

U.S. Department of Labor
Occupational Safety and Health Administration
401 New Karner Road
Suite 300
Albany, NY 12205
Phone: 518-464-4338 Fax: 518-464-4337



Citation and Notification of Penalty

To:
RWS MANUFACTURING, INC.
22 FERGUSON LANE
Queensbury, NY 12804

Inspection Number: 757902
Inspection Date(s): 11/28/2012 - 02/11/2013
Issuance Date: 05/08/2013

Inspection Site:
22 FERGUSON LANE
Queensbury, NY 12804

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.

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 05/08/2013. The conference will be held at the OSHA office located at 401 New Karner Road, Suite 300, Albany, NY 12205 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 757902

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804
Issuance Date: 05/08/2013

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, 401 New Karner Road, Suite 300, Albany, NY 12205**

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: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

OSH ACT of 1970 Section (5)(a)(1): Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer does not furnish employment and a place of employment which is free from recognized hazards that are likely to cause death or serious physical harm to employees in that employees are exposed to the hazard of potential fire and explosion hazards of Class II explosive wood dust:

- a) Bagging Room - The employer continues to utilize ductwork for the Rodrigue Metal Ltee portable filter (dust collection unit) which is made of nonconductive PVC creating static hazards from Class II explosive wood dust moving over the surfaces. The ductwork is not bonded or grounded. This violation was most recently observed on January 10, 2013.

- b) North Side of Building - The employer continues to allow employees to smoke outside the Shavings Storage Room and Bagging Room, where there is excessive Class II explosive wood dust. Wood shavings cover the ground where cigarettes butts are left. A diesel tank is within 35' where fueling of equipment and trucks is conducted. This violation was most recently observed on November 28, 2012.

- c) Bagging Room - The employer continues to utilize the Rodair enclosureless dust collection system (Model DP-3) which does not have a fully enclosed motor creating an explosion and fire hazard in the workspace. The collected explosive wood dust is not removed daily and air is recycled back into the work environment. Employees work within close proximity and the violation was most recently observed on January 10, 2013.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance. Among other feasible and acceptable abatement methods to correct these hazards is to comply with National Fire Protection Association (NFPA) 664, "Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities" (2012), including but not limited to:

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: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

Replacing PVC ductwork with smooth metallic ducting to meet requirements of Chapter 8 in NFPA 664 (8.2.2.2.1.1),
Bond and ground ductwork for the dust collection system in accordance with 8.2.2.2.1.8 of NFPA 664,

Develop and implement policies that meet the ignition reduction elements of Chapter 7 in NFPA 664,

Develop and implement policies that reduce the impact of human elements of Chapter 10 in NFPA 664 (specifically 10.10 for smoking),

Relocate the dust collector system and the exhaust to an outdoor location and comply with section 8.2.2.5.1.4 and 8.2.2.6.1 of NFPA 664,

Reduce generation of dust and improve dust collection by installing adequately sized dust collection systems in the Shavings and Bagging Rooms.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/30/2013
Proposed Penalty:	\$5390.00

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

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Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

29 CFR 1910.22(a)(2): Floor(s) of workroom(s) are not maintained in a clean and, so far as possible, a dry condition:

a) Bagger Room - Employees continue to be exposed to slip and fall hazards from wood shavings and dust on the floor that exceeded 1' in depth in some areas of the Bagger Room. The excessive shavings and dust serves as fuel should there be a fire. This violation was most recently observed on January 10, 2013.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/30/2013
\$5390.00

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Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

29 CFR 1910.146(c)(2): The employer does 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:

a) Saw Dust Bin (Fuel House) - The employer continues to allow employees to enter the Saw Dust Bin, a permit required confined space, to replace the screw auger. Hazards include but are not limited to, physical hazards such as engulfment, sloping walls, and rotating parts. This violation was last observed on December 27, 2012.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance. Among other feasible and acceptable abatement methods to correct these hazards is to post a sign reading DANGER-PERMIT-REQUIRED CONFINED SPACE, DO NOT ENTER or using other similar language would satisfy the requirement for a sign.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/30/2013
Proposed Penalty:	\$5390.00



Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

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

a) Saw Dust Bin (Fuel House) - The employer continues to allow entry into the Saw Dust Bin, a permit required confined space, containing potential physical hazards such as engulfment, sloping walls, and moving parts. This violation most recently occurred on December 29, 2012.

b) Burner (Furnace) -The employer continues to allow entry into the burner, a permit required confined space, containing potential atmospheric hazards such as elevated Carbon monoxide and low Oxygen. This violation most recently occurred on January 20, 2013.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance. Among other feasible and acceptable abatement methods to correct these hazards include:

Provide training to all affected employees.

Provide training when the employee is assigned duties described in 1910.146.

Provide training when there is a change in assigned duties.

Provide training when there is a change in permit space operations that presents a hazard about which an employee has not been previously trained.

Provide training when there are potential deviations from the entry procedures

Provide training when there are inadequacies in the employee's knowledge or use of the entry procedures.

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: RWS MANUFACTURING, INC.
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Training shall establish employee proficiency in the duties required

The employee shall certify that the training has been accomplished and will contain the employee name, signatures or initials of the trainers, and the dates of the training.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/09/2013
Proposed Penalty:	\$5390.00

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Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

29 CFR 1910.146(k)(3): A retrieval system or methods is not used to facilitate non-entry rescue when an authorized entrant enters a permit space:

- a) Saw Dust Bin (Fuel House) - The employer continues to allow employees to enter the Saw Dust Bin, a permit required confined space, to replace the screw auger without a retrieval system. Hazards include but are not limited to, physical hazards such as engulfment, sloping walls, and rotating parts. This violation most recently occurred on December 27, 2013.

- b) Burner (Furnace) - The employer continues to allow employees to enter the burner, a permit required confined space, without a retrieval system. Hazards include but are not limited to, potential atmospheric hazards such as elevated Carbon monoxide and low Oxygen. This violation most recently occurred on January 20, 2013.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance. Among other feasible and acceptable abatement methods to correct these hazards is to use an appropriate retrieval system when employees make entry into permit required confined spaces.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/30/2013
Proposed Penalty:	\$5390.00

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: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

29 CFR 1910.147(f)(3)(ii): Group lockout or tagout devices were not used in accordance with procedures required by 29 CFR 1910.147(c)(4):

a) Saw Dust Bin (Fuel House) - On or about November 10, 2012, an employee repairing the screw conveyor did not apply a lock and adequately lockout two sawdust augers and a screw conveyor allowing for exposure to amputation hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/30/2013
\$3850.00



Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

29 CFR 1910.178(c)(2)(vi)(a): The employer did not provide powered industrial trucks designated as EX for use in an atmosphere in which combustible dust is or may be in suspension continuously, intermittently, or periodically under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures, or where mechanical failure or abnormal operation of machinery or equipment might cause such mixtures to be produced:

a) Bagger Room and Shavings Storage Room - On or about December 30, 2012, a powered industrial truck that was not rated for use in hazardous locations was used in the presence of a Class II Explosive Wood Dust suspended in air including but not limited to normal operations and during a blow down cleaning procedure. The powered industrial truck operates in areas with accumulation of the dust on the floor, potentially generating dust clouds as driving over it. The Hyundai (Model HLF25-11 Serial HC1012277) powered industrial truck is not a EX rated and does not guard against hazardous dust reaching ignition sources such as sparking components or hot surfaces.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/30/2013
\$3850.00



Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l):

a) RWS Manufacturing, Inc. - On and prior to January 10, 2013, untrained employees operated powered industrial trucks inside the bagger room and the shavings storage room for loading trailers, and moving pallets of product.

