

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
2900 4th Avenue North, Suite 303  
Billings, MT 59101  
Phone: 4062477494 Fax: 4062477499



## Citation and Notification of Penalty

**To:**  
Polar Corporation, dba Polar Service Centers  
1323 Taylor Place  
Billings, MT 59101

**Inspection Number:** 29160  
**Inspection Date(s):** 04/08/2011 - 07/05/2011  
**Issuance Date:** 10/07/2011

**Inspection Site:**  
1323 Taylor Place  
Billings, MT 59101

*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 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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**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, 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, but not sooner than 30 calendar days after the citation issuance date. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

**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 10/07/2011. The conference will be held at the OSHA office located at 2900 4th Avenue North, Suite 303, , Billings, MT 59101 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 29160**

Company Name: Polar Corporation, dba Polar Service Centers  
Inspection Site: 1323 Taylor Place, Billings, MT 59101  
Issuance Date: 10/07/2011

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, 2900 4th Avenue North, Suite 303, Billings, MT 59101**

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:** Polar Corporation, dba Polar Service Centers  
**Inspection Site:** 1323 Taylor Place, Billings, MT 59101

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

29 CFR 1910.146(c)(2): The workplace contained designated permit spaces, and the employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces. NOTE: A sign reading DANGER -- PERMIT-REQUIRED CONFINED SPACE, DO NOT ENTER or using other similar language would satisfy the requirement for a sign.

(a) On or about April 8, 2011, and at times prior thereto, the employer did not ensure that permit required confined spaces were identified by posting a sign that warned employee of the possible danger of entering the space. Employees conducting grinding and welding operations on the inside of a stainless steel tank were exposed to acute illnesses, incapacitation or death from atmospheric hazards such as but not limited to hexavalent chromium, an oxygen deficient atmosphere and carbon monoxide gas.

b) On or about May 4, 2011, and at times prior thereto, the employer did not ensure that permit required confined spaces were identified by posting a sign that warned employee of the possible danger of entering the space. Employees conducting grinding and welding operations on the inside of an aluminum tank were exposed to acute illnesses, incapacitation or death from atmospheric hazards such as but not limited to hexavalent chromium, an oxygen deficient atmosphere and carbon monoxide gas.

Date by which Violation must be Abated:  
Proposed Penalty:

10/11/2011  
\$5500.00



**Citation and Notification of Penalty**

**Company Name:** Polar Corporation, dba Polar Service Centers  
**Inspection Site:** 1323 Taylor Place, Billings, MT 59101

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

29 CFR 1910.146(d)(3)(iv): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement the means, procedures, and practices necessary for safe permit entry operations, including purging, inerting, flushing, or ventilating the permit space as necessary to eliminate or control atmospheric hazards.

a) On or about April 8, 2011, and at times prior thereto, the employer did not ensure that prior to employees entering a stainless steel tank to conduct welding and grinding operations, that the tank was purged, inerted, flushed, or ventilated. Employees were exposed to acute illnesses, incapacitation or death from atmospheric hazards such as but not limited to an oxygen deficient atmosphere and carbon monoxide gas.

b) On or about May 4, 2011, and at times prior thereto, the employer did not ensure that prior to employees entering an aluminum tank to conduct welding and grinding operations, that the tank was purged, inerted, flushed, or ventilated of diesel fuel. Employees were exposed to acute illnesses, incapacitation or death from atmospheric hazard such as but not limited to an oxygen deficient atmosphere and/or explosive atmosphere.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:	10/11/2011
Proposed Penalty:	\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Polar Corporation, dba Polar Service Centers  
**Inspection Site:** 1323 Taylor Place, Billings, MT 59101

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

29 CFR 1910.146(d)(5)(i): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not evaluate permit space conditions when entry operations were conducted by testing conditions in the permit space to determine if acceptable entry conditions existed before entry was authorized to begin.

(a) On or about April 08, 2011, and at times prior thereto, employees were exposed to acute illness, impairment of ability to self rescue, incapacitation, and/or death from atmospheres such as, but not limited to hexavalent chromium, oxygen deficient atmosphere, argon gases, methane, H<sub>2</sub>S, ozone, and carbon monoxide gases while conducting welding and grinding operations on a stainless steel tank without having the tank effectively tested prior to entry.

(b) On or about May 04, 2011, and at times prior thereto, employees were exposed to acute illness, impairment of ability to self rescue, incapacitation, and/or death from atmospheres such as, but not limited to oxygen deficient atmosphere, argon gases, methane, H<sub>2</sub>S, ozone, and carbon monoxide gases while conducting welding, cutting and grinding operations on an aluminum tank without having the tank effectively tested prior to entry.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 10/11/2011  
Proposed Penalty: \$7000.00





**Citation and Notification of Penalty**

**Company Name:** Polar Corporation, dba Polar Service Centers  
**Inspection Site:** 1323 Taylor Place, Billings, MT 59101

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

29 CFR 1910.146(d)(6): The employer did not provide at least one attendant outside the permit space into which entry is authorized for the duration of entry operations.

