

## Wyoming Department of Workforce Services

Office of Workforce Standards and Compliance

OSHA Division

1510 E. Pershing Blvd.

Cheyenne, WY 82002

Phone: (307) 777-7786 Fax: (307) 777-3646



## Citations and Notification of Penalty

**To:**  
Saratoga Forest Management

PO Box 1209  
Saratoga, WY 82331

**Inspection Number:** 1268709  
**Inspection Date(s):** 10/02/2017-10/05/2017  
**Issuance Date:** 12/04/2017

**Inspection Site:**  
507 E Bridge Street  
Saratoga, WY 82331

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 Wyoming Occupational Health and Safety Act. 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 dates (excluding weekends and holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the OSHA Division, at the address shown above. Please refer to the enclosed booklet 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 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 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 Administrator during the 15 working day contest period. During the 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 Administrator within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

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 OSHA Division Deputy Administrator 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 Health and Safety 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.) Make you check or money order payable to the applicable County Treasurer. Please indicate the Inspection Number on the remittance.

**Notification of Corrective Action** – For violations which you do not contest, you should notify the OSHA Compliance Program Manager promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform us in writing of the abatement steps you have taken and of their 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.

**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 OSHA Compliance Program Manager at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet outlines 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 OSHA Compliance Program Manager at the address shown above and postmarked within 15 working days (excluding weekends and 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 you inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at <http://WWW.OSHA.GOV>. If you have any dispute with the accuracy of the information displayed, please contact this office.



**Citation and Notification of Penalty**

**Company Name:** Saratoga Forest Management  
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**Citation 1 Item 1 Type of Violation: Repeat-Serious**

29 CFR 1910.212(a)(1): \*Types of guarding. One or more methods of machine guarding shall be 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. Examples of guarding methods are-barrier guards, two-hand tripping devices, electronic safety devices, etc.

An employee was exposed to a caught-inbetween hazard when one or more methods of machine guarding was not provided at the 'Sticker Line' conveyor belt.

Saratoga Forest Management, LLC. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 314512369, citation number 1, item number 2 with respect to a workplace located at 507 East Bridge Street Saratoga, Wyoming 82331.

<b><u>Date by Which Violation Must Be Abated:</u></b>	<b><u>December 29, 2017</u></b>
<b><u>Proposed Penalty:</u></b>	<b><u>\$13718.00</u></b>

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

29 CFR 1910.22(a)(1): \*Housekeeping. All places of employment, passageways, storerooms, service rooms, and walking-working surfaces are kept in a clean, orderly, and sanitary condition.

Employees were exposed to slip, trip, and fall hazards when passageways and other walking-working surfaces were not kept in a clean, orderly, and sanitary condition in the sawmill, planer building, hog building, log deck, and outside garage.

<b><u>Date by Which Violation Must Be Abated:</u></b>	<b><u>December 29, 2017</u></b>
<b><u>Proposed Penalty:</u></b>	<b><u>\$5830.00</u></b>

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

1910.22(c): \*Covers and guardrails. Covers and/or guardrails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.

Employees were exposed to fall hazards in the sawmill building when covers and/or guardrails were not adequately



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**Company Name:** Saratoga Forest Management  
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provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.

<b><u>Date by Which Violation Must Be Abated:</u></b>	<b><u>December 29, 2017</u></b>
<b><u>Proposed Penalty:</u></b>	<b><u>\$0.00</u></b>

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

1910.23(c)(1)(i): \*Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e) (3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides, persons can pass.

Employees were exposed to a struck-by hazard when a toeboard in the 'hog' building was in inadequate condition.

<b><u>Date by Which Violation Must Be Abated:</u></b>	<b><u>December 29, 2017</u></b>
<b><u>Proposed Penalty:</u></b>	<b><u>\$5830.00</u></b>

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

1910.23(c)(3): \*Regardless of height, open-sided floors, walkways, platforms or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards shall be guarded with a standard railing and toeboard.

Employees were exposed to hazards on the Log Deck when inadequate guardrails and guardrail components separated the walking-working surface from dangerous machinery.

<b><u>Date by Which Violation Must Be Abated:</u></b>	<b><u>December 29, 2017</u></b>
<b><u>Proposed Penalty:</u></b>	<b><u>\$0.00</u></b>

Citation 2 Item 3 Type of Violation: **Serious**



**Citation and Notification of Penalty**

**Company Name:** Saratoga Forest Management  
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29 CFR 1910.36(d)(1): \*Employees must be able to open an exit route door from the inside at all times without keys, tools, or special knowledge. A device such as a panic bar that locks only from the outside is permitted on exit discharge doors.

Employees were exposed to a hazard when an exit was not in adequate operating condition. Exit in the New Boiler would not open.

<b><u>Date by Which Violation Must Be Abated:</u></b>	<b><u>December 29, 2017</u></b>
<b><u>Proposed Penalty:</u></b>	<b><u>\$5830.00</u></b>

Citation 2 Item 4 Type of Violation: **Serious**

29 CFR 1910.215(b)(9): \*Exposure adjustment. Safety guards of the types described in Subparagraphs (3) and (4) of this paragraph, where the operator stands in front of the opening, shall be constructed so that the peripheral protecting member can be adjusted to the constantly decreasing diameter of the wheel. The maximum angular exposure above the horizontal plane of the wheel spindle as specified in paragraphs (b)(3) and (4) of this section shall never be exceeded, and the distance between the wheel periphery and the adjustable tongue or the end of the peripheral member at the top shall never exceed one-fourth inch. (See Figures O-18, O-19, O-20, O-21, O-22, and O-23.)

