

**U.S. Department of Labor** Occupational Safety and Health Administration  
1240 East 9th Street,  
Room 899  
Cleveland, OH 44199  
Phone: 216-615-4266 Fax: 216-615-4234



04/23/2013

Extrudex Aluminum Inc.  
P. O. BOX 697  
North Jackson, OH 44451

Dear Employer,

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

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

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

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must schedule it early enough to allow time to contest, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of the citation. The running of this contest period is not interrupted by an informal conference.

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

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [WWW.OSHA.GOV](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard B. Eberts, AAD". The signature is fluid and cursive.

**Howard B Eberts**  
Area Director

Enclosures

## U.S. Department of Labor

Occupational Safety and Health Administration  
1240 East 9th Street  
Room 899  
Cleveland, OH 44199  
Phone: 216-615-4266 Fax: 216-615-4234



# Citation and Notification of Penalty

**To:**  
Extrudex Aluminum Inc.  
P. O. BOX 697  
North Jackson, OH 44451

**Inspection Number:** 715638  
**Inspection Date(s):** 10/31/2012 - 10/31/2012  
**Issuance Date:** 04/23/2013

**Inspection Site:**  
12051 MAHONING AVE.  
North Jackson, OH 44451

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

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

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

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

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

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

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

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

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](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 04/23/2013. The conference will be held at the OSHA office located at 1240 East 9th Street, Room 899, Cleveland, OH 44199 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 715638**

Company Name: Extrudex Aluminum Inc.  
Inspection Site: 12051 MAHONING AVE., North Jackson, OH 44451  
Issuance Date: 04/23/2013

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, 1240 East 9th Street, Room 899, Cleveland, OH 44199**

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:** 715638  
**Inspection Date(s):** 10/31/2012 - 10/31/2012  
**Issuance Date:** 04/23/2013



**Citation and Notification of Penalty**

**Company Name:** Extrudex Aluminum Inc.  
**Inspection Site:** 12051 MAHONING AVE., North Jackson, OH 44451

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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 1 a 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:

On or about October 30, 2012, the employer failed to provide protective equipment such as jackets, pants, and/or armguards, to protect employees from heat related injuries when they performed operations in the hot ovens, including but not limited to, unloading hot aluminum from Ovens #1 and #2.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/08/2013
Proposed Penalty:	\$6,000.00

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:** 715638  
**Inspection Date(s):** 10/31/2012 - 10/31/2012  
**Issuance Date:** 04/23/2013



**Citation and Notification of Penalty**

**Company Name:** Extrudex Aluminum Inc.  
**Inspection Site:** 12051 MAHONING AVE., North Jackson, OH 44451

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

29 CFR 1910.132(d)(2): The employer did not verify, through a written certification, that the required workplace hazard assessment had been performed:

On or about October 30, 2012, no written workplace hazard assessment had been completed by the employer for all of their operations including, but not limited to, unloading hot aluminum from Ovens #1 and #2.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/08/2013

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:** Extrudex Aluminum Inc.  
**Inspection Site:** 12051 MAHONING AVE., North Jackson, OH 44451

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

On or about October 26, 2012 and on October 30, 2012, the employer failed to ensure that the lockout procedure for Oven #1 was used to lockout the oven before employees performed servicing and maintenance operations including but not limited to unjamming racks loaded with aluminum product and removing aluminum product from the oven out of racks that cannot be moved.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/08/2013
Proposed Penalty:	\$7,000.00

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:** Extrudex Aluminum Inc.  
**Inspection Site:** 12051 MAHONING AVE., North Jackson, OH 44451

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

29 CFR 1910.147(d): The established procedure for the application of energy control (the energy control procedure) was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6):

On or about October 26, 2012 and on October 30, 2012, the employer failed to ensure that Oven #1 was locked out, including but not limited to locking out the electrical system and the gas line, before employees performed servicing and maintenance operations such as, but not limited to, unjamming racks loaded with aluminum product and removing aluminum product from the oven out of racks that cannot be moved.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/08/2013

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

**Inspection Number:** 715638  
**Inspection Date(s):** 10/31/2012 - 10/31/2012  
**Issuance Date:** 04/23/2013



**Citation and Notification of Penalty**

**Company Name:** Extrudex Aluminum Inc.  
**Inspection Site:** 12051 MAHONING AVE., North Jackson, OH 44451

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

29 CFR 1910.147(f)(3)(i): A procedure was not utilized to afford the employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device when servicing and/or maintenance was performed by a crew:

On or about October 26, 2012 and on October 30, 2012, employees conducting service and maintenance activities in Oven #1 including but not limited to unjamming racks loaded with aluminum product and removing aluminum product from the oven out of racks that cannot be moved, did not utilize a procedure to afford each person the level of protection provided by applying a personal lockout or tagout device.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/08/2013

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:** 715638  
**Inspection Date(s):** 10/31/2012 - 10/31/2012  
**Issuance Date:** 04/23/2013



**Citation and Notification of Penalty**

**Company Name:** Extrudex Aluminum Inc.  
**Inspection Site:** 12051 MAHONING AVE., North Jackson, OH 44451

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

29 CFR 1910.147(c)(4)(ii)(B): The energy control procedures did not clearly and specifically outline the steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy:

Specific Energy Control Procedures for Extrusion Press #1 and Age Oven #1, did not address the procedural steps to dissipate stored thermal energy to a safe level.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/08/2013
Proposed Penalty:	\$7,000.00

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:** 715638  
**Inspection Date(s):** 10/31/2012 - 10/31/2012  
**Issuance Date:** 04/23/2013



