

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

Inspection Number: 1052789
Inspection Date(s): 04/07/2015 - 04/16/2015
Issuance Date: 09/09/2015



Citation and Notification of Penalty

Company Name: Ross Logging, LLC.
Inspection Site: Leatherwood Road, Elkview, WV 25071

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

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

29 CFR 1910.266(d)(2)(i): The employer did not provide first-aid kits at each work site where trees were being cut, at each active landing, and/or on each employee transport vehicle:

(a) BB Cameron Tract: First-aid kits were not located at the landing or at the cutting/felling area, as observed on or about April 7, 2015 and times prior.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

Abatement Note: Employer bought 4 new first aid kits and showed them to CSHO. The employer should verify that each new first aid kit meets the requirements in Appendix A of the standard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/17/2015
Proposed Penalty:	\$2400.00

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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Company Name: Ross Logging, LLC.
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Citation 1 Item 1 b Type of Violation: **Serious**

29 CFR 1910.266(d)(2)(ii): Each first aid kit did not contain the items listed in Appendix A at all times:

(a) BB Cameron Tract: First-aid kits located on the 640D John Deere skidder, did not include 4X4 gauze pads, 8X10 gauze pads, scissors, blanket, tweezers, latex gloves, resuscitation equipment, elastic wraps, and a splint, as observed on or about April 7, 2015 and times prior.

(b) BB Cameron Tract: First-aid kits located on the 650J John Deere dozer, did not include band-aids, adhesive tape, and latex gloves, as observed on or about April 7, 2015 and times prior.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

Verify the newly purchased first aid kits with Appendix A of the logging standard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/17/2015

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Citation and Notification of Penalty

Company Name: Ross Logging, LLC.
Inspection Site: Leatherwood Road, Elkview, WV 25071

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

29 CFR 1910.266(d)(4): The employer did not provide and maintain portable fire extinguishers on each machine and vehicle in accordance with the requirements of subpart L of part 1910:

(a) BB Cameron Tract : The ABC portable fire extinguisher on the John Deere Skidder, SN BC875717, was not inspected monthly and a yearly maintenance check was not performed, as determined on April 7, 2015 and times prior.

(b) BB Cameron Tract: The ABC portable fire extinguisher on the John Deere Dozer, SN ZD865785, was not inspected monthly, a yearly maintenance check was not performed, and was not maintained in a fully charged condition, as determined on April 7, 2015 and times prior.

(c) BB Cameron Tract: the ABC portable fire extinguisher on the landing, SN BC875726 was not inspected monthly and a yearly maintenance check was not performed, as determined on April 7, 2015 and times prior.

ABATEMENT CERTIFICATION

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/21/2015
Proposed Penalty:	\$1200.00

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Company Name: Ross Logging, LLC.
Inspection Site: Leatherwood Road, Elkview, WV 25071

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

29 CFR 1910.266(d)(6)(iii): Each employee performing a logging operation at a logging work site did not work in a position or location that was within visual or audible contact with another employee:

(a) BB Cameron Tract: The skidder operator, dozer operator, and cutter were not within visual or audible contact with each other at all times during logging operations, as determined on or about April 7, 2015 and times prior.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2800.00

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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Company Name: Ross Logging, LLC.
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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 4 a Type of Violation: **Serious**

29 CFR 1910.266(e)(2)(iii): The chain saw was not operated and adjusted in accordance with the manufacturer's instructions.

