

U.S. Department of Labor
Occupational Safety and Health Administration
3300 Vickery Road
North Syracuse, NY 13212
315-451-0808 Fax: 315-451-1351



Citation and Notification of Penalty

To:
Timberline Hardwood Floors LLC
and its successors
Tom Vavra, Co-Owner
99 Harris Street
Fulton, NY 13069

Inspection Site:
99 Harris Street
Fulton, NY 13069

Inspection Number: 1287433
Inspection Date(s): 01/11/2018 - 06/27/2018
Issuance Date: 07/03/2018

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 07/03/2018. The conference will be held by telephone or at the OSHA office located at 3300 Vickery Road, North Syracuse, NY 13212 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1287433

Company Name: Timberline Hardwood Floors LLC
Inspection Site: 99 Harris Street, Fulton, NY 13069
Issuance Date: 07/03/2018

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, 3300 Vickery Road, North Syracuse, NY 13212**

Citation Number 1 and Item Number 1 was corrected on _____
By (Method of Abatement): _____ **Documentation Required** _____

Citation Number 1 and Item Number 2a was corrected on _____
By (Method of Abatement): _____ **Documentation Required** _____

Citation Number 1 and Item Number 2b was corrected on _____
By (Method of Abatement): _____ **Documentation Required** _____

Citation Number 1 and Item Number 2c was corrected on _____
By (Method of Abatement):): _____ **Documentation Required** _____

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: Timberline Hardwood Floors LLC
Inspection Site: 99 Harris Street, Fulton, NY 13069

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

29 CFR 1910.95(c)(1): A continuing, effective hearing conservation program as described in 29 CFR 1910.95(c) through (n) was not instituted when employee noise exposures equaled or exceeded an 8 hour time-weighted average sound level (TWA) of 85 dBA:

The employer did not have a hearing conservation program which included sections 29 CFR 1910.95 (c) through (n):

- a) Production Area, on or about 1/11/18: An employee working as a Supervisor was exposed to continuous noise at a level of 137.6% of the dose of the OSHA permissible exposure limit. The equivalent dBA for the 137.6% dose is approximately 92.3 dBA calculated as the 8 hour time weighted sound pressure level. The sampling was conducted on 1/11/18 for 289 minutes. Exposure calculations include a zero increment for the 191 minutes not sampled. Employee was wearing ear plugs.**
- b) Production Area, on or about 1/11/18: An employee working on the wood chopper as a Laborer was exposed to continuous noise at a level of 104.5% of the dose of the OSHA permissible exposure limit. The equivalent dBA for the 104.5% dose is approximately 90.3 dBA calculated as the 8 hour time weighted sound pressure level. The sampling was conducted on 1/11/18 for 283 minutes. Exposure calculations include a zero increment for the 197 minutes not sampled. Employee was wearing ear plugs.**
- c) Production Area, on or about 1/11/18: An employee working on the chop saw as a Laborer was exposed to continuous noise at a level of 102.8% of the dose of the OSHA permissible exposure limit. The equivalent dBA for the 102.8% dose is approximately 90.2 dBA calculated as the 8 hour time weighted sound pressure level. The sampling was conducted on 1/11/18 for 289 minutes. Exposure calculations include a zero increment for the 191 minutes not sampled. Employee was wearing ear plugs.**
- d) Production Area, on or about 1/11/18: An employee working on the rip saw as a Laborer was exposed to continuous noise at a level of 98.1% of the dose of the OSHA permissible exposure limit. The equivalent dBA for the 98.1% dose is approximately 89.9 dBA calculated as the 8 hour**

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: Timberline Hardwood Floors LLC
Inspection Site: 99 Harris Street, Fulton, NY 13069

time weighted sound pressure level. The sampling was conducted on 1/11/18 for 275 minutes. Exposure calculations include a zero increment for the 205 minutes not sampled. Employee was wearing ear plugs.

