

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
10810 Executive Center Drive  
Danville Bldg. 2, Suite 206  
Little Rock, AR 72211  
Phone: 501-224-1841 Fax: 501-224-2697



## Citation and Notification of Penalty

**To:**  
BEKAERT CORPORATION  
and its successors  
1881 BEKAERT DRIVE  
Van Buren, AR 72956

**Inspection Number:** 1007965  
**Inspection Date(s):** 11/12/2014 - 04/02/2015  
**Issuance Date:** 04/21/2015

**Inspection Site:**  
1881 BEKAERT DRIVE  
Van Buren, AR 72956

*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](http://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 \$25,000 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](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/21/2015. The conference will be held by telephone or at the OSHA office located at 10810 Executive Center Drive, Danville Bldg. 2, Suite 206, Little Rock, AR 72211 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1007965**

Company Name: BEKAERT CORPORATION  
Inspection Site: 1881 BEKAERT DRIVE, Van Buren, AR 72956  
Issuance Date: 04/21/2015

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, 10810 Executive Center Drive, Danville Bldg. 2, Suite 206, Little Rock, AR 72211**

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

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

**Inspection Number:** 1007965  
**Inspection Date(s):** 11/12/2014 - 04/02/2015  
**Issuance Date:** 04/21/2015



**Citation and Notification of Penalty**

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

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 1910.141(d)(3)(iii): 29 CFR 1910.141(d)(3)(iii) Body soap or other appropriate cleansing agent convenient to the showers was not provided:

On or about November 12, 2014 and prior thereto, soap was not provided in the front locker room showers for lead bath cleaners who were required to shower after their shift.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/27/2015
Proposed Penalty:	\$4000.00

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:** 1007965  
**Inspection Date(s):** 11/12/2014 - 04/02/2015  
**Issuance Date:** 04/21/2015



**Citation and Notification of Penalty**

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

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

29 CFR 1910.141(d)(3)(v): 29 CFR 1910.141(d)(3)(v) Employees who used showers were not provided with individual clean towels:

On or about November 12, 2014 and prior thereto, towels were not provided in the front locker room showers for lead bath cleaners who were required to shower after their shift.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/27/2015

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:** 1007965  
**Inspection Date(s):** 11/12/2014 - 04/02/2015  
**Issuance Date:** 04/21/2015



**Citation and Notification of Penalty**

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

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

29 CFR 1910.1025(h)(1): All surfaces were not maintained as free as practicable of accumulations of lead:

- a. A wipe sample taken on or about November 14, 2014, indicated lead was present on the right side of the sink in the First Aid Room. Employees using the First Aid Room were exposed to lead.
- b. Two wipe samples taken on or about November 14, 2014, indicated lead was present on the bench in the wire drawing locker room. Employees using the bench were exposed to lead.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/29/2015
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

**Inspection Number:** 1007965  
**Inspection Date(s):** 11/12/2014 - 04/02/2015  
**Issuance Date:** 04/21/2015



**Citation and Notification of Penalty**

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

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

29 CFR 1910.1025(i)(2)(ii): Change rooms were not equipped with separate storage facilities for protective work clothing and equipment and for street clothes to prevent cross contamination from lead:

On or about November 14, 2014 and prior thereto, lead bath cleaners were not provided with separate storage facilities for their personal clothing and personal protective equipment such as boots and safety glasses worn in the lead bath area. Employees stored personal clothing in the same locker as boots and safety glasses worn in the lead bath work area. Wipe samples taken from employee's lockers indicated lead was present. Employees were exposed to the hazard of contaminating their personal clothes with lead.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/29/2015
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

**Inspection Number:** 1007965  
**Inspection Date(s):** 11/12/2014 - 04/02/2015  
**Issuance Date:** 04/21/2015



**Citation and Notification of Penalty**

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

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

29 CFR 1910.1025(i)(3)(iii): The employer did not ensure that employees who were required to shower per 29 CFR 1910.1025(i)(3)(i) did not leave the workplace wearing any clothing or equipment worn during the work shift:

On or about November 14, 2014 and prior thereto, lead bath cleaners left the workplace wearing caps that were worn in the lead bath work. This condition exposed employees to lead from their caps.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/27/2015
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

**Inspection Number:** 1007965  
**Inspection Date(s):** 11/12/2014 - 04/02/2015  
**Issuance Date:** 04/21/2015



**Citation and Notification of Penalty**

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

**Citation 2 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1904.31(b)(2): The employer did not record injuries and illnesses on the OSHA Form 300 for employees obtained from a temporary help service, employee leasing service, or personnel supply service, that were supervised by the employer on a day-to-day basis:

