

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 PR 4659
Kempner, TX 76539

Inspection Number: 964291
Inspection Date(s): 03/20/2014 - 05/07/2014
Issuance Date: 09/11/2014

Inspection Site:
699 PR 4659
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: 964291

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, 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 3 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 5 was corrected on _____
By (Method of Abatement): _____

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

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

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

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

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

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

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

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

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

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

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

Citation Number 1 Item Number 14 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 15a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 15b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 16 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 17 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 18a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 Item Number 18b was corrected on _____
By (Method of Abatement): _____

Citation Number 2 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: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, Kempner, TX 76539

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

29 CFR 1910.23(a)(8): Every floor hole into which persons can accidentally walk were not guarded:

On or about March 20, 2014, the employer did not ensure that floor holes around saws in the Line Saw Department were covered, exposing employees to trip hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 09/15/2014
Proposed Penalty: \$5400.00



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, Kempner, TX 76539

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

29 CFR 1910.23(d)(1)(iii): Flight(s) of stairs with 4 or more risers, less than 44 inches wide and having both sides open were not equipped with one standard stair railing on each side:

On or about March 20, 2014, and at times prior thereto, the employer did not ensure that handrails were installed on both sets of stairs leading to the catwalk for the Laser Saw, exposing employees to fall hazards up to approximately 3 feet into the Laser saw's conveyor belt.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/15/2014
Proposed Penalty:	\$2700.00

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

Inspection Number: 964291
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Issuance Date: 09/11/2014



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, Kempner, TX 76539

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

On or about March 20, 2014, and at times prior thereto, the employer did not ensure that the exit near the laser saw catwalk was kept free and unobstructed, exposing employee to tripping and falling in the event of an emergency.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/15/2014
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 PR 4659, 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 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

On or about March 20, 2014, employees were exposed to the hazards associated with unexpected start-up of machines in that specific, written Lockout/Tagout procedures were not developed and utilized for equipment/machines such as but not limited to the following:

- a) In the skid way area, the Saw System Slider Bed Saw, Model # 541B, Serial # 96987.
- b) In the skid way area, the Saw Systems Stone Surfacers.
- c) In the laser saw area, the Saw Systems Laser Saw, Serial # TB-102199.
- d) In the skid way area, the company-built stone chopper, Model # on electric motor: P32G4902R.
- e) In the planer area, Planers #1, 2, 3, Bedford Foundry & Machine Co, Inc. Model # 346.
- f) In the line saw area, the Saw Systems Line Saw.
- g) In the line saw area, the company-built Line Saw Squaring Table.
- h) In the belt saw area, the Saw Systems Belt Saw, Model # NBS, Serial # 94797.
- I) In the belt saw area, the Saw Systems Belt Saw, Model # BS, Serial # 05M160.
- J) In the infinity saw area, the Park Industries, Inc. Model # Infinity.

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

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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, Kempner, TX 76539

k) In the jaguar saw area, the Park Industries, Inc. Model Jaguar II.

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 PR 4659, Kempner, TX 76539

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

29 CFR 1910.147(c)(7)(i)(A): Authorized employee(s) did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation:

On or about March 20, 2014, the employer did not provide Lockout/Tagout training to all employees who serviced and/or maintained the machines, exposing employees to the hazards of being struck by/caught in the moving machine parts.

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 PR 4659, Kempner, TX 76539

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

29 CFR 1910.179(j)(1)(ii): The employer did not perform frequent and periodic inspections as defined in paragraphs (a) and (b) of this section:

On or about April 19, 2014, and at times prior thereto, the employer did not ensure that frequent and periodic inspections were performed on overhead bridge cranes five instances in the facility, exposing employees to the hazard of being struck by/crushed by crane parts and their loads in the event the crane should fail. This condition includes the following equipment:

- a) Yale 10 Ton Bridge Crane located in the Belt Saw department.
- b) Shaw-Box 5 Ton Bridge Crane located in Laser Saw department.
- c) R&M 10 Ton Bridge Crane located in the Planer department.
- d) Shaw-Box 5 Ton Bridge Crane located in the Skid Way department.
- e) R&M 5 Ton Bridge Crane located in the Infinity Saw Department.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/15/2014
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 PR 4659, 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 6 a Type of Violation: **Serious**

29 CFR 1910.179(n)(4)(i): The upper limit switch of each hoist was not tried out under no load, at the beginning of each operator's shift:

On or about April 19, 2014, and at times prior thereto, the employer did not ensure that the upper limit switch of the hoist on the Yale 10 Ton Bridge Crane located next to the belt saw department had been tried out under no load on each shift, exposing employees to the hazard of being struck by/crushed by crane parts and their loads in the event the crane should fail.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/15/2014
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 PR 4659, Kempner, TX 76539

