

U.S. Department of Labor
Occupational Safety and Health Administration
2300 Main Street
Suite 168
Kansas City, MO 64108



Citation and Notification of Penalty

To:
Royal Oak Enterprises LLC
6465 State Highway 22
West Plains, MO 65775

Inspection Number: 1427224
Inspection Date(s): 08/27/2019 - 08/28/2019
Issuance Date: 02/20/2020

Inspection Site:
Shannon County Road 341
Summersville, MO 65571

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 by calling 816-483-9531. 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:

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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 02/20/2020. The conference will be held by telephone or at the OSHA office located at 2300 Main Street, Suite 168, Kansas City, MO 64108 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1427224

Company Name: Royal Oak Enterprises LLC
Inspection Site: Shannon County Road 341, Summersville, MO 65571
Issuance Date: 02/20/2020

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, 2300 Main Street, Suite 168, Kansas City, MO 64108**

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 _____
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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

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

Inspection Number: 1427224
Inspection Date(s): 08/27/2019 - 08/28/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: Shannon County Road 341, Summersville, MO 65571

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

29 CFR 1910.178(p)(1): Powered industrial truck(s) found to be in need of repair, defective, or in any way unsafe had not been taken out of service until restored to safe operating condition(s):

The employer is failing to protect employees from powered industrial truck hazards. This was most recently documented on August 28, 2019, at a worksite located at Shannon County Road 341, Summersville, Missouri 65571. A Toyota forklift truck brake pedal anti-slip cover is missing and is in need of replacing, but was not taken out of service until restored to safe operating condition.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/17/2020
Proposed Penalty:	\$8482.00

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: Royal Oak Enterprises LLC
Inspection Site: Shannon County Road 341, Summersville, MO 65571

Citation 1 Item 2 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 ingoing nip points, rotating parts, and unguarded conveyor belts:

The employer is failing to protect employees from caught-in hazards caused by rotating parts and ingoing nip points from unguarded conveyor belts. This was most recently documented on August 28, 2019, at a worksite located at Shannon County Road 341, Summersville, Missouri 65571. Employees working in direct proximity to the conveyor belts are exposed to serious caught-in hazards from ingoing nip points or other serious injuries. The conveyor belts have unguarded rollers which are not covered or guarded to prevent ingoing nip points from contacting the employees.

- a. Main incline conveyor to bagging
- b. Shaker belt 1A

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/17/2020
Proposed Penalty:	\$13494.00



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: Shannon County Road 341, Summersville, MO 65571

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

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven -7 feet or less above floors or platforms were not enclosed:

The employer is failing to protect employees from caught-in hazards caused by rotating parts and ingoing nip points associated with unguarded sprocket wheels and chains. This was most recently documented on August 28, 2019, at a worksite located at Shannon County Road 341, Summersville, Missouri 65571. Instances include but are not limited to:

- a. Employees are exposed to serious caught-in hazards from rotating parts, ingoing nip points or other serious injuries from the main feed hopper conveyor belt chain and sprocket. The conveyor belt chain and sprocket is not covered or guarded to prevent rotating parts or ingoing nip points from contacting employees.
- b. Employees are exposed to serious caught-in hazards from rotating parts, ingoing nip points or other serious injuries from the shaker belt 1A sprocket wheel and chain. The sprocket wheel and chain is not covered or guarded to prevent rotating parts or ingoing nip points from contacting the employees.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 03/17/2020
Proposed Penalty: \$13494.00

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: Royal Oak Enterprises LLC
Inspection Site: Shannon County Road 341, Summersville, MO 65571

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

29 CFR 1910.303(b)(1): Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

The employer is failing to protect employees from electrical shock and burn hazards. This was most recently documented on August 28, 2019, at a worksite located at Shannon County Road 341, Summersville, Missouri 65571. The workstation located next to the main incline conveyor to bagging has a damaged three outlet adapter which is being used to power lighting fixtures above the work station.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$13494.00



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: Shannon County Road 341, Summersville, MO 65571

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

29 CFR 1910.303(g)(1): Sufficient access and working space was not provided and maintained about all electric equipment (operating at 600 volts, nominal, or less to ground) to permit ready and safe operation and maintenance of such equipment:

