

Virginia Department of Labor and Industry
Virginia Occupational Safety and Health (VOSH) Compliance

Brammer Village
3013 Peters Creek Road
Roanoke, VA 24019
Phone: (540) 562-3580 Fax: (540) 562-3587



Citation and Notification of Penalty

To:
Georgia Pacific
and its successors
9363 Lee Jackson Hwy
Big Island, VA 24526

Inspection Number: 1193325
Inspection Date(s): 11/24/2016-05/19/2017
Issuance Date: 05/19/2017

Inspection Site:
9363 Lee Jackson Hwy
Big Island, VA 24526

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.

Citation and Notification of Penalty. Described herein are alleged violations of Virginia's Occupational Safety and Health (VOSH) laws, standards and/or regulations. Any penalty proposed is based on the corresponding violation. In accordance with Virginia Code §40.1-49.4(b)(4), you must abate all alleged violations by the dates listed and pay the penalties proposed, unless, within 15 working days (excluding weekends and State and Federal holidays) from the date you receive this citation, you submit a written notice of contest to the Virginia Department of Labor and Industry Regional Office at the address listed above. Issuance of this citation does not constitute a finding by the Commissioner that you have violated the law, standard or regulation described unless you fail to file a written notice of contest or this citation is affirmed by a court of law.

Please read the enclosed booklet entitled *Employer Responsibilities and Courses of Action Following a VOSH Inspection* in conjunction with this citation to learn your rights and responsibilities.

Posting. Virginia law requires you to immediately post a copy of this Citation in a prominent place at or near the location of the violation(s), or if it is not practicable because of the nature of your operations to do so, in a place where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) have been abated, or for 3 working days (excluding weekends, State and Federal holidays), whichever is longer. **The penalty amounts may be marked out or covered up prior to posting. Please note that these penalty amounts are releasable by the Department in response to a Freedom of Information Act (FOIA) request.**

Informal Conference. You have the right to an informal conference with the VOSH Regional Safety Director at which you may present evidence to support amending the citation, order of abatement or penalties proposed. An informal conference, which is normally held during the 15 working day contest period, is optional. If you wish to attend an informal conference, you must contact the VOSH Regional Safety Director at the Regional Office listed above.

If you request an informal conference, you must notify your employees of the time and place. Be sure to bring to the conference any documentation of existing conditions as well as abatement steps taken thus far. If conditions warrant, this matter may be resolved amicably without the need for litigation, by way of an Informal Settlement Agreement.

Requesting an informal conference does not extend the 15 working day contest period.

Right to Contest. You have the right to contest this Citation. 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. This citation and the penalties proposed will become a final order of the Commissioner of Labor and Industry unless you notify VOSH in writing within 15 working days of receiving this citation that you contest the citation or any part thereof.

Penalty Payment. Penalties are due within 15 working days of receipt of this notification unless you contest. Make your check or money order payable to "Commonwealth of Virginia ". **Please indicate the Inspection Number on the check or money order.**

The Virginia Department of Labor and Industry 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 violations which you do not contest, you must promptly notify the VOSH Regional Safety Director at the VOSH Regional Office listed above, by completing the enclosed Report on Correction of Violations form, and indicates that you have taken appropriate corrective action by the date(s) specified in this citation. The form must include abatement steps you have taken and the dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

Employment Discrimination Unlawful. Virginia Code §§40.1-51.2:1 and -51.2:2 prohibit discrimination against any employee who has filed a complaint or who has exercised any rights under the safety and health provisions of Title 40.1 of the Code of Virginia. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the VOSH Office of Whistleblower Protection at Suite 207, 600 East Main Street, Richmond, VA 23219.

Notice to Employees. The law gives an employee or his/her representative the opportunity to contest in writing any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Regional Office at the address shown above and postmarked within 15 working days (excluding weekends and State and Federal holidays) of the employer's receipt of this Citation.

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NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with VOSH to discuss the Citation(s) issued 05/19/2017. The conference will be held at the VOSH office located at Brammer Village, 3013 Peters Creek Road, Roanoke, VA 24019 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

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05/19/2017
Issuance Date: 05/19/2017



Citation and Notification of Penalty

Company Name: Georgia Pacific
Inspection Site: 9363 Lee Jackson Hwy, Big Island, VA 24526

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

1910.132(f)(1)(i): The employer did not provide training to each employee who is required by this section to use PPE on knowing when PPE is necessary:

On 11/23/2016, an employee fell into an open broke hole/floor opening, and was fatally injured. The broke hole/floor opening had a guard removed on or around 11/17/2016 and was not replaced. The employer reported a fall protection requirement was instituted as protection; however, employees had not been trained on the proper use of the fall protection system.

Date by Which Violation Must Be Abated:

May 25, 2017

Proposed Penalty:

\$7000.00

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

1910.261(k)(13)(ii): At this establishment, at the #4 Paper Machine, Georgia Pacific failed to ensure that where pulpers are located directly below the broke hole on a paper machine and where the broke hole opening was large enough to permit a worker to fall through, any employee pushing broke down the hole shall wear a safety belt attached to a safety belt line. The safety belt line shall be fastened in such a manner that it is impossible for the person to fall into the pulper.

On or about 11/23/2016, an employee fell into a broke hole into a pulper. The employee received a fatal injury.

Date by Which Violation Must Be Abated:

May 25, 2017

Proposed Penalty:

\$7000.00

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Company Name: Georgia Pacific
Inspection Site: 9363 Lee Jackson Hwy, Big Island, VA 24526

Citation 2 Item 1

Type of Violation: **Willful-Serious**

1910.261(k)(13)(i): At this establishment, at the #4 Paper Machine area, Georgia Pacific failed to ensure that a guardrail was provided at broke holes in accordance with 1910.23. This section calls for a standard railing with a toeboard while working above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards (1910.23(c)(3)).

