

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
2183 Northlake Parkway  
Building 7, Suite 110  
Tucker, GA 30084  
Phone: 770-493-6644 Fax: 770-493-7725



## Citation and Notification of Penalty

**To:**  
Nichiha USA, Inc.  
and its successors  
3150 AVONDALE MILL ROAD  
Macon, GA 31216

**Inspection Number:** 939748  
**Inspection Date(s):** 09/05/2013 - 09/11/2013  
**Issuance Date:** 02/24/2014

**Inspection Site:**  
3150 AVONDALE MILL ROAD  
Macon, GA 31216

*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).

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](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/24/2014. The conference will be held by telephone or at the OSHA office located at 2183 Northlake Parkway, Building 7, Suite 110, Tucker, GA 30084 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 939748**

Company Name: Nichiha USA, Inc.  
Inspection Site: 3150 AVONDALE MILL ROAD, Macon, GA 31216  
Issuance Date: 02/24/2014

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, 2183 Northlake Parkway, Building 7, Suite 110, Tucker, GA 30084**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ 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

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

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**Issuance Date:** 02/24/2014



**Citation and Notification of Penalty**

**Company Name:** Nichiha USA, Inc.  
**Inspection Site:** 3150 AVONDALE MILL ROAD, Macon, GA 31216

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

29 CFR 1910.147(c)(4)(ii)(B): The energy control procedures did not clearly and specifically outline the steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy.

On or about 8/30/13 at the 3150 Avondale Mill Road in Macon, GA, the Paint Line station 100 lockout procedure did not address all the energy sources (electrical and gravity) used by employees making repairs to the table lift, exposing employees to a caught-in hazard.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/13/2014
Proposed Penalty:	\$6930.00

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

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

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**Citation and Notification of Penalty**

**Company Name:** Nichiha USA, Inc.  
**Inspection Site:** 3150 AVONDALE MILL ROAD, Macon, GA 31216

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

On or about 9/5/13 in the production equipment lines; the employer did not perform annual periodic inspection on the equipment where the employees were required to perform maintenance, repairs, services, adjustments, and cleaning.

- a. Paint Line work stations - most recent review of the procedures was January 2010
- b. North and South Forming Line workstations - most recent review of the procedures was December 2011
- c. Auto Claves Line workstations - most recent review of the procedures was August 2011

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 03/13/2014  
Proposed Penalty: \$6930.00

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**Citation and Notification of Penalty**

**Company Name:** Nichiha USA, Inc.  
**Inspection Site:** 3150 AVONDALE MILL ROAD, Macon, GA 31216

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

29 CFR 1910.147(e)(2)(i): Before lockout or tagout devices were removed and energy was restored to the machine or equipment, authorized employees did not ensure that all employees had been safely positioned or removed from the work area:

On or about 8/26/13 at the South Forming Line Making Roller area, authorized employees did not ensure that all employees had been removed from the south forming line making roller area, where employees were cleaning out debris underneath the making roller conveyor.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/13/2014
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

On or about 8/26/13 at the South Forming Line, the employer did not include all confined spaces such as but not limited to the pit area under the south forming line making roller in their evaluation.

The Nichiha USA, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.146(c)(1), which was contained in OSHA inspection number 31252699, citation number 2, item number 1 and was affirmed as a final order on 12/14/09, with respect to a workplace located at 3150 Avondale Mill Road, Macon, GA 31216.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/13/2014
Proposed Penalty:	\$34650.00

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

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146 (permit required confined spaces) acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under 29 CFR 1910.146:

On or about 8/26/13 at the South Forming Line Making Mill area, employees were performing servicing activities by entering a pit area underneath the equipment cleaning sludge material, without being provided with confined space training.

The Nichiha USA, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.146(g)(1), which was contained in OSHA inspection number 312526999, citation number 2, item number 4 and was affirmed as a final order on 12/14/09, with respect to a workplace located at 3150 Avondale Mill Road, Macon, GA 31216.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**

**03/13/2014**

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: Nichiha USA, Inc.  
Inspection Site: 3150 AVONDALE MILL ROAD, Macon, GA 31216

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

29 CFR 1910.147(c)(4)(i): Procedures were not utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

On or about 8/26/13 at the South Forming Line Making Mill area, the written specific energy control procedure was not utilized for the lower making roller area where employees were required to clean debris from the equipment.

The Nichiha USA, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.147(c)(4)(i), which was contained in OSHA inspection number 312526858, citation number 2, item number 3 and was affirmed as a final order on 12/14/09, with respect to a workplace located at 3150 Avondale Mill Road, Macon, GA 31216.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/13/2014
Proposed Penalty:	\$34650.00

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

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees:

On or about 9/5/13 at the South Forming and Paint Lines, the authorized employees that were cleaning debris from under the making rollers and the employees performing maintenance on the table lift were not provided training on the specific energy control procedures for isolating and verifying the energy sources on the equipment.

The Nichiha USA, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.147(c)(7)(i), which was contained in OSHA inspection number 312526858, citation number 2, item number 4 and was affirmed as a final order on 12/14/09, with respect to a workplace located at 3150 Avondale Mill Road, Macon, GA 31216.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/13/2014
Proposed Penalty:	\$34650.00

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**Citation 2 Item 4** Type of Violation: **Repeat**

29 CFR 1910.147(f)(3)(i): A procedure was not utilized to afford the employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device when servicing and/or maintenance was performed by a crew, craft, department, or other group:


On or about 8/26/13 at the South Forming Line Making Roller area, the authorized employees were not protected from equipment being energized where one lock was used to de-energize the electrical energy of the making roller on the south forming Line and a four-man crew was performing maintenance/servicing of the equipment.

The Nichiha USA, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.147(f)(3)(i), which was contained in OSHA inspection number 312526858, citation number 1, item number 5 and was affirmed as a final order on 12/14/09, with respect to a workplace located at 3150 Avondale Mill Road, Macon, GA 31216.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 03/13/2014  
Proposed Penalty: \$13860.00

  
for **William C. Fulcher**  
Area Director

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

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
2183 Northlake Parkway  
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## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Nichiha USA, Inc.  
**Inspection Site:** 3150 AVONDALE MILL ROAD, Macon, GA 31216  
**Issuance Date:** 02/24/2014

<b>Summary of Penalties for Inspection Number</b>	<b>939748</b>
<b>Citation 1, Serious</b>	<b>\$20790.00</b>
<b>Citation 2, Repeat</b>	<b>\$117810.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$138600.00</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. You can also make your payment electronically on [www.pay.gov](http://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

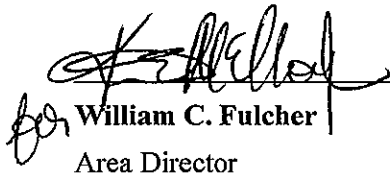
account, the bank will attempt to make the transfer up to 2 times.

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.

  
for William C. Fulcher  
Area Director

2/24/14  
Date