On or about November 12, 2014 and prior thereto, injuries and illnesses of employees of The Employment Company (TEC) were not recorded on Bekaert Corporation's OSHA Form 300 for calendar year 2014.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/29/2015
Proposed Penalty:	\$1000.00

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:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

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

**Citation 2 Item 2 a Type of Violation: **Other-than-Serious****

29 CFR 1910.146(c)(8)(i): When an employer arranged to have employees of another employer (contractor) perform work that involved permit space entry, the host employer did not inform the contractor that the workplace contained permit spaces and that permit space entry was allowed only through compliance with a permit space program:

On or about December 11, 2014, employees of Northwest Fire Protection entered a pit to test the back flow regulator for the sprinkler system that was classified by Bekaert Corporation as a permit required confined space. Employees of Northwest Fire Protection were not informed that the space was a permit required confined space and was to be entered with a permit required space program.

Date By Which Violation Must be Abated:	04/29/2015
Proposed Penalty:	\$0.00



**Citation and Notification of Penalty**

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

**Citation 2 Item 2 b Type of Violation: **Other-than-Serious****

29 CFR 1910.146(c)(8)(ii): When an employer arranged to have employees of another employer (contractor) perform work that involved permit space entry, the host employer did not apprise the contractor of the elements, including the hazards identified and the host employer's experience with the space, that made the space in question a permit space:

On or about December 11, 2014, employees of Northwest Fire Protection entered a pit to test the back flow regulator for the sprinkler system that was classified by Bekaert Corporation as a permit required confined space. Employees of Northwest Fire Protection were not informed of the hazards identified that made the pit a permit required confined space.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/29/2015

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

**Inspection Number:** 1007965  
**Inspection Date(s):** 11/12/2014 - 04/02/2015  
**Issuance Date:** 04/21/2015



**Citation and Notification of Penalty**

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

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

**Citation 2 Item 3 a** Type of Violation: **Other-than-Serious**

29 CFR 1910.1025(d)(8)(i): Within fifteen working days after the receipt of exposure monitoring results, each employee was not notified in writing or by posting the results in an appropriate location of the results which represented that employee's exposure to lead:

On or about December 10, 2014 and prior thereto, lead bath cleaners had not been notified of the results of lead monitoring conducted on or about November 6, 2014.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/27/2015
Proposed Penalty:	\$0.00

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:** 1007965  
**Inspection Date(s):** 11/12/2014 - 04/02/2015  
**Issuance Date:** 04/21/2015



**Citation and Notification of Penalty**

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

**Citation 2 Item 3 b Type of Violation: **Other-than-Serious****

29 CFR 1910.1025(e)(3)(ii)(F): The written compliance program did not include a work practice program:

On or about November 12, 2014 and prior thereto, the written lead compliance program did not include housekeeping procedures to control lead exposures on environmental surfaces in the locker rooms, first aid room where respirators were cleaned and in the break room. This condition exposed employees to lead.

**Date By Which Violation Must be Abated:**

**04/29/2015**

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:** 1007965  
**Inspection Date(s):** 11/12/2014 - 04/02/2015  
**Issuance Date:** 04/21/2015



**Citation and Notification of Penalty**

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

**Citation 2 Item 3 c Type of Violation: **Other-than-Serious****

29 CFR 1910.1025(e)(3)(iv): Written compliance programs for lead were not revised and updated annually to reflect the current status of the program:

On or about November 12, 2014 and prior thereto, the written lead compliance program had been reviewed with items such as the following sections marked to verify and or update: Section 2.2, 10.2, 10.4, 10.5 Addendum A. As of November 12, 2014 the program had not been revised and updated to reflect the current status.

Date By Which Violation Must be Abated:

04/29/2015

A handwritten signature in black ink that reads "Carlos M. Reynolds". The signature is written in a cursive style and is positioned above a horizontal line.

**Carlos M. Reynolds**  
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  
10810 Executive Center Drive  
Danville Bldg. 2, Suite 206  
Little Rock, AR 72211  
Phone: 501-224-1841 Fax: 501-224-2697



## INVOICE / DEBT COLLECTION NOTICE

---

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956  
**Issuance Date:** 04/21/2015

<b>Summary of Penalties for Inspection Number</b>	<b>1007965</b>
<b>Citation 1, Serious</b>	<b>\$22000.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$1000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$23000.00</b>

---

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](http://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 \$25,000 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.



