



Citation and Notification of Penalty

To:
Cersosimo Lumber Company, Inc.
and its successors
1103 Vernon Street
Brattleboro, VT 05301

Inspection Number: 1366779
Inspection Date (s): 12/18/2018-06/07/2019
Issuance Date: 06/12/2019

Inspection Site:
1103 Vernon Street
Brattleboro, VT 05301

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 Vermont Occupational Safety and Health 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 20 calendar days 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 Vermont Department of Labor office at the address shown above. 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 Board 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. 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 VOSHA Manager during the 20 calendar 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 VOSHA Manager within 20 calendar 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 page 3 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 VOSHA Manager in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 20 calendar days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Vermont Occupational Safety and Health Review Board and may not be reviewed by any court or agency.**

Penalty Payment - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "VOSHA". Please indicate the Inspection Number on the remittance.

VOSHA 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 should notify the Vermont Department of Labor – VOSHA promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform VOSHA 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, copies of required programs, etc. **NOTE: You may use the Certification of Corrective Action Worksheet**, attached to this document, to track and report any abatements you have completed. You may bring this report to the informal conference or mail it to VOSHA prior to the informal conference.

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 and Industry at the address shown above.

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 Department of Labor and Industry office at the address shown above and postmarked within 20 calendar days of the receipt by the employer of this Citation and Notification of Penalty.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with VOSHA to discuss the

Citation(s) issued on 06/12/2019. The conference will be held at the VOSHA office located at

P.O. Box 488, 5 Green Mountain Drive Montpelier, VT 05601 on _____
at_____.

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



Citation and Notification of Penalty

Company Name: Cersosimo Lumber Company, Inc.
Inspection Site: 1103 Vernon Street Brattleboro, VT 05301

Citation 1 Item 1 Type of Violation: Repeat-Serious

29 CFR 1910.147(c)(4)(ii): The procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, the following:

Location: Mill #1 at the Cersosimo Lumber Company, Inc. 1103 Vernon Street Brattleboro, VT 05301

Violation: The employer did not provide a safe and healthful work place free from recognized hazards that are likely to cause physical harm to the employees by ensuring the procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance. The procedure for clearing a jam on the Trim Saw did not protect the employee by controlling the hazards of the moving machinery.

The employer Cersosimo Lumber Company, Inc. was previously cited for a Repeat Violation of this occupational safety and health standard or its equivalent standard 1910.147(c)(4)(ii) which was contained in VOSHA inspection number 1166440, citation number 01, item number, 001a and was affirmed as a finale order on 02/01/2017, with respect to the work place located at 645 Vernon Street Brattleboro, VT 05301.

Date By Which Violation Must be Abated:

Corrected During Inspection

Vermont Department of Labor
Vermont Occupational Safety and Health
Administration

Inspection Number: 1366779
Inspection Date: 12/18/2018-06/07/2019
Issuance Date: 06/12/2019



Citation and Notification of Penalty

Company Name: Cersosimo Lumber Company, Inc.
Inspection Site: 1103 Vernon Street Brattleboro, VT 05301

Proposed Penalty: **\$58203.00**

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

29 CFR 1910.37(a)(2): Exit routes must be arranged so that employees will not have to travel toward a high hazard area, unless the path of travel is effectively shielded from the high hazard area by suitable partitions or other physical barriers.

Location: Mill #1 Trim Saw Area of Cersosimo Lumber Company, Inc. 1103 Vernon Street Brattleboro, VT 05301

Violation: The employer did not provide a safe and healthful work place free from recognized hazards that are likely to cause physical harm to the employees by ensuring exit routes must be arranged so that employees will not have to travel toward a high hazard area, unless the path of travel is effectively shielded from the high hazard area by suitable partitions or other physical barriers. At the time of the accident there was an exit route at the Trim Saw that went through an are with an open chain and sprocket approximately 24 inches wide between 2 conveyor systems.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$11641.00**

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



Citation and Notification of Penalty

Company Name: Cersosimo Lumber Company, Inc.
Inspection Site: 1103 Vernon Street Brattleboro, VT 05301

29 CFR 1910.219(f)(3): Sprockets and chains. All sprocket wheels and chains shall be enclosed unless they are more than seven (7) feet above the floor or platform. Where the drive extends over other machine or working areas, protection against falling shall be provided. This subparagraph does not apply to manually operated sprockets.

Location: Mill #1 of Cersosimo Lumber Company, Inc. 1103 Vernon Street Brattleboro, VT 05301

Violation: The employer did not provide a safe and healthful work place free from recognized hazards that are likely to cause physical harm to the employees by ensuring all sprocket wheels and chains shall be enclosed unless they are more than seven (7) feet above the floor or platform. The sprocket and chain on the lower Green Chain Table was not enclosed and was less then seven feet from the floor.

<u>Date By Which Violation Must be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$11641.00</u>

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

29 CFR 1910.265(c)(3)(iv): Nonslip floors. Floors, footwalks, and passageways in the work area around machines or other places where a person is required to stand or walk shall be provided with effective means to minimize slipping.

Location: At Mill#1 between the Trim Saw and the Planer of Cersosimo Lumber Company, Inc. 1103 Vernon Street Brattleboro, VT 05301

Vermont Department of Labor
Vermont Occupational Safety and Health
Administration

Inspection Number: 1366779
Inspection Date: 12/18/2018-06/07/2019
Issuance Date: 06/12/2019



Citation and Notification of Penalty

Company Name: Cersosimo Lumber Company, Inc.
Inspection Site: 1103 Vernon Street Brattleboro, VT 05301

Violation: The employer did not provide a safe and healthful work place free from recognized hazards that are likely to cause physical harm to the employees by ensuring floors, footwalks, and passageways in the work area around machines or other places where a person is required to stand or walk shall be provided with effective means to minimize slipping. The transition area between the Trim Saw and the Planer had the employees walking across the top of the moving green chain for the Planer.

Date By Which Violation Must be Abated:

July 02, 2019

Proposed Penalty:

\$11641.00

Daniel A. Whipple
VOSHA Manager

Vermont Department of Labor
Occupational Safety and Health Administration
VOSHA
P.O. Box 488
5 Green Mountain Drive
Montpelier, VT 05601
Phone: (802) 828-2765 Fax: (802) 828-0408



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Cersosimo Lumber Company, Inc.
Inspection Site: 1103 Vernon Street Brattleboro, VT 05301
Issuance Date: 06/12/2019

Summary of Penalties for Inspection Number: 1366779

Citation 1 Item 1, Repeat-Serious	\$58203.00
Citation 2 Item 1, Serious	\$11641.00
Citation 2 Item 2, Serious	\$11641.00
Citation 2 Item 3, Serious	\$11641.00
TOTAL PROPOSED PENALTIES:	\$93126.00

To avoid additional charges, please remit payment promptly to the VOSHA office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "VOSHA". Please indicate VOSHA's Inspection Number Number (indicated above) on the remittance. Please forward payment to:

Vermont Department of Labor
VOSHA
PO Box 488
Montpelier, VT 05601-0488

VOSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Daniel A. Whipple
VOSHA Manager

Date

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: Cersosimo Lumber Company, Inc.
Inspection Site: 1103 Vernon Street
Brattleboro, VT 05301
Issuance Date:06/12/2019

Inspection Number: 1366779

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: **VT Department of Labor – VOSHA; 5 Green Mountain Drive, PO Box 488; Montpelier, VT, 05601.**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ 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: 21 V.S.A. § 210 (a)(7): Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Code shall, upon conviction, be punished by a fine or not more than \$10,000.00 or by imprisonment for not more than six months for by both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review.