The employer is failing to protect employees from electrical hazards associated with insufficient access and working space to electrical equipment. This was most recently documented on August 28, 2019, at a worksite located at Shannon County Road 341, Summersville, Missouri 65571. Sufficient access and working space was not provided and maintained about all electric equipment. Instances include but are not limited to:

- a. Employees who are required to operate the facility machines and perform lock out/tag out procedures of the mechanical equipment have limited access to the 200 AMP single phase breaker box L2 breaker panel. The electrical equipment was measured at 32 inches in depth from the ARPAC machine model 737C located in the warehouse.
- b. Employees who are required to operate the facility machines as well as perform lock out/tag out procedures of the mechanical equipment have limited access to the Square D heavy duty electrical safety switch. The electrical equipment was measured at 27 inches in depth from the ARPAC machine model 737C located in the warehouse.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$10603.00



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC

Inspection Site: Shannon County Road 341, Summersville, MO 65571

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

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

The employer is failing to protect employees from electrical shock, burn and fire hazards. This was most recently documented on August 28, 2019, at a worksite located at Shannon County Road 341, Summersville, Missouri 65571. Lighting fixtures near the workstation next to the main incline conveyor to bagging are utilizing a flexible extension cord as a substitute for fixed wiring of the structure.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/17/2020

Proposed Penalty:

\$10603.00

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

Inspection Number: 1427224
Inspection Date(s): 08/27/2019 - 08/28/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: Shannon County Road 341, Summersville, MO 65571

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

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

The employer is failing to protect employees from electrical shock and burn hazards. This was most recently documented on August 28, 2019, at a worksite located at Shannon County Road 341, Summersville, Missouri 65571. The foot control pedal which controlled the Fischbein Company Inglett 1950 bag hanger in the warehouse does not have proper strain relief. The flexible cord insulation which connected the foot control pedal is pulled away, exposing the electrical wires underneath.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 03/17/2020
Proposed Penalty: \$10603.00

A handwritten signature in black ink, appearing to read "Karena Lorek", written over a horizontal line.

Karena Lorek
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
2300 Main Street
Suite 168
Kansas City, MO 64108



INVOICE / DEBT COLLECTION NOTICE

Company Name: Royal Oak Enterprises LLC
Inspection Site: Shannon County Road 341, Summersville, MO 65571
Issuance Date: 02/20/2020

Summary of Penalties for Inspection Number	1427224
Citation 1, Serious	\$80773.00
TOTAL PROPOSED PENALTIES	\$80773.00

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.

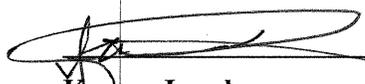
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Karena Lorek
Area Director

2-20-2020

Date

U.S. Department of Labor
Occupational Safety and Health Administration
2300 Main Street
Suite 168
Kansas City, MO 64108



Citation and Notification of Penalty

To:
Royal Oak Enterprises LLC
6465 State Highway 22
West Plains, MO 65775

Inspection Number: 1426820
Inspection Date(s): 08/27/2019 - 08/27/2019
Issuance Date: 02/20/2020

Inspection Site:
Shannon County Road 341
Summersville, MO 65571

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.

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NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1426820

Company Name: Royal Oak Enterprises LLC
Inspection Site: Shannon County Road 341, Summersville, MO 65571
Issuance Date: 02/20/2020

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, 2300 Main Street, Suite 168, Kansas City, MO 64108**

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

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Citation Number _____ and Item Number _____ was corrected on _____
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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: Royal Oak Enterprises LLC

Inspection Site: Shannon County Road 341, Summersville, MO 65571

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms, service rooms, and walking-working surfaces were not kept in a clean, orderly, and sanitary condition:

The employer is failing to ensure that surfaces inside and out known as line 1 and 2; areas of bagging is being kept clean of charcoal dust which could create potential fire hazards. This was most recently documented on August 27, 2019, at Shannon County Road 341, Summersville MO, when charcoal dust had accumulated on elevated surfaces throughout enclosed building and connected structures. Employees are being exposed to possible severe burns from the potential fire hazards from the accumulation of dust located throughout the production areas.