Date By Which Violation Must be Abated:	05/30/2013
Proposed Penalty:	\$3850.00

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: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

29 CFR 1910.178(q)(7): Industrial trucks were not examined before being placed in service:

- a) RWS Manufacturing, Inc. - On and prior to January 10, 2013 the Hyundai propane powered industrial truck (Model HLF25-11, Serial HC1012277) was in operation without daily inspection being conducted. It had an accumulation of wood dust (a Class II Explosive Dust) on the controls, propane tank, floor near pedals, and on the body.

- b) RWS Manufacturing, Inc. - On and prior to January 10, 2013 the Komatsu propane powered industrial truck (Model FG3OSHT-12 Serial 564464A) was in operation without daily inspection being conducted. It had an accumulation of wood dust (a Class II Explosive Dust) on the controls, propane tank, floor near pedals, and on the body.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/30/2013
\$3850.00



Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

29 CFR 1910.178(q)(10): Industrial trucks were not kept in a clean condition:

- a) Bagger Room - On and prior to January 10, 2013 the Hyundai propane powered industrial truck (Model HLF25-11, Serial HC1012277) had an accumulation of wood dust (a Class II Explosive Dust) on the controls, propane tank, floor near pedals, and on the body.
- b) Bagger Room - On and prior to January 10, 2013 the Komatsu propane powered industrial truck (Model FG3OSHT-12 Serial 564464A) had an accumulation of wood dust (a Class II Explosive Dust) on the controls, propane tank, floor near pedals, and on the body.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/30/2013
\$3850.00



Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

- a) Bagger Room - On and prior to November 28, 2012 for the employees operating Premier Tech Bagger Machine #1 who are exposed to amputation hazards while adjusting the bag and bag frame.
- b) Bagger Room - On and prior to January 10, 2013, for the employees operating the Premier Tech Bagger Machine #2 who are exposed to amputation hazards while adjusting the bag and bag frame.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/30/2013
Proposed Penalty:	\$5390.00



Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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 1910.252(a)(1)(ii): When the object to be welded or cut could not be moved and all the fire hazards could not be removed, guards were not used to confine the heat, sparks, and slag to protect the immovable fire hazards:

a) RWS Manufacturer, Inc. - On and prior to January 10, 2013, for welding and cutting operations, including but not limited to repairing the Newman Shaver box in the Shaver Room, guards were not used to protect from igniting of wood dust.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/30/2013
Proposed Penalty: \$5390.00



Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

29 CFR 1910.252(a)(2)(iii)(B): The employer did not ensure that fire watch was maintained for at least a half hour after completion of welding or cutting operations to detect and extinguish possible smoldering fires:

a) RWS Manufacturer, Inc. - On and prior to January 10, 2013, for welding and cutting operations, including but not limited to repairing the Newman Shaver box in the Shaver Room, fire watches were not assigned and maintained for 30 minutes.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

05/30/2013



Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

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

a) Cylinder Storage Area North Side of Building - On and prior to January 10, 2013, three Oxygen cylinders used for welding and cutting were stored next to incompatible materials including two Acetylene cylinders (Flammable gas) and drums of oil.

Date By Which Violation Must be Abated:
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05/30/2013
\$3850.00

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

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Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
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Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.265(c)(23)(iv): The fuel houses and bins did not have a standard railed platform or walkway near the top:

a) Fuel House (Saw Dust Bin) - On and prior to December 29, 2012, workers were exposed to a 20' fall hazard while accessing the rooftop of the fuel house to repair the screw conveyor.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/30/2013
Proposed Penalty:	\$3850.00

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: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