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

29 CFR 1910.306(b)(3): A limit switch or other device was not provided to prevent the load block from passing the safe upper limit of travel of the hoisting mechanism:

On or about April 19, 2014, and at times prior thereto, the employer did not ensure that the upper limit switch of the hoist on the Yale 10 Ton Bridge Crane located next to the belt saw department was functional, exposing employees to the hazard of being struck by/crushed by crane parts and their loads in the event the crane should fail.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 09/15/2014



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, 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 7 a Type of Violation: **Serious**

29 CFR 1910.184(i)(1): Synthetic web sling(s) were not marked or coded to show rated capacities for each type of hitch and type of synthetic web material:

On or about May 07, 2014, and in times prior thereto, the employer did not ensure that the synthetic web sling(s) on the Yale 10 Ton crane were marked or coded to show their rated capacities, exposing employees to the hazards of being struck by/crushed by falling loads in the event the sling should break.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/15/2014
Proposed Penalty:	\$6300.00



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, Kempner, TX 76539

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

29 CFR 1910.184(i)(9)(iv): Synthetic web sling(s) with broken or worn stitches were not immediately removed from service:

On or about May 07, 2014, and in times prior thereto, the employer did not ensure that the synthetic web sling(s) were replaced after abnormal wear was found, exposing employees to the hazards of being struck by/crushed by falling loads in the event the sling should fail.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/15/2014



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, Kempner, TX 76539

Citation 1 Item 8 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:

On or about March 20, 2014, and at times prior to and thereafter, the employer did not provide machine guards to the following equipment, exposing the employees to the hazards created by ingoing nip points, rotating parts and flying chips.

- a) In the Slider Bed Saw Department, the slider bed saw blade was missing the guard cover; the blade was being shielded by foam insulating sheathing instead of substantial, attached guards.
- b) In the Surfacer Department, the rotating surfacer machine had side guard panels missing and foam insulation in their place instead of substantial, attached guards.
- c) In the Band Saw Department, the band saw did not have guards installed over the non-working portion of the blade.
- d) In the Maintenance Shop, the Grizzly belt sander was missing the guard over the top of the sanding belt.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/15/2014
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 PR 4659, Kempner, TX 76539

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

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

On or about March 20, 2014, the employer did not ensure that the horizontal shafting on the Line Saw was protected by a stationary casing, exposing employee to the hazard of being caught in the rotating shaft.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/15/2014
Proposed Penalty:	\$3600.00



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, 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 10 a Type of Violation: **Serious**

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

On or about March 20, 2014, at the work site, the employer did not ensure that belts and pulleys were guarded in 3 instances in the facility, exposing employees to the hazards of being caught in belt/pulley pinch points.

- a) Planer #1 located in the planer department, guards were missing on the main power drive belt and pulley on the back of the planer and the horizontal control motor on the front of the planer.
- b) Planer #2 located in the planer department, guards were missing on the main power drive belt and pulley on the back of the planer and the horizontal control motor on the front of the planer.
- c) Planer #3 located in the planer department, guards were missing on the main power drive belt and pulley on the back of the planer and the horizontal control motor on the front of the planer.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/15/2014
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 PR 4659, Kempner, TX 76539

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

29 CFR 1910.219(e)(3)(i): Vertical or inclined belt(s) were not enclosed by guard(s) conforming to the requirements specified at 29 CFR 1910.219(m) and (o):

On or about March 20, 2014, at the work site, the employer did not ensure that belts and pulleys were guarded, exposing employees to the hazards of being caught in belt/pulley pinch points.

- a) Planer #1 located in the planer department, guards were missing on the main power drive belt and pulley on the back of the planer and the horizontal control motor on the front of the planer.
- b) Planer #2 located in the planer department, guards were missing on the main power drive belt and pulley on the back of the planer and the horizontal control motor on the front of the planer.
- c) Planer #3 located in the planer department, guards were missing on the main power drive belt and pulley on the back of the planer and the horizontal control motor on the front of the planer.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/15/2014

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

Inspection Number: 964291
Inspection Date(s): 03/20/2014 - 05/07/2014
Issuance Date: 09/11/2014



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, Kempner, TX 76539

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

29 CFR 1910.219(f)(1)(i): Gears were not guarded by a complete enclosure.

On or about March 20, 2014, the employer did not ensure that the cover for the gear box on the slider bed conveyor belt was present, exposing employees to rotating gears.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/15/2014
\$3600.00

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 PR 4659, Kempner, TX 76539

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

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i.

On or about March 20, 2014, air nozzles were routinely used for cleaning at compressed air pressures up to 65 psig, exposing employees to the hazards of being struck by chips and/ or high pressure air.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/15/2014
Proposed Penalty:	\$2700.00



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, Kempner, TX 76539

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

29 CFR 1910.243(c)(1): Abrasive wheel(s) were used on portable grinder(s) which were not provided with safety guard(s) meeting the requirements specified in 29 CFR 1910.243(c)(1) through (c)(4).

