

U.S. Department of Labor
Occupational Safety and Health Administration
800 Dolorosa
Washington Square Bldg., Suite 203
San Antonio, TX 78207
Ph.: 210-472-5040 Fax: 210-472-5045



Citation and Notification of Penalty

To:
Cardell Cabinetry, LLC, dba Cardell Cabinetry, Inc.
and its successors
3215 N Panam Expressway
San Antonio, TX 78219

Inspection Number: 891869
Inspection Date(s): 02/14/2013 - 08/13/2013
Issuance Date: 08/14/2013

Inspection Site:
3215 N Panam Expressway
San Antonio, TX 78219

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. Please contact the U.S. Department of Labor – OSHA for an informal conference at 210-472-5040 ext. 237 for an appointment.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide **abatement certification** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that **abatement documentation** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/14/2013. The conference will be held by telephone or at the OSHA office located at 800 Dolorosa, Washington Square Bldg., Suite 203, San Antonio, TX 78207 on

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 891869

Company Name: Cardell Cabinetry, LLC, dba Cardell Cabinetry, Inc.
Inspection Site: 3215 N Panam Expressway, San Antonio, TX 78219
Issuance Date: 08/14/2013

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 800 Dolorosa, Washington Square Bldg., Suite 203, San Antonio, TX 78207**

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): _____

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

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

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

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

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

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



Citation and Notification of Penalty

Company Name: Cardell Cabinetry, LLC, dba Cardell Cabinetry, Inc.
Inspection Site: 3215 N Panam Expressway, San Antonio, TX 78219

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

29 CFR 1910.95(c)(1): The employer did not administer a continuing, effective hearing conservation program as described in 29 CFR 1910.95(c) through (o) whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level of 85 decibels measured on the A scale, or equivalently a dose of fifty percent:

- a) Main Building: The employer does not maintain an effective hearing conservation program (HCP) for the pneumatic sander operator who is exposed to continuous noise levels in excess of the allowable 8-hour Time Weighted Average (TWA) sound level of 85 dbA. This violation was observed on or about April 16, 2013, where noise sampling performed for 431 minutes indicated that employees were exposed to a 187.7% noise dose which is equivalent to approximately 94.5 dbA. Zero exposure was assumed for the 49 minutes not sampled. Inclusion in the HCP was not made available to the pneumatic sanders.
- b) Main Building: The employer does not maintain an effective hearing conservation program for the STDR#14 operator who is exposed to continuous noise levels in excess of the allowable 8-hour Time Weighted Average (TWA) sound level of 85 dbA. This violation was observed on or about April 16, 2013, where noise sampling performed for 468 minutes indicated that employees were exposed to a 91.1% noise dose which is equivalent to approximately 89.3 dbA. Zero exposure was assumed for the 12 minutes not sampled. Inclusion in the HCP was not made available to the STDR#14 operator.
- c) Main Building: The employer does not maintain an effective hearing conservation program for the DiMiter #2 operator who is exposed to continuous noise levels in excess of the allowable 8-hour Time Weighted Average (TWA) sound level of 85 dbA. This violation was observed on or about April, 16, 2013, where noise sampling performed for 407 minutes indicated that employees were exposed to a 75.2% noise dose which is equivalent to approximately 87.9 dbA. Zero exposure was assumed for the 73 minutes not sampled. Inclusion in the HCP was not made available to the DiMiter #2 operator.
- d) Main Building: The employer does not maintain an effective hearing conservation program for the sander machine operators who are exposed to continuous noise levels in excess of the allowable 8-hour Time Weighted Average (TWA) sound level of 85 dbA. This violation was observed on or about April 16, 2013, where noise sampling performed for 404 minutes indicated that employees were exposed to a

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65.9% noise dose which is equivalent to approximately 87.0 dbA. Zero exposure was assumed for the 76 minutes not sampled. Inclusion in the HCP was not made available to the sander machine operators.

e) Paint Area, Main Building: The employer does not maintain an effective hearing conservation program for the paint booth #2 operators who are exposed to continuous noise levels in excess of the allowable 8-hour Time Weighted Average (TWA) sound level of 85 dbA. This violation was observed on or about April 16, 2013, where noise sampling performed for 477 minutes indicated that employees were exposed to a 99.9% noise dose which is equivalent to approximately 90.0 dbA. Zero exposure was assumed for the 3 minutes not sampled. Inclusion in the HCP was not made available to the spray paint operators.