1) Charcoal dust accumulation in the screening/shaker area was observed on machinery and electrical fixtures, covering the majority of walled and supporting structure surfaces from floor, as well as covering the tops of beams and duct work visible from the floor. Dust accumulation depth was measured at approximately 1/2 inch on top of a magnet associated with the conveyor, and 2 1/2 inches near the conveyor belt.

2) Charcoal dust accumulation in the warehouse building was observed covering the majority of wall surface from floor to ceiling and covering the tops of all beams and duct work visible from the floor. Dust accumulation depth was measured at 3 locations of the bagging area. Dust accumulation was approximately 1/2 inch, 1 inch, and 2 1/2 inches at measurement locations.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/05/2020

Proposed Penalty:

\$13494.00

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: Royal Oak Enterprises LLC

Inspection Site: Shannon County Road 341, Summersville, MO 65571

Citation 1 Item 2 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 is failing to protect the employees from respiratory hazards. This was most recently demonstrated on or about September 4, 2019, when an employee working at the sewing position of the second line was exposed to an 8 hour time weighted average (TWA) level of 5.943 mg/m³ of Particulate not otherwise regulated (Respirable Fraction), which is 1.19 times the OSHA permissible exposure level (PEL) of 5.0 mg/m³. The employer had not conducted and or evaluated a reasonable estimate of the employees exposures while performing different tasks throughout the facility.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:

03/17/2020

Proposed Penalty:

\$12723.00



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC

Inspection Site: Shannon County Road 341, Summersville, MO 65571

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

29 CFR 1910.1000(a)(2): Employee(s) were exposed to an airborne concentration of Particulate not otherwise regulated (Respirable Fraction) listed in Table Z-1 in excess of the 8 hour Time Weighted Average concentration of 5.0 mg/m³:

The employer is failing to protect the employees from respiratory hazards. This was most recently demonstrated on or about September 4, 2019, at a facility located at Shannon County Road 341, Summersville MO. An employee working at the sewing position of the second line was exposed to an 8 hour time weighted average (TWA) level of 5.943 mg/m³ of Particulate not otherwise regulated (Respirable Fraction), which is 1.19 times the OSHA permissible exposure level (PEL) of 5.0 mg/m³. The employer did not take the necessary precautions to protect their employees from respiratory hazards and to prevent overexposures throughout the workplace by conducting personal air monitoring for each specific job task.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/05/2020

Proposed Penalty:

\$13494.00


Karena Lorek
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
2300 Main Street
Suite 168
Kansas City, MO 64108



INVOICE / DEBT COLLECTION NOTICE

Company Name: Royal Oak Enterprises LLC
Inspection Site: Shannon County Road 341, Summersville, MO 65571
Issuance Date: 02/20/2020

Summary of Penalties for Inspection Number	1426820
Citation 1, Serious	\$39711.00
TOTAL PROPOSED PENALTIES	\$39711.00

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.

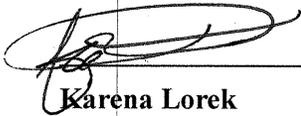
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Karena Lorek
Area Director

2-20-2020

Date

U.S. Department of Labor
Occupational Safety and Health Administration
2300 Main Street
Suite 168
Kansas City, MO 64108



Citation and Notification of Penalty

To:
Royal Oak Enterprises LLC
150 Royal Oak Drive
Branson, MO 65616

Inspection Number: 1429631
Inspection Date(s): 09/10/2019 -
Issuance Date: 02/20/2020

Inspection Site:
150 Royal Oak Drive
Branson, MO 65616

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 by calling 816-483-9531. 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 02/20/2020. The conference will be held by telephone or at the OSHA office located at 2300 Main Street, Suite 168, Kansas City, MO 64108 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1429631

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616
Issuance Date: 02/20/2020

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, 2300 Main Street, Suite 168, Kansas City, MO 64108**

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: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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 1 a Type of Violation: **Serious**

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms, service rooms, and walking-working surfaces were not kept in a clean, orderly, and sanitary condition:

The employer is failing to ensure that surfaces inside the truck dump and dust collector area is being kept clean of charcoal dust which could create potential fire hazards. This was most recently documented on November 5, 2019, at 150 Royal Oak Dr., Branson, MO, when charcoal dust had accumulated on elevated surfaces throughout the enclosed building. Dust had accumulated on the surfaces of walls, wall ledges, on top of observable elevated beams and ductwork, and on top of equipment and other fixtures in the work area. Employees are being exposed to possible severe burns from the potential fire hazards from the accumulation of flammable dust.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/17/2020
Proposed Penalty:	\$13494.00



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.22(a)(2): The floor of each workroom was not maintained in a clean and, to the extent feasible, in a dry condition:

The employer is failing to ensure that floors inside the truck dump and dust collector area is being kept clean of charcoal dust which could create potential fire hazards. This was most recently documented on November 5, 2019, at 150 Royal Oak Dr., Branson, MO, when charcoal dust had accumulated on the floor throughout the enclosed building. Dust had accumulated on the floor of the in the work area. Employees are being exposed to possible severe burns from the potential fire hazards from the accumulation of dust.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/17/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.95(d)(1): When information indicated that any employee's exposure equaled or exceed the 8-hour time-weighted average of 85 decibels, the employer did not develop and implement a monitoring program:

At a facility located at 150 Royal Oak Dr., Branson, MO: The employer is failing to protect employees from occupational noise hazards. This was most recently demonstrated on or about September 9, 2019 when:

- 1) An employee in the bag area/performing bagging work was exposed to a dose of 176.8% or an equivalent of 94.1 decibels as an 8-hour time weighted average and the employer had not developed and implemented a monitoring program.
- 2) An employee in the bag room area/performing bagging work was exposed to a dose of 113.3% or an equivalent of 90.9 decibels as an 8-hour time weighted average and the employer had not developed and implemented a monitoring program.
- 3) An employee in the burn room area/performing burner work was exposed to a dose of 107.3% or an equivalent of 90.5 decibels as an 8-hour time weighted average and the employer had not developed and implemented a monitoring program.
- 4) An employee in the press room area/performing press operator work was exposed to a dose of 95.4% or an equivalent of 89.6 decibels as an 8-hour time weighted average and the employer had not developed and implemented a monitoring program.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:

03/17/2020

Proposed Penalty:

\$10603.00

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: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.95(g)(5)(i): The employer did not establish, within 6 months of an employee's first exposure at or above the action level, a valid baseline audiogram against which subsequent audiograms can be compared:

At a facility located at 150 Royal Oak Rd., Branson, MO: The employer is failing to protect employees from the hazards of occupational noise exposure. Employees are exposed to noise levels in the facility that are at or above 85 decibels and were not provided with a baseline audiogram to compare future tests with. This was most recently demonstrated on or about October 9, 2019, when an employee in bagging area, performing bagging and cleaning work was exposed decibels above the action level of 85 decibels and had not received baseline audiogram testing.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:	03/17/2020
Proposed Penalty:	\$10603.00

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

Inspection Number: 1429631
Inspection Date(s): 09/10/2019 -
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

At a facility located at 150 Royal Oak Rd., Branson, MO: The employer is failing to protect employee from severe burns and smoke inhalation hazards. Employees are exposed to fire hazards at the facility. Portable fire extinguishers are provided to employees to use in the event of an incipient stage fire. Extinguishers in the Pit were not mounted, located and identified to employees in the event they needed to access them.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:	03/17/2020
Proposed Penalty:	\$10603.00

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: 1429631
Inspection Date(s): 09/10/2019 -
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

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

29 CFR 1910.178(a)(4): Modifications or additions which affect capacity and safe operation of powered industrial truck were performed by the employer without the manufacturer's prior written approval:

The employer is failing to ensure employees are protected from fall hazards while working from an attached platform. This was most recently documented on November 5, 2019, at 150 Royal Oak Dr., Branson, MO, when an employee was working on a platform attached to a forklift, which did not have approval from the manufacturer prior to use.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:	03/17/2020
Proposed Penalty:	\$10603.00

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: 1429631
Inspection Date(s): 09/10/2019 -
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.178(a)(5): The powered industrial truck was equipped with front-end attachments other than factory installed attachments, however the employer did not request that the truck be marked to identify the attachments and show the approximate weight of the truck and attachment combination at maximum elevation with load laterally centered:

The employer is failing to ensure that employees are protected from fall hazards while working from an attached platform. This was most recently documented on November 5, 2019, at 150 Royal Oak Dr., Branson, MO, when an employee was working on a platform attached to a forklift, which had not been marked adequately for its purpose, weight, elevation and use of the platform.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:

03/17/2020

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: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.254(d)(9)(iii): Cables with damaged insulation or exposed bare conductors were not replaced:

At a facility located at 150 Royal Oak Dr., Branson, MO: The employer is failing to protect employee from electrical shock hazards. Employees are exposed electrical shock by use of a Lincoln Electric AC/DC Arc Welder. This was most recently demonstrated on September 10, 2019 when the arc welder was used to fabricate metal guards for a series of hoppers known as the rocket launcher. There was damage to the cables and those parts had not been replaced prior to the use of the equipment.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:	03/17/2020
Proposed Penalty:	\$10603.00



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.95(k)(3)(ii): The employer did not ensure that each employee was informed of the purpose of hearing protectors, the advantages, disadvantages, and attenuation of various types, and instructions on selection, fitting, use and care:

At a facility located at 150 Royal Oak Dr., Branson, MO: The employer is failing to protect employees from occupational noise hazards. This was most recently demonstrated on or about September 10, 2019 when the employer was aware of occupational noises at the workplace, but had not ensured that all employees participated in the training program that included the attenuation of various types, fitting, use and care of hearing protection. Employees in the production areas were exposed to noise levels above 85 decibels, but were not fully informed of how to protect themselves from occupational noise.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated: 03/17/2020
Proposed Penalty: \$1190.00

A handwritten signature in black ink, appearing to read "Karena Lorek", written over a horizontal line.

Karena Lorek
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
2300 Main Street
Suite 168
Kansas City, MO 64108



INVOICE / DEBT COLLECTION NOTICE

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616
Issuance Date: 02/20/2020

Summary of Penalties for Inspection Number	1429631
Citation 1, Serious	\$66509.00
Citation 2, Other-than-Serious	\$1190.00
TOTAL PROPOSED PENALTIES	\$67699.00

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

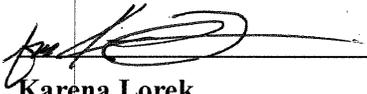
account, the bank will attempt to make the transfer up to 2 times.

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.

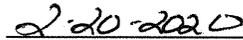
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per 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.



Karena Lorek

Area Director



Date

U.S. Department of Labor

Occupational Safety and Health Administration
Kansas City Area Office
2300 Main Street, Suite 168
Kansas City, Missouri 64108-2486



February 14, 2020

John Coombes, Plant Manager
Royal Oak Enterprises LLC
150 Royal Oak Dr.
Branson, MO 65616

Dear Mr. Coombes:

An inspection, #1429631, of your workplace at 150 Royal Oak Dr. Branson, MO, beginning September 10, 2019 disclosed the following hazard(s):

Employees are not being effectively trained and provided with all available information on the hazards of the chemicals used in manufacturing of charcoal prior to use.

Although our investigation did not reveal sufficient evidence to issue a citation for a violation of 29 CFR 1910.1200(h)(3)(iv), we expect a prudent employer to take the necessary action to remove hazards from the workplace. Pursuant to Section 21 of the Act, which authorizes OSHA to train employer and employees about workplace hazards and appropriate abatement methods, it is recommended that the following steps be taken to eliminate or reduce the hazards described above:

- a) Provide adequate information and training to all employees exposed to chemicals or substances in the workplace prior to assignment.
- b) Training should include, but is not limited to the physical and health hazard associated with those chemicals or substances in the workplace.
- c) In addition, training should include the review of every section of a safety data sheet so that employees know where to find all applicable information.
- d) Ensure that employees fully understand the chemicals and substances that they are coming into contact with, and the proper decision process for the handling of those materials in a safe and healthy manner.

Management commitment and employee involvement are important to assure that the above efforts are implemented in an effective manner. You may provide the Kansas City Area OSHA Office with progress reports on your efforts to address these conditions voluntarily. If you are unable to address the conditions, you are advised to seek assistance from an outside third party.

Attached is a list of available resources that may be of assistance to you in preventing work-related injuries and illnesses in your workplace.

If you have any questions, please feel free to contact the office at (816) – 483-9531.

