

U.S. Department of Labor Occupational Safety and Health Administration
1100 East Campbell Road, Suite 250
Richardson, TX 75081



08/03/2022

M & H Crates, Inc.
and its successors
4022 FM 347 North
Jacksonville, TX 75766

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (972) 952-1330.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.


As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,



Basil Singh
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
1100 East Campbell Road, Suite 250
Richardson, TX 75081



Citation and Notification of Penalty

To:
M & H Crates, Inc.
and its successors
4022 FM 347 North
Jacksonville, TX 75766

Inspection Number: 1576879
Inspection Date(s): 02/08/2022 - 02/08/2022
Issuance Date: 08/03/2022

Inspection Site:
4022 FM 347 North
Jacksonville, TX 75766

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 (972) 952-1330. 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 at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. 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 08/03/2022. The conference will be held by telephone or at the OSHA office located at 1100 East Campbell Road, Suite 250, Richardson, TX 75081 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1576879

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766
Issuance Date: 08/03/2022

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, 1100 East Campbell Road, Suite 250, Richardson, TX 75081.**

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: 1576879
Inspection Date(s): 02/08/2022 - 02/08/2022
Issuance Date: 08/03/2022



Citation and Notification of Penalty

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

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

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

On or about March 3, 2022, and times prior thereto, poor housekeeping throughout the saw mill created unsafe working conditions for employees:

Instance a: There was an accumulation of saw dust in saw mill 1;

Instance b: There was an accumulation of saw dust in gang saw line; and

instance c: There was an accumulation of saw dust in the copper mill building.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 29, 2022
\$11,167.00

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: 1576879
Inspection Date(s): 02/08/2022 - 02/08/2022
Issuance Date: 08/03/2022



Citation and Notification of Penalty

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

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

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

a) On or about February 8, 2022, and at times there after, employees working with saw mill production did not use safety glasses, exposing employees to eye and/or face injuries.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 29, 2022
\$11,167.00

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: 1576879
Inspection Date(s): 02/08/2022 - 02/08/2022
Issuance Date: 08/03/2022



Citation and Notification of Penalty

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

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 3 a Type of Violation: **Serious**

29 CFR 1910.147(c)(7)(i)(A): Each authorized employee did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control:

On or about February 8, 2022 and times prior to and after, the employer did not ensure that authorized employees who perform maintenance on equipment with multiple energy sources received training on the hazardous energy sources of that equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 29, 2022
Proposed Penalty:	\$11,167.00

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: 1576879
Inspection Date(s): 02/08/2022 - 02/08/2022
Issuance Date: 08/03/2022



Citation and Notification of Penalty

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

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

29 CFR 1910.147(c)(7)(i)(B): Each affected employee was not instructed in the purpose and use of the energy control procedure:

On or about February 8, 2022, and times prior to and after, affected employees had not been trained to recognize the need for energy control procedures.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 29, 2022
Proposed Penalty:	\$0.00

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: 1576879
Inspection Date(s): 02/08/2022 - 02/08/2022
Issuance Date: 08/03/2022



Citation and Notification of Penalty

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

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

29 CFR 1910.176(c): Storage areas were not kept free from accumulation of materials that constituted hazards from tripping, fire, explosion, or pest harborage:

a) On or about March 3, 2022 and times prior thereto, the employer did not ensure areas were kept free from accumulation of materials and debris that constituted a hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 29, 2022
\$11,167.00

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: 1576879
Inspection Date(s): 02/08/2022 - 02/08/2022
Issuance Date: 08/03/2022



Citation and Notification of Penalty

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

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

29 CFR 1910.219(f)(3): Sprocket wheels and chains that were seven (7) or less feet from the floor or platform were not enclosed:

a) On or about March 3, 2022, and times prior thereto, employees were exposed to amputation hazards while walking past unguarded chain and pulley.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 29, 2022
\$11,167.00

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: 1576879
Inspection Date(s): 02/08/2022 - 02/08/2022
Issuance Date: 08/03/2022



Citation and Notification of Penalty

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

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

29 CFR 1910.303(b)(7)(i): Unused openings in boxes, raceways, auxiliary gutters, cabinets, equipment cases, or housings were not effectively closed to afford protection substantially equivalent to the wall of the equipment:

a) On or about March 3, 2022, where employees were exposed to electrical hazards while working around open box in gang saw line building;

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 29, 2022
\$11,167.00

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: 1576879
Inspection Date(s): 02/08/2022 - 02/08/2022
Issuance Date: 08/03/2022



Citation and Notification of Penalty

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

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 1910.303(g)(1): Sufficient access and working space was not provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

a) On or about March 3, and times prior to, where electrical panels were blocked and did not allow sufficient space for employees to have access to in case of an emergency or maintenance.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 29, 2022
\$11,167.00

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: 1576879
Inspection Date(s): 02/08/2022 - 02/08/2022
Issuance Date: 08/03/2022



Citation and Notification of Penalty

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

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

29 CFR 1910.303(g)(2)(i): Except as elsewhere required or permitted by this standard, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the following means:

a) On or about March 3, 2022 where employees were exposed to electrical hazards while working around opened electrical boxes at the copper mill building.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 29, 2022
Proposed Penalty:	\$0.00

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: 1576879
Inspection Date(s): 02/08/2022 - 02/08/2022
Issuance Date: 08/03/2022



Citation and Notification of Penalty

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

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

29 CFR 1910.305(b)(2)(i): All pull boxes, junction boxes, and fittings were not provided with covers identified for the purpose. If metal covers are used, they will be grounded. In completed installations, each outlet box will have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass will be provided with bushings designed for the purpose or will have smooth, well-rounded surfaces on which the cords may bear.

a) On or about March 3, 2022, where employees were exposed to electrical hazards while working near open cabinets in saw mill 1.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 29, 2022
Proposed Penalty:	\$11,167.00

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: 1576879
Inspection Date(s): 02/08/2022 - 02/08/2022
Issuance Date: 08/03/2022



Citation and Notification of Penalty

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

Citation 1 Item 9 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 is provided that will prevent pull from being directly transmitted to joints or terminal screws:

a) On or about March 3, 2022, and times prior thereto, in saw mill 1, where electrical plug wiring coming from the electrical panel were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	August 29, 2022
Proposed Penalty:	\$11,167.00

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: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

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

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

The employer did not develop and/or document and/or utilize energy control procedures for employees who perform maintenance work on equipment and machinery:

- a) On or about March 2, 2022, and times prior thereto, where employees changed a blade in the gang line/saw building and were exposed to amputation hazards;
- b) On or about March 3, 2022, and times prior thereto, where employees changed the cylinder on the PC-2 pallet nailer machine (nailer building) and were exposed to amputation hazards;
- c) On or about March 9, 2022, and times prior thereto, where employees changed a part on the PC-2 pallet nailer machine that makes the chain walk (nailer building) and were exposed to amputation hazards.

Employees are exposed to hazards such as but not limited to amputations, struck-by and crushed-by hazards. Energy sources consist of hydraulic, pneumatic, mechanical and stored.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 29, 2022
Proposed Penalty: \$127,624.00



Basil Singh
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
1100 East Campbell Road, Suite 250
Richardson, TX 75081,



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766
Issuance Date: 08/03/2022

Summary of Penalties for Inspection Number: 1576879

Citation 1 Item 1, Serious	\$11,167.00
Citation 1 Item 2, Serious	\$11,167.00
Citation 1 Item 3a, Serious	\$11,167.00
Citation 1 Item 3b, Serious	\$0.00
Citation 1 Item 4, Serious	\$11,167.00
Citation 1 Item 5, Serious	\$11,167.00
Citation 1