f) Paint Area, Main Building: The employer does not maintain an effective hearing conservation program for the paint booth #9 operators who are exposed to continuous noise levels in excess of the allowable 8-hour Time Weighted Average (TWA) sound level of 88.6 dbA. This violation was observed on or about April 16, 2013, where noise sampling performed for 453 minutes indicated that employees were exposed to a 82.9% noise dose which is equivalent to approximately 88.6 dbA. Zero exposure was assumed for the 27 minutes not sampled. Inclusion in the HCP was not made available to the spray paint operators.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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09/13/2013
\$7000.00



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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 2 a Type of Violation: **Serious**

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

- a) Rough Mill: The employer does not obtain annual audiograms for the Molder #05 Operators who are exposed to continuous noise levels in excess of the allowable 8-hour Time Weighted Average (TWA) sound level of 85 dbA. This violation was observed on or about April 16, 2013, where noise sampling performed for 304 minutes indicated that employees were exposed to a 125% noise dose which is equivalent to approximately 91.6 dbA. Zero exposure was assumed for the 76 minutes not sampled. Audiometric testing was not made available to each employee enrolled in the hearing conservation program.
- b) Rough Mill: The employer does not maintain an audiometric testing program for the Voorwood #01 Operators who are exposed to continuous noise levels in excess of the allowable 8-hour Time Weighted Average (TWA) sound level of 85 dbA. This violation was observed on or about May 30, 2013, where noise sampling performed for 401 minutes indicated that employees were exposed to a 121.4% noise dose which is equivalent to approximately 91.4 dbA. Zero exposure was assumed for the 79 minutes not sampled. Audiometric testing was not made available to each employee enrolled in the hearing conservation program.
- c) Rough Mill: The employer does not maintain an audiometric testing program for the SCMI#01 Operators who are exposed to continuous noise levels in excess of the allowable 8-hour Time Weighted Average (TWA) sound level of 85 dbA. This violation was observed on or about May 30, 2013, where noise sampling performed for 450 minutes indicated that employees were exposed to a 75.1% noise dose which is equivalent to approximately 87.9 dbA. Zero exposure was assumed for the 30 minutes not sampled. Audiometric testing was not made available to each employee enrolled in the hearing conservation program.

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d) Parts Mill: The employer does not maintain an audiometric testing program for the Table Saw #10 Operators who are exposed to continuous noise levels in excess of the allowable 8-hour Time Weighted Average (TWA) sound level of 85 dbA. This violation was observed on or about May 30, 2013, where noise sampling performed for 446 minutes indicated that employees were exposed to a 84.6% noise dose which is equivalent to approximately 88.8 dbA. Zero exposure was assumed for the 34 minutes not sampled. Audiometric testing was not made available to each employee enrolled in the hearing conservation program.

e) Parts Mill: The employer does not maintain an audiometric testing program for the PRTML #14 Operators who are exposed to continuous noise levels in excess of the allowable 8-hour Time Weighted Average (TWA) sound level of 85 dbA. This violation was observed on or about May 30, 2013, where noise sampling performed for 442 minutes indicated that employees were exposed to a 92.4% noise dose which is equivalent to approximately 89.4 dbA. Zero exposure was assumed for the 38 minutes not sampled. Audiometric testing was not made available to each employee enrolled in the hearing conservation program.

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09/13/2013
\$7000.00

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Citation and Notification of Penalty

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

29 CFR 1910.95(g)(8)(i): When a comparison of the annual audiogram to the baseline audiogram indicates a standard threshold shift, as defined in 29 CFR 1910.95(g)(10) has occurred, the employee was not informed of this fact in writing, within 21 days of the determination:

On or about February 15, 2013 and at times prior thereto, employees were not notified of a standard threshold shift.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/19/2013

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

29 CFR 1910.95(i)(2)(i): The employer did not ensure that hearing protectors are worn by an employee who is required by 29 CFR 1910.95(b)(1) to wear personal protective equipment:

