



REPLY TO THE ATTENTION OF: AREA DIRECTOR

February 14, 2012

**Re: Franklin Lumber Company, Inspection # 315303891**

**Franklin Lumber Company**  
Attn: Mr. Jack Rhodes, Plant Manager  
316 Mill Road  
Bude, MS 39630

Dear Mr. Rhodes,

*The inspection conducted on August 19, 2011 at your workplace, Franklin Lumber Company, located at 316 Mill Road in Bude, Mississippi has disclosed the following hazard(s):*

- A. The hazard of a severe dust explosion in the outside dust collecting silo next to the hammer mill because it does not have deflagration venting as required by American National Standard Z33.1-1961, Section 453.*
- B. The eye wash station located next to the boiler for the kiln, the left nozzle was not working.*

*Since neither citing a specific OSHA standard nor invoking Section 5(a)(1), the general duty clause of the Occupational Safety and Health Act, is considered appropriate in this particular situation, no citation will be issued for these hazards at this time.*

*In the interest of work place safety and health, however, I recommend that you take the following steps voluntarily to eliminate or reduce your employee's exposure to the hazard described above:*

- A. Update and retrofit the silo so it is equipped with all dust explosion prevention and mitigation devices addressed in American National Standard Z33.1 (most recent edition).*
- B. Repair or replace the defective eyewash.*

*Your support in protecting the health and safety of your employees is necessary and appreciated. If you have any questions please do not hesitate to contact me.*

*Respectfully,*

A handwritten signature in blue ink, appearing to read "Clyde P. Payne".

Clyde P. Payne  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Dr. A. H. McCoy Federal Building  
100 West Capitol Street, Suite 749  
Jackson, MS 39269-1620  
Phone: (601)965-4606 FAX: (601)965-4610



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## Citation and Notification of Penalty

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**To:**  
Franklin Lumber Company  
and its successors  
P.O. Box 566  
Brookhaven, MS 39602

**Inspection Number:** 315303891  
**Inspection Date(s):** 08/19/2011-08/23/2011  
**Issuance Date:** 02/14/2012

**Inspection Site:**  
316 Mill Road  
Bude, MS 39630

*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.*

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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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

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

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal

conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 4 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

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

**Penalty Payment** - Penalties are due within 15 working days of receipt of this notification unless contested. (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 violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

**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, but no sooner than 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 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 02/14/2012. The conference will be held at the OSHA office located at Dr. A. H. McCoy Federal Building, 100 West Capitol Street, Suite 749, Jackson, MS, 39269-1620 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



**Citation and Notification of Penalty**

**Company Name:** Franklin Lumber Company  
**Inspection Site:** 316 Mill Road, Bude, MS 39630

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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 resulting from an accident.

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

29 CFR 1910.22(a)(1): Place(s) of employment were not kept clean and orderly, or in a sanitary condition:

- (a) On or about August 19, 2011 at the planer room, combustible wood chips and wood dust had accumulated from 1 to 12 inches deep on equipment, shelves, and walls inside and outside of the planer room.
- (b) On or about August 23, 2011 around the silo and hammer mill, combustible wood dust had accumulated 1 to 3 inches deep on the feeder for the dust hopper feeding the boiler.

**Date By Which Violation Must be Abated:** 03/09/2012  
**Abatement Certification Required**

**Proposed Penalty:** \$ 5940.00

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



**Citation and Notification of Penalty**

Company Name: Franklin Lumber Company  
Inspection Site: 316 Mill Road, Bude, MS 39630

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

29 CFR 1910.22(a)(2): Floor(s) of workroom(s) were not maintained in a clean condition:

- (a) On or about August 19, 2011 at the planer room, combustible wood chips and wood dust had accumulated up to 14 inches deep on the floor around the planer.

Date By Which Violation Must be Abated: 03/09/2012  
Abatement Certification Required

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

29 CFR 1910.23(c)(3): Standard railing(s) and toeboard(s) were not provided on opensided floor(s), walkway(s), platform(s), or runway(s), adjacent to or above dangerous equipment:

- (a) On or about October 19, 2011 in the sawmill, the head rig tailer did not have adequate fall protection to prevent falling into the chute leading to a conveyor carrying scrap to the hog mill.

