

U.S. Department of Labor

Occupational Safety and Health Administration
4802 E. Broadway
Madison, WI 53716
Phone: 608-441-5388 Fax: 608-441-5400



Citation and Notification of Penalty

To:
Total Wall, Inc.
and its successors
390 Viking Circle
Rio, WI 53960

Inspection Number: 1055505
Inspection Date(s): 04/13/2015 - 09/03/2015
Issuance Date: 09/11/2015

Inspection Site:
390 Viking Circle
Rio, WI 53960

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.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/11/2015. The conference will be held by telephone or at the OSHA office located at 4802 E. Broadway, Madison, WI 53716 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1055505

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960
Issuance Date: 09/11/2015

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, 4802 E. Broadway, Madison, WI 53716**

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): _____

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: 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: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

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

29 CFR 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 were not guarded with a standard railing and toe board.

- a) Mixing tank R4 was not guarded with a standard railing.
- b) Mixing tank R3 was not guarded with a standard railing.
- c) Mixing tank R2 was not guarded with a standard railing.
- d) Mixing tank R1 was not guarded with a standard railing.
- e) Mixing tank L1 was not guarded with a standard railing.
- f) Mixing tank L2 was not guarded with a standard railing.
- g) Mixing tank L3 was not guarded with a standard railing.
- h) Mixing tank L4 was not guarded with a standard railing.
- i) Mixing tank L5 was not guarded with a standard railing.
- j) Mixing tank L6 was not guarded with a standard railing.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:
Proposed Penalty:

10/02/2015
\$2800.00

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

Inspection Number: 1055505
Inspection Date(s): 04/13/2015 - 09/03/2015
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Citation and Notification of Penalty

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

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

29 CFR 1910.24(h): Standard railings were not provided on the open sides of all exposed stairways and stair platforms:

The employer did not ensure that standard railings were provided on each side the fixed stairs leading to the dry bagging platform.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:
Proposed Penalty:

10/02/2015
\$2800.00

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
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Citation and Notification of Penalty

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

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

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

The employer did to establish a written respiratory protection program for employees that are required to wear respirators.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	10/02/2015
Proposed Penalty:	\$4900.00

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Citation and Notification of Penalty

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

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

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace; including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminant's chemical state and physical form:

The employer did not evaluate the respiratory hazards in the workplace, including but not, the following:

- a) Employee exposure to respirable crystalline silica in the Wet Line and Dry Base areas.
- b) Employee exposure to total dust in the Wet Line and Dry Base areas.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:
Proposed Penalty:

10/02/2015
\$4900.00

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Citation and Notification of Penalty

Company Name: Total Wall, Inc.
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Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

The employer did not provide a medical evaluation to employees working on the Wet Line and Dry Base areas prior to the employees being required to wear half-mask, tight fitting respirators, on a daily basis in the workplace.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:	10/02/2015
Proposed Penalty:	\$2800.00

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Company Name: Total Wall, Inc.
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Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.134(f)(1): The employer did not ensure that employee(s) required to use a tight-fitting facepiece respirator passed the appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT):

The employer did not conduct a qualitative or quantitative fit test for employees in the Wet Line and Dry Base areas required to wear a tight-fitting facepiece respirators.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:	10/02/2015
Proposed Penalty:	\$3500.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation and Notification of Penalty

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

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

29 CFR 1910.134(k)(3): Training was not provided prior to requiring employees to use a respirator in the workplace:

The employer did not provide training prior to requiring employees in the Wet Line and Dry Base areas to wear a respirator in the workplace.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	10/02/2015
Proposed Penalty:	\$4900.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation and Notification of Penalty

Company Name: Total Wall, Inc.
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Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

The employer did not provide suitable facilities for quick drenching or flushing of the eyes and body where employees were handling corrosive materials, including but not limited to Kathom LX 1.5% Biocide, Dovicil QK-20 Antimicrobial, and Miracle Pressure Hydrated Type S Lime.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:	10/02/2015
Proposed Penalty:	\$3500.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation and Notification of Penalty

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.178(a)(6): The employer did not ensure that all nameplates or markings were not maintained in a legible condition

The Toyota sit down LP powered industrial trucks used in the Wet Line and Dry Base areas did not have nameplates maintained in a legible condition.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:	10/02/2015
Proposed Penalty:	\$3500.00

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
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Citation and Notification of Penalty

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.178(m)(2): Employee(s) stood under or passed under the elevated portion of a powered industrial truck(s)