- a) On or about April 8, 2011 and at times prior to, the employer did not ensure that employees entering a permit required confined space such as a stainless steel tank to conduct welding and grinding operations had an authorized attendant. The employees entering the tank were exposed to acute illnesses, incapacitation or death from atmospheric hazards such as but not limited to hexavalent chromium, an oxygen deficient atmosphere and carbon monoxide gas.
  
- b) On or about May 4, 2011 and at times prior to, the employer did not ensure that employees entering a permit required confined space such as an aluminum tank to conduct welding and grinding operations had an authorized attendant. The employees entering the tank were exposed to acute illnesses, incapacitation or death from atmospheric hazards such as but not limited to hexavalent chromium, an oxygen deficient atmosphere, carbon monoxide gas and/or explosive atmosphere.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

10/11/2011  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Polar Corporation, dba Polar Service Centers  
**Inspection Site:** 1323 Taylor Place, Billings, MT 59101

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

29 CFR 1910.146(d)(9): The employer did not develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and for preventing unauthorized personnel from attempting a rescue.

a) On or about April 8, 2011 and at times prior to, the employer did not ensure that employees entering a permit required confined space such as a stainless steel tank to conduct welding and grinding operations had emergency personnel and procedures in place to rescue the entrant in the event the entrant could not perform a self rescue. The employees entering the tank were exposed to acute illnesses, incapacitation or death from atmospheric hazards such as but not limited to hexavalent chromium, an oxygen deficient atmosphere and carbon monoxide gas.

b) On or about May 4, 2011 and at times prior to, the employer did not ensure that employees entering a permit required confined space such as an aluminum tank to conduct welding and grinding operations had emergency personnel and procedures in place to rescue the entrant in the event the entrant could not perform a self rescue. The employees entering the tank were exposed to acute illnesses, incapacitation or death from atmospheric hazards such as but not limited to hexavalent chromium, an oxygen deficient atmosphere, carbon monoxide gas and/or explosive atmosphere.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

10/24/2011  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Polar Corporation, dba Polar Service Centers  
**Inspection Site:** 1323 Taylor Place, Billings, MT 59101

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

29 CFR 1910.146(d)(10): The employer did not develop and implement an effective system for the preparation, issuance, use, and cancellation of entry permits as required by this section.

a) On or about April 8, 2011 and at times prior to, the employer did not ensure that employees entering a permit required confined space such as a stainless steel tank to conduct welding and grinding operations were utilizing entry permits for each entry. The employees entering the tank were exposed to acute illnesses, incapacitation or death from atmospheric hazards such as but not limited to hexavalent chromium, an oxygen deficient atmosphere and carbon monoxide gas.

b) On or about May 4, 2011 and at times prior to, the employer did not ensure that employees entering a permit required confined space such as an aluminum tank to conduct welding and grinding operations were utilizing entry permits for each entry. The employees entering the tank were exposed to acute illnesses, incapacitation or death from atmospheric hazards such as but not limited to hexavalent chromium, an oxygen deficient atmosphere, carbon monoxide gas and/or explosive atmosphere.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

10/11/2011  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Polar Corporation, dba Polar Service Centers  
**Inspection Site:** 1323 Taylor Place, Billings, MT 59101

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

29 CFR 1910.146(h)(1): The employer did not ensure that all authorized entrants knew the hazards that may be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure.

(a) On or about April 08, 2011, and at times prior thereto, employees were not trained on the hazards associated with entering Permit Required Confined Spaces such as but not limited to, stainless steel tanks to conduct welding and grinding operations. Employees were not aware of items such as but not limited to; required ventilation when welding in Permit Required Confined Spaces, having an attendant present during Permit Required Confined Space entries, the hazards of the chemicals in the Permit Required Confined Spaces due to lack of product MSDS's, and rescue operations in the event of an emergency.

(b) On or about May 04, 2011, and at times prior thereto, employees were not trained on the hazards associated with entering Permit Required Confined Spaces such as but not limited to, aluminum tanks to conduct welding and grinding operations. Employees were not aware of items such as but not limited to; required ventilation when welding in Permit Required Confined Spaces, having an attendant present during Permit Required Confined Space entries, the hazards of the chemicals in the Permit Required Confined Spaces due to lack of product MSDS's, and rescue operations in the event of an emergency.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

10/11/2011  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Polar Corporation, dba Polar Service Centers  
**Inspection Site:** 1323 Taylor Place, Billings, MT 59101

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

29 CFR 1910.146(h)(2): The employer did not ensure that all authorized entrants properly used equipment as required by paragraph (d)(4) of this section. Employees required to work in permit required confined spaces where they are exposed to acute respiratory illnesses, incapacitation or death from atmospheric hazards within the space that cause an inability to self rescue. These atmospheric respiratory hazards include but are not limited to, hexavalent chrome, oxygen deficient atmosphere, argon gases and/or carbon monoxide gases.

