

U.S. Department of Labor
Occupational Safety and Health Administration
FEDERAL OFFICE BUILDING RM 899
1240 EAST 9TH STREET
CLEVELAND, OH 44199-2050
Phone: (216) 615-4266 FAX: (216) 615-4234



Citation and Notification of Penalty

To:
Legend Tube and Metal Sales Inc.
and its successors
5200 Lakeside Ave.
Cleveland, OH 44114

Inspection Number: 315552349
Inspection Date(s): 05/13/2011- 05/18/2011
Issuance Date: 11/07/2011

Inspection Site:
5200 Lakeside Ave.
Cleveland, OH 44114

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

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

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

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 your inspection will be available 30 calendar days after the Citation Issuance Date.ress 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 your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. 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 11/07/2011. The conference will be held at the OSHA office located at FEDERAL OFFICE BUILDING RM 899, 1240 EAST 9TH STREET, CLEVELAND, OH, 44199-2050 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Legend Tube and Metal Sales Inc.
Inspection Site: 5200 Lakeside Ave., Cleveland, OH 44114

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

29 CFR 1910.22(a)(1): Passageways were not kept in an orderly condition:

On or about May 13, 2011, steel pipes, 2 X 4's, and slings were found in the main aisle way.

Abatement documentation required on this item.

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/11/2011 |
| Proposed Penalty: | \$ 3600.00 |

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

29 CFR 1910.36(e)(2): The door that connected any room to an exit route did not swing out in the direction of exit travel if the room was designed to be occupied by more than 50 people or if the room is a high hazard area:

On or about May 13, 2011, the door in the Front Building near the Saw Area, on the south wall that connects to an exit route, does not swing out in the direction of exit travel. The room was designed to be occupied by more than 50 people.

Abatement documentation required on this item.

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/15/2011 |
| Proposed Penalty: | \$ 2400.00 |

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: Legend Tube and Metal Sales Inc.
Inspection Site: 5200 Lakeside Ave., Cleveland, OH 44114

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

29 CFR 1910.36(h)(3): The outdoor exit route was not reasonably straight, smooth, solid, and/or have a substantially level walkway:

On or about May 13, 2011, a broken man hole cover, located within an exit route outside the south wall exit door, did not provide a smooth and substantially level walkway.

Abatement documentation required on this item.

| | |
|--|------------|
| Date By Which Violation Must be Abated: | 11/15/2011 |
| Proposed Penalty: | \$ 1800.00 |

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

29 CFR 1910.37(b)(6): Each exit sign was not illuminated to a surface value of at least five foot-candles (54 lux) by a reliable light source and be distinctive in color:

On or about May 13, 2011, an exit sign, located in the Front Building near the Amada Saw in the Saw Area on the south wall, was not illuminated.

Abatement documentation required on this item.

| | |
|--|------------|
| Date By Which Violation Must be Abated: | 11/12/2011 |
| Proposed Penalty: | \$ 1800.00 |

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: Legend Tube and Metal Sales Inc.
Inspection Site: 5200 Lakeside Ave., Cleveland, OH 44114

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

29 CFR 1910.147(c)(1): The employer did not establish an energy control program consisting of energy control procedures, 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, start up or release of stored energy could occur and cause injury the machine or equipment would be isolated and rendered inoperative:

On or about May 13, 2011, an energy control program was not developed for employees servicing or maintaining equipment such as, but not limited to; drills, saws, overhead cranes.

Abatement documentation required on this item.

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 12/10/2011 |
| Proposed Penalty: | \$ 4200.00 |

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 6a Type of Violation: **Serious**

29 CFR 1910.184(c)(1): Sling(s) that were damaged or defective were used:

On or about May 13, 2011, in the Front Building near the Spartan P-18 horizontal band saw in the Saw Area, employees were using slings that were damaged and worn.

Abatement documentation required on this item.