**Citation and Notification of Penalty**

**Company Name:** Extrudex Aluminum Inc.  
**Inspection Site:** 12051 MAHONING AVE., North Jackson, OH 44451

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**Citation 1 Item 4** 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:

The employer failed to ensure that the periodic inspections of their energy control procedures, including but not limited to the procedures used to lockout Oven #1 and Extrusion Press #1, were conducted and certified.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/08/2013
Proposed Penalty:	\$7,000.00

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:** 715638  
**Inspection Date(s):** 10/31/2012 - 10/31/2012  
**Issuance Date:** 04/23/2013



**Citation and Notification of Penalty**

**Company Name:** Extrudex Aluminum Inc.  
**Inspection Site:** 12051 MAHONING AVE., North Jackson, OH 44451

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

29 CFR 1910.151(b): There was neither an infirmary, clinic, nor 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:

The employer failed to have adequately trained personnel to act as first aid responders. On October 30, 2012, after the incident occurred in Oven #1, it took 6 minutes for the first ambulance to arrive at the company and it took 7 minutes for the second ambulance to arrive at the company.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/08/2013
Proposed Penalty:	\$5,000.00

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:** 715638  
**Inspection Date(s):** 10/31/2012 - 10/31/2012  
**Issuance Date:** 04/23/2013



**Citation and Notification of Penalty**

**Company Name:** Extrudex Aluminum Inc.  
**Inspection Site:** 12051 MAHONING AVE., North Jackson, OH 44451

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

29 CFR 1910.303(b)(7)(iv): There were damaged parts that adversely affected safe operation or mechanical strength of the equipment, such as parts that were broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating:

On or about October 30, 2012, on Oven #1 the electrical emergency stop button for the door closest to the extrusion press was broken off.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/08/2013
Proposed Penalty:	\$3,000.00

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:** Extrudex Aluminum Inc.  
**Inspection Site:** 12051 MAHONING AVE., North Jackson, OH 44451

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer failed to furnish to each of his employees employment and a place of employment which was free from recognized hazards that were causing or are likely to cause death or serious physical harm, in that employees were exposed to being struck by, pinned under, and burned by hot metal racks and hot aluminum product, which can weigh up to 8,000 lbs., when the racks ride off the flanged rollers of the roller/rack conveyor causing the racks to tip over onto employees.

On October 30, 2012, three employees were pushing two hot metal racks stacked one on top of the other, loaded with hot pieces of aluminum and weighing an estimated 4,000-5,000 lbs. through Oven #1 on the roller/rack conveyor. The rack came off the conveyor rollers and the rack and aluminum product crushed and burned two employees.

There are several feasible means of abatement for this hazard such as, but not limited to, instituting a rigorous inspection and maintenance program for the rollers and the racks. This program should include, but be not limited to, documentation of inspection criteria, documented training of employees assigned to perform inspections, and documented inspections that include the tools and criteria used, findings, and actions taken to remedy the problems. Other feasible means of abatement include but are not limited to performing an engineering study on the racks, rollers, and product to ensure that the conveyor is used to transport only loads that it can safely handle, automating the system so that employees are not needed to push the material on the conveyor systems rollers and through the ovens, only allowing single racks of material on the rollers, and removing the wheels from the floor and adding wheels to the racks to make buggies.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/08/2013
Proposed Penalty:	\$70,000.00

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:** Extrudex Aluminum Inc.  
**Inspection Site:** 12051 MAHONING AVE., North Jackson, OH 44451

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

29 CFR 1910.22(b)(1): Where mechanical handling equipment was used, sufficient safe clearances were not allowed for aisles, at loading docks, through doorways and wherever turns or passage had to be made. Aisle(s) and passageway(s) were not kept clear and in good repair with no obstruction across or in aisles that could create a hazard:

On or about October 30, 2012, the employer failed to provide sufficient safe clearances for employees manually moving heavy racks of aluminum extrusions into and out of Oven #1 and Oven #2 on the conveyor's rollers.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/08/2013
Proposed Penalty:	\$70,000.00

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:** 715638  
**Inspection Date(s):** 10/31/2012 - 10/31/2012  
**Issuance Date:** 04/23/2013



**Citation and Notification of Penalty**

**Company Name:** Extrudex Aluminum Inc.  
**Inspection Site:** 12051 MAHONING AVE., North Jackson, OH 44451

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

29 CFR 1910.176(a): Where mechanical handling equipment was used, sufficient safe clearances were not allowed for aisles, at loading docks, through doorways and wherever turns or passage had to be made. Aisle(s) and passageway(s) were not kept clear and in good repair with no obstruction across or in aisles that could create a hazard:

On or about October 30, 2012, the employer failed to provide sufficient safe clearances for employees manually moving heavy racks of aluminum extrusions into and out of Oven #1 and Oven #2 on the conveyor's rollers.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/08/2013

A handwritten signature in black ink, appearing to read "Howard B Eberts".

**Howard B Eberts**  
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  
1240 East 9th Street  
Room 899  
Cleveland, OH 44199  
Phone: 216-615-4266 Fax: 216-615-4234



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Extrudex Aluminum Inc.  
**Inspection Site:** 12051 MAHONING AVE., North Jackson, OH 44451  
**Issuance Date:** 04/23/2013

<b>Summary of Penalties for Inspection Number</b>	<b>715638</b>
<b>Citation 1, Serious</b>	<b>\$35,000.00</b>
<b>Citation 2, Willful</b>	<b>\$140,000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$175,000.00</b>

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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.

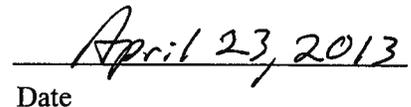
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%)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



Howard B Eberts

Area Director



Date