrected on _____
By (Method of Abatement): _____

Citation Number 2 Item Number 2 was corrected on _____
By (Method of Abatement): _____

Citation Number 3 Item Number 1 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

U.S. Department of Labor
Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

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

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

29 CFR 1910.23(a)(5): Every pit and trapdoor floor opening, infrequently used, was not guarded by a floor opening cover of standard strength and construction. While the cover is not in place, the pit or trap opening shall be constantly attended by someone or shall be protected on all exposed sides by removable standard railings.

On or about November 18, 2013, at rail road car unloading area, the employer failed to ensure the pit was guarded. Employee(s) exposed to a fall hazard. The pit was approximately four feet deep.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/23/2014
Proposed Penalty:	\$6000.00

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

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Inspection Date(s): 11/19/2013 - 11/19/2013
Issuance Date: 05/05/2014



Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

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

29 CFR 1910.23(a)(9): Each floor hole, into which persons could not accidentally walk, was not protected by a cover that leaves no openings more than 1 inch wide:

On or about November 18, 2013, in the unloading area at the rail road tracks, the employer failed to ensure that there was proper guarding over the hole opening. Employee(s) exposed to the hazard of falling into the opening in the grate. The openings were measured at 3 inches wide by 11 inches long.

Date By Which Violation Must be Abated:

05/23/2014



Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

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

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

(a) On or about November 18, 2013, at the Doyle weigh hopper, the employer failed to ensure the employee(s) were not exposed to a fall hazard. Employee(s) were exposed to a fall hazard from the top of the hopper to the bottom of the hopper. The fall hazard from the top of the hopper to bottom of the hopper was approximately 6 feet 4 inches.

(b) On or about November 18, 2013, at the Doyle weigh hopper, the employer failed to ensure the employee(s) were not exposed to a fall hazard. Employee(s) were exposed to a fall hazard from the top of the hopper to the floor below. The fall hazard from the top of the hopper to the floor below was approximately 9 feet.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/23/2014
Proposed Penalty:	\$7000.00

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 949132
Inspection Date(s): 11/19/2013 - 11/19/2013
Issuance Date: 05/05/2014



Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

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

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

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

On or about November 18, 2013, at this site, the employer failed to ensure that the workplace was evaluated for confined spaces, such as the Doyle weigh hopper. Employees exposed to hazards such as, but not limited to falls, engulfment and entrapment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/23/2014
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.

U.S. Department of Labor
Occupational Safety and Health Administration

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Inspection Date(s): 11/19/2013 - 11/19/2013
Issuance Date: 05/05/2014



Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

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

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

On or about November 18, 2013, at the Doyle hopper, the employer failed to ensure signs were posted that the hopper was a confined space or institute any other equally effective means about the potential hazards of confined space. Employees exposed to hazards such as, but not limited to, engulfment and entrapment hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

05/23/2014

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
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Issuance Date: 05/05/2014



Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

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 under 29 CFR 1910.146:

On or about November 18, 2013, at this site, the employer failed to ensure that employees were trained on the confined space hazards associated with entering the Doyle weigh hopper. Employees exposed to hazards such as, but not limited to falls, engulfment and entrapment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/23/2014
Proposed Penalty:	\$7000.00

U.S. Department of Labor
Occupational Safety and Health Administration

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Issuance Date: 05/05/2014



Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

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

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

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:

On or about November 18, 2013, at this site, the employer did not ensure that energy control procedures were developed and utilized before employees were required to enter the Doyle weigh hopper where there was an unguarded auger. Employee(s) were exposed to the hazard of being caught in the rotating auger.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/23/2014
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.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 949132
Inspection Date(s): 11/19/2013 - 11/19/2013
Issuance Date: 05/05/2014



Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

On or about November 18, 2013, at this site, the employer failed to ensure that the energy control procedures for this plant had an annual review. Employee(s) were exposed to the hazard of being caught in the rotating auger.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

05/23/2014

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 949132
Inspection Date(s): 11/19/2013 - 11/19/2013
Issuance Date: 05/05/2014



Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

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

29 CFR 1910.147(c)(7)(i): The employer did not provide adequate training to ensure that the purpose and function of the energy control program was understood by employees:

On or about November 18, 2013, at this site, the employer failed to ensure employee(s) were adequately trained on the energy control program prior to being required to enter the Doyle weigh hopper. Employee(s) were exposed to the hazard of being caught in the unguarded, rotating auger.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/23/2014
Proposed Penalty:	\$7000.00

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 949132
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Issuance Date: 05/05/2014



Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

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

29 CFR 1910.151(b): There was neither an infirmary, clinic, or hospital used for the treatment of all injured employees in near proximity to the workplace nor a person or persons adequately trained to render first aid:

On or about November 18, 2013, at the site, the employer failed to ensure that someone was first aid trained. Employee(s) were exposed to the delay of receiving medical or first aid treatment in the event of an accident.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/23/2014
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.

U.S. Department of Labor
Occupational Safety and Health Administration

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Issuance Date: 05/05/2014



Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

Citation 1 Item 8 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 rotating parts:

- a) On or about November 18, 2013, at the mixing drum, the employer failed to ensure that the mixing drum was guarded. Employee(s) exposed to the hazard of being struck by the rotating drum.

- b) On or about November 18, 2013, in the rail road unloading area, the employer failed to ensure that the guarding on the elevator motor was in good repair. Employee(s) exposed to the hazard of being struck by the rotating fan on the motor.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/23/2014
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.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 949132
Inspection Date(s): 11/19/2013 - 11/19/2013
Issuance Date: 05/05/2014



Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

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

29 CFR 1910.303(g)(1): Sufficient access and working space was not provided and maintained about all electric equipment (operating at 600 volts, nominal, or less to ground) to permit ready and safe operation and maintenance of such equipment:

On or about November 18, 2013, at the Load Out System, the employer failed to ensure that safe access was provided to the service disconnect supplying power to the Doyle weigh hopper, mixing drum and conveyor. Employee(s) exposed to the delay of isolating the energy source and the hazard of being struck by the rotating mixing drum.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/23/2014
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.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 949132
Inspection Date(s): 11/19/2013 - 11/19/2013
Issuance Date: 05/05/2014



Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

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

29 CFR 1910.147(d)(4)(i): Lockout or tagout devices were not affixed to each energy isolating device by authorized employees:

On or about November 18, 2013, at the Doyle weigh hopper, the employer failed to ensure that a locking device was installed on the service disconnect before employees entered the hopper. Employee(s) were exposed to the hazard of being caught in the rotating auger during an unexpected startup.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/23/2014
Proposed Penalty:	\$70000.00

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 949132
Inspection Date(s): 11/19/2013 - 11/19/2013
Issuance Date: 05/05/2014



Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

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

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 rotating parts:

On or about November 18, 2013, on the Doyle weigh hopper, employees were standing on top of the ladder and against the extensions on the top of the hopper while the unguarded auger was running below, exposing the employees to the hazard of being caught in the rotating auger.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/23/2014
Proposed Penalty:	\$55000.00

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

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Issuance Date: 05/05/2014



Citation and Notification of Penalty

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.303(e): The manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product may be identified was not placed on the electrical equipment that was used:

On or about November 18, 2013, at the motor near the elevator, the employer failed to ensure the manufactures label was legible.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/23/2014
\$0.00

A handwritten signature in black ink that reads "R. Casey Perkins". The signature is written in a cursive style with a long horizontal flourish extending to the right.

R. Casey Perkins, CSP
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1033 La Posada Suite 375
Austin, TX 78752
Phone: 512-374-0271 Fax: 512-374-0086



INVOICE / DEBT COLLECTION NOTICE

Company Name: American Plant Food Corporation
Inspection Site: 9901 Texas Highway 95, Bartlett, TX 76511
Issuance Date: 05/05/2014

Summary of Penalties for Inspection Number	949132
Citation 1, Serious	\$56000.00
Citation 2, Willful	\$125000.00
Citation 3, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$181000.00

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. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment 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.



R. Casey Perkins, CSP

Area Director



Date