

U.S. Department of Labor
Occupational Safety and Health Administration
1033 La Posada
Suite 375
Austin, TX 78752
Phone: 512-374-0271 Fax: 512-374-0086



Citation and Notification of Penalty

To:
L & M Bag & Supply Company, Inc.
and its successors
126 Texas Avenue
San Marcos, TX 78666

Inspection Number: 1134777
Inspection Date(s): 03/24/2016 - 05/19/2016
Issuance Date: 07/05/2016

Inspection Site:
126 Texas Avenue
San Marcos, TX 78666

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

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

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

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

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

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

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

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

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

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

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

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. 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 07/05/2016. The conference will be held by telephone or at the OSHA office located at 1033 La Posada, Suite 375, Austin, TX 78752 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1134777

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666
Issuance Date: 07/05/2016

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, 1033 La Posada, Suite 375, Austin, TX 78752**

Citation Number 1 and Item Number 1 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 2 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 3 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 4 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 5 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 6 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 7 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 8 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 9a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 9b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 9c was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 9d was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 10a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 10b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 11 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 12a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 12b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 13a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 13b was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 1 was corrected on _____
By (Method of Abatement): _____

Citation Number 3 and Item Number 1 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: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

OSH ACT of 1970 Section (5)(a)(1): Section 5(a)(1) of the Occupational Safety and Health Act of 1970: the employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed the hazard of being crushed by equipment:

On or about March 24, 2016, in the warehouse area, the employer failed to ensure the operators of the forklift were restrained by the use of seatbelts. Employees were exposed to the hazard of being crushed by the forklift in the event of a tip over. The forklift was a Toyota, model 8FGCU25, serial 16519.

Among other methods, one feasible and acceptable abatement is to follow the guidance set forth in the Toyota operations manual. In section 2.7.2.2., only operate the truck from a seated position with the seat belt on. In section 3.10.6 under the warning section it states always wear your seat belt when operating the truck. Also in ASME B 56.1-2000 (Revision of ASME B56., 1993) Powered and Non Powered Industrial Trucks, in section 7.40: The restraint system is intended to assist the operator in reducing risk of entrapment of the operator's head and/or torso between the forklift and ground in the event of a tip-over.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/06/2016
Proposed Penalty:	\$4620.00



Citation and Notification of Penalty

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

OSH ACT of 1970 Section (5)(a)(1): Section 5(a)(1) of the Occupational Safety and Health Act of 1970: the employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to the hazard of being caught in machinery:

a) On or about March 24, 2016, in the machinery department, the employer failed to ensure that emergency stop buttons were installed on silt fence machine number #1. Employees were exposed the hazard of being caught-in the machine.

b) On or about March 24, 2016, in the machinery department, the employer failed to ensure that emergency stop buttons were installed on silt fence machine number #2. Employees were exposed the hazard of being caught-in the machine.

c) On or about March 24, 2016, in the machinery department, the employer failed to ensure that emergency stop buttons were installed on silt fence machine number #3. Employees were exposed the hazard of being caught-in the machine.

Among other methods, one feasible and acceptable abatement is to follow the guidance set forth in NFPA 79, Electrical Standard for Industrial Machinery, 2012, sections 10.7.1.1 and 10.7.1.2. Section 10.7.1.1- Stop and emergency stop pushbuttons shall be continuously operable and readily accessible. Section 10.7.1.2- Stop or emergency stop push buttons shall be located at each operator control station. Emergency stop push buttons shall also be located at other locations where emergency stop is required.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/20/2016
\$5390.00

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

Inspection Number: 1134777
Inspection Date(s): 03/24/2016 - 05/19/2016
Issuance Date: 07/05/2016



Citation and Notification of Penalty

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

29 CFR 1910.24(f): Rise height and tread width were not uniform throughout any flight of stairs including any foundation structure used as one or more treads of the stairs:

On or about March 24, 2016, at the front steps to the office, the employer failed to ensure the riser height on the stairway was uniform where employees entered the building. Employees exposed to the hazards of slips, trips and falls.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/20/2016
\$2310.00

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: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source and rendered inoperative:

On or about March 24, 2016, the employer failed to develop an energy control program with procedures and training to control potentially hazardous energy when employees are performing service and maintenance on machines. Employees exposed to hazards such as, but not limited to electrical shock and being caught-in machinery, such as the silt fence machines.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/20/2016
Proposed Penalty:	\$3850.00

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

Inspection Number: 1134777
Inspection Date(s): 03/24/2016 - 05/19/2016
Issuance Date: 07/05/2016



Citation and Notification of Penalty

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

29 CFR 1910.147(c)(7)(i): The employer did not provide adequate training to ensure that employees acquired the knowledge and skills required for the safe application, usage and removal of energy control devices:

On or about March 24, 2016, the employer failed to ensure that authorized and/or affected employees were trained to acquire the knowledge and skills associated with energy control measures for machines being serviced and/or maintained. Employees exposed to hazards such as, but not limited to electrical shock and being caught-in machines, such as the silt fence machines.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/20/2016
Proposed Penalty:	\$3850.00

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: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

29 CFR 1910.176(a): 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 March 24, 2016, in the warehouse area, the employer failed to ensure the aisle ways were kept clear for forklift operations and employees walking in the area. Materials such as pallets, metal straps and other items were blocking the passageways. Forklift operators do not have a free and unobstructed path in and around the warehouse.