Sincerely,



Karena Lorek
Area Director

Enclosure:

References:

- Visit the OSHA web page to obtain a copy of:
 - <https://www.osha.gov/dsg/hazcom/>
 - <https://www.osha.gov/SLTC/respiratoryprotection/index.html>
 - <https://www.osha.gov/smallbusiness/>
- Free publications which may be downloaded or ordered from the OSHA Internet web page at
 - <https://www.osha.gov/Publications/OSHA3493QuickCardSafetyDataSheet.pdf>
 - <https://www.osha.gov/Publications/OSHA3514.pdf>
 - https://www.osha.gov/dsg/hazcom/joint_phmsa_memo_09192016.pdf
 - <https://www.osha.gov/Publications/OSHA3844.pdf>
- In addition, loss control services through your workers' compensation insurance carrier may be available.

Your State offers OSHA consultation services, without charge, to assist you in resolving any occupational safety or health issues which you may face. To request these services, contact your State Consultation project.

Division of Labor Standards
On-Site Safety and Health Program
3315 W. Truman Boulevard, Room 205
P.O. Box 449

Jefferson City, MO 65102-0449
Phone: 573-522-SAFE(7233)
Fax: 573-751-3721
laborstandards@labor.mo.gov

U.S. Department of Labor
Occupational Safety and Health Administration
2300 Main Street
Suite 168
Kansas City, MO 64108



Citation and Notification of Penalty

To:
Royal Oak Enterprises LLC
150 Royal Oak Drive
Branson, MO 65616

Inspection Number: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020

Inspection Site:
150 Royal Oak Drive
Branson, MO 65616

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 by calling 816-483-9531. 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 02/20/2020. The conference will be held by telephone or at the OSHA office located at 2300 Main Street, Suite 168, Kansas City, MO 64108 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1428759

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616
Issuance Date: 02/20/2020

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, 2300 Main Street, Suite 168, Kansas City, MO 64108**

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

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

Inspection Number: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.146(d)(1):

Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not implement the measures necessary to prevent unauthorized entry:

The employer is failing to protect employees from caught-in, laceration, and amputation hazards associated with unauthorized entry into permit required confined spaces. This was most recently documented on September 5, 2019 at a worksite located at 1010 Century Ave, Branson, Missouri when the employer did not implement the measures necessary to prevent unauthorized entries into the coke hopper of the 3 Hopper Rocket Launcher.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/26/2020
\$12723.00

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: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.146(d)(3): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations:

The employer is failing to protect employees from caught-in, laceration, and amputation hazards. This was most recently documented on September 5, 2019 at a worksite located at 1010 Century Ave, Branson, Missouri when the employer did not implement and enforce adequate procedures to protect the employees cleaning out the coke hopper of the 3 Hopper Rocket Launcher.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/26/2020

Proposed Penalty:

\$12723.00

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: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.146(d)(6): The employer did not provide at least one attendant outside the permit space into which entry was authorized for the duration of entry operations:

The employer is failing to protect employees from caught-in, laceration, and amputation hazards associated with permit required confined space entries. This was most recently documented on September 5, 2019 at a worksite located at 1010 Century Ave, Branson, Missouri when the employer did not provide at least one attendant outside the permit-required confined space during entry into the coke hopper of the 3 Hopper Rocket Launcher.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/07/2020
\$12723.00

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: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.146(d)(9): The employer did not develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and/or for preventing unauthorized entry.

The employer is failing to protect employees from caught-in, laceration, and amputation hazards associated with permit required confined space entry. The employer did not develop or implement procedures for summoning rescue and emergency services, for rescuing entrants from permit required confined spaces, and/or for preventing unauthorized entry. This was most recently documented on September 5, 2019 at a worksite located at 1010 Century Ave, Branson, Missouri.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/07/2020
Proposed Penalty:	\$12723.00

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: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

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

29 CFR 1910.146(d)(10):

Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement a system for the preparation, issuance, use, and cancellation of entry permits as required by 29 CFR 1910.146:

The employer is failing to protect employees from hazards associated with permit required confined space entry. The employer developed but did not implement and enforce the procedures for the preparation, issuance, use, and cancellation of entry permits. This was most recently documented on September 5, 2019 at a worksite located at 1010 Century Ave, Branson, Missouri.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/26/2020