Citation 1 Item 15 Type of Violation: **Serious**

29 CFR 1910.265(d)(2)(vi)(c): The log haul gear and bull chain drive mechanism was not guarded:

- a) Shaver Room Log Conveyor on North Side of Room (Log Conveyor 1) - On or about November 28, 2012, employees were exposed to amputation hazards while working near an unguarded chain and sprocket. This exposed chain and sprocket is on the north side of the conveyor.
- b) Shaver Room Log Conveyor on North Side of Room (Log Conveyor 1) - On or about November 28, 2012, employees were exposed to amputation hazards while working near an unguarded chain and sprocket. This exposed chain and sprocket is on the south side of the conveyor.
- c) Shaver Room Log Conveyor on South Side of Room (Log Conveyor 2) - On or about November 28, 2012, employees were exposed to amputation hazards while working near an unguarded chain and sprocket. This exposed chain and sprocket is on the north side of the conveyor.
- d) Shaver Room Log Conveyor on South Side of Room (Log Conveyor 2)- On or about November 28, 2012, employees were exposed to amputation hazards while working near an unguarded chain and sprocket. This exposed chain and sprocket is on the south side of the conveyor.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3850.00



Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
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Citation 1 Item 16 Type of Violation: **Serious**

29 CFR 1910.303(g)(2)(i): Except as elsewhere required or permitted by Subpart S of Part 1910, live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the means identified in paragraphs (A), (B), (C), and (D) of 29 CFR 1910.303(g)(2)(i):

- a) Bagger Room - On or about January 10, 2013, an electrical junction box was not adequately mounted on the wall exposing live electrical components.
- b) Bagger Room - On or about January 10, 2013, an oscillating pedestal fan did not have a cover to contain the electrical wiring, exposing live electrical components.
- c) Bagger Room South Wall - On or about January 10, 2013, a breaker panel box for the compressor, vacuum and pump did not have an adequate cover to protect the electrical components from contaminants and protect employees from live electrical.
- d) Bagger Room - On or about January 10, 2013, a Premier Tech Panel box (Serial # 25386) for the Palletizer containing 575V and 3 phase power had a drilled hole on the front door.

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U.S. Department of Labor
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 17 a Type of Violation: **Serious**

29 CFR 1910.304(g)(5): The path to ground from circuits, equipment, and enclosures was not permanent, continuous, and effective:

a) Bagger Room - On or about January 10, 2013, an oscillating pedestal fan did not have a grounding plug, exposing employees to electric shock.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4620.00

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Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
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Citation 1 Item 17 b Type of Violation: **Serious**

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

a) Bagger Room - On or about January 10, 2013, an extension cord was used as permanent wiring for a pedestal oscillating fan.

Date By Which Violation Must be Abated:

Corrected During Inspection



Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

Citation 1 Item 18 Type of Violation: **Serious**

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

- a) Bagger Room - On or about January 10, 2013, a Premier Tech Panel box (Serial # 1EM0011) for Bagger #1 containing 600V and 3 phase power had a missing knockout on the bottom.
- b) Bagger Room - On or about January 10, 2013, a Premier Tech Panel box (Serial # 1EM0012) for Bagger #2 containing 600V and 3 phase power had a missing knockout on the bottom.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/30/2013
\$5390.00



Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

Citation 1 Item 19 Type of Violation: **Serious**

29 CFR 1910.307(c): Equipment, wiring methods, and installations of equipment in hazardous (classified) locations were not intrinsically safe, approved for the hazardous (classified) location, or safe for the hazardous (classified) location:

- a) Shavings Room - On or around December 30, 2012, Class II Explosive Wood Dust was suspended in air during times including but not limited to, normal operations and a blow down cleaning procedure. An accumulation of dust was observed on electrical equipment. General purpose wiring, breaker panel boxes, disconnect switches, receptacles, lighting, and electric motors were not dust tight ignition proof and approved for Class II Division 1 locations.
- b) Bagger Room - On or around December 30, 2012, Class II Explosive Wood Dust was suspended in air during times including but not limited to, normal operations and a blow down cleaning procedure. An accumulation of dust was observed on electrical equipment, controls, motors, and panel boxes. General purpose wiring, breaker panel boxes, disconnect switches, receptacles, lighting, and electric motors were not dust tight ignition proof and approved for Class II Division 1 locations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/30/2013
Proposed Penalty:	\$5390.00