On or about March 14, 2014, the employer did not ensure that the abrasive wheel installed on the portable DeWalt Angle Grinder was provided with a safety guard, exposing employees to the hazards of being struck by flying debris in the event of wheel breakage.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by Which Violation Must be Abated:	09/15/2014
Proposed Penalty:	\$4500.00



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, Kempner, TX 76539

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

29 CFR 1910.303(b)(7)(iv): There were 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 20, 2014, the flexible metal conduit for the 240 Volt power cables on the Saw Systems Laser Saw was broken and had tape over the damaged area, exposing employees to the hazard of electrical shock.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/15/2014
Proposed Penalty:	\$3600.00



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, 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 15 a Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(i): Openings through which conductors entered cutout boxes, cabinets, or fittings were not effectively closed:

On or about March 20, 2014, the employer did not ensure that the power supply conductor holes on the power control box for the horizontal controls on Planer #3 were effectively closed, exposing employees operating the machine to the hazard of electrical shock.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/15/2014
Proposed Penalty:	\$3600.00



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, Kempner, TX 76539

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

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

On or about March 20, 2014, the employer did not ensure that the unused openings in electrical boxes were effectively closed, exposing employees to the hazards of electrical shock.

- a) In the Skid Way area on the west wall the 110 Volt receptacle outlet box was missing a knock out on the top of the box.

- b) In the Slider Bed Saw department the 480 Volt junction box supplying power to the slider bed saw was missing a knock out on the side of the box.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

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Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, Kempner, TX 76539

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

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

On or about March 20, 2014, the employer did not ensure that the 110 Volt junction box located in the Skid Way Department had a cover installed, exposing employees to the hazard of electrical shock.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/15/2014
Proposed Penalty:	\$3600.00

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 PR 4659, Kempner, TX 76539

Citation 1 Item 17 Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

On or about March 20, 2014, the employer did not ensure that flexible cords were not used instead of fixed wiring in two instances, exposing employees to the hazard of electrical shock.

a) In the Planer Department on planer #2 an orange extension cord was used as permanent wiring to supply power to a 220 Volt power control box.

b) In the Planer Department on planer #3 an orange extension cord was used as permanent wiring to supply power to the 220 Volt power control box for the motor on the horizontal blade control.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/15/2014
Proposed Penalty:	\$4500.00

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 PR 4659, 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 18 a Type of Violation: **Serious**

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

On or about March 20, 2014, the employer did not ensure that flexible cords in the facility were used in continuous lengths without splices in 3 instances, exposing employees to the hazard of electrical shock:

- a) In the Skid Way Department the 120 Volt Halogen job built floor lamp had wires that were spliced together.
- b) In the Slider Bed Saw Department the 120 Volt Halogen job built floor lamp had wires that were spliced together.
- c) In the Planer Department on planer #1 the wires for the 220 Volt power control box for the horizontal blade control were spliced together.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/15/2014
Proposed Penalty:	\$6300.00



Citation and Notification of Penalty

Company Name: Mezger Enterprises, LTD
Inspection Site: 699 PR 4659, Kempner, TX 76539

Citation 1 Item 18 b Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints and/or terminal screws:

On or about March 20, 2014, the employer did not ensure that flexible cords were connected to devices and fitting so that strain relief was provided.

- a) In the Surfacer Department an orange 25 foot extension cord used to supply power to various tools had the outer sheathing pulled away from the plug.
- b) In the Skid Way Department a 120 volt halogen lamp was plugged into a receptacle box on the west wall, the cord's outer sheathing was pulled away from the plug.
- c) In the Planer Department on planer #1, the 220 volt power junction box for the horizontal blade motor had its flexible power cord pulled out the box.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/15/2014

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 PR 4659, Kempner, TX 76539

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

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:

On or about March 14, 2014, and at times prior to and thereafter, employees were adjusting pieces of limestone using a crowbar while standing next to exposed and running saw blades in two instances, exposing employees to the hazard of being stuck by flying debris and contact with the saw blades:

- a) On the Saw Systems Laser Saw the employee was required to walk out onto the conveyor belt and adjust the pieces of stone while the saw blade was running.
- b) On the Saw System Line Saw the employee was required to walk next to the stone on the squaring table in front of the running blade to adjust the stone, the employee was within a small arm's reach.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/21/2014
\$63000.00


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 PR 4659, Kempner, TX 76539
Issuance Date: 09/11/2014

Summary of Penalties for Inspection Number	964291
Citation 1, Serious	\$84600.00
Citation 2, Willful	\$63000.00
TOTAL PROPOSED PENALTIES	\$147600.00

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