

## U.S. Department of Labor

Occupational Safety and Health Administration

U.S. Department of Labor - OSHA

450 Mall Boulevard - Suite J

Savannah, GA 31406

Phone: (912)652-4393 FAX: (912)652-4329



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# Citation and Notification of Penalty

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**To:**  
Milac Manufacturing, Inc.  
and its successors  
165 South Balfour Avenue  
Moultrie, GA 31768

**Inspection Number:** 314093386  
**Inspection Date(s):** 04/27/2011-04/27/2011  
**Issuance Date:** 10/25/2011

**Inspection Site:**  
165 South Balfour Avenue  
Moultrie, GA 31768

*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.*

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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. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form.

**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.

**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.

**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.**

**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 state that the abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement 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 front page); 3) the citation and the citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

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

You 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](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.

**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.



IN THE EVENT THAT YOU REQUEST AN INFORMAL CONFERENCE  
PLEASE FILL OUT AND POST THIS NOTICE

### NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/25/2011. The conference will be held at the OSHA office located at U.S. Department of Labor - OSHA, 450 Mall Boulevard - Suite J, Savannah, GA, 31406 on \_\_\_\_\_ at \_\_\_\_\_

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



**Citation and Notification of Penalty**

**Company Name:** Milac Manufacturing, Inc.  
**Inspection Site:** 165 South Balfour Avenue, Moultrie, GA 31768

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

29 CFR 1910.110(f)(7): LP gas container storage location(s) were not provided with at least one approved portable fire extinguisher having a minimum rating of 8B, C:

- a. Propane storage area at the back of the building - on or about April 27, 2011, a fire extinguisher was not posted at or near the 500 gallon Liquid Propane Gas storage tank, exposing employees to a bum hazards.

**ABATEMENT CERTIFICATION IS REQUIRED.**

**Date By Which Violation Must be Abated:** 11/18/2011  
**Proposed Penalty:** \$ 1980.00

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

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee used appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

- a. Propane Area - on or about April 27, 2011, employees who are required to refill the propane tank were not provided with or required to wear face protection, exposing them to frostbite from the Liquid Propane Gas.

**ABATEMENT CERTIFICATION IS REQUIRED.**

**Date By Which Violation Must be Abated:** 11/17/2011  
**Proposed Penalty:** \$ 1980.00



### **Citation and Notification of Penalty**

**Company Name:** Milac Manufacturing, Inc.  
**Inspection Site:** 165 South Balfour Avenue, Moultrie, GA 31768

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

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by point of operation, rotating part(s), reciprocating part(s), or in-running nip point(s):

- a. North side of the plant - on or about April 27, 2011, an MSC Industrial Supply Company drop band saw did not have the unused portion of the blade guarded, exposing employees to cuts and lacerations.
- b. Polishing area - on or about April 27, 2011, a Leeson Speedmaster Polisher did not have the chuck guarded, exposing employees to a hazard of the rotating chuck.
- c. North side of the plant - on or about April 27, 2011, the Summit Milling Machine was not provided with a guard to cover the rotating drill, exposing employees to hazards of the rotating chuck and flying chips.

#### **ABATEMENT CERTIFICATION IS REQUIRED.**

Date By Which Violation Must be Abated: 11/18/2011  
Proposed Penalty: \$ 3960.00

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

29 CFR 1910.253(b)(4)(iii): Oxygen cylinders in storage were not separated from fuel gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least 5 feet (1.5 m) high having a fire-resistance rating of at least one half hour:

- a. North side of the plant - on or about April 27, 2011, two oxygen cylinders and one propane tank were stored together against each other, exposing employees to burn hazard.

