

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration
8344 East R.L. Thornton Freeway, Suite 420
Dallas, TX 75228
Phone: 214-320-2400 / Fax: 214-320-2598



Citation and Notification of Penalty

To:
Nix Forest Industries Inc.
and its successors
P.O. Box 190
Timpson, TX 75975

Inspection Number: 771461
Inspection Date(s): 12/06/2012 - 12/06/2012
Issuance Date: 06/03/2013

Inspection Site:
14732 State Highway 87 North
Timpson, TX 75975

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.

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

Notification of Corrective Action – For each violation which you do not contest, you 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 06/03/2013. The conference will be held by telephone or at the OSHA office located at 8344 East R.L. Thornton Freeway, Suite 420, Dallas, TX 75228 on _____ at _____ . Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 771461

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975
Issuance Date: 06/03/2013

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, 8344 East R.L. Thornton Freeway, Suite 420, Dallas, TX 75228**

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



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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 1 a Type of Violation: **Serious**

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms, and service rooms were not kept clean and orderly and in a sanitary condition:

The employer does not ensure that equipment, walls and ledges are kept free of hazardous accumulations of combustible dust, exposing employees to the hazards of fire, deflagration and explosion. This violation was observed on December 06, 2012, throughout the sawmill; where saw dust had accumulated on equipment, walls and ledges at depths of up to 7-inches.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the equipment, walls and ledges are kept free from hazardous accumulations of combustible dust.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2013
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

29 CFR 1910.22(a)(2): The floor of every workroom was not maintained in a clean and, so far as possible, a dry condition:

The employer does not ensure that workroom floors are kept free of hazardous accumulations of combustible dust, exposing employees to the hazards of fire, deflagration and explosion. This violation was observed on December 06, 2012, throughout the sawmill; where saw dust had accumulated on the workroom floors.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the date of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps it is taking to establish, communicate and implement written procedures to ensure hazardous accumulations of combustible dust are removed from all floors concurrently with operations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 06/10/2013



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.

Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

1910.23(a)(3): Every hatchway and chute floor opening was not guarded by: (i) a hinged floor opening cover of standard strength and construction equipped with standard railings or permanently attached thereto so as to leave only one exposed side; or (ii) a removable railing with toeboard on not more than two sides of the opening and fixed standard railings with toeboards on all other exposed sides:

The employer does not ensure employees are protected from falling into or through chute floor openings. This violation was discovered on December 06, 2012; where employees, who were cleaning the Band Mill, were not protected from falling into or through a 24-inch wide x 74-inch long chute floor opening.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees are protected from falling through floor openings.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/06/2013
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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 1910.23(c)(1): Every open-sided floor or platform 4 feet or more above adjacent floor or ground level was not guarded by a standard railing (or the equivalent as specified in 29 CFR 1910.23(e)(3)) on all open sides except where there was entrance to a ramp, stairway, or fixed ladder:

The employer does not ensure that all open-sided floors and/or platforms four feet or more above the adjacent floor or ground level are guarded. This violation was observed on December 06, 2012, at the saw bearer's work station; where an opening that was approximately 45-inches long by 20-inches wide exposed employees to a fall hazard of approximately 8-feet, 10-inches.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that that all open-sided floors and/or platforms four feet or more above adjacent floor or ground level were guarded.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2013
Proposed Penalty:	\$4900.00

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: Nix Forest Industries Inc.

Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

29 CFR 1910.23(c)(3): Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment and similar hazards were not guarded with a standard railing and toe board:

The employer does not ensure that all open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, are guarded with a standard railing and toe board. This violation was discovered on December 06, 2012, at an elevated walkway between the saw bearer's workstation to the gang saw operator's position; where an approximate 85-inch long by 11-inch wide opening near hydraulic supply & return lines was not guarded with a standard railing and toe board.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that that all open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment is guarded with a standard railing and toe board.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/24/2013



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

29 CFR 1910.132(d)(2): The employer did not verify that the required workplace hazard assessment had been performed through a written certification that identified the workplace evaluated; the person certifying that the evaluation had been performed; the date(s) of the hazard assessment; and, which identified the document as a certification of hazard assessment:

The employer does not verify, through a written certification, that the required workplace hazard assessment has been performed. This violation was discovered on December 06, 2012, in the sawmill; where the employer did not verify that an assessment of workplace hazards had been performed.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that it verifies, through written certification, that the required workplace hazard assessment has been performed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2013
Proposed Penalty:	\$3500.00



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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(c)(1)(i): Toilet facilities, in toilet rooms separate for each sex, were not provided in all places of employment in accordance with table J-1 of 29 CFR 1910.141:

The employer does not ensure toilet facilities are provided in the workplace. This violation was discovered on December 06, 2012, in the sawmill; where the employer did not provide toilet facilities.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that toilet facilities are provided to the employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/24/2013
Proposed Penalty:	\$2100.00



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.

Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

29 CFR 1910.141(d)(2)(i): Lavatories were not made available in all places of employment:

The employer does not ensure that lavatories with hot and cold or tepid running water, hand soap and individual hand towels are available in the workplace. This violation was discovered on December 06, 2012, in the sawmill; where lavatories were not made available to employees.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that lavatories with hot and cold or tepid running water, hand soap and individual hand towels are made available to employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/24/2013



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

The employer does not ensure that employees are provided training in the purpose and function of the energy control program. This violation was discovered on December 06, 2012, in the sawmill; where employees were exposed to potential hazardous energy at the band mill, head rig carriage track, in-feed rolls and gang arbor areas.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that training is provided to ensure that the purpose and function of the energy control program are understood by employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2013
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

29 CFR 1910.147(c)(7)(iv): The employer did not certify that employee training has been accomplished and was being kept up to date:

The employer does not certify that employee training has been accomplished and is being kept up to date. This violation was discovered on December 06, 2012, in the sawmill; where the employer did not certify that employee training has been accomplished and is being kept up to date.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps being taken to ensure that it is certifying that employee training has been accomplished, and is being kept up to date.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 06/10/2013



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

29 CFR 1910.147(d)(4)(i): Tagout devices were not affixed to each energy isolating device by authorized employees:

The employer does not ensure that tagout devices are affixed to each energy-isolating device by authorized employees. This violation was discovered on December 11, 2012, in sawmill; where employees, who serviced and maintained the gang saw, did not apply tagout devices to the two main circuit breakers labeled, "Number 1 Arbor" and "Number 2 Arbor," and were exposed to potential hazardous energy.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that tagout devices are affixed to each energy isolating device by each authorized employee, who service and maintain machines and equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/06/2013
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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 8 a Type of Violation: **Serious**

29 CFR 1910.219(d)(1): Pulleys, any parts of which were seven (7) feet or less from the floor or working platform, were not guarded in accordance with the standards specified in 29 CFR 1910.219(m) and (o):

The employer does not ensure that pulleys with parts that are seven (7) feet or less from the floor or work platform are guarded. This violation was discovered on December 06, 2012, in the sawmill; where:

- (a) Employees were not protected from contacting two (2) pulleys to the Armstrong band saw blade sharpener.
- (b) Employees were not protected from contacting pulleys on the Toshiba electric motor and C Frame conveyor.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees are protected from contacting pulleys.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2013
Proposed Penalty:	\$4900.00

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: Nix Forest Industries Inc.

Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

29 CFR 1910.219(e)(1)(i): Where both runs of horizontal belts were seven (7) feet or less from the floor level, the guard did not extend to at least fifteen (15) inches above the belt or to a standard height:

The employer does not ensure that both runs of horizontal belts that are seven (7) feet or less from the floor level have a guard that extends to at least fifteen (15) inches above the belt or to a standard height. This violation was discovered on December 06, 2012, in the sawmill; where:

(a) Employees were not protected from contacting both runs of the horizontal belt to the Armstrong band saw blade sharpener.