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/15/2011 |
| Proposed Penalty: | \$ 3000.00 |

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: Legend Tube and Metal Sales Inc.
Inspection Site: 5200 Lakeside Ave., Cleveland, OH 44114

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

29 CFR 1910.184(d): Sling(s) and fastenings were not inspected by a competent person each day, before being used, for damage or defects:

On or about May 13, 2011, slings were not inspected, in that, slings were worn and frayed and were being used in the Front Building.

Abatement documentation required on this item.

Date By Which Violation Must be Abated: 11/15/2011

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

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) 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:

On or about May 13, 2011, in the Front Building, guarding was not provided for the unused portion of the blade on the following machinery:

- a. Amada Horizontal Band Saw - The unused portion of the saw blade, located in the Front Building, in the Saw Area, by the South Wall.
- b. Spartan PA-18 Horizontal Band Saw - A partial guard was provided for the unused portion of the saw blade, located in the Saw Area, near the South Wall.

Abatement documentation required on this item.

Date By Which Violation Must be Abated: 11/15/2011
Proposed Penalty: \$ 2400.00

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: Legend Tube and Metal Sales Inc.
Inspection Site: 5200 Lakeside Ave., Cleveland, OH 44114

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

29 CFR 1910.213(h)(1): The sides of the lower exposed portion of the blade of radial saw(s) were not guarded to the full diameter of the blade by a device that automatically adjusted itself to the thickness of the stock and remained in contact with the material being cut:

On or about May 13, 2011, machine guarding was not provided for the lower exposed portion of the blade of the Craftsman radial arm saw, located in the Front Building, at the North entrance, near the Manager's Office, in the saw area.

Abatement documentation required on this item.

| | |
|--|------------|
| Date By Which Violation Must be Abated: | 11/20/2011 |
| Proposed Penalty: | \$ 3000.00 |

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: Legend Tube and Metal Sales Inc.
Inspection Site: 5200 Lakeside Ave., Cleveland, OH 44114

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

29CFR1910.303(b)(7)(iv): There were damaged parts that may adversely affect safe operation or mechanical strength of the equipment such as parts that were broken, bent, cut, or deteriorated by corrosion, chemical action, or over-heating:

On or about May 13, 2011, the following electrical equipment was in disrepair:

- a. The conduit to the Marvel Spartan 13" Horizontal Band Saw, located in the Saw Area, near the South Wall, was crushed;
- b. An electrical shutoff, near the North Entrance, outside the manager's office, was pulled away from the wall mounting;
- c. Light fixtures, located in the back building, were improperly mounted.

Abatement documentation required on this item.

| | |
|--|-------------------|
| Date By Which Violation Must be Abated: | 11/15/2011 |
| Proposed Penalty: | \$ 3000.00 |

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: Legend Tube and Metal Sales Inc.
Inspection Site: 5200 Lakeside Ave., Cleveland, OH 44114

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

29 CFR 1910.303(e)(1)(ii): Markings were not provided on electrical equipment giving voltage, current, wattage, and other ratings as necessary:

Electrical equipment, located in the Front Building, such as, but not limited to; electrical shut offs and panel boxes, were not marked to show voltage, current, wattage, and other ratings.

Abatement documentation required on this item.

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| Date By Which Violation Must be Abated: | 11/15/2011 |
| Proposed Penalty: | \$ 2400.00 |

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

29 CFR 1910.305(a)(2)(xi): Cable assemblies and flexible cords and cables were not supported in place at intervals that ensure that they will be protected from physical damage:

On or about May 13, 2011, extension cords, used to power portable radios, located in the Front Building, in the Saw Area, were not supported in place to ensure protection from damage.

Abatement documentation required on this item.

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/20/2011 |
| Proposed Penalty: | \$ 1800.00 |

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: Legend Tube and Metal Sales Inc.
Inspection Site: 5200 Lakeside Ave., Cleveland, OH 44114

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

29 CFR 1910.179(i): Crane(s) equipped with a power traveling mechanism were not provided with a gong or other effective warning signal:

On or about May 13, 2011, a 20-ton cab operated crane, located in the Front Building, serial #64408, was not provided with a gong or other effective warning signal.