In the alternative:

29 CFR 1910.22(b)(1): Aisles and passageways were not kept clear and in good repair, with no obstruction across or in aisles that could create a hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/20/2016
\$2310.00

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

Inspection Number: 1134777
Inspection Date(s): 03/24/2016 - 05/19/2016
Issuance Date: 07/05/2016



Citation and Notification of Penalty

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (i):

On or about March 24, 2016, employees were operating powered industrial trucks in the warehouse without being trained by the employer. The employees were exposed to the hazards associated with the operations of powered industrial trucks.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/20/2016
Proposed Penalty:	\$4620.00

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: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

29 CFR 1910.178(q)(1): Any power-operated industrial truck not in safe operating condition was not taken out of service, and/or repairs were not made by authorized personnel:

On or about March 24, 2016, employees were operating the Toyota forklift in the warehouse without the horn being operational. The employee(s) were exposed to the hazard of being struck by the forklift in the congested warehouse. The Toyota forklift model number was 8FGCU25 and the serial number was 16519.

In the alternative:

29 CFR 1910.178(n)(4): Industrial truck driver(s) were not required to slow down and sound the horn at cross aisles and wherever vision was obstructed:

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/10/2016
\$2310.00

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

Inspection Number: 1134777
Inspection Date(s): 03/24/2016 - 05/19/2016
Issuance Date: 07/05/2016



Citation and Notification of Penalty

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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 9 a Type of Violation: **Serious**

29 CFR 1910.184(c)(6): Slings were not securely attached to their loads:

On or about March 24, 2016, in the machinery department, the employer failed to ensure the natural or synthetic fiber rope sling was securely attached when lifting 400 pound rolls. Employees were exposed to the hazard of being struck-by the 400 pound roll.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/20/2016
Proposed Penalty:	\$5390.00

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: 1134777
Inspection Date(s): 03/24/2016 - 05/19/2016
Issuance Date: 07/05/2016



Citation and Notification of Penalty

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

29 CFR 1910.184(c)(2): Makeshift device(s), knot(s) or bolt(s) were used to shorten sling(s):

On or about March 24, 2016, in the machinery department, the employer failed to ensure the natural or synthetic fiber rope sling was not tied in a knot. Employees were exposed to the hazard of being struck by the 400 pound roll.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/20/2016

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: 1134777
Inspection Date(s): 03/24/2016 - 05/19/2016
Issuance Date: 07/05/2016



Citation and Notification of Penalty

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

29 CFR 1910.184(c)(13): Employers must not load a sling in excess of its recommended safe working load as prescribed by the sling manufacturer on the identification markings permanently affixed to the sling:

On or about March 24, 2016, in the machinery department, the employer failed to ensure the natural or synthetic fiber rope sling was rated to lift the 400 pound roll of cloth/plastic. Employees were exposed to the hazard of being struck-by the 400 pound roll.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/20/2016

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: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

29 CFR 1910.184(h)(1): Employer did not use natural and synthetic fiber-rope slings that had permanently affixed and legible identification markings stating the rated capacity for the type(s) of hitch(es) used and the angle upon which it is based, type of fiber material, and the number of legs if more than one:

On or about March 24, 2016, in the machinery department, the employer failed to ensure the natural or synthetic fiber rope sling was marked with a rated capacity prior to lifting the 400 pound rolls of cloth/plastic. Employees were exposed to the hazard of being struck-by the 400 pound roll.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/06/2016



Citation and Notification of Penalty

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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 10 a Type of Violation: **Serious**

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:

- a) On or about March 24, 2016, the machinery department, the employer failed to ensure the silt fence take up reel (payoff reel) was guarded on silt fence machine #1. The operators are required to work around the rotating take up reel. The operators are exposed to the hazard of being caught-in the take up reel.
- b) On or about March 24, 2016, the machinery department, the employer failed to ensure the silt fence take up reel (payoff reel) was guarded on silt fence machine #2. The operators are required to work around the rotating take up reel. The operators are exposed to the hazard of being caught-in the take up reel.
- c) On or about March 24, 2016, the machinery department, the employer failed to ensure the silt fence take up reel (payoff reel) was guarded on silt fence machine #3. The operators are required to work around the rotating take up reel. The operators are exposed to the hazard of being caught-in the take up reel.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/10/2016
\$5390.00

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

Inspection Number: 1134777
Inspection Date(s): 03/24/2016 - 05/19/2016
Issuance Date: 07/05/2016



Citation and Notification of Penalty

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

29 CFR 1910.219(h)(1): Projecting key(s), setscrew(s), or other projections in revolving part(s) were not removed, made flush, or guarded by metal cover(s):