Employees were exposed to a struck by hazard when two abrasive wheels did not possess an adequate tongue guard.

<b><u>Date by Which Violation Must Be Abated:</u></b>	<b><u>December 29, 2017</u></b>
<b><u>Proposed Penalty:</u></b>	<b><u>\$5830.00</u></b>

Citation 2 Item 5 Type of Violation: **Serious**

29 CFR 1910.243(c)(1): \*General requirements. Abrasive wheels shall be used only on machine provided with safety guards as defined in paragraph (c) (1) through (4) of this section.

Employees were exposed to a struck by hazard when two hand grinders did not possess an adequate guard.

<b><u>Date by Which Violation Must Be Abated:</u></b>	<b><u>December 29, 2017</u></b>
<b><u>Proposed Penalty:</u></b>	<b><u>\$5830.00</u></b>



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**Company Name:** Saratoga Forest Management  
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**Citation 2 Item 6 Type of Violation: **Serious****

29 CFR 1910.265(c)(4)(ii): \*Maintenance. Walkways shall be evenly floored and kept in good repair.

Employees were exposed to a fall hazard when a section of walkway was found to be in inadequate condition.

<b><u>Date by Which Violation Must Be Abated:</u></b>	<b><u>December 29, 2017</u></b>
<b><u>Proposed Penalty:</u></b>	<b><u>\$5830.00</u></b>

**Citation 2 Item 7 a Type of Violation: **Serious****

29 CFR 1910.305(a)(2)(ix): \*All lamps for general illumination shall be protected from accidental contact or breakage by a suitable fixture or lampholder with a guard. Brass shell, paper-lined sockets, or other metal-cased sockets may not be used unless the shell is grounded.

Employees were exposed to an electrical hazard when a lamp for general illumination was not adequately protected from accidental contact or breakage by a guard in areas used for storage and frequently accessed equipment.

<b><u>Date by Which Violation Must Be Abated:</u></b>	<b><u>December 29, 2017</u></b>
<b><u>Proposed Penalty:</u></b>	<b><u>\$5830.00</u></b>

**Citation 2 Item 7 b Type of Violation: **Serious****

29 CFR 1910.305(g)(1)(iv)(A): \*Unless specifically permitted otherwise in paragraph (g)(1)(ii) of this section, flexible cords and cables may not be used: As a substitute for the fixed wiring of a structure.

Employees were exposed to an electrical hazard when temporary wiring was used as permanent wiring outside the Old Boiler.

<b><u>Date by Which Violation Must Be Abated:</u></b>	<b><u>December 29, 2017</u></b>
<b><u>Proposed Penalty:</u></b>	<b><u>\$0.00</u></b>



**Citation and Notification of Penalty**

**Company Name:** Saratoga Forest Management  
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**Citation 3 Item 1 Type of Violation: Other-than-Serious**

29 CFR 1910.132(a): \*Application. Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

An employee was exposed to a hazard when personal protective equipment, in this case a face shield, was not stored and maintained in adequately sanitary and reliable condition.

<b><u>Date by Which Violation Must Be Abated:</u></b>	<b><u>December 29, 2017</u></b>
<b><u>Proposed Penalty:</u></b>	<b><u>\$0.00</u></b>

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

29 CFR 1910.151(c): \*Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

Employees were exposed to a chemical hazard when suitable facilities for the quick drenching and flushing of the eyes and body were not provided for immediate use.

<b><u>Date by Which Violation Must Be Abated:</u></b>	<b><u>December 29, 2017</u></b>
<b><u>Proposed Penalty:</u></b>	<b><u>\$0.00</u></b>

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

29 CFR 1910.303(f)(5)(i): \*Where circuit breakers or fuses are applied in compliance with the series combination ratings marked on the equipment by the manufacturer, the equipment enclosures shall be legibly marked in the field to indicate that the equipment has been applied with a series combination rating.

Employees were exposed to an electrical hazard when the breakers in an electrical breaker panel box were not labeled completely and correctly.

**Wyoming Department of Workforce Services**  
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\*Wy. Occ. Health & Safety Rules & Regulations (Generals)

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Christian M. Graham  
OSHA Compliance Program Manager



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**PENALTY SUMMARY**

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Citation 1 Item 1, Repeat-Serious	\$13718.00
Citation 2 Item 1a, Serious	\$5830.00
Citation 2 Item 1b, Serious	\$0.00
Citation 2 Item 2a, Serious	\$5830.00
Citation 2 Item 2b, Serious	\$0.00
Citation 2 Item 3, Serious	\$5830.00
Citation 2 Item 4, Serious	\$5830.00
Citation 2 Item 5, Serious	\$5830.00
Citation 2 Item 6, Serious	\$5830.00
Citation 2 Item 7a, Serious	\$5830.00
Citation 2 Item 7b, Serious	\$0.00
Citation 3 Item 1, Other-than-Serious	\$0.00
Citation 3 Item 2, Other-than-Serious	\$0.00
Citation 3 Item 3, Other-than-Serious	\$0.00

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**TOTAL PROPOSED PENALTIES:** **\$54528.00**

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