(a) BB Cameron Tract: The Stihl 066 chainsaw with a 24 inch bar was being operated with a broken chain catcher, as determined on or about April 16, 2015 and time prior.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/17/2015
Proposed Penalty:	\$2400.00

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Citation and Notification of Penalty

Company Name: Ross Logging, LLC.
Inspection Site: Leatherwood Road, Elkview, WV 25071

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

29 CFR 1910.266(i)(11): The employer did not hold safety and health meetings as necessary and at least each month for each employee:

(a) BB Cameron Tract: Monthly safety and health meetings were not held with employees, as determined on April 7, 2015 and times prior.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/21/2015

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U.S. Department of Labor
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Citation and Notification of Penalty

Company Name: Ross Logging, LLC.
Inspection Site: Leatherwood Road, Elkview, WV 25071

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 1910.266(h)(2)(v): The undercut was not of a size so the tree would not split and would fall in the intended direction:

(a) BB Cameron Tract: Adequate undercuts were not made in trees being felled as evidenced by a 33 inch Red Oak that was felled with a 3 inch undercut and a 40 inch Red Oak that was felled with a 3 1/2 inch undercut, as determined on or about April 16, 2015 and times prior.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/17/2015
Proposed Penalty:	\$2800.00

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Company Name: Ross Logging, LLC.
Inspection Site: Leatherwood Road, Elkview, WV 25071

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

29 CFR 1910.266(i)(1): The employer did not provide training for each employee, including supervisors, at no cost to the employee:

(a) BB Cameron Tract: Training is not provided for employees working on the logging sites, as determined on April 7, 2015 and times prior.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/21/2015

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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Ross Logging, LLC.
Inspection Site: Leatherwood Road, Elkview, WV 25071

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

29 CFR 1910.266(i)(7)(i): The employer did not assure that each employee, including supervisors, had received first-aid and CPR training meeting at least the requirements specified in Appendix B:

(a) BB Cameron Tract: Employees working on a logging site performing logging operations were not trained in First Aid and CPR, as determined on or about April 7, 2015 and times prior.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/21/2015
Proposed Penalty:	\$2400.00

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Citation and Notification of Penalty

Company Name: Ross Logging, LLC.
Inspection Site: Leatherwood Road, Elkview, WV 25071

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

29 CFR 1910.266(d)(1)(v): The employer did not assure that each employee wore foot protection, such as heavy-duty logging boots, that were waterproof or water repellent, and/or that covered and provided support to the ankle, and protected the employee from penetration by chain saws:

(a) BB Cameron Tract: Employees felling trees using a Stihl 066 chainsaw with a 24 inch bar, did not wear cut resistant boots or socks, as determined on or about April 16, 2015 and times prior.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/21/2015
Proposed Penalty:	\$14000.00

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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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Ross Logging, LLC.
Inspection Site: Leatherwood Road, Elkview, WV 25071

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

29 CFR 1910.266(e)(2)(vi): A chain saw was not started on the ground or where otherwise firmly supported:

(a) BB Cameron Tract: Employees drop start a Stihl 066 chainsaw with a 24 inch bar prior to cutting trees and limbs, as determined on or about April 16, 2015 and times prior.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/17/2015
Proposed Penalty:	\$14000.00

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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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Ross Logging, LLC.
Inspection Site: Leatherwood Road, Elkview, WV 25071

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

29 CFR 1910.1200(h): 29 CFR 1910.1200(h): Employees were not provided effective information and training as specified in 29 CFR 1910.1200(h)(1) and (2) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

(a) BB Cameron Tract: Employees were not provided training on the new SDS (safety data sheets) and label formats on materials used at the logging site such as gasoline, a flammable material, as determined on or about April 7, 2015 and times prior.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/21/2015
\$0.00

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

Prentice Cline
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
405 Capitol Street
Suite 407
Charleston, WV 25301
Phone: 304-347-5937 Fax: 304-347-5275



INVOICE / DEBT COLLECTION NOTICE

Company Name: Ross Logging, LLC.
Inspection Site: Leatherwood Road, Elkview, WV 25071
Issuance Date: 09/09/2015

Summary of Penalties for Inspection Number	1052789
Citation 1, Serious	\$14000.00
Citation 2, Willful	\$28000.00
Citation 3, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$42000.00

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. You can also make your payment electronically on 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.



Prentice Cline
Area Director



Date