Abatement documentation required on this item.

| | |
|--|-------------|
| Date By Which Violation Must be Abated: | 11/15/2011 |
| Proposed Penalty: | \$ 42000.00 |

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

29 CFR 1910.179(l)(1): A preventive maintenance program based on the crane manufacturer's recommendations was not established:

On or about May 13, 2011, a preventive maintenance program, at Legend Tube and Metal Sales Inc., was not established for the facility's 8 cranes.

Abatement documentation required on this item.

| | |
|--|-------------|
| Date By Which Violation Must be Abated: | 12/10/2011 |
| Proposed Penalty: | \$ 42000.00 |

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: Legend Tube and Metal Sales Inc.
Inspection Site: 5200 Lakeside Ave., Cleveland, OH 44114

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

29 CFR 1910.179(l)(3)(i): Unsafe condition(s) disclosed during the frequent or periodic inspection(s) required by 29 CFR 1910.179(j) were not corrected before operation of the crane(s) was resumed:

The hoist block and hooks, on the following cranes, were found to be unsafe:

- a. On or about May 13, 2011, the employees were operating the auxiliary hoist of a 20-ton cab operated crane, serial #64408, located in the Main Bay East, that was stuck in a position 6 feet above the floor. In September of 2010, a crane inspection company advised that the crane be taken out of service until repaired.
- b. On or about May 13, 2011, employees were operating the hoist of a 5-ton floor operated crane, serial #W31404A, located in the North Bay-West Crane, that was stuck in a position 6 feet above the floor. In September 2010, a crane inspection company advised that the crane be taken out of service until repaired.

Abatement documentation required on this item.

| | |
|--|--------------------|
| Date By Which Violation Must be Abated: | 11/15/2011 |
| Proposed Penalty: | \$ 42000.00 |



Citation and Notification of Penalty

Company Name: Legend Tube and Metal Sales Inc.
Inspection Site: 5200 Lakeside Ave., Cleveland, OH 44114

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

29 CFR 1904.4(a): Each employer required by this Part to keep records of fatalities, injuries, and illnesses must record each fatality, injury and illness:

- a) Is work-related; and
- b) Is a new case; and
- c) Meets one or more of the general recordkeeping criteria of 1904.7 or the application to specific cases of 1904.8 through 1904.12.

On May 13, 2011, accidents that occurred on 5/9/11 and 5/10/11 were not recorded on the OSHA 300 Log.

Abatement documentation required on this item.

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|--|------------|
| Date By Which Violation Must be Abated: | 11/15/2011 |
| Proposed Penalty: | \$ 600.00 |

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

29 CFR 1904.29(a): A Log of all Work-Related Injuries and Illnesses (OSHA Form 300), and/or the Summary of Work-Related Injuries and Illnesses, (OSHA Form 300-A), and/or the Injury and Illness Incident Report (OSHA Form 301) or equivalent forms were not kept by the establishment:

On May 13, 2011, a log of all Work-Related Injuries and Illnesses (OSHA Form 300), or equivalent forms were not kept by the establishment for the following years: 2008, 2009, and 2010.

Abatement documentation required on this item.

| | |
|--|------------|
| Date By Which Violation Must be Abated: | 11/15/2011 |
| Proposed Penalty: | \$ 600.00 |

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: Legend Tube and Metal Sales Inc.
Inspection Site: 5200 Lakeside Ave., Cleveland, OH 44114

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

29 CFR 1904.29(b)(2): Employer must complete an OSHA 301 Incident Report form, or equivalent form, for each recordable injury or illness entered on the OSHA 300 Log.

On May 13, 2011, OSHA 301 forms, or the equivalent, had not been filled out for accidents that occurred on 5/9/11 or 5/10/11.