(b) Employees were not protected from contacting both runs of the horizontal belt between the Toshiba electric motor and the C Frame conveyor.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees are protected from contacting horizontal belts.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/10/2013



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

29 CFR 1910.265(c)(18)(i): Construction, operation, and maintenance of conveyors were not in accordance with American National Standard B20.1-1957, which was incorporated by reference as specified in 29 CFR 1910.6:

The employer does not ensure one or more methods of machine guarding is provided to protect the operator and other employees in the machine area from hazards such as those created by ingoing nip points, and rotating parts. This violation was observed on December 11, 2012, in the sawmill; where:

- (a) Ingoing nip point located between the rotating sprocket and chain on the Cant conveyor.
- (b) Ingoing nip point located between the rotating sprocket and chain on the Edger conveyor.
- (c) Ingoing nip point located between the rotating sprocket and chain on the Trimmer conveyor.

Among other methods, one feasible and acceptable method to correct this hazard includes but is not limited to, comply with paragraph 602 of the American National Standard B20.1 - 1957, which requires sprockets that are located in work areas, where operators are present, to be arranged to prevent possible injury due to hands or parts of clothing being caught-between the chain and sprocket.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure one or more methods of machine guarding is provided to protect the operator and other employees in the machine area from hazards such as those created by ingoing nip points, and rotating parts.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2013
Proposed Penalty:	\$4900.00

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: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

29 CFR 1910.265(e)(1)(v): Warning signs were not posted at possible entry points to log carriage areas:

The employer does not ensure that warning signs are posted at possible entry points to log carriage areas. This violation was discovered on December 06, 2012, in the sawmill; where warning signs were not posted at entry points to the log carriage area at the McDonough Band Mill.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that warning signs are posted at entry points to log carriage areas.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/06/2013
Proposed Penalty:	\$3500.00



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

29 CFR 1910.265(e)(2)(ii)(c): Band saw wheels were not completely encased or guarded:

The employer does not ensure that band saw wheels are completely encased or guarded. This violation was discovered on December 06, 2012, in the sawmill; where the saw wheels to the McDonough Band Mill (model number: 6-7A) were not completely encased or guarded.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that that Band Mill machine saw wheels are completely encased or guarded.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2013
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.

Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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 12 a Type of Violation: **Serious**

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

The employer does not ensure that unused openings in cabinets, boxes, and fittings are effectively closed. This violation was discovered on December 06, 2012 and December 11, 2012, in the sawmill; where employees were exposed to electrical hazards while working in areas where unused openings in cabinets, boxes and fittings were not effectively closed:

- (a) At the Saw Bearer's work area, one Eaton, Cutler / Hammer electrical disconnect.
- (b) At the Saw Bearer's work area, one Allen Bradley 2100 motor controller.
- (c) At the Edger's work area, one Eaton, Cutler / Hammer electrical disconnect.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure unused openings on electrical equipment are effectively closed.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/06/2013
Proposed Penalty:	\$3500.00



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

29 CFR 1910.305(b)(2)(i): Each pull boxes, junction boxes, and fittings in completed installations did not have a cover, face plate, or fixture canopy:

The employer does not ensure that each pull boxes, junction boxes, and fittings in completed installations has a cover, face plate, or fixture canopy. This violation was discovered on December 12, 2012, in the sawmill; where employees were exposed to live electrical conductors, where one (1) ninety-degree metal conduit body located in the sorter - stacker area did not have a cover or face plate.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that all pull boxes, junction boxes, and fittings in completed installations have a cover, face plate, or fixture canopy.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 06/06/2013



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

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

The employer does not ensure that flexible cords and cables are not used as a substitute for fixed wiring of the structure. This violation was discovered on December 11, 2012, in the sawmill; where employees were exposed to electrical hazards while using an extension cord as a substitute for fixed wiring of the structure.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that flexible cords and cables are not used as a substitute for fixed wiring of the structure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/10/2013
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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 14 a Type of Violation: **Serious**

29 CFR 1910.307(c)(2)(i): Equipment was not approved for the class of location, and for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that was present:

The employer does not ensure that equipment is approved for the class of location, and for the ignitable or combustible properties of the saw dust that was present. This violation was discovered on January 17, 2013, in the sawmill:

- a) Eaton, Cutler - Hammer, 30 amp 600 VAC/60 Hz/ 250VAC electrical disconnect;
- b) Allen Bradley; Model No.: 1K1200-200AMP-300AMP, Serial No.: NYP7 38 electrical disconnects;
- c) Eaton, Cutler - Hammer, 30 amp 600 VAC/60 Hz/ 250VAC Model No. / Serial No. N/A electrical disconnect;
- d) Eaton, Cutler - Hammer electrical circuit breaker box, including 50-amp/30-amp/20-amp circuit breakers.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that equipment is approved for the class of the location, and for the ignitable or combustible properties of the saw dust that will be present.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/24/2013
Proposed Penalty:	\$4900.00

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: Nix Forest Industries Inc.

Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

29 CFR 1910.307(d): All conduits were not threaded and made wrench-tight:

The employer does not ensure that conduits in hazardous areas are made wrench-tight. This violation was discovered on January 17, 2013, where 3/4-inch flexible metal conduit and 1-inch electrical metallic tubing were not made wrench-tight in areas where saw dust had accumulated:

- a) In the Sawyer and Gang Saw operators' area, electrical metallic conduit connected to an Eaton, Cutler - Hammer, 30 amp 600 VAC/60 Hz/ 250VAC electrical disconnect;
- b) In the Saw Bearer's and electrical service area, electrical metallic conduit connected to Allen Bradley, Model No.: 1K1200-200AMP-300AMP, Serial No.: NYP7 38 electrical disconnects;
- c) In the Edger's work area, electrical metallic conduit connected to an Eaton, Cutler - Hammer, 30 amp 600 VAC/60 Hz/ 250VAC Model No. / Serial No. N/A electrical disconnect;
- d) In the area of the C Frame conveyor, 3/4-inch flexible metal conduit providing power to a Toshiba 480V/600Hz electric motor.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that conduits in hazardous (classified) areas are made wrench-tight.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/24/2013



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.

Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

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:

The employer does not ensure that procedures are utilized for the control of potentially hazardous energy when employees are engaged in service and maintenance activities. This violation occurred on December 05, 2012, in the band mill and carriage machines areas where;

- a) Employees, who cleaned, removed debris, and unjammed machines and equipment, were exposed to the release of potential energy created by a rotating, tensioned saw.
- b) Employees, who cleaned, removed debris and unjammed machines and equipment, were exposed to mechanical energy created by moving stock, tong dogs, and carriage.

Pursuant to 29 CFR 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the requirement, including describing the steps that it is taking to ensure that procedures are utilized for the control of potentially hazardous energy when employees were engaged in activities.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/24/2013
Proposed Penalty:	\$49000.00



Citation and Notification of Penalty

Company Name: Nix Forest Industries Inc.

Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975

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

29 CFR 1904.32(b)(3): The Summary of Work-Related Injuries and Illnesses (OSHA Form 300A or equivalent) was not properly certified:

The employer does not ensure that the Summary of Work-Related Injuries and Illnesses (OSHA Form 300A or equivalent) was properly certified. This violation was discovered on December 06, 2012, where the employer did not certify the summary of work-related injuries and illness for years 2008, 2009, 2010 and 2011.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2013
\$700.00

A handwritten signature in blue ink, appearing to read "Stephen Boyd", written over a horizontal line.

Stephen Boyd
Area Director

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration
8344 East R.L. Thornton Freeway, Suite 420
Dallas, TX 75228
Phone: 214-320-2400 / Fax: 214-320-2598



INVOICE / DEBT COLLECTION NOTICE

Company Name: Nix Forest Industries Inc.
Inspection Site: 14732 State Highway 87 North, Timpson, TX 75975
Issuance Date: 06/03/2013

Summary of Penalties for Inspection Number	771461
Citation 1, Serious	\$61600.00
Citation 2, Willful	\$49000.00
Citation 3, Other-than-Serious	\$700.00
TOTAL PROPOSED PENALTIES	\$111300.00

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

OSHA does not agree to any restrictions or conditions 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 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.

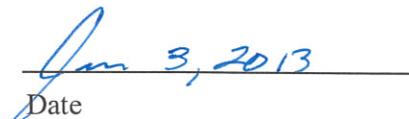
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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



Stephen Boyd

Area Director



Date