On or about March 24, 2016, at silt fence machine number 3, the take up reel (pay off reel) has a protruding rotating handle that was not guarded or removed. The employee(s) is exposed to the hazard of being struck-by the protruding rotating handle.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/10/2016

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: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

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

- a) On or about March 24, 2016, in the machinery department, the employer failed to ensure that the chain and sprockets on silt fence machine #1, was guarded. Employee(s) were exposed to the hazard of being caught-in the chain and sprocket.
- b) On or about March 24, 2016, in the machinery department, the employer failed to ensure that the chain and sprockets on silt fence machine #2, was guarded. Employee(s) were exposed to the hazard of being caught-in the chain and sprocket.
- c) On or about March 24, 2016, in the machinery department, the employer failed to ensure that the chain and sprockets on silt fence machine #3, was guarded. Employee(s) were exposed to the hazard of being caught-in the chain and sprocket.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/20/2016
Proposed Penalty:	\$5390.00

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

Inspection Number: 1134777
Inspection Date(s): 03/24/2016 - 05/19/2016
Issuance Date: 07/05/2016



Citation and Notification of Penalty

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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 12 a Type of Violation: **Serious**

29 CFR 1910.303(b)(8)(i): Electrical equipment was not firmly secured to the surface on which it was mounted:

On or about March 24, 2016, in the machinery department, the employer failed to ensure that 240 volt and 120 volt receptacle boxes were securely mounted to the wall. The employee(s) were exposed to an electrical shock hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/06/2016
Proposed Penalty:	\$3080.00

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: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

29 CFR 1910.303(b)(7)(iv): There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating:

On or about March 24, 2016, in the machinery department, the employer failed to ensure the conduit going to the metal receptacle box near the silt fence machine #3, was not pulled apart. The internal conductors entering the receptacle box were exposed. The employee(s) were exposed to an electrical shock hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/06/2016

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

Inspection Number: 1134777
Inspection Date(s): 03/24/2016 - 05/19/2016
Issuance Date: 07/05/2016



Citation and Notification of Penalty

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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 13 a Type of Violation: **Serious**

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident:

On or about March 24, 2016, in the machinery department, the employer failed to ensure that the breakers were legibly marked to indicate the purpose of each circuit. Employee(s) were exposed to the delay of isolating the electrical source in the event of an emergency.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/20/2016
Proposed Penalty:	\$2310.00

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: 1134777
Inspection Date(s): 03/24/2016 - 05/19/2016
Issuance Date: 07/05/2016



Citation and Notification of Penalty

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

29 CFR 1910.303(g)(1): Sufficient access and working space was not provided and maintained about all electric equipment (operating at 600 volts, nominal, or less to ground) to permit ready and safe operation and maintenance of such equipment:

On or about March 24, 2016, in the machinery department, the employer failed to ensure that two 120 volt disconnect panel boxes were not blocked. Employee(s) were exposed to a delay of isolating the energy source.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/06/2016

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: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

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

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

On or about March 24, 2016, in the machinery department, the employer failed to ensure the Stanley staplers on silt fence machine #3, were guarded. There were five Stanley C- ring tool stapler being used. The operators were exposed to the hazard of being struck-by the Stanley C-ring tool stapler.

The L & M Bag and Supply Co., Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.212 (a)(3)(ii), which was contained in OSHA inspection number 314093337, citation number 1, item number 2, and was affirmed as a final order on November 1, 2011, with respect to a workplace located at 1800 Springhead Church Road, Willacoochee, GA, 31650.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to guard the Stanley C- Ring tool stapler.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/15/2016
Proposed Penalty:	\$10780.00

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

Inspection Number: 1134777
Inspection Date(s): 03/24/2016 - 05/19/2016
Issuance Date: 07/05/2016



Citation and Notification of Penalty

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.39(a)(2): The employer did not report an in-patient hospitalization, amputation, or loss of an eye as a result of a work-related incident to OSHA within twenty-four (24) hours:

On or about February 16, 2016, the employer failed to notify the Occupational Safety and Health Administration (OSHA) of an injury that required inpatient treatment and an overnight stay at the hospital. OSHA became aware of the injury on March 24, 2016.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/06/2016
\$5000.00

A handwritten signature in black ink, appearing to read "R. Casey Perkins", written over a horizontal line.

R. Casey Perkins, 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
1033 La Posada
Suite 375
Austin, TX 78752
Phone: 512-374-0271 Fax: 512-374-0086



INVOICE / DEBT COLLECTION NOTICE

Company Name: L & M Bag & Supply Company, Inc.
Inspection Site: 126 Texas Avenue, San Marcos, TX 78666
Issuance Date: 07/05/2016

Summary of Penalties for Inspection Number	1134777
Citation 1, Serious	\$50820.00
Citation 2, Repeat	\$10780.00
Citation 3, Other-than-Serious	\$5000.00
TOTAL PROPOSED PENALTIES	\$66600.00

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. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

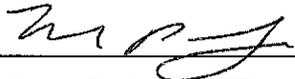
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

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

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

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



R. Casey Perkins, CSP

Area Director

7/5/2016

Date