

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



COPY

Citation and Notification of Penalty

To:
Mezger Enterprises, LTD.
and its successors
699 Private Road
Kempner, TX 76539

Inspection Number: 963570
Inspection Date(s): 03/14/2014 - 07/9/2014
Issuance Date: 09/11/2014

Inspection Site:
699 Private Road
Kempner, TX 76539

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 \$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.

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 09/11/2014. 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: 963570

Company Name: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539
Issuance Date: 09/11/2014

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

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

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

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

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

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

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

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

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

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

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

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

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

Citation Number 3 Item Number 2 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: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

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

29 CFR 1910.95(c)(1): The employer did not administer a continuing, effective hearing conservation program as described in 29 CFR 1910.95(c) through (o) whenever employee noise exposures equal or exceed an 8-hour Time-Weighted Average (TWA) sound level of 85 decibels measured on the A scale (dBA), or equivalently a dose of fifty percent:

An effective hearing conservation program which included noise monitoring, audiometric testing of employees, training of employees, and retention of exposure measurements as detailed in the standard was not instituted by the employer.

- a) An employee operating the Line Saw was exposed to noise during the 483 minute sampling period on March 19, 2014. An 8-hour TWA sound level of 99.4 dBA. Exposure calculations included a zero calculation increment for the 3 minutes of additional sampling.
- b) An employee operating the Joint Saw was exposed to noise during the 480 minute sampling period on March 19, 2014. An 8-hour TWA sound level of 95.0 dBA.
- c) An employee operating the Push Hammer was exposed to noise during the 481 minute sampling period on March 19, 2014. An 8-hour TWA sound level of 95.1 dBA. Exposure calculations included a zero calculation increment for the 1 minute of additional sampling.

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: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

- d) An employee operating the Slider bed was exposed to noise during the 480 minute sampling period on March 19, 2014. An 8-hour TWA sound level of 93.9 dBA.

- e) An employee operating the Belt Saw was exposed to noise during the 480 minute sampling period on March 19, 2014. An 8-hour TWA sound level of 89.7 dBA.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/25/2014
Proposed Penalty:	\$6300.00

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: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

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

29 CFR 1910.95(i)(2): The employer did not ensure that hearing protectors were worn:

On or about March 14, 2014, and at times prior thereto, the employer did not ensure that employees were wearing hearing protectors when exposed to noise levels exceeding 85 or 90 dBA, in accordance with paragraph 1910.95(i).

- a) An employee operating the Line Saw was exposed to noise at an 8-hour TWA sound level of 99.4 dBA was observed to not be wearing hearing protectors on or about March 14, 2014.
- b) An employee operating the Belt Saw was exposed to an 8-hour TWA sound level of 89.7 dBA was observed to not having hearing protectors fully inserted in the ear canal on or about March 14, 2014.
- c) An employee operating the Push Hammer was exposed to noise at an 8-hour TWA sound level 95.1 dBA was observed to not having hearing protectors fully inserted in the ear canal on or about March 19, 2014.
- d) An employee operating the Planer Machine was observed to wearing ear muffs that were damaged on or about March 19, 2014.
- e) An employee using stone cutting tools was observed to not having hearing protectors fully inserted in the ear canal on or about March 20, 2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 09/25/2014
Proposed Penalty: \$6300.00

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: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

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 3 a Type of Violation: **Serious**

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

On or about March 14, 2014, and at times prior thereto, the employer had not prepared a written certification verifying a workplace assessment was performed for employees necessitating personal protective equipment.

- a) Employees handling limestone and performing sanding operations were not provided with gloves for the protection against bruises, laceration, or severe abrasions.
- b) Employees operating the Line Saw and Laser Saw in which both had a wet method for the control of nuisance dust were not provided with rubber boots for the protection against slip, trip, and falls.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/25/2014
Proposed Penalty:	\$5400.00



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

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

29 CFR 1910.132(h)(1): Protective equipment, including personal protective equipment (PPE), used to comply with this part, was not provided by the employer at no cost to employees:

On or about March 14, 2014, and at times prior thereto, the employer did not provide gloves to employees to protect them from bruises, lacerations, or severe abrasions when handling limestone and performing sanding operations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/25/2014



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

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

29 CFR 1910.138(a): The employer did not select and require employee(s) to use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasion; punctures; chemical burns; thermal burns; and harmful temperature extremes:

On or about March 14, 2014, and at times prior thereto, employees were not provided with gloves for the protection against bruises, lacerations, or severe abrasions when handling limestone and performing sanding operations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 09/25/2014



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

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 4 a Type of Violation: **Serious**

29 CFR 1910.141(a)(3)(i): Places of employment were not kept clean to the extent that the nature of the work allowed:

- a) On or about March 18, 2014, and at times prior thereto, Mill Restroom #1 was not maintained clean and free from used toilet paper, trash and water on the floors, exposing employees to unsanitary conditions.
- b) On or about March 18, 2014, and at times prior thereto, Mill Restroom #2 was not maintained clean and free from used toilet paper, trash and water on the floors, exposing employees to unsanitary conditions.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/25/2014
Proposed Penalty:	\$2700.00

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: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

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

29 CFR 1910.141(a)(4)(ii): Wastes were not removed as often as necessary to maintain the place of employment in a sanitary condition:

- a) On or about March 18, 2014, and at times prior thereto, Mill Restroom #1 had no receptacles for the removal of trash.
- b) On or about March 18, 2014, and at times prior thereto, Mill Restroom #2 had no receptacles for the removal of trash.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 09/25/2014



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

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 5 a Type of Violation: **Serious**

29 CFR 1910.141(d)(2)(ii): Lavatories were not provided with hot and cold, or tepid running water:

- a) On or about March 18, 2014, and at times prior thereto, Mill Restroom #1 did not have hot and cold, or tepid water for the washing of the hands in that the water heater was broken, exposing employees to unsanitary conditions.
- b) On or about March 18, 2014, and at times prior thereto, Mill Restroom #2 did not have running hot and cold, or tepid water for the washing of the hands, exposing employees to unsanitary conditions.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/25/2014
Proposed Penalty:	\$2700.00

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: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

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

29 CFR 1910.141(d)(2)(iii): Lavatories were not provided with hand soap or similar cleansing agent:

- a) On or about March 20, 2014, and at times prior thereto, Mill Restroom #1 did not have hand soap for the washing of the hands, exposing employees to unsanitary conditions.
- b) On or about March 20, 2014, and at times prior thereto, Mill Restroom #2 did not have hand soap for the washing of the hands, exposing employees to unsanitary conditions.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/25/2014



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

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

29 CFR 1910.141(d)(2)(iv): Lavatories were not provided with individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean individual sections of continuous cloth toweling:

- a) On or about March 18, 2014, and at times prior thereto, Mill Restroom #1 did not have hand towels for the drying of the skin, exposing employees to unsanitary conditions.
- b) On or about March 18, 2014, and at times prior thereto, Mill Restroom #2 did not have hand towels for the drying of the skin, exposing employees to unsanitary conditions.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/25/2014



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

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

29 CFR 1910.95(g)(1): The employer did not establish and maintain an audiometric testing program as provided by 29 CFR 1910.95(g) by making audiometric testing available to all employees whose exposures equal or exceed an 8-hour time-weighted average of 85 decibels:

On or about March 14, 2014, and at times prior thereto, the employer did not establish and maintain an audiometric testing program as part of a continuing, effective hearing conservation program for employees who were exposed to noise levels above an 8-hour time weighted average of 85 dBA.

- a) An employee operating the Line Saw was exposed to noise during the 483 minute sampling period on March 19, 2014. An 8-hour TWA sound level of 99.4 dBA. Exposure calculations included a zero calculation increment for the 3 minutes of additional sampling. The employee had been with the company approximately 5 years and had not received a baseline audiogram.
- b) An employee operating the Joint Saw was exposed to noise during the 480 minute sampling period on March 19, 2014. An 8-hour TWA sound level of 95.0 dBA. The employee had been with the company approximately 10 years and had not received a baseline audiogram.
- c) An employee operating the Push Hammer was exposed to noise during the 481 minute sampling period on March 19, 2014. An 8-hour TWA sound level of 95.1 dBA. Exposure calculations included a zero calculation increment for the 1 minute of additional sampling. The employee had been with the company approximately 8 months and had not received a baseline audiogram.
- d) An employee operating the Slider bed was exposed to noise during the 480 minute sampling period on March 19, 2014. An 8-hour TWA sound level of 93.9 dBA. The employee had been with the company approximately 5 years and had not received a baseline audiogram.

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: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

e) An employee operating the Belt Saw was exposed to noise during the 480 minute sampling period on March 19, 2014. An 8-hour TWA sound level of 89.7 dBA. The employee had been with the company approximately 28 years, received a baseline audiogram, but had not received a new yearly audiogram.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/25/2014
Proposed Penalty:	\$63000.00

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: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

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

29 CFR 1904.33(a): The employer did not save the OSHA 300 Log, the privacy case list (if one existed), the annual summary, and the OSHA 301 Incident Report Forms for five (5) years following the end of the calendar year that these records covered.

On or about March 14, 2014, and at times prior thereto, the employer did not maintain required OSHA recordkeeping forms or equivalent forms for documenting and tracking injuries and illnesses during calendar years 2014, 2013, 2012, 2011, 2010, and 2009.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/25/2014
Proposed Penalty:	\$900.00



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539

Citation 3 Item 2 Type of Violation: Other-than-Serious

29 CFR 1910.134(c)(2)(i): Respirator users were not provided with the information contained in Appendix D to 29 CFR 1910.134 when the employer determined that any voluntary respirator use was permissible:

On or about March 14, 2014, and at times prior thereto, employees operating milling equipment for limestone were voluntarily using dust masks to protect them from nuisance dust. They were not aware of the safety, health and hygiene factors that ensure the proper use of dust masks.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/25/2014
\$0.00

A handwritten signature in black ink, appearing to read "R. Casey Perkins". The signature is written in a cursive style and is positioned above a horizontal line.

R. Casey Perkins, CSP
Area Director

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: Mezger Enterprises, LTD.
Inspection Site: 699 Private Road, Kempner, TX 76539
Issuance Date: 09/11/2014

Summary of Penalties for Inspection Number	963570
Citation 1, Serious	\$23400.00
Citation 2, Willful	\$63000.00
Citation 3, Other-than-Serious	\$900.00
TOTAL PROPOSED PENALTIES	\$87300.00

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 \$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 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

9/11/2014
Date