

## U.S. Department of Labor

Occupational Safety and Health Administration  
690 S. Loop 336 West  
Suite 400  
Conroe, TX 77304  
Phone: 936-760-3800 Fax: 936-760-3327



### Notification of Failure to Abate Alleged Violations

**To:**  
GILLESPIE LUMBER LTD  
8211 S US HIGHWAY 59  
Nacogdoches, TX 75964

**Original Inspection Number:** 930839  
**Original Inspection Date:** 08/12/2013 - 08/14/2013

**Inspection Number:** 954971  
**Inspection Date(s):** 01/08/2014 - 01/08/2014  
**Issuance Date:** 06/16/2014

**Inspection Site:**  
8211 S US HIGHWAY 59  
Nacogdoches, TX 75964

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

After the original inspection, a Citation(s) was issued to you in accordance with the provisions of the Occupational Safety and Health Act of 1970 (the Act), notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon re-inspection, it is alleged that you have failed to abate the violation(s) listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty is computed by multiplying a daily penalty times the number of days the violation(s) remained unabated. You are to notify the Area Director in writing of the date and nature of the corrective action taken. If you do not abate the violation(s), further penalties may be proposed and other enforcement action to compel abatement may be taken under section 11(b) of the Act.

**Notification of Corrective Action** - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states the abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certificate is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

You are further notified that you must pay the ADDITIONAL PENALTY unless you inform the Area Director in writing that you intend to contest the Notification or the Additional Penalty within 15 working days (excluding weekends and Federal holidays) from your receipt of this notification. If you do not contest within 15 working days after receipt, the Notification and the additional penalties will become the final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Notification 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 the Notification is affirmed by the Review Commission.

Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the [pay.gov](http://www.pay.gov) homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

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

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

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

**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 the OSHA to discuss the Notification of Failure to Abate Alleged Violations issued on 06/16/2014. The conference will be held by telephone or at the OSHA office located at 690 S. Loop 336 West, Suite 400, Conroe, TX 77304 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Original Inspection Number: 930839**

Company Name: GILLESPIE LUMBER LTD  
Inspection Site: 8211 S US HIGHWAY 59, Nacogdoches, TX 75964  
Issuance Date: 06/16/2014

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 690 S. Loop 336 West, Suite 400, Conroe, TX 77304**

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.

\_\_\_\_\_  
**NAME OF COMPANY OFFICIAL**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**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.



**Notification of Failure to Abate Alleged Violation**

**Original Inspection:** 930839

**Inspection Number:** 954971

**Original Inspection Dates:** 08/12/2013 - 08/14/2013

**Inspection Date(s):** 01/08/2014 - 01/08/2014

**Issuance Date:** 06/16/2014

**Company Name:** GILLESPIE LUMBER LTD

**Inspection Site:** 8211 S US HIGHWAY 59, Nacogdoches, TX 75964

---

**Citation 1 Item 4**

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

The employer does not guard all the rotating parts of machines to protect the operator and other employees in the machine area. This violation occurred on or about January 08, 2014, and at times prior thereto, on the south side of the facility where employees were exposed to caught-by hazards while walking and working near a Baker brand resaw without a guard that covered the backside of the blade drive wheel.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all machines that have exposed rotating parts are guarded.

**Additional Penalty:** \$ 24500.00



**Notification of Failure to Abate Alleged Violation**

**Original Inspection:** 930839

**Inspection Number:** 954971

**Original Inspection Dates:** 08/12/2013 - 08/14/2013

**Inspection Date(s):** 01/08/2014 - 01/08/2014

**Issuance Date:** 06/16/2014

**Company Name:** GILLESPIE LUMBER LTD

**Inspection Site:** 8211 S US HIGHWAY 59, Nacogdoches, TX 75964

---

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 6 a

29 CFR 1910.219(c)(2)(i): All exposed part(s) of horizontal shafting seven (7) feet or less from floor or working platform were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

The employer does not guard horizontal shafting on machines with parts seven feet or less above floors. This violation occurred on or about January 08, 2014, and at times prior thereto, on the north side of the facility where employees were exposed to struck-by and caught-by hazards while operating a Morgan brand resaw without a guard to cover a rotating horizontal shaft.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all machines are equipped with power transmission safeguards.

**Additional Penalty:** \$ 11550.00



**Notification of Failure to Abate Alleged Violation**

**Original Inspection:** 930839

**Inspection Number:** 954971

**Original Inspection Dates:** 08/12/2013 - 08/14/2013

**Inspection Date(s):** 01/08/2014 - 01/08/2014

**Issuance Date:** 06/16/2014

**Company Name:** GILLESPIE LUMBER LTD

**Inspection Site:** 8211 S US HIGHWAY 59, Nacogdoches, TX 75964

---

**Citation 1 Item 8**

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

The employer does not guard all sprocket wheels and chains that are located 7 feet or less above floors. This violation occurred on or about January 08, 2014, and at times prior thereto, on the north end of the facility where employees were exposed to a caught-by hazard while cleaning around the little cutoff saw table conveyor that had a motor driven chain and sprocket assembly without a guard enclosing the chain and sprocket.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all machines are equipped with power transmission safeguards.

