

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
2296 Henderson Mill Road  
Suite 200  
Atlanta, GA 30345  
Phone: 770-493-6644 Fax: 770-493-7725



## Citation and Notification of Penalty

**To:**  
OLDCASTLE LAWN & GARDEN, INC.  
and its successors  
24814 GA HWY 83N  
Shady Dale, GA 31085

**Inspection Number:** 1279965  
**Inspection Date(s):** 11/07/2017 - 12/15/2017  
**Issuance Date:** 05/03/2018

**Inspection Site:**  
24814 GA HWY 83N  
Shady Dale, GA 31085

*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](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 \$25,000 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](http://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 05/03/2018. The conference will be held by telephone or at the OSHA office located at 2296

Henderson Mill Road, Suite 200, Atlanta, GA 30345 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1279965**

Company Name: OLDCASTLE LAWN & GARDEN, INC.  
Inspection Site: 24814 GA HWY 83N, Shady Dale, GA 31085  
Issuance Date: 05/03/2018

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, 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345**

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

**Inspection Number:** 1279965  
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**Citation and Notification of Penalty**

**Company Name:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

**Citation 1 Item 1** 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:

Oldcastle Lawn & Garden, Shady Dale, GA - On or about 11/07/17, and times prior to, in the production area, there was an accumulation of sawdust on the pipes, electrical panels, ductwork, and on the floor creating a fire hazard. The employer did not have a housekeeping program.

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

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

**05/30/2018**  
**\$10163.00**

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

**Inspection Number:** 1279965  
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**Issuance Date:** 05/03/2018



**Citation and Notification of Penalty**

**Company Name:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

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 2 a Type of Violation: **Serious****

29 CFR 1910.95(d)(1): When information indicated that any employee's exposure equaled or exceed the 8-hour time-weighted average of 85 decibels, the employer did not develop and implement a monitoring program:

Oldcastle Lawn & Garden, Inc., Shady Dale, GA - On or about 02/22/18, and times prior to, employees operating the rock machine were exposed to screening samples for noise at 94 dBA-119.6 dBA. The employer had not conducted monitoring on the rock machine.

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

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

**06/20/2018**  
**\$10163.00**

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

**Inspection Number:** 1279965  
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**Citation and Notification of Penalty**

**Company Name:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

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

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

a) Oldcastle Lawn & Garden, Inc., Shady Dale, GA - On or about 02/22/18, and times prior to, an employee operating the bagging machine was exposed to noise at a time-weighted average of 85.9 dBA, which exceeded the 10-hour shift action level of 83.4 dBA. An audiometric testing program was not maintained, on or about 02/22/18.

b) Oldcastle Lawn & Garden, Inc., Shady Dale, GA - On or about 02/22/18, and times prior to, an employee operating the bagging machine was exposed to noise at a time-weighted average of 84.8 dBA, which exceeded the 10-hour shift action level of 83.4 dBA. An audiometric testing program was not maintained.

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

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

**06/20/2018**

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**  
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**Citation and Notification of Penalty**

**Company Name:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

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

29 CFR 1910.95(k)(1): The employer did not train each employee who is exposed to noise at or above an 8-hour time-weighted average of 85 decibels in accordance with the requirements of 29 CFR 1910.95(k). The employer did not institute a training program and ensure employee participation in the program:

a) Oldcastle Lawn & Garden, Inc., Shady Dale, GA - On or about 02/22/18, and times prior to, an employee operating the bagging machine was exposed to noise at a time-weighted average of 85.9 dBA, which exceeded the 10-hour shift action level of 83.4 dBA. A noise training program had not been implemented.

b) Oldcastle Lawn & Garden, Inc., Shady Dale, GA - On or about 02/22/18, and times prior to, an employee operating the bagging machine was exposed to noise at a time-weighted average of 84.8 dBA, which exceeded the 10-hour shift action level of 83.4 dBA. A noise training program had not been implemented.

