

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
Attn: Tom Vavra
99 Harris Street
Fulton, NY 13069

Inspection Number: 1286609
Inspection Date(s): 01/09/2018 – 6/27/2018
Issuance Date: 07/03/2018

Inspection Site:
99 Harris Street
Fulton, NY 13069

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: 1286609

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): _____

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

Citation Number 1 and Item Number 3 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 4 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 5 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 6 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 7 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 8a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 8b was corrected on _____
By (Method of Abatement): _____

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

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

Citation Number 2 and Item Number 2 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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1286609
Inspection Date(s): 01/09/2018 – 6/27/2018
Issuance Date: 07/03/2018



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: **Serious**

29 CFR 1910.22(a)(1): The employer failed to provide a clean and sanitary condition for all places of employment, passageways, storerooms, service rooms, and walking-working surfaces.

a) Throughout the mill, on or about 1/11/2018: The employer permitted accumulation of wood dust around woodworking equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/12/2018
\$2956.00

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

Inspection Number: 1286609
Inspection Date(s): 01/09/2018 – 6/27/2018
Issuance Date: 07/03/2018



Citation and Notification of Penalty

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

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

29 CFR 1910.36(d)(1): The employer did not ensure employees were 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.

a) At the South end of the Mill, on or about 1/19/2018: An emergency exit door was kept locked impeding safe egress.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2956.00

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

Inspection Number: 1286609
Inspection Date(s): 01/09/2018 – 6/27/2018
Issuance Date: 07/03/2018



Citation and Notification of Penalty

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

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.37(b)(6): Each exit sign was not illuminated to a surface value of at least five foot-candles (54 lux) by a reliable light source and be distinctive in color.

a) South end of the mill, on or about 1/11/2018: An exit sign was not adequately illuminated.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/10/2018
\$2217.00

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

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.157(g)(1): Where the employer has provided portable fire extinguishers for employee use in the workplace, the employer did not also provide an educational program to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage fire-fighting.

a) Throughout the establishment, on or about 1/11/2018: Employees were not trained on the general principles of fire extinguisher use and the hazards involved with incipient stage fire-fighting.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/16/2018
Proposed Penalty:	\$2956.00



Citation and Notification of Penalty

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

Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not 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:

a) At the mill, on or about 1/11/2018: The employer permitted use of a Whirlwind up-cut saw without it being fully guarded, exposing workers to point of operation hazards. The front portion of the guard was removed, exposing 4 inches of the blade from both the left and right side, while the operator pushed the material from the left side of the blade, and pulled from the right side of the blade while hands were 1 inch from the blade.

b) At the mill, on or about 1/11/2018: The employer permitted use of a Northtech up-cut saw without it being fully guarded, exposing workers to point of operation hazards. The front portion of the guard was removed, exposing 4 inches of the blade from both the left and right side, while the operator pushed the material from the left side of the blade, and pulled from the right side of the blade, while hands and fingers were 1 inch from the blade.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/16/2018
\$5174.00

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

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Inspection Date(s): 01/09/2018 – 6/27/2018
Issuance Date: 07/03/2018



Citation and Notification of Penalty

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

Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.242(b): The employer did not ensure compressed air used for cleaning purposes is reduced to less than 30 p.s.i.:

a) Throughout the mill, on or about 1/11/2018: A compressed air gun used for cleaning purposes measured 40 psi at the Maureen Johnson Rip Saw

b) Throughout the mill, on or about 1/11/2018: A compressed air gun used for cleaning purposes measured 50 psi at the CANTAK Planer.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/12/2018
\$2217.00

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

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Citation and Notification of Penalty

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

Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.303(g)(2)(i): Except as elsewhere required or permitted by this standard, live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by use of approved cabinets or other forms of approved enclosures:

a) At the mill, on or about 1/11/2018: Live electrical parts were exposed due to missing dead-front from the circuit breaker box for the planer, chop saw, and end matcher.

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/16/2018
\$3696.00

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

Inspection Number: 1286609
Inspection Date(s): 01/09/2018 – 6/27/2018
Issuance Date: 07/03/2018



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 8 a Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

a) At the mill, on or about 1/11/2018: Live electrical parts were exposed due to missing filler plates from the circuit breaker box for the planer, chop saw, and end matcher.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/16/2018
Proposed Penalty:	\$3696.00

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

Inspection Number: 1286609
Inspection Date(s): 01/09/2018 – 6/27/2018
Issuance Date: 07/03/2018



Citation and Notification of Penalty

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

Citation 1 Item 8 b Type of Violation: **Serious**

29 CFR 1910.305(b)(2)(i): Each outlet box in completed installations did not have a cover, faceplate, or fixture canopy.

a) At the mill, on or about 1/11/2018: Live electrical parts were exposed due to missing cover from a conduit box connected to the chipper.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/16/2018

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

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of energy control procedures, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, start up or release of stored energy could occur and cause injury, the machine or equipment would be isolated, and rendered inoperative in accordance with 29 CFR 1910.147(c)(4):

a) Throughout the mill, on or about 1/11/2018 and times prior: The employer permitted servicing and maintenance activities on equipment including, but not limited to, a planer, ripper, moulder and saws, without establishing a lockout/logout program which includes written energy control procedures, employee training, and periodic inspections, to prevent serious injuries from the unexpected energizing, start up or release of stored energy of the equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/16/2018
Proposed Penalty:	\$51734.00

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

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

- a) In the mill, on or about 1/11/2018: Specific lockout procedures were not developed or utilized for employees who changed the knives of the Cantake Planer.**
- b) In the mill, on or about 1/11/2018: Specific lockout procedures were not developed or utilized for employees who change the blades of the Maureen Johnson Ripsaw.**
- c) In the mill, on or about 1/11/2018: Specific lockout procedures were not developed or utilized for employees who performed maintenance on the LMC 630 Moulder.**
- d) In the mill, on or about 11/11/2017: Specific lockout procedures were not developed or utilized for employees who change the blades of the Whirlwind Saw.**
- e) In the mill, on or about 12/11/2017: Specific lockout procedures were not developed or utilized for employees who change the blades of the Northtech Saw.**

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/16/2018

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

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

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l):

a) Throughout the establishment, on or about 1/11/2018: The employer permitted employees to operate a Yale forklift without first ensuring the operator was properly trained and evaluated.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/16/2018

Proposed Penalty:

\$44342.00

A handwritten signature in black ink, appearing to read "Jeffrey 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	1286609
Citation 1, Serious	\$25868.00
Citation 2, Willful	\$96076.00
TOTAL PROPOSED PENALTIES	\$121944.00

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