#### **ABATEMENT CERTIFICATION IS REQUIRED.**

Date By Which Violation Must be Abated: 11/17/2011  
Proposed Penalty: \$ 3300.00

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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:** Milac Manufacturing, Inc.  
**Inspection Site:** 165 South Balfour Avenue, Moultrie, GA 31768

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

29 CFR 1910.305(g)(2)(iii): Flexible cords were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws:

- a. Plating tank control unit - on or about April 27, 2011, the flexible conduit for the wiring on the 110-volt electrical control box used to run the plating tank was detached from the unit, exposing the wiring to abrasion or strain resulting in an electrical shock and fire hazards.
- b. ECO Tech Grinder - on or about April 27, 2011, the flexible conduit for the wiring on the 220-volt electrical control box used to run the grinder was detached from the unit, exposing the wiring to abrasion or strain resulting in an electrical shock and fire hazards.
- c. Landis Grinder - on or about April 27, 2011, the metal conduit for the wiring on the 220-volt electrical control box used to run the grinder was detached from the unit, exposing the wiring to abrasion or strain, resulting in an electrical shock and fire hazards.

**ABATEMENT CERTIFICATION IS REQUIRED.**

Date By Which Violation Must be Abated: 11/18/2011  
Proposed Penalty: \$ 2640.00



**Citation and Notification of Penalty**

**Company Name:** Milac Manufacturing, Inc.  
**Inspection Site:** 165 South Balfour Avenue, Moultrie, GA 31768

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

29 CFR 1910.23(a)(8): Floor hole(s), into which persons could accidentally walk, were not guarded by standard railings with standard toeboards on all exposed sides or by floor hole covers of standard strength and construction:

- a. In the hard chrome plating room near the plating tank - on or about April 27, 2011, employees were exposed to slip and fall hazards from a 4-inch to 13-inch gap between a 10 feet deep pit and a plating tank.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED.**

Date By Which Violation Must be Abated: 11/18/2011  
Proposed Penalty: \$ 46200.00

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

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by point of operation, rotating part(s), reciprocating part(s), or in-running nip point(s):

- a. In the polishing area of the plant - on or about April 27, 2011, employees were exposed to unguarded rotating pulleys/rollers, exposing the employers to nip point hazards.
- b. North side of the plant - on or about April 27, 2011, a Summit Lathe did not have the chuck guarded, exposing employees to caught-in and struck-by hazards.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED.**

Date By Which Violation Must be Abated: 11/18/2011  
Proposed Penalty: \$ 46200.00

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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:** Milac Manufacturing, Inc.  
**Inspection Site:** 165 South Balfour Avenue, Moultrie, GA 31768

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

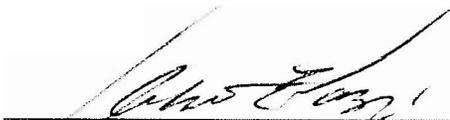
29 **CFR** 1910.138(a): The employer did not select or require employees to use appropriate hand protection when employees' hands were exposed to hazards such as those from absorption of harmful substances; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes:

- a) Propane Area - on or about April 27, 2011, employees who were required to refill the propane tank for the forklift were not wearing protective gloves, exposing them to frostbite.

Milac Manufacturing, Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 **CFR** 1910.138(a)(1), which was contained in OSHA inspection number 314089335, citation number 1, item 002 and was affirmed as final order on January 5, 2011, with respect to a workplace located at 165 South Balfour Avenue, Moultrie, Georgia

**ABATEMENT CERTIFICATION IS REQUIRED.**

Date By Which Violation Must be Abated: 11/18/2011  
Proposed Penalty: \$ 3960.00

  
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Robert E. Vazzi  
Area Director

# U.S. Department of Labor

Occupational Safety and Health Administration  
U.S. Department of Labor - OSHA  
450 Mall Boulevard - Suite J  
Savannah, GA 31406  
Phone: (912)652-4393 FAX: (912)652-4329



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Milac Manufacturing, Inc.  
**Inspection Site:** 165 South Balfour Avenue, Moultrie, GA 31768  
**Issuance Date:** 10/25/2011  
**Summary of Penalties for Inspection Number 314093386**

<b>Citation 1, Serious</b>	= \$	<b>13860.00</b>
<b>Citation 2, Willful</b>	= \$	<b>92400.00</b>
<b>Citation 3, Repeat</b>	= \$	<b>3960.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>110220.00</b>

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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 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 funds 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 4%. 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.

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**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.

  
\_\_\_\_\_  
Robert E. Vazzi  
Area Director

10-25-11  
\_\_\_\_\_  
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 a 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 work sheet should be posted at the worksite with the Citation(s).