Wet line mixers were observed working beneath suspended loads of powered industrial trucks.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:	10/02/2015
Proposed Penalty:	\$3500.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation and Notification of Penalty

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.178(q)(1): Any power-operated industrial truck not in safe operating condition was not taken out of service, and/or repairs were not made by authorized personnel:

The powered industrial trucks used in the Wet Line and Dry Base areas did not have operational seat belts and were not taken out of service.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:
Proposed Penalty:

10/02/2015
\$3500.00

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
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Citation and Notification of Penalty

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

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 12 a Type of Violation: **Serious**

29 CFR 1910.1000(a)(2): Employee(s) were exposed to an airborne concentration of particulates not otherwise regulated - total dust listed in Table Z-1 in excess of the 8 hour Time Weighted Average concentration of 15 mg/m³.

On April 22, 2015, a Dry Base bagger was exposed to an 8 hour Time Weighted Average concentration of 31.2 mg/m³ of particulates not otherwise regulated - total dust which is 2 times the permissible exposure limit of 15 mg/m³. The sample was taken over 449 minutes and zero exposure was assumed for the remaining 31 minutes.

ABATMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:	10/02/2015
Proposed Penalty:	\$4900.00

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: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

Citation 1 Item 12 b Type of Violation: **Serious**

29 CFR 1910.1000(e): Feasible administrative or engineering controls were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

On April 22, 2015, a Dry Base bagger was exposed to an 8 hour Time Weighted Average concentration of 31.2 mg/m³ of particulates not otherwise regulated - total dust which is 2 times the permissible exposure limit of 15 mg/m³. The sample was taken over 449 minutes and zero exposure was assumed for the remaining 31 minutes. General methods of control applicable in these circumstances include, but are not limited to the following:

1. Installation of localized ventilation at the Dry Base bagging operation. Ensure that the ventilation meets or exceeds the most current recommendations outlined in the Handbook of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE).
2. Research administrative controls to reduce the amount of Particulates Not Otherwise Regulated - Total Dust released into the work environment. This may include body positioning, employee rotation, and handling of finished product.

Disclaimers:

1. The employer is not limited to the abatement methods suggested by OSHA;
2. The methods explained are general and may not be effective in all cases; and
3. The employer is responsible for selecting and carrying out an effective abatement.

Abatement Schedule:

STEP 1: Effective respiratory protection shall be provided and used by exposed employees as an interim protective measure until feasible engineering controls can be implemented or whenever such controls fail to reduce employee exposures to within permissible exposure limits.



Citation and Notification of Penalty

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

STEP 2: A written detailed plan of abatement shall be submitted to the Area Director outlining a schedule for the implementation of engineering measures to control employee exposures to hazardous substances as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with abatement dates required by this citation:

1. Evaluation of engineering control options;
2. Selection of optimum control methods and completion of design;
3. Procurement, installation, and operation of selected control measures; and
4. Testing and acceptance or modification/redesign of controls.

NOTE: All proposed control measures shall be approved for each particular use by a competent industrial hygienist or other technically qualified person.

STEP 3: Abatement shall have been completed by the implementation of feasible engineering controls upon verification of their effectiveness in achieving compliance.

Date by Which Violation Must be Abated: STEP-1 **09/18/2015**
Date by Which Violation Must be Abated: STEP-2 **10/18/2015**
Date by Which Violation Must be Abated: STEP-3 **11/17/2015**

ABATEMENT DOCUMENTATION IS REQUIRED PER 29 CFR 1903.19(d)

PPE - 9/18/2015
Plan - 10/18/2015
Engineering Controls - 11/17/2015

Date By Which Violation Must be Abated:

11/17/2015

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

Inspection Number: 1055505
Inspection Date(s): 04/13/2015 - 09/03/2015
Issuance Date: 09/11/2015



Citation and Notification of Penalty

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

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 13 a Type of Violation: **Serious**

29 CFR 1910.1000(c): An employee(s) was exposed to respirable quartz crystalline silica in excess of the 8-hour time weighted average limits listed in Table Z-3:

On April 22, 2015, a wet line mixing operator was exposed to an 8-hour time weighted average of 1.02 mg/m³ of respirable quartz crystalline silica, which was 1.5 times the permissible exposure limit of 0.67 mg/m³. The sample was taken over 470 minutes and zero exposure was assumed for the remaining 10 minutes.