Date By Which Violation Must be Abated: 03/02/2012  
Abatement Certification and Documentation Required

Proposed Penalty: \$ 6930.00

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



**Citation and Notification of Penalty**

Company Name: Franklin Lumber Company  
Inspection Site: 316 Mill Road, Bude, MS 39630

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

29 CFR 1910.24(b): Fixed stairs were not provided for access from one structure level to another where operations necessitated travel regularly, daily, or at each shift:

- (a) On or about August 23, 2011, in the sawmill under the gang saw, fixed stairs was not provided in place of a block of wood that was used to access the area for cleaning.

Date By Which Violation Must be Abated: **Corrected During Inspection**  
No Abatement Certification or Documentation Required

Proposed Penalty: **\$ 5940.00**



### Citation and Notification of Penalty

**Company Name:** Franklin Lumber Company  
**Inspection Site:** 316 Mill Road, Bude, MS 39630

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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 resulting from an accident.

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

29 CFR 1910.147(c)(4)(ii): The energy control procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, including, but not limited to items (a) through (d) of this section:

- (a) On or about August 23, 2011 throughout the facility, the lockout/tagout procedures did not clearly specify the specific steps required such as verifying a lockout performed on equipment.

**Date By Which Violation Must be Abated:** 03/30/2012  
**Abatement Certification and Documentation Required**

**Proposed Penalty:** \$ 4950.00

#### Citation 1 Item 4b 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:

- (a) On or about August 23, 2011 throughout the facility, the employer did not conduct periodic inspection of the energy control procedures at least annually.

**Date By Which Violation Must be Abated:** 03/09/2012  
**Abatement Certification and Documentation Required**

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



**Citation and Notification of Penalty**

Company Name: Franklin Lumber Company  
Inspection Site: 316 Mill Road, Bude, MS 39630

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

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

- (a) On or about August 23, 2011 at the head saw, the slabberhead (rotary chipping device) was not locked out according to the lockout/tagout procedure while changing blades.

Date By Which Violation Must be Abated: 03/09/2012  
Abatement Certification and Documentation Required

Proposed Penalty: \$ 4950.00

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

29 CFR 1910.178(p)(1): Powered industrial truck(s) with defect(s) or in any way unsafe had not been withdrawn from service until restored to safe operating condition(s):

- (a) On or about August 23, 2011 between the lumber storage shed and the sorter line, a fork lift had a defective horn.
- (b) On or about October 19, 2011 outside of the maintenance building, a fork lift had a damaged windshield.

Date By Which Violation Must be Abated: 03/02/2012  
Abatement Certification Required

Proposed Penalty: \$ 3960.00

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



**Citation and Notification of Penalty**

Company Name: Franklin Lumber Company  
Inspection Site: 316 Mill Road, Bude, MS 39630

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

29 CFR 1910.212(b): Machine(s) designed for fixed location(s) were not securely anchored to prevent walking or moving:

- (a) On or about August 23, 2011 in the maintenance shop, the pedestal mounted grinder was not anchored to the floor.

Date By Which Violation Must be Abated: 03/09/2012  
Abatement Certification Required

Proposed Penalty: \$ 3960.00

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

29 CFR 1910.215(a)(2): Abrasive wheel(s) used on grinding machinery were not provided with safety guard(s) which covered the spindle end, nut, flange projections:

- (a) On or about August 23, 2011 in the maintenance shop, the pedestal mounted abrasive grinder was not guarded on either of the spindle ends.

Date By Which Violation Must be Abated: 03/09/2012  
Abatement Certification Required

Proposed Penalty: \$ 3960.00

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



**Citation and Notification of Penalty**

Company Name: Franklin Lumber Company  
Inspection Site: 316 Mill Road, Bude, MS 39630

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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 resulting from an accident.

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

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

- (a) On or about August 23, 2011 in the maintenance shop, the pedestal mounted abrasive grinder had a 3/8 inch opening on the right side and a 5/8 inch opening on the left side.