Rough Mill: The employer does not ensure that the Molder #05 Operators who are exposed to continuous noise levels in excess of the allowable 8-hour Time Weighted Average (TWA) sound level of 85 dbA wore hearing protective devices. This violation was observed on or about April 16, 2013, where noise sampling performed for 304 minutes indicated that employees were exposed to a 125% noise dose which is equivalent to approximately 91.6 dbA. Zero exposure was assumed for the 76 minutes not sampled.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/19/2013
\$7000.00

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



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Company Name: Cardell Cabinetry, LLC, dba Cardell Cabinetry, Inc.
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Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.95(i)(5): The employer did not ensure proper initial fitting and supervise the correct use of all hearing protectors:

a) Rough Mill: The employer does not ensure employee(s) who are exposed to continuous noise levels in excess of the allowable 8-hour Time Weighted Average (TWA) sound level of 85 dbA correctly insert and wear their ear plugs. This violation was observed on or about April 16, 2013, where ear plugs were not properly inserted and worn by employees.

b) Parts Mill: The employer does not ensure employee(s) who are exposed to continuous noise levels in excess of the allowable 8-hour Time Weighted Average (TWA) sound level of 85 dbA correctly insert and wear their ear plugs. This violation was observed on or about April 16, 2013, where ear plugs were not properly inserted and worn by employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/13/2013
\$7000.00

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

29 CFR 1910.132(a): Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, were not provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact:

Paint Line: On or about April 16, 2013, an employee was spray painting in booth #9 and was not wearing any protective clothing, such as but not limited to aprons, gloves, coveralls, to prevent skin contact when exposed to hazardous chemicals such as but not limited to 1,2,4 trimethylbenzene, naphthalene, 2-heptanone, 4-heptanone, xylene, toluene, benzene, trimethylbenzene, isobutyl acetate which can be absorbed by the skin during the spraying process.

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\$5500.00

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Citation and Notification of Penalty

Company Name: Cardell Cabinetry, LLC, dba Cardell Cabinetry, Inc.
Inspection Site: 3215 N Panam Expressway, San Antonio, TX 78219

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

29 CFR 1910.133(a)(3): The employer did not ensure that each affected employee, who wore prescription lenses while engaged in operations that involved eye hazards, used protection that incorporated the prescription in its design, or wore eye protection over the prescription glasses or protective lenses with side shields:

a) Main Plant: On or about April 16, 2013, an employee was operating a pneumatic sander in the sanding area and was wearing normal prescription glasses where dust hazards were present.

b) Rough Mill: On or about April 16, 2013, an employee was operating the TMPR-01, TMPR-02, and FLUC MC and was wearing normal prescription glasses where dust and chip hazards were present.

c) Main Plant: On or about April 16, 2013, an employee was operating the DiMiter #02 and was wearing normal prescription lenses where dust and chip hazards were present.

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Citation and Notification of Penalty

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

29 CFR 1910.136(a): The employer did not ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards:

a) Main Plant: On or about April 16, 2013, an employee was operating slotter #22 and was wearing tennis shoes where foot hazards were present.

b) Parts Mill: On or about April 16, 2013, an employee was operating Weeke #4 and was wearing tennis shoes where foot hazards were present.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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Citation and Notification of Penalty

Company Name: Cardell Cabinetry, LLC, dba Cardell Cabinetry, Inc.
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Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(f)(2): Employee(s) using a tight-fitting face piece respirator were not annually fit tested:

Paint Line: On or about February 15, 2013, and at times prior to and thereafter, employees who perform spray painting operations and wear tight-fitting respirators were not fit tested.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/13/2013
\$0.00

A handwritten signature in cursive script that reads "Kelly C. Knighton".

Kelly C. Knighton, CSP
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
800 Dolorosa
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San Antonio, TX 78207
Ph.: 210-472-5040 Fax: 210-472-5045



INVOICE / DEBT COLLECTION NOTICE

Company Name: Cardell Cabinetry, LLC, dba Cardell Cabinetry, Inc.
Inspection Site: 3215 N Panam Expressway, San Antonio, TX 78219
Issuance Date: 08/14/2013

Summary of Penalties for Inspection Number	891869
Citation 1, Serious	\$44500.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$44500.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. **Make your check or money order payable to: "DOL-OSHA".** Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

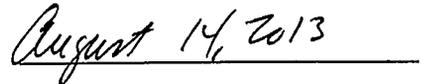
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Kelly C. Knighton, CSP

Area Director



Date