Proposed Penalty:

\$10603.00

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: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.146(e)(1): Before entry was authorized, the employer did not document the completion of measures required by 29 CFR 1910.146(d)(3) by preparing an entry permit:

The employer is failing to protect employees from caught-in, laceration, and amputation hazards associated with permit required confined space entry. The employer did not document the completion of measures required by for entry to a permit required confined space including but not limited to measures required before entry into the coke bin of the rocket launcher. This was most recently documented on September 5, 2019 at a worksite located at 1010 Century Ave, Branson, Missouri.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/26/2020

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

Inspection Number: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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 6 a Type of Violation: **Serious**

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146, Permit required confined spaces, acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under 29 CFR 1910.146:

The employer is failing to protect employees from caught-in, laceration, and amputation hazards associated with confined space entry. Burner room employees had not received adequate confined space training to acquire the understanding, knowledge and skills necessary when they routinely entered permit required confined spaces to perform work, such as, but not limited to, unclogging the coke hopper of the 3 Hopper Rocket Launcher. This was most recently documented on September 5, 2019 at a worksite located at 1010 Century Ave, Branson, Missouri.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/26/2020
\$12723.00

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: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.146(g)(3):

The employer did not provide training that established employee proficiency in the duties required by 29 CFR 1910.146, Permit-required confined spaces, and did not introduce new or revised procedures, as necessary, for compliance:

The employer is failing to protect employees from caught-in, laceration, and amputation hazards associated with entry to permit required confined spaces. The employer did not provide training that established employee proficiency in the duties required by 29 CFR 1910.146, when entering permit required confined spaces such as, but not limited to, coke hopper of the 3 Hopper Rocket Launcher. This was most recently documented on September 5, 2019 at a worksite located at 1010 Century Ave, Branson, Missouri.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/26/2020

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: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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 7 a Type of Violation: **Serious**

29 CFR 1910.146(j)(4): The employer did not ensure that each entry supervisor verified that rescue services were available and that the means for summoning them were operable:

The employer is failing to protect employees from caught-in, laceration, and amputation hazards associated with entry to permit required confined spaces. The employer did not verify rescue services are available, and have the required equipment available prior to employees entering into a permit-required confined space, including but not limited to employee entries into the coke hopper of the 3 Hopper Rocket Launcher. This was most recently documented on September 5, 2019 at a worksite located at 1010 Century Ave, Branson, Missouri.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/26/2020
Proposed Penalty:	\$13494.00

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: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.146(k)(1)(ii):

The employer did not evaluate a prospective rescue service's ability, in terms of proficiency with rescue related tasks and equipment, to function appropriately while rescuing entrants from the particular permit space or types of permit spaces identified.

The employer is failing to protect employees from caught-in, laceration and amputation hazards associated with permit required confined space entry. The employer did not evaluate a prospective rescue service's ability, in terms of proficiency with rescue related tasks and equipment, to function appropriately while rescuing entrants from including but not limited to the coke hopper of the Rocket Launcher a 3 hopper fabricated machine. This was most recently documented on September 5, 2019 at a worksite located at 1010 Century Ave, Branson, Missouri.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/26/2020

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: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.147(c)(4)(ii)(C):

The energy control procedure did not clearly and specifically outline the steps for placement, removal and transfer of lockout devices or tagout devices and the responsibility for them.

The employer is failing to protect employees from caught-in, struck-by, electric shock, and amputation hazards associated with servicing equipment. The company had not developed written machine specific lockout tagout procedures for the Rocket Launcher a 3 hopper fabricated machine. This was most recently documented on September 5, 2019 at a worksite located at 1010 Century Ave, Branson, Missouri

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/26/2020
\$13494.00

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: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.147(c)(5)(ii)(D):

Lockout devices and tagout devices did not indicate the identity of the employee applying the device.