Date By Which Violation Must be Abated: 03/09/2012  
Abatement Certification Required

Proposed Penalty: \$ 3960.00

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

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

- (a) On or about August 23, 2011 in the maintenance shop, the pedestal mounted abrasive grinder had a 3/8 inch opening on the right side and a 5/8 inch opening on the left side.

Date By Which Violation Must be Abated: 03/09/2012  
Abatement Certification Required

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



**Citation and Notification of Penalty**

Company Name: Franklin Lumber Company  
Inspection Site: 316 Mill Road, Bude, MS 39630

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

29 CFR 1910.219(c)(2)(i): Exposed part(s) of horizontal shafting were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

- (a) On or about August 23, 2011 in the boiler room, the shaft on the blend air blower used to re-circulate the heat in the boiler was not guarded.

Date By Which Violation Must be Abated: Corrected During Inspection  
No Abatement Certification or Documentation Required

Proposed Penalty: \$ 4950.00

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

29 CFR 1910.253(b)(5)(iii)(A): Fuel gas cylinders were not placed with valve end up whenever they were in use:

- (a) On or about August 23, 2011 next to the sawmill, an acetylene cylinder hooked up for use was not in the upright position.

Date By Which Violation Must be Abated: 03/09/2012  
Abatement Certification Required

Proposed Penalty: \$ 3960.00



**Citation and Notification of Penalty**

**Company Name:** Franklin Lumber Company  
**Inspection Site:** 316 Mill Road, Bude, MS 39630

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

29 CFR 1910.265(c)(18)(i): Section 602 American National Standard, B20.1-1957, Safety Code for Conveyor(s) as adopted by 29 CFR 1910.265(c)(18)(i): Pulley(s), sprocket(s), sheave(s), drum(s), and block(s) of conveyors were not arranged to prevent the possibility of injury due to hands or parts of clothing being caught between the belt(s) and pulley(s) or chain(s) and sprocket(s) or cable(s), drum(s) or block(s):

- (a) On or about August 23, 2011 at the debarker, the area under the log deck was not guarded to prevent employees from contacting the chains and sprockets under the conveyor.
- (b) On or about August 23, 2011 at the greenline sorter, the chain and sprockets on the conveyor to the sorter were not guarded to prevent being contacted by employees.

**Date By Which Violation Must be Abated:** 03/30/2012  
**Abatement Certification and Documentation Required**

**Proposed Penalty:** \$ 4950.00

**Citation 1 Item 13** Type of Violation: **Serious**

29 CFR 1910.265(e)(1)(iii): Sheaves on rope-driven carriages were not guarded at the floor line with substantial housings:

- (a) On or about October 19, 2011 at the sawmill carriage, the sheaves were not guarded in the event of the wire rope breaking.

**Date By Which Violation Must be Abated:** 03/16/2012  
**Abatement Certification and Documentation Required**

**Proposed Penalty:** \$ 4950.00

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



**Citation and Notification of Penalty**

Company Name: Franklin Lumber Company  
Inspection Site: 316 Mill Road, Bude, MS 39630

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**Citation 1 Item 14** Type of Violation: **Serious**

29 CFR 1910.265(e)(2)(ii)(c): Bandsaw wheel(s) were not completely encased or guarded, and band rig(s) were not equipped with saw catcher(s) or guard(s) of substantial construction:

- (a) On or about August 23, 2011 at the head saw, the band saw wheels were not guarded and there was no saw catcher provided on the band saw.

Date By Which Violation Must be Abated: 03/30/2012  
Abatement Certification and Documentation Required

Proposed Penalty: \$ 6930.00

**Citation 1 Item 15** Type of Violation: **Serious**

29 CFR 1910.265(e)(6)(i)(c): Pineapples on planer(s) were not guarded:

- (a) On or about August 19, 2011 at the planer, the pineapple rollers were not guarded when un-jamming boards or adjusting the lumber guide.

Date By Which Violation Must be Abated: 03/09/2012  
Abatement Certification and Documentation Required

Proposed Penalty: \$ 4950.00

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



**Citation and Notification of Penalty**

Company Name: Franklin Lumber Company  
Inspection Site: 316 Mill Road, Bude, MS 39630

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**Citation 1 Item 16** Type of Violation: **Serious**

29 CFR 1910.265(f)(3)(ii)(a): Kiln(s) were not provided with an escape door(s) that operated easily from the inside, swing in the direction of exit, and are located in or near the main door at the end of the passageway:

- (a) On or about August 23, 2011 at kiln number 2, the escape door had a defective latch and was blocked on the outside by board.