**Carlos M. Reynolds**  
Area Director

4-21-15  
Date

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
10810 Executive Center Drive  
Danville Bldg. 2, Suite 206  
Little Rock, AR 72211  
Phone: 501-224-1841 Fax: 501-224-2697



## Citation and Notification of Penalty

**To:**  
BEKAERT CORPORATION  
and its successors  
1881 BEKAERT DRIVE  
Van Buren, AR 72956

**Inspection Number:** 1007982  
**Inspection Date(s):** 11/12/2014 - 04/02/2015  
**Issuance Date:** 04/21/2015

**Inspection Site:**  
1881 BEKAERT DRIVE  
Van Buren, AR 72956

*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](http://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 \$25,000 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](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/21/2015. The conference will be held by telephone or at the OSHA office located at 10810 Executive Center Drive, Danville Bldg. 2, Suite 206, Little Rock, AR 72211 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1007982**

Company Name: BEKAERT CORPORATION  
Inspection Site: 1881 BEKAERT DRIVE, Van Buren, AR 72956  
Issuance Date: 04/21/2015

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, 10810 Executive Center Drive, Danville Bldg. 2, Suite 206, Little Rock, AR 72211**

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

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

**Inspection Number:** 1007982  
**Inspection Date(s):** 11/12/2014 - 04/02/2015  
**Issuance Date:** 04/21/2015



**Citation and Notification of Penalty**

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

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

29 CFR 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent):

On or about November 13, 2014, and times prior to, at 1881 Bekaert Drive in Van Buren, Arkansas, in the Fencing area, standard railing was not provided on the backside of the elevated platform to Field Fence Machine 6. Employees were exposed to falls from elevation.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/29/2015
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:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

**Citation 1 Item 2** 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):

On or about November 13, 2014, and times prior to, at 1881 Bekaert Drive in Van Buren, Arkansas, in the Fencing area, the back of the following Fence machines were not guarded to protect employees from contact with the cutting blade and moving parts:

- (a) Field Fence 1
- (b) Field Fence 2
- (c) Field Fence 3
- (d) Field Fence 4
- (e) Field Fence 5
- (f) Field Fence 6

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 06/04/2015  
Proposed Penalty: \$5000.00

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

**Inspection Number:** 1007982  
**Inspection Date(s):** 11/12/2014 - 04/02/2015  
**Issuance Date:** 04/21/2015



**Citation and Notification of Penalty**

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

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

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven (7) feet or less above floors or platforms were not enclosed:

On or about November 13, 2014, and times prior to, at 1881 Bekaert Drive in Van Buren, Arkansas, in the Fencing area, guarding was not furnished over the chain & sprocket at the back right side of Field Fence Machine 4. Employees were exposed to contact with nip points.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/13/2015
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:** 1007982  
**Inspection Date(s):** 11/12/2014 - 04/02/2015  
**Issuance Date:** 04/21/2015



**Citation and Notification of Penalty**

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

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

29 CFR 1910.219(i)(2): Revolving surfaces of shaft coupling(s) were not covered by a safety sleeve:

On or about November 13, 2014, and times prior to, at 1881 Bekaert Drive in Van Buren, Arkansas, in the Fencing area, the shaft arm for the sprockets to Field Fence Machine 4 was not guarded. Employees were exposed to contact with rotating parts.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/06/2015  
\$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:** BEKAERT CORPORATION

**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

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

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 pinch point, rotating and moving parts:

On or about November 13, 2014, and times prior to at 1881 Bekaert Drive in Van Buren, Arkansas in the Wire Drawing area, the opening between the draw and take-up was not guarded to prevent contact with moving traverse on the following wire draw machines:

- (a) Morgan Koch, #1030602M
- (b) Jupiter, #1030603
- (c) Jupiter, #1031004
- (d) Jupiter, #1031005
- (e) Jupiter, #1031106
- (f) OBX, #1030807
- (g) BAZ, #1030708
- (h) BAZ, #1030709
- (i) BAZ, #1030710
- (j) BAZ, #1031011
- (k) Morgan Koch, #1030812M
- (l) Jupiter, #1030513
- (m) CAZ, #1031014
- (n) BAZ, #1031015
- (o) BAZ, #1031016
- (p) CAZ, #1031117
- (q) CAZ, #1031118
- (r) CAZ, #1031019
- (s) Jupiter, #1030820
- (t) Jupiter, #1030821
- (u) Jupiter, #1030922

In the Wire Drawing area, the opening to the coupling on the bottom of the following wire Drawing

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:** BEKAERT CORPORATION

**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

machines was not covered to prevent contact with rotating parts:

- (v) Morgan Koch, #1030602M
- (w) Jupiter, #1030603
- (x) Jupiter, #1031004
- (y) Jupiter, #1031005
- (z) Jupiter, #1031106
- (aa) OBX, #1030807
- (bb) BAZ, #103708
- (cc) BAZ, #1030709
- (dd) BAZ, #1030710
- (ee) BAZ, #1031011
- (ff) Morgan Koch, #1030812M
- (gg) Jupiter, #1030513
- (hh) CAZ, #1031014
- (ii) BAZ, #1031015
- (jj) BAZ, #1031016
- (kk) CAZ, #1031117
- (ll) CAZ, #1031118
- (mm) CAZ, #1031019
- (nn) Jupiter, #1030820
- (oo) Jupiter, #1030821
- (pp) Jupiter, #1030922

In the Strand area, guarding was not furnished on the following Strand machines to protect employees from contact with rotating parts:

- (qq) #1080131
- (rr) #1080132
- (ss) #1080133
- (tt) #1080134
- (uu) #1080135
- (vv) #1080136
- (ww) #1080137

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:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

- (xx) #1080138
- (yy) #1080139
- (zz) #1080140
- (aaa) #1080141
- (bbb) #1080142

In the Fencing area, the walk-through openings on the following Field Fence machines were not guarded to protect employees from contact with moving parts:

- (ccc) F1
- (ddd) F2
- (eee) F3
- (fff) F4
- (ggg) F5
- (hhh) F6

In the Fencing area, guarding was not provided at the operator's stand on the following machines to protect employees from contact with moving parts:

- (iii) Field Fence 8
- (jjj) Field Fence 9
- (kkk) Field Fence 10
- (lll) Field Fence 11
- (mmm) Field Fence 13
- (nnn) Field Fence 15

(ooo) In the Wire Drawing area, guarding was not furnished over the pulley guides on the left side of the Morgan Koch, #1030602M Wire Drawing machine. This condition exposed employees to contact with rotating parts and pinch point hazards.

(ppp) In the Horse Fencing area, guarding was not furnished over the rotating spool on Horse Fence Machine #16. Employees were exposed to contact with rotating parts.

On the Hill, the following Gaucho Machines were not guarded to protect employees from contract with

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:** BEKAERT CORPORATION

**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

---

rotating parts:

(qqq) On the Galvanizing Line, employees were not protected from being struck by elevating spools and wire.

On the Hill, the following barbed wire Gaucho machines were not guarded to protect employees from contact with rotating parts:

- (rrr) Machine 01
- (sss) Machine 02
- (ttt) Machine 03
- (uuu) Machine 04
- (vvv) Machine 05
- (www) Machine 06
- (xxx) Machine 07
- (yyy) Machine 08
- (zzz) Machine 09
- (aaa) Machine 10
- (bbb) Machine 11
- (ccc) Machine 12
- (ddd) Machine 13
- (eee) Machine 14
- (fff) Machine 15
- (ggg) Machine 16
- (hhh) Machine 17
- (iii) Machine 18
- (jjj) Machine 19
- (kkk) Machine 20
- (lll) Machine 21
- (mmm) Machine 22
- (nnn) Machine 23
- (ooo) Machine 24
- (ppp) Machine 25
- (qqq) Machine 25

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:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956

- (rrrr) Machine 26
- (ssss) Machine 27
- (tttt) Machine 28
- (uuuu) Machine 29
- (vvvv) Machine 30
- (wwww) Machine 31
- (xxxx) Machine 32
- (yyyy) Machine 36

The Bekaert Corporation was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.212(a)(1), which was contained in OSHA inspection number 315973578, citation number 1, item number 1, and was affirmed as a final order on March 21, 2012, with respect to a workplace located at 1881 Bekaert Drive in Van Buren, Arkansas.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

06/04/2015  
\$35000.00

A handwritten signature in black ink that reads "Carlos M. Reynolds".

**Carlos M. Reynolds**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
10810 Executive Center Drive  
Danville Bldg. 2, Suite 206  
Little Rock, AR 72211  
Phone: 501-224-1841 Fax: 501-224-2697



## INVOICE / DEBT COLLECTION NOTICE

---

**Company Name:** BEKAERT CORPORATION  
**Inspection Site:** 1881 BEKAERT DRIVE, Van Buren, AR 72956  
**Issuance Date:** 04/21/2015

<b>Summary of Penalties for Inspection Number</b>	<b>1007982</b>
<b>Citation 1, Serious</b>	<b>\$18000.00</b>
<b>Citation 2, Repeat</b>	<b>\$35000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$53000.00</b>

---

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](http://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 \$25,000 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.



**Carlos M. Reynolds**  
Area Director

4-21-15  
Date