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

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

**06/20/2018**

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:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

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 1910.146(c)(4): When the employer decided that its employees would enter permit spaces, the employer did not develop and implement a written permit space entry program that complied with 29 CFR 1910.146:

Oldcastle Lawn & Garden, Inc., Shady Dale, GA - Sahara Machine (outside) - On or about 11/07/17, and times prior to, employees entered the Sahara machine mixer to repair color paddles, belts, etc. that may be have been damaged. Inside the mixer, there are moving conveyor/auger/belts. The mixer meets the definition of a permit required confined space (PRCS). A written permit required confined space program was not developed and implemented.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/30/2018  
\$10163.00

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

**Inspection Number:** 1279965  
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**Citation and Notification of Penalty**

**Company Name:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

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

29 CFR 1910.146(d)(2): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not identify and evaluate the hazards of permit spaces before employees entered:

Oldcastle Lawn & Garden, Inc., Shady Dale, GA - Sahara Machine (outside)- On or about 11/07/17, and times prior to, employees enter the Sahara machine mixer to repair color paddles, belts, etc. that may be damaged. Inside the mixer there are moving conveyor/auger/belts. The mixer meets the definition of a permit required confined space (PRCS). The internal atmosphere was not tested with a calibrated direct-reading instrument before employees entered.

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

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

**05/30/2018**

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:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

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

29 CFR 1910.146(e)(1): Before entry was authorized, the employer did not document the completion of measures required by 29 CFR 1910.146(d)(3) by preparing an entry permit:

Oldcastle Lawn & Garden, Inc., Shady Dale, GA - Sahara Machine (outside) - On or about 11/07/17, and times prior to, employees entered the Sahara machine mixer to repair color paddles, belts, etc. that may have been damaged. Inside the mixer, there are moving conveyor/auger/belts. The mixer meets the definition of a permit required confined space (PRCS). Permits were not documented and retained for at least one year.

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

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

**06/20/2018**

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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**Inspection Date(s):** 11/07/2017 - 12/15/2017  
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**Citation and Notification of Penalty**

**Company Name:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

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

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:

Oldcastle Lawn & Garden, Inc., Shady Dale, GA - Sahara Machine (outside) - On or about 11/07/17, and times prior to, employees entered the Sahara machine mixer to repair color paddles, belts, etc. that may have been damaged. Inside the mixer, there are moving conveyor/auger/belts. The mixer meets the definition of a permit required confined space (PRCS). Permit Required Confined Space training had not been conducted and/or certified.

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

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

**06/20/2018**

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:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

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

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

- a) Oldcastle Lawn & Garden, Inc., Shady Dale, GA - On or about 11/07/17, and times prior to, in the mixing area, employees were working with corrosive chemicals such as, but is not limited to, Phosphoric Reagent A and Aqua Ammonia Solution. The bottled eyewash provided was not able to flush both eyes simultaneously in the event of an emergency.
- b) Oldcastle Lawn & Garden, Inc., Shady Dale, GA - On or about 11/07/17, and times prior to, in the maintenance area, employees were working with corrosive chemicals such as, but is not limited to, Engine Degreaser, Chlorinated Brake and Parts Cleaner, Moly Chain Lubricant, etc. and the bottled eye wash provided was not able to flush both eyes simultaneously in the event of an emergency.

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

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

**06/20/2018**  
**\$8130.00**

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

**Inspection Number:** 1279965  
**Inspection Date(s):** 11/07/2017 - 12/15/2017  
**Issuance Date:** 05/03/2018



**Citation and Notification of Penalty**

**Company Name:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

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 1910.1200(e)(1): Employer had not developed or implemented a written hazard communication program included the requirements outlined in 29 CFR 1910.1200(e)(1)(i) and (e)(1)(ii):

Oldcastle Lawn & Garden, Inc., Shady Dale, GA- Employees used chemicals such as, but not limited to hard wood dust (classified as a carcinogen and combustible), Engine Degreaser, Phosphorus Reagent A, Jet Black Fiber Colorant, Premium Brown Fiber Colorant, Chlorinated Brake & Parts Cleaner, Ammonia Hydroxide, and Moly Chain Lubricant.

On or about 11/07/17, and at times prior to, the employer failed to ensure a hazard communication program was implemented that identified hazardous chemicals and adequately informed employees of the hazards associated with those chemicals.