e) Production Area, on or about 1/11/18 employee working on the end matcher as a Laborer was exposed to continuous noise at a level of 69.9% of the dose of the OSHA permissible exposure limit. The equivalent dBA for the 69.9% dose is approximately 89.4 dBA calculated as the 8 hour time weighted sound pressure level. The sampling was conducted on 1/11/18 for 277 minutes. Exposure calculations include a zero increment for the 203 minutes not sampled. Employee was wearing ear plugs.

f) Production Area, on or about 1/11/18 employee working as a Laborer stacking cut wood was exposed to continuous noise at a level of 77.7% of the dose of the OSHA permissible exposure limit. The equivalent dBA for the 77.7% dose is approximately 88.2 dBA calculated as the 8 hour time weighted sound pressure level. The sampling was conducted on 1/11/18 for 278 minutes. Exposure calculations include a zero increment for the 202 minutes not sampled. Employee was not wearing ear plugs.

Abatement methodology:

Step 1: An effective hearing conservation program in accordance with 29 CFR 1910.95(c) through (n) shall be instituted and maintained.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/24/2018
\$51734.00



Citation and Notification of Penalty

Company Name: Timberline Hardwood Floors LLC

Inspection Site: 99 Harris Street, Fulton, NY 13069

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 2 a Type of Violation: **Willful**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met; specifically:

- 1) Labeling and other forms of warning;
- 2) MSDS requirements for the hazardous materials known to be present at the jobsite;
- 3) Employee training and information.

The written program must also include:

- (a) A list of all the chemicals used at the jobsite.
- (b) Methods to inform employees of hazards associated with non-routine tasks.
- (c) Methods the employer will use to inform any contractors employees of workplace hazards.

a) Throughout the facility, on or about 1/11/18: A written hazard communication program was not developed, implemented, and/or maintained. Employees use and are exposed to hazardous chemicals/materials including, but not limited to: White Oak Wood Dust; Red Oak Wood Dust; Maple Wood Dust; Hickory Wood Dust; Cherry Wood Dust; Walnut Wood Dust; Propane and TC Bed Lube containing a complex hydrocarbon mixture.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/16/2018

Proposed Penalty:

\$9239.00



Citation and Notification of Penalty

Company Name: Timberline Hardwood Floors LLC
Inspection Site: 99 Harris Street, Fulton, NY 13069

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

29 CFR 1910.1200(g)(1): Employers did not have a safety data sheet in the workplace for each hazardous chemical which they use:

a) Throughout the facility, on or about 4/11/12: The employer did not have Safety Data Sheets for each hazardous material that employees use and are exposed to on daily basis including but not limited to: White Oak; Red Oak; Maple; Hickory; Cherry and Walnut; Propane and TC Bed Lube.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/16/2018



Citation and Notification of Penalty

Company Name: Timberline Hardwood Floors LLC
Inspection Site: 99 Harris Street, Fulton, NY 13069

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

29 CFR 1910.1200(h)(1): Employees were not provided 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) Throughout the facility, on or about 1/11/18: Employees were exposed to hazardous materials such as, but not limited to: White Oak; Red Oak; Maple; Hickory; Cherry; Walnut; Propane and TC Bed Lube and were not provided information and training as specified in 29 CFR 1910.1200(h)(1) and (2).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/16/2018

A handwritten signature in black ink, appearing to read "Jeffrey P. Prebish", written over a horizontal line.

Jeffrey Prebish, CIH, CSP
Assistant Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
3300 Vickery Road
North Syracuse, NY 13212
315-451-0808 Fax: 315-451-1351



INVOICE / DEBT COLLECTION NOTICE

Company Name: Timberline Hardwood Floors LLC
Inspection Site: 99 Harris Street, Fulton, NY 13069
Issuance Date: 07/03/2018

| | |
|---|-------------------|
| Summary of Penalties for Inspection Number | 1287433 |
| Citation 1, Willful | \$60973.00 |
| TOTAL PROPOSED PENALTIES | \$60973.00 |

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.

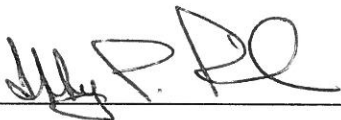
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Jeffrey Prebish, CIH, CSP

Assistant Area Director

7-3-18

Date