Abatement documentation required on this item.

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|--|------------|
| Date By Which Violation Must be Abated: | 11/11/2011 |
| Proposed Penalty: | \$ 600.00 |

Citation 3 Item 4 Type of Violation: **Other**

29 CFR 1910.157(c)(4): Portable fire extinguishers were not maintained in a fully charged and operable condition:

A portable fire extinguisher, located in the Front Building, outside the managers' office, was not maintained in a fully charged and operable condition.

Abatement documentation required on this item.

| | |
|--|------------|
| Date By Which Violation Must be Abated: | 11/11/2011 |
| Proposed Penalty: | \$ 0.00 |

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: Legend Tube and Metal Sales Inc.
Inspection Site: 5200 Lakeside Ave., Cleveland, OH 44114

Citation 3 Item 5 Type of Violation: Other

29 CFR 1910.303(g)(1): Sufficient access and working space was not provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment:

On or about May 13, 2011, sufficient space was not provided about electrical equipment, located in the Front Building, such as, but not limited to; electrical panel boxes and electrical shutoffs, located near the Main Truck Bay, Northwest Truck Bay Column, and along the north, northwest, and south walls.

Abatement documentation required on this item.

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/11/2011 |
| Proposed Penalty: | \$ 0.00 |

Citation 3 Item 6 Type of Violation: Other

29 CFR 1910.305(b)(2)(i): All pull boxes, junction boxes, and fittings were not provided with covers identified for their purpose:

On or about May 13, 2011, a cover was missing on a junction box, located in the Front Building, on the South Wall, near the Amada horizontal band saw.

Abatement documentation required on this item.

| | |
|---|------------|
| Date By Which Violation Must be Abated: | 11/11/2011 |
| Proposed Penalty: | \$ 0.00 |

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: Legend Tube and Metal Sales Inc.
Inspection Site: 5200 Lakeside Ave., Cleveland, OH 44114

Citation 3 Item 7 Type of Violation: **Other**

29 CFR 1910.305(e)(1): Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations were not installed to prevent moisture or water from entering and accumulating within the enclosures:

On or about May 13, 2011, electrical equipment, such as, but not limited to; junction boxes, electrical outlets, electrical shutoffs, and electrical panel boxes, located in the Front and Back Buildings, exposed to water from leaking roofs, were not protected from moisture or water.

Abatement documentation required on this item.

| | |
|--|------------|
| Date By Which Violation Must be Abated: | 11/20/2011 |
| Proposed Penalty: | \$ 0.00 |



Howard B. Eberts
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration

FEDERAL OFFICE BUILDING RM 899

1240 EAST 9TH STREET

CLEVELAND, OH 44199-2050

Phone: (216) 615-4266 FAX: (216) 615-4234

OSHA Website Address: <http://www.osha.gov>



**INVOICE/
DEBT COLLECTION NOTICE**

Company Name: Legend Tube and Metal Sales Inc.
Inspection Site: 5200 Lakeside Ave., Cleveland, OH 44114
Issuance Date: 11/07/2011

Summary of Penalties for Inspection Number 315552349

| | | |
|---------------------------------|------|------------------|
| Citation 1, Serious | = \$ | 29400.00 |
| Citation 2, Willful | = \$ | 126000.00 |
| Citation 3, Other | = \$ | 1800.00 |
| TOTAL PROPOSED PENALTIES | = \$ | 157200.00 |

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

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two 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 1%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you

file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

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


Howard B. Eberts
Cleveland Area Office

11-7-2011
Date

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Citation and Notification of Penalty.

If the hazards itemized on this citation(s) are not abated/corrected and a follow-up inspection is conducted, your establishment may receive Failure to Abate Citation for the uncorrected hazards with subsequent additional monetary penalties of up to thirty (30) times the original penalty amount of the uncorrected hazards.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this worksheet should be posted at the worksite with the Citation(s).