Date By Which Violation Must be Abated: 03/09/2012  
Abatement Certification Required

Proposed Penalty: \$ 3960.00



**Citation and Notification of Penalty**

**Company Name:** Franklin Lumber Company  
**Inspection Site:** 316 Mill Road, Bude, MS 39630

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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 resulting from an accident.

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

FRANKLIN LUMBER WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 1910.219(d)(1) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311412498 CITATION NUMBER 1, ITEM NUMBER 8(a), ISSUED ON 03/17/2008, WITH A FINAL ORDER DATE OF 04/08/2008, WITH RESPECT TO A WORKPLACE LOCATED AT 316 MILL STREET, BUDE, MS.

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

On or about August 19 and 23, 2011 pulleys were not guarded at to;

- (a) The pulleys on the operator side of the planer mill were not guarded.
- (b) The pulleys on the fuel hopper were not guarded.
- (c) The pulleys on the blower and motor to the boiler were not guarded.

**Date By Which Violation Must be Abated:** 03/09/2012

**Abatement Certification and Documentation Required**

**Proposed Penalty:** \$ 13860.00

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



**Citation and Notification of Penalty**

**Company Name:** Franklin Lumber Company  
**Inspection Site:** 316 Mill Road, Bude, MS 39630

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

FRANKLIN LUMBER WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 1910.219(e)(1)(i) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311412498 CITATION NUMBER 1, ITEM NUMBER 8(b), ISSUED ON 03/17/2008, WITH A FINAL ORDER DATE OF 04/08/2008, WITH RESPECT TO A WORKPLACE LOCATED AT 316 MILL STREET, BUDE, MS.

29 CFR 1910.219(e)(1)(i): Horizontal belts which had both runs seven feet or less from the floor level were not guarded with a guard that extended to at least fifteen inches above the belt:

On or about August 19 and 23, 2011 pulleys were not guarded at to;

- (a) The horizontal belts on both sides of the planer mill were not guarded.
- (b) The horizontal belts on the fuel hopper were not guarded.
- (c) The horizontal belts on the blower and motor to the boiler were not guarded.

**Date By Which Violation Must be Abated:** 03/09/2012  
**Abatement Certification and Documentation Required**



**Citation and Notification of Penalty**

Company Name: Franklin Lumber Company  
Inspection Site: 316 Mill Road, Bude, MS 39630

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

FRANKLIN LUMBER WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 1910.303(g)(2)(i) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311412498 CITATION NUMBER 1, ITEM NUMBER 9(a), ISSUED ON 03/17/2008, WITH A FINAL ORDER DATE OF 04/08/2008, WITH RESPECT TO A WORKPLACE LOCATED AT 316 MILL STREET, BUDE, MS.

29 CFR 1910.303(g)(2)(i): Live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by use of approved cabinets or other forms of approved enclosures:

On or about August 23, 2011, employees were exposed to live electrical parts as to;

- (a) A control cabinet in the maintenance shop was left open.
- (b) On or about October 19, 2011 in the planer grinding room, a wall mounted light switch had exposed live electrical parts.

Date By Which Violation Must be Abated: 03/09/2012  
Abatement Certification and Documentation Required

Proposed Penalty: \$ 9900.00



**Citation and Notification of Penalty**

Company Name: Franklin Lumber Company  
Inspection Site: 316 Mill Road, Bude, MS 39630

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**Citation 2 Item 3** Type of Violation: **Repeat**

FRANKLIN LUMBER WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 1910.305(g)(1)(iv)(A) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311412498 CITATION NUMBER 1, ITEM NUMBER 10(a), ISSUED ON 03/17/2008, WITH A FINAL ORDER DATE OF 04/08/2008, WITH RESPECT TO A WORKPLACE LOCATED AT 316 MILL STREET, BUDE, MS.

