

U.S. Department of Labor

Occupational Safety and Health Administration
1033 La Posada
Suite 375
Austin, TX 78752
Phone: 512-374-0271 Fax: 512-374-0086



Citation and Notification of Penalty

To:

Cavco Industries Inc., dba Cavco Homes of Texas
and its successors
2301 North Hwy 46
Seguin, TX 78155

Inspection Number: 1225248**Inspection Date(s):** 04/12/2017 - 04/14/2017**Issuance Date:** 10/11/2017**Inspection Site:**

2301 North Hwy 46
Seguin, TX 78155

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 either call to schedule an informal conference (see paragraph below) or 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. 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 process the payments as if these restrictions or conditions 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 10/11/2017. The conference will be held by telephone or at the OSHA office located at 1033 La Posada, Suite 375, Austin, TX 78752 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1225248

Company Name: Cavco Industries Inc., dba Cavco Homes of Texas

Inspection Site: 2301 North Hwy 46, Seguin, TX 78155

Issuance Date: 10/11/2017

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, 1033 La Posada, Suite 375, Austin, TX 78752**

Citation Number 1 and Item Number 1 was corrected on _____

By (Method of Abatement): _____

Citation Number 1 and Item Number 2 was corrected on _____

By (Method of Abatement): _____

Citation Number 1 and Item Number 3a was corrected on _____

By (Method of Abatement): _____

Citation Number 1 and Item Number 3b was corrected on _____

By (Method of Abatement): _____

Citation Number 1 and Item Number 4a was corrected on _____

By (Method of Abatement): _____

Citation Number 1 and Item Number 4b was corrected on _____

By (Method of Abatement): _____

Citation Number 1 and Item Number 5a was corrected on _____

By (Method of Abatement): _____

Citation Number 1 and Item Number 5b 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: Cavco Industries Inc., dba Cavco Homes of Texas
Inspection Site: 2301 North Hwy 46, Seguin, TX 78155

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

29 CFR 1910.29(b)(1): The top edge height of top rails, or equivalent guardrail system members, were not 42 inches, plus or minus 3 inches, above the walking-working surface.

On or about 12 April 2017, and at times prior thereto, various portions of a guardrail system employed chains instead of structural steel. The chain rails had deflections in multiple sections resulting in the minimum top edge height to be less than 39 inches, exposing the workers to a fall hazard of approximately 7 feet 6 inches to the concrete floor below.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/20/2017

Proposed Penalty:

\$7967.00

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: Cavco Industries Inc., dba Cavco Homes of Texas
Inspection Site: 2301 North Hwy 46, Seguin, TX 78155

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

29 CFR 1910.132(f)(1)(iii): Employee(s) required to use PPE by this section were not trained to know how to don, doff, adjust, and wear PPE.

On or about 12 April 2017, and at times prior thereto, two employees working within the Exteriors - Tops Department were each wearing a fall protection harness that was not adjusted properly and had done so without being trained, exposing the employees to a fall hazard of approximately 13 feet or more to the concrete floor below.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/12/2017

Proposed Penalty:

\$5975.00

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: Cavco Industries Inc., dba Cavco Homes of Texas
Inspection Site: 2301 North Hwy 46, Seguin, TX 78155

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 3 a Type of Violation: Serious

29 CFR 1910.253(b)(2)(ii): Inside of buildings, assigned storage spaces were not located where cylinders will not be knocked over or damaged by passing or falling objects, or subject to tampering by unauthorized persons.

On or about 12 April 2017, and at times prior thereto, twelve compressed gas cylinders were being stored within the Welding Shop without being secured, exposing employees to the hazard of being struck by falling cylinders or projectile hazards.

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$7967.00

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: Cavco Industries Inc., dba Cavco Homes of Texas
Inspection Site: 2301 North Hwy 46, Seguin, TX 78155

Citation 1 Item 3 b 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.

On or about 12 April 2017, and at times prior thereto, four employees working within the Welding Shop had placed cylinders of Acetylene next to cylinders of Oxygen while in storage, exposing the employees to fire, explosion and projectile hazards.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: Cavco Industries Inc., dba Cavco Homes of Texas
Inspection Site: 2301 North Hwy 46, Seguin, TX 78155

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 1910.303(g)(1)(i)(A): For electric equipment operating at 600 volts, nominal, or less to ground, and likely to require examination, adjustment, servicing, or maintenance while energized, the depth of the working space in the direction of access to live parts (as measured from the live parts where they were exposed or from the enclosure front or opening where they were enclosed) was less than indicated in Table S-1 of Subpart S of Part 1910.

On or about 12 April 2017, and at times prior thereto, electrical panels and components were blocked by items in front of them reducing safe and ready access, exposing the employees to electrical, tripping and struck by hazards.

- a) Maintenance Shop: Maintenance employees that are required to reset breakers at least two times per month have restricted access where various items are stored within 3 feet of the breaker panel.
- b) Production Floor: Near the Break Room door, several electrical components were blocked by a rolling table for access. Items such as a transformer, disconnect switch, and a breaker panel.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/12/2017

Proposed Penalty:

\$5975.00

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: Cavco Industries Inc., dba Cavco Homes of Texas
Inspection Site: 2301 North Hwy 46, Seguin, TX 78155

Citation 1 Item 4 b Type of Violation: Serious

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling.

On or about 12 April 2017, and at times prior thereto, electrical cords and power strips were used in a manner that was not in accordance with the manufacturer's instructions, exposing employees to an electrical hazard of approximately 120 volts.

- a) Countertops: Two re-locatable power taps (RPT) were connected in series with an extension cord connected to the last RPT that had an electrical device plugged in at the time.
- b) Trim: Extension cords were connected in series with the connected plug ends lying in standing water.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/12/2017

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: Cavco Industries Inc., dba Cavco Homes of Texas
Inspection Site: 2301 North Hwy 46, Seguin, TX 78155

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 1910.334(a)(2)(ii): Where there was a defect or evidence of damage that could expose an employee to injury, the defective or damaged item was not removed from service until the repairs and tests necessary to render the electric equipment safe have been made.

On or about 12 April 2017, and at times prior thereto, an electrical extension cord used for a Ryobi Jig Saw within the Sidewalls Department had damage to the outer jacket, compromising the integrity of the cord, and was consequently covered up with black duct tape with continued usage, exposing the employees to the hazard of either an electrical fire or approximately 120 volts.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/12/2017

Proposed Penalty:

\$5975.00

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: Cavco Industries Inc., dba Cavco Homes of Texas
Inspection Site: 2301 North Hwy 46, Seguin, TX 78155

Citation 1 Item 5 b Type of Violation: Serious

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that the strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws.

On or about 12 April 2017, and at times prior thereto, three electrical cords within the Countertops Department had strain relief damage and were being utilized to power various items, exposing the employee to an electrical hazard of approximately 120 volts.

Date By Which Violation Must be Abated:

Corrected During Inspection

A handwritten signature in black ink, appearing to read "R. Casey Perkins".

R. Casey Perkins, CSP
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
1033 La Posada
Suite 375
Austin, TX 78752
Phone: 512-374-0271 Fax: 512-374-0086



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Cavco Industries Inc., dba Cavco Homes of Texas
Inspection Site: 2301 North Hwy 46, Seguin, TX 78155
Issuance Date: 10/11/2017

Summary of Penalties for Inspection Number	1225248
Citation 1, Serious	\$33859.00
TOTAL PROPOSED PENALTIES	\$33859.00

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.


R. Casey Perkins, CSP

Area Director

10/11/2017

Date