On April 22, 2015, a dry line bagger was exposed to an 8-hour time weighted average of 4.04 mg/m³ of respirable quartz crystalline silica, which was 2.0 times the permissible exposure limit of 2 mg/m³. The sample was taken over 454 minutes and zero exposure was assumed for the remaining 26 minutes.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:	10/02/2015
Proposed Penalty:	\$4900.00

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: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

Citation 1 Item 13 b Type of Violation: **Serious**

29 CFR 1910.1000(e): Feasible administrative or engineering controls were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

On April 22, 2015, a wet line mixing operator was exposed to an 8-hour time weighted average of 1.02 mg/m³ of respirable quartz crystalline silica, which was 1.5 times the permissible exposure limit of 0.67 mg/m³. The sample was taken over 470 minutes and zero exposure was assumed for the remaining 10 minutes.

On April 22, 2015, a dry line bagger was exposed to an 8-hour time weighted average of 4.04 mg/m³ of respirable quartz crystalline silica, which was 2.0 times the permissible exposure limit of 2 mg/m³. The sample was taken over 454 minutes and zero exposure was assumed for the remaining 26 minutes.

1. Consider product substitution of additives which do not contain crystalline silica.
2. Installation of localized ventilation at the Dry Base bagging operation. Ensure that the ventilation meets or exceeds the most current recommendations outlined in the Handbook of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE).
3. Installation of localized ventilation in the Wet Line mixing area. Ensure that the ventilation meets or exceeds the most current recommendations outlined in the Handbook of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE).
4. Research administrative controls to reduce the amount of crystalline silica released into the work environment. This may include task procedures, such as not shaking bags/containers to reduce the amount of dust released.

Disclaimers:

1. The employer is not limited to the abatement methods suggested by OSHA;
2. The methods explained are general and may not be effective in all cases; and
3. The employer is responsible for selecting and carrying out an effective abatement.



Citation and Notification of Penalty

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

Abatement Schedule:

STEP 1: Effective respiratory protection shall be provided and used by exposed employees as an interim protective measure until feasible engineering controls can be implemented or whenever such controls fail to reduce employee exposures to within permissible exposure limits.

STEP 2: A written detailed plan of abatement shall be submitted to the Area Director outlining a schedule for the implementation of engineering measures to control employee exposures to hazardous substances as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with abatement dates required by this citation:

1. Evaluation of engineering control options;
2. Selection of optimum control methods and completion of design;
3. Procurement, installation, and operation of selected control measures; and
4. Testing and acceptance or modification/redesign of controls.

NOTE: All proposed control measures shall be approved for each particular use by a competent industrial hygienist or other technically qualified person.

STEP 3: Abatement shall have been completed by the implementation of feasible engineering controls upon verification of their effectiveness in achieving compliance.

Date by Which Violation Must be Abated: STEP-1 09/18/2015
Date by Which Violation Must be Abated: STEP-2 10/18//2015
Date by Which Violation Must be Abated: STEP-3 11/17/2015

U.S. Department of Labor
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ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

PPE - 9/18/2015
Plan - 10/18/2015
Engineering Controls - 11/17/2015

Date By Which Violation Must be Abated:

11/17/2015

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation and Notification of Penalty

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

Citation 1 Item 14 Type of Violation: **Serious**

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:

The employer did not develop a written hazard communication program for Wet Line and Dry Base employees working with hazardous materials, including, but not limited to, crystalline silica.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:	10/02/2015
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Citation and Notification of Penalty

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960

Citation 1 Item 15 Type of Violation: **Serious**

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

The employer did not train Wet Line and Dry Base employees on the hazardous chemicals in their work area, including, but not limited to, crystalline silica, Portland cement and Hexavalent Chromium.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated: 10/02/2015
Proposed Penalty: \$4900.00

A handwritten signature in black ink, appearing to read "Ann Grevenkamp". The signature is written in a cursive style and is positioned above a horizontal line.

For Ann Grevenkamp
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
4802 E. Broadway
Madison, WI 53716
Phone: 608-441-5388 Fax: 608-441-5400



INVOICE / DEBT COLLECTION NOTICE

Company Name: Total Wall, Inc.
Inspection Site: 390 Viking Circle, Rio, WI 53960
Issuance Date: 09/11/2015

Summary of Penalties for Inspection Number	1055505
Citation 1, Serious	\$60200.00
TOTAL PROPOSED PENALTIES	\$60200.00

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.



For Ann Grevenkamp

Area Director



Date