a) On or about April 08, 2011 and at times prior thereto, employees were welding, cutting and grinding in stainless steel tanks without using equipment to make safe entry into a permit required confined space. Equipment that was not being used includes but is not limited to testing and monitoring equipment, communications equipment, rescue and emergency equipment.

b) On or about May 04, 2011 and at times prior thereto, employees were welding, cutting and grinding in aluminum tanks without using equipment to make safe entry into a permit required confined space. Equipment that was not being used includes but is not limited to testing and monitoring equipment, communications equipment, rescue and emergency equipment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

10/11/2011



**Citation and Notification of Penalty**

**Company Name:** Polar Corporation, dba Polar Service Centers  
**Inspection Site:** 1323 Taylor Place, Billings, MT 59101

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

29 CFR 1910.179(b)(3): Cranes were modified but such modifications and the supporting structure were not checked thoroughly for the new rated load by a qualified engineer or the equipment manufacturer. The crane was not tested in accordance with paragraph (k) (2) of this section.

On or about April 08, 2011, and at times prior thereto, employees were exposed to being struck by a falling I-Beam and overhead crane that was not designed by a Professional Engineer to lift items such as, but not limited to, truck tanks, motors and anything else that would need to be picked.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

10/11/2011  
\$7000.00

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

29 CFR 1910.252(b)(4)(ii): The employer did not ensure that ventilation was a prerequisite to work in confined spaces. For ventilation requirements see paragraph (c) of this section.

a) On or about April 8, 2011 and at times prior to, the employer did not ensure that employees entering a permit required confined space such as a stainless steel tank to conduct welding and grinding operations were utilizing ventilation. The employees working in the tank were exposed to acute illnesses, incapacitation or death from atmospheric hazards such as but not limited to hexavalent chromium, an oxygen deficient atmosphere and carbon monoxide gas.

b) On or about May 4, 2011 and at times prior to, the employer did not ensure that employees entering a permit required confined space such as an aluminum tank to conduct welding and grinding operations were utilizing ventilation. The employees working in the tank were exposed to acute illnesses, incapacitation or death from atmospheric hazards such as but not limited to hexavalent chromium, an oxygen deficient atmosphere, carbon monoxide gas and/or explosive atmosphere.



**Citation and Notification of Penalty**

Company Name: Polar Corporation, dba Polar Service Centers  
Inspection Site: 1323 Taylor Place, Billings, MT 59101

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**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 10/11/2011  
Proposed Penalty: \$7000.00

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

29 CFR 1910.1200(e)(1): The employer did not implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, material safety data sheets, and employee information and training will be met.

On or about April 08, 2011, and at times prior thereto, the employer did not ensure implementation of a Hazard Communication Program where employees were exposed to acute illness while using products such as, but not limited to TNEMEC Amber Canyon tank liner (Xylene, N-Butanol, and Ethyl Benzene), break cleaner (petroleum solvent and alcohol) and aerosol spray paints. Some of the program items that were not implemented include, but are not limited to, the usage and storage of hazardous chemicals, and Material Safety Data Sheets.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 10/24/2011  
Proposed Penalty: \$7000.00

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

Inspection Number: 29160  
Inspection Date(s): 04/08/2011 - 07/05/2011  
Issuance Date: 10/07/2011



**Citation and Notification of Penalty**

Company Name: Polar Corporation, dba Polar Service Centers  
Inspection Site: 1323 Taylor Place, Billings, MT 59101

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

29 CFR 1910.243(c)(3): Vertical portable grinders. Safety guards were not used on machines known as right angle head or vertical portable grinders.

On or about April 08, 2011, and at times prior thereto, employees were exposed to amputations and severe lacerations while using multiple hand grinders with the guards removed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

10/11/2011

Proposed Penalty:

\$70000.00

A handwritten signature in black ink, appearing to read "Christine Webb". The signature is written in a cursive style and is positioned above the printed name and title.

Christine Webb  
Area Director



**U.S. Department of Labor**  
Occupational Safety and Health Administration  
2900 4th Avenue North, Suite 303

Billings, MT 59101  
Phone: 4062477494 Fax: 4062477499



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Polar Corporation, dba Polar Service Centers  
**Inspection Site:** 1323 Taylor Place, Billings, MT 59101  
**Issuance Date:** 10/07/2011

<b>Summary of Penalties for Inspection Number</b>	<b>29160</b>
<b>Citation 1, Serious</b>	<b>\$68500.00</b>
<b>Citation 2, Willful - Serious</b>	<b>\$70000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$138500.00</b>

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

OSHA does not agree to any restrictions or conditions 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.

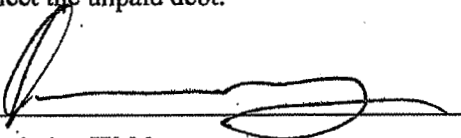
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.



**Christine Webb**

Area Director

10-7-11

Date