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

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

**05/30/2018**  
**\$8130.00**

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:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

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

29 CFR 1910.1200(f)(6)(ii): Except as provided in 29 CFR 1910.1200(f)(7) and 29 CFR 1910.1200(f)(8), the employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals and which, in conjunction with the other information immediately available to employees under the hazard communication program, would provide employees with the specific information regarding the physical and health hazards of the hazardous chemical:

- a) Oldcastle Lawn & Garden, Inc., Shady Dale, GA - Outside storage area-On or about 11/07/17, and at times prior, the employer did not ensure that all containers that had unknown chemicals (such as, but not limited to diesel), were properly label. Also, there was no hazard statement, pictogram, and/or precautionary statements.
- b) Oldcastle Lawn & Garden, Inc., Shady Dale, GA- Outside storage area-On or about 11/07/17, and at times prior to, unmarked drums/containers near the diesel tank had unknown chemicals and were not properly labeled.

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

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

**05/15/2018**

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

**Inspection Number:** 1279965  
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**Issuance Date:** 05/03/2018



**Citation and Notification of Penalty**

**Company Name:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

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

29 CFR 1910.1200(g)(8): The employer did not ensure that Safety Data Sheets were readily accessible during each work shift to employees when they were in their work area(s):

Oldcastle Lawn & Garden, Inc., Shady Dale, GA- On or about 11/07/17, and times prior to, employees used chemicals such as, but not limited to hard wood dust (classified as a carcinogen and combustible), Engine Degreaser, Phosphorus Reagent A, Chlorinated Brake & Parts Cleaner, Ammonia Hydroxide, Jet Black Fiber Colorant, Premium Brown Fiber Colorant, and Moly Chain Lubricant. Safety Data Sheets were not readily accessible and employees were not trained how to access the Safety Data Sheets online and/or did not have access to a computer.

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

Date By Which Violation Must be Abated:

06/20/2018

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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**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

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

29 CFR 1910.1200(h)(3)(ii): Employees were not trained on the physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area:

Wood dust, classified as a carcinogen and combustible, was a byproduct of the manufacturing of mulch. The hazard communication training did not include the physical and health hazards of wood dust and housekeeping requirements, on or about 11/07/17.

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

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

**06/20/2018**

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**Citation and Notification of Penalty**

**Company Name:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

**Citation 2 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE):

Oldcastle Lawn & Garden, Inc., Shady Dale, GA- Outside and Inside - On or about 11/07/17, and at times prior to, employees in the production and mixing area were exposed to eye and skin irritation hazards from dust and chemicals on the ground and equipment. The employer failed to assess the hazards in the workplace.

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

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

**06/20/2018**  
**\$0.00**

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 and Notification of Penalty**

**Company Name:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

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

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses 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:

Oldcastle Lawn & Garden, Inc., Shady Dale, GA- Outside and Inside - On or about 11/07/17, and at times prior to, employees in the production and mixing area were exposed to eye and skin irritation hazards from excessive dust and corrosive powder chemicals on the ground and equipment. Safety goggles were not provided and used.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

06/20/2018  
\$0.00

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

Inspection Number: 1279965  
Inspection Date(s): 11/07/2017 - 12/15/2017  
Issuance Date: 05/03/2018



**Citation and Notification of Penalty**

**Company Name:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085

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

29 CFR 1910.136(a):The employer did not ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole:

Oldcastle Lawn & Garden, Inc., Shady Dale, GA - Outside and Inside - On or about 11/07/17, and at times prior to, the employer did not ensure employees, who were exposed to the hazard of falling rocks and/or wooden logs, were required to wear appropriate foot protection.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/30/2018  
\$0.00

  
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  
2296 Henderson Mill Road  
Suite 200  
Atlanta, GA 30345  
Phone: 770-493-6644 Fax: 770-493-7725



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** OLDCASTLE LAWN & GARDEN, INC.  
**Inspection Site:** 24814 GA HWY 83N, Shady Dale, GA 31085  
**Issuance Date:** 05/03/2018

<b>Summary of Penalties for Inspection Number</b>	<b>1279965</b>
<b>Citation 1, Serious</b>	<b>\$46749.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$46749.00</b>

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 \$25,000 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

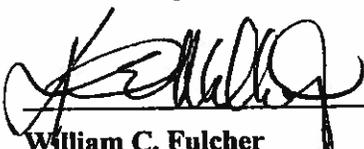
account, the bank will attempt to make the transfer up to 2 times.

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.

  
\_\_\_\_\_  
William C. Fulcher  
for Area Director

05/03/2018  
Date