The employer is failing to protect employees from caught-in, struck-by, electric shock and amputation hazards associated with servicing equipment. The lockout tagout devices attached to the Rocket launcher when CSHO Smith arrived on scene to a media reported injury, did not have a tag or any identification to show who had applied the lockout tagout device. This was most recently documented on September 5, 2019 at a worksite located at 1010 Century Ave, Branson, Missouri.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:

03/26/2020

Proposed Penalty:

\$6361.00

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: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.147(c)(6)(i):

The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

The employer is failing to protect employees from caught-in, struck-by, electric shock, and amputation hazards associated with servicing equipment. Periodic inspections of energy control procedures were not accomplished and certified. Specifically, reviews were not conducted to determine if listed steps were still adequate, if any changes had occurred, or if employees had acquired the knowledge needed to effectively isolate energy sources. This was most recently documented on September 5, 2019 at a worksite located at 1010 Century Ave, Branson, Missouri.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/26/2020
\$8482.00

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: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.147(c)(7)(iv):

The employer did not certify that employee training had been accomplished and kept up to date through documentation. The certification shall contain each employee's name and dates of training.

The employer is failing to protect employees from caught-in, struck-by, electric shock, and amputation hazards associated with servicing equipment. The employer did not certify that employee training had been accomplished and documented with each employee's name and date of training. This was most recently documented on 5, 2019 September at a worksite located at 1010 Century Ave, Branson

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/07/2020
\$8482.00

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: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

Citation 1 Item 12 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:

The employer is failing to protect employees from caught-in and amputation hazards associated with inadequate guarding while employees were accessing the lime hopper and while cleaning under the horizontal conveyor system while it was in operation. Employees in the Burn Room area were exposed to serious caught in and amputation injuries from the horizontal conveyor belt system on the Rocket launcher in that the machine did not have a guard that fully enclosed the moving parts on all exposed sides. This was most recently documented on September 5, 2019 at a worksite located at 1010 Century Ave, Branson, Missouri

a. Employer requires employees to lock out disconnects in the back of the Rocket Launcher for the three hoppers, lime coke and sawdust. The disconnects for the hoppers are located next to an unguarded horizontal belt which had both runs 42 inches or less from the floor level and were not fully enclosed.

b. Employees are required to clean the floors under and around the Rocket Launcher, a 3 hopper fabricated machine that powers an unguarded conveyor belt exposing a horizontal belt and which had both runs 42 inches or less from the floor level and were not fully enclosed.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/26/2020
\$13494.00



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

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

29 CFR 1910.219(f)(3):

Sprocket wheels and chains which were seven -7 feet or less above floors or platforms were not enclosed:

The employer is failing to protect employees from caught-in and amputation hazards associated with inadequate guarding of a sprocket wheel and chain. Employees working in the Burn Room on the backside of the Rocket Launcher were exposed to serious injuries to the fingers and hands. This was most recently documented at a worksite located at a worksite located at 1010 Century Ave, Branson, Missouri

- a. The employer requires employees to lock out disconnect in the back of the Rocket Launcher for the lime hopper. The disconnect for the lime hopper is located approximately 12-18 inches from a chain and sprocket less than 7 feet from the floor level and were not fully enclosed.
- b. The employer requires employees to access the backside of the lime hopper to manipulate material through a fabricated grate to an feed auger. To gain access to the back of the Rocket Launcher for the lime hopper employees have to duck under the support system for the rocket launcher approximately 12-18 inches from a chain and sprocket that was not fully enclosed less than 7 feet from the floor level.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/07/2020
\$13494.00

A handwritten signature in black ink, appearing to be a stylized name, written over a horizontal line.

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: 1428759
Inspection Date(s): 09/05/2019 - 09/05/2019
Issuance Date: 02/20/2020



Citation and Notification of Penalty

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616

Karena Lorek
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
2300 Main Street
Suite 168
Kansas City, MO 64108



INVOICE / DEBT COLLECTION NOTICE

Company Name: Royal Oak Enterprises LLC
Inspection Site: 150 Royal Oak Drive, Branson, MO 65616
Issuance Date: 02/20/2020

Summary of Penalties for Inspection Number	1428759
Citation 1, Serious	\$151519.00
TOTAL PROPOSED PENALTIES	\$151519.00

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.

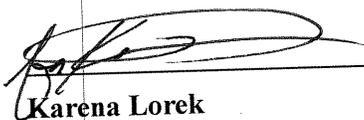
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Karena Lorek

Area Director

2-20-2020

Date