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: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

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

- a) The shavings room continues to have a hazardous accumulation of explosive combustible wood dust on structural supports, pipes, fixtures, ductwork, equipment and floors. This violation was most recently observed on January 10, 2013.
- b) The bagging room continues to have a hazardous accumulation of explosive combustible wood dust on structural supports, pipes, fixtures, ductwork, equipment and floors. This violation was most recently observed on January 10, 2013.
- c) The shaker table building continues to have a hazardous accumulation of explosive combustible wood dust on structural supports, walls, ceiling, equipment and floors. This violation was most recently observed on January 10, 2013.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance. Among other feasible and acceptable abatement methods to correct these hazards is to minimize dust generation, install adequately sized dust collectors in the Shavings and Bagging Rooms, and increase housekeeping efforts.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/30/2013
Proposed Penalty:	\$53900.00

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: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

29 CFR 1910.146(c)(4): The employer allows its employees to enter permit spaces and has not developed and implemented a written permit space entry program that complies with 29 CFR 1910.146:

a) Saw Dust Bin (Fuel House) - The employer continues to allow employees to enter the Saw Dust Bin, a permit required confined space, containing potential physical hazards such as engulfment, sloping walls, and moving parts. This violation most recently occurred on December 29, 2013.

b) Burner (Furnace) - The employer continues to allow employees to enter the Burner, a permit required confined space, containing potential atmospheric hazards such as elevated Carbon monoxide and low Oxygen. This violation most recently occurred on January 20, 2013.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance. Among other feasible and acceptable abatement methods to correct these hazards is to develop and implement a written confined space permit space entry program containing all elements required in 29 CFR 1910.146.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/09/2013
Proposed Penalty: \$53900.00



Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

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

29 CFR 1910.178(l)(6): The employer does not certify that each operator has been trained and evaluated as required by this paragraph (l):

a) RWS Manufacturing, Inc. - The employer continues to allow employees to operate powered industrial trucks inside the bagger room and shavings storage room without certifying the employee as trained and evaluated. The powered industrial trucks are used for loading trailers, moving pallets of product and for lifting a person in a man basket for cleaning and maintenance. This violation most recently occurred on January 10, 2013.

RWS Manufacturing, Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 313755233, citation number 01, item number 010, group b and it was affirmed as final order date on June 21, 2010, with respect to a workplace located at RWS Manufacturing, Inc., 22 Ferguson Lane, Queensbury, NY 12804.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance. Among other feasible and acceptable abatement methods to correct these hazards is to:

Document the powered industrial truck training

Document the evaluation of powered industrial truck drivers' performance.

Documentation shall include the name of the operator, date of the training, date of the evaluation, and identity of the person performing the training or evaluation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/30/2013
\$7700.00

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: 757902
Inspection Date(s): 11/28/2012 - 02/11/2013
Issuance Date: 05/08/2013



Citation and Notification of Penalty

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804

A handwritten signature in black ink, appearing to read "Kim Castillon", written over a horizontal line.

Kimberly Castillon
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
401 New Karner Road
Suite 300
Albany, NY 12205
Phone: 518-464-4338 Fax: 518-464-4337



INVOICE / DEBT COLLECTION NOTICE

Company Name: RWS MANUFACTURING, INC.
Inspection Site: 22 FERGUSON LANE, Queensbury, NY 12804
Issuance Date: 05/08/2013

Summary of Penalties for Inspection Number	757902
Citation 1, Serious	\$89320.00
Citation 2, Willful	\$107800.00
Citation 3, Repeat	\$7700.00
TOTAL PROPOSED PENALTIES	\$204820.00

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.

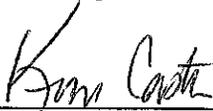
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Kimberly Castillon

Area Director

5-9-13

Date