29 CFR 1910.305(g)(1)(iv)(A): Unless specifically permitted otherwise in paragraph (g)(1)(ii) of this section, flexible cords and cables were used as a substitute for the fixed wiring of a structure:

- (a) On or about August 23 at the greenline sorter on the walkway, flexible cords were entering a 6 by 6 junction box through the front where a cover was missing.

Date By Which Violation Must be Abated: 03/09/2012  
Abatement Certification Required

Proposed Penalty: \$ 198.00



**Citation and Notification of Penalty**

**Company Name:** Franklin Lumber Company  
**Inspection Site:** 316 Mill Road, Bude, MS 39630

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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 resulting from an accident.

**Citation 2 Item 4a** Type of Violation: **Repeat**

FRANKLIN LUMBER WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 1910.1200(f)(5)(i) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311412498 CITATION NUMBER 1, ITEM NUMBER 12(a), ISSUED ON 03/17/2008, WITH A FINAL ORDER DATE OF 04/08/2008, WITH RESPECT TO A WORKPLACE LOCATED AT 316 MILL STREET, BUDE, MS.

29 CFR 1910.1200(f)(5)(i): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein:

- (a) On or about October 19, 2011 in the planer room, containers of diesel fuel and lubricating oil was not labeled as to its contents.

**Date By Which Violation Must be Abated:** 03/09/2012  
**Abatement Certification Required**

**Proposed Penalty:** \$ 198.00



**Citation and Notification of Penalty**

**Company Name:** Franklin Lumber Company  
**Inspection Site:** 316 Mill Road, Bude, MS 39630

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**Citation 2 Item 4b** Type of Violation: **Repeat**

FRANKLIN LUMBER WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 1910.1200(f)(5)(ii) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311412498 CITATION NUMBER 1, ITEM NUMBER 12(b), ISSUED ON 03/17/2008, WITH A FINAL ORDER DATE OF 04/08/2008, WITH RESPECT TO A WORKPLACE LOCATED AT 316 MILL STREET, BUDE, MS.

29 CFR 1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings:

- (a) On or about October 19, 2011 in the planer room, containers of diesel fuel and lubricating oil was not labeled as to its contents.

**Date By Which Violation Must be Abated:** 03/09/2012  
**Abatement Certification Required**



**Citation and Notification of Penalty**

Company Name: Franklin Lumber Company  
Inspection Site: 316 Mill Road, Bude, MS 39630

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

29 CFR 1910.305(b)(2): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

- (a) On or about August 23 at the greenline conveyor on the walkway, 6 by 6 junction boxes did not have a cover plate.

Date By Which Violation Must be Abated: 03/09/2012  
Abatement Certification Required

Proposed Penalty: \$ 0.00



**Citation and Notification of Penalty**

Company Name: Franklin Lumber Company  
Inspection Site: 316 Mill Road, Bude, MS 39630

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**Citation 3 Item 2** Type of Violation: **Other**

29 CFR 1910.1200(g)(8): The employer did not maintain copies of the required material safety data sheets for each hazardous chemical in the workplace:

- (a) On or about October 19, 2011 in the planer room, MSDS were not available for the two combustible liquids.

Date By Which Violation Must be Abated: 03/30/2012  
Abatement Certification Required

Proposed Penalty: \$ 0.00

  
\_\_\_\_\_  
Clyde P. Payne  
Area Director

**U.S. Department of Labor**

Occupational Safety and Health Administration  
Dr. A. H. McCoy Federal Building  
100 West Capitol Street, Suite 749  
Jackson, MS 39269-1620  
Phone: (601)965-4606 FAX: (601)965-4610



**INVOICE/  
DEBT COLLECTION NOTICE**

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**Company Name:** Franklin Lumber Company  
**Inspection Site:** 316 Mill Road, Bude, MS 39630  
**Issuance Date:** 02/14/2012

**Summary of Penalties for Inspection Number 315303891**

**Citation 1, Serious** = \$ 79200.00  
**Citation 2, Repeat** = \$ 24156.00  
**Citation 3, Other** = \$ 0.00  
**TOTAL PROPOSED PENALTIES** = \$ 103356.00

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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 full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements 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 5%. 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.



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Clyde P. Payne  
Area Director

2-14-2012  
\_\_\_\_\_  
Date