**Additional Penalty:** \$ 11550.00



**Notification of Failure to Abate Alleged Violation**

**Original Inspection:** 930839

**Original Inspection Dates:** 08/12/2013 - 08/14/2013

**Inspection Number:** 954971

**Inspection Date(s):** 01/08/2014 - 01/08/2014

**Issuance Date:** 06/16/2014

**Company Name:** GILLESPIE LUMBER LTD

**Inspection Site:** 8211 S US HIGHWAY 59, Nacogdoches, TX 75964

---

Citation 1 Item 9

29 CFR 1910.305(b)(1)(i): Conductors entering cutout boxes, cabinets, or fittings were not protected from abrasion, and openings through which conductors enter were not effectively closed:

The employer does not ensure all conductors entering cutout boxes, cabinets or fittings are protected from abrasion and that the openings in which they enter are effectively closed. This violation occurred on or about January 08, 2014, and at times prior thereto, in the mill electrical area where employees were exposed to electrical and fire hazards while working around multiple breaker and junction boxes that had several conductor wires entering the boxes without being protected from abrasion or having the opening where the conductor entered effectively closed.

Pursuant to 29 C.F.R. 1903.19, within 10 (ten) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that electrical conductors are protected from abrasion and openings in which they enter are effectively closed.

**Additional Penalty:**

**\$ 8750.00**





**Notification of Failure to Abate Alleged Violation**

**Original Inspection:** 930839

**Original Inspection Dates:** 08/12/2013 - 08/14/2013

**Inspection Number:** 954971

**Inspection Date(s):** 01/08/2014 - 01/08/2014

**Issuance Date:** 06/16/2014

**Company Name:** GILLESPIE LUMBER LTD

**Inspection Site:** 8211 S US HIGHWAY 59, Nacogdoches, TX 75964

---

**Citation 1 Item 10**

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

The employer does not ensure all unused openings on boxes, cabinets, or fittings are effectively closed to prevent employee injury. This violation occurred on or about January 08, 2014, and at times prior thereto, in the mill electrical area where employees were exposed to electrical and fire hazards while working around multiple breaker and junction boxes that had several unused openings without covers to close those openings.

Pursuant to 29 C.F.R. 1903.19, within 10 (ten) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the unused openings on electrical boxes, cabinets and fittings are effectively closed.

**Additional Penalty:**

**\$ 11550.00**



**Notification of Failure to Abate Alleged Violation**

**Original Inspection:** 930839

**Inspection Number:** 954971

**Original Inspection Dates:** 08/12/2013 - 08/14/2013

**Inspection Date(s):** 01/08/2014 - 01/08/2014

**Issuance Date:** 06/16/2014

**Company Name:** GILLESPIE LUMBER LTD

**Inspection Site:** 8211 S US HIGHWAY 59, Nacogdoches, TX 75964

---

**Citation 1 Item 11**

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

The employer does not ensure all pull boxes, junction boxes, and fittings are provided with covers to prevent employee injury. This violation occurred on or about January 08, 2014, and at times prior thereto, on the south side of the facility where employees were exposed to electrical hazards while working near a Baker brand resaw that had a motor mounted junction box without a cover.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that live electrical boxes are covered with approved covers or other forms of approved enclosures to guard against accidental contact to electrical conductors.

**Additional Penalty:**

**\$ 9240.00**



**Notification of Failure to Abate Alleged Violation**

**Original Inspection:** 930839

**Inspection Number:** 954971

**Original Inspection Dates:** 08/12/2013 - 08/14/2013

**Inspection Date(s):** 01/08/2014 - 01/08/2014

**Issuance Date:** 06/16/2014

**Company Name:** GILLESPIE LUMBER LTD

**Inspection Site:** 8211 S US HIGHWAY 59, Nacogdoches, TX 75964

---

Citation 1 Item 12

29 CFR 1910.305(g)(2)(ii): Flexible cords were not used only in continuous lengths without splice or tap:

The employer does not ensure that all flexible cords are used in continuous lengths without splices. This violation occurred on or about January 08, 2014, and at times prior thereto, in the chipper area where employees were exposed to an electrical hazard while using a spliced extension cord to power a hand tool used to sharpen the chipper blade without ensuring the splice retained the insulation, outer sheath properties or usage characteristics of the cord.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the flexible cords are used and maintained in accordance with 29 CFR 1910.305(g).

Additional Penalty:

\$ 21500.00

*David A. Doucet*  
\_\_\_\_\_  
*For:* **David A. Doucet**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
690 S. Loop 336 West  
Suite 400  
Conroe, TX 77304  
Phone: 936-760-3800 Fax: 936-760-3327



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** GILLESPIE LUMBER LTD  
**Inspection Site:** 8211 S US HIGHWAY 59, Nacogdoches, TX 75964  
**Issuance Date:** 06/16/2014

**Summary of Additional Penalties for Inspection Number** 930839  
**Followup Inspection Number** 954971

**TOTAL ADDITIONAL PROPOSED PENALTIES** \$ 98640.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

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

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

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order or electronic payment for less than full amount due, and will process the payments 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 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 to 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 occurring 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.



For: **David A. Doucet**  
Area Director



Date