On or about 11/17/2016, Georgia Pacific removed a nip roll guard which provided protection from a broke hole/floor opening on the drive side of the #4 Paper Machine. On 11/23/2016, an employee fell through the unguarded broke hole into a pulper tub and was fatality injured.

Date by Which Violation Must Be Abated:

May 25, 2017

Proposed Penalty:

\$70000.00

Lee A. Willis
VOSH Regional Safety Director

Virginia Department of Labor and Industry
Virginia Occupational Safety and Health (VOSH) Enforcement
Brammer Village
3013 Peters Creek Road
Roanoke, VA 24019
Phone: (540) 562-3580 FAX: (540) 562-3587



INVOICE/DEBT COLLECTION NOTICE

Company Name: Georgia Pacific
Inspection Site: 9363 Lee Jackson Hwy, Big Island, VA 24526
Issuance Date: 05/19/2017
Inspection Number: 1193325

Summary of Proposed Penalties:

Citation 1 Item 1, Serious	7000.00
Citation 1 Item 2, Serious	7000.00
Citation 2 Item 1, Willful-Serious	70000.00
TOTAL PROPOSED PENALTIES:	84000.00

Pursuant to Virginia Code §40.1-49.4.A.4.(a), the Commissioner of the Department of Labor and Industry may assess interest on all past-due penalties as well as administrative costs incurred in the collection of the penalties for violations of Virginia Occupational Safety and Health (VOSH) laws, regulations, and standards. Interest charges are assessed at an annual rate in accordance with Virginia Code §2.2-4805.

Interest shall accrue from the date on which the citation, either as issued or as amended, becomes a final order of the Commissioner. A citation becomes a final order 15 working days after the date that the employer receives the citation unless the employer files a notice of contest with VOSH. **Interest is waived if the employer pays the full amount within 30 calendar days of the final order date.**

A debt is past-due 30 calendar days after the final order date unless the employer makes a satisfactory payment arrangement with the Commissioner. If the debt remains unpaid for more than 90 days, it is deemed delinquent and referred to the Office of the Attorney General or other collection agency for collection. Administrative costs incurred in collecting the debt will be added to the amount of the debt.

To avoid potential interest and collection costs, please send payment promptly for the total amount of the uncontested penalties shown on the citation to the Accounting Office, Virginia Department of Labor and Industry, Main Street Centre, 600 East Main Street, Suite 207, Richmond, VA 23219. You may use the enclosed self-addressed envelope. **Please make your check or money order payable to: "Commonwealth of Virginia". Please indicate the Inspection Number on the payment. *Do not send payment to the Regional Office.***

Lee A. Willis
VOSH Regional Safety Director

Date

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REPORT OF CORRECTIVE ACTIONS/ABATEMENT VERIFICATION

Company Name:
Georgia Pacific
9363 Lee Jackson Hwy
Big Island, VA 24526

RETURN FORM TO:
Virginia Department of Labor and Industry
Brammer Village
3013 Peters Creek Road
Roanoke, VA 24019
Phone: (540) 562-3580 Fax: (540) 562-3587

Inspection Number: 1193325

Please provide the corrective action taken and date of completion by each numbered item as indicated on the attached form, along with adequate supporting documentation (e.g., copies of written programs (Safety, Lockout/Tagout, Hazard Communication, Respiratory Protection, Confined Spaces, etc.), drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results (such as air contaminants, noise monitoring, asbestos, lead, etc). For accuracy, please refer to the enclosed citations when completing this form.

Be sure to address all items on the citation, including any other-than-serious items. *Failure to do so will delay documentation of your abatement efforts and may result in a follow-up inspection and could result in additional proposed penalties of \$1,000.00.* Please be aware that Virginia Code §40.1-51.4:2 provides for a fine of not more than \$10,000.00, or imprisonment for not more than six (6) months, or both, for making false statements. Please type or print legibly. **Also, please be sure to sign and date this form.**

Abatement Verification Statement:

Regarding the abatement actions on the following page(s), the undersigned certifies that:

1. All affected employees were promptly notified of all the hazards which were cited in this VOSH Citation.
2. For ALL items cited, a copy of the citation was posted at or near the location where each violation described in the citation occurred until each violation was abated or for a minimum of 3 working days (excluding weekends and State and Federal holidays), whichever is later; or
3. For all hand held or moveable equipment a warning tag or copy of the citation was attached to the equipment until the violation was abated, until the item was removed from service, or until such time as the item was no longer in the employer's control.
4. All items cited on the VOSH Citation were corrected and a copy of the Abatement Verification was made available for review to all affected employees by posting or other appropriate means on the date of the signing of this form.

NOTE: PLEASE MARK ABATEMENT VERIFICATION WITH MATCHING VIOLATIONS.

Employer Signature / Title

Date of Verification

Print Name and Title of Employee Representative



REPORT OF CORRECTIVE ACTIONS/ABATEMENT VERIFICATION

Citation #:			Item Number			Date Item Corrected	
1			1				
Corrective action taken: _____ _____ _____ List type of supporting documentation attached: _____ _____							
Citation #:			Item Number			Date Item Corrected	
1			2				
Corrective action taken: _____ _____ _____ List type of supporting documentation attached: _____ _____							
Citation #:			Item Number			Date Item Corrected	
2			1				
Corrective action taken: _____ _____ _____ List type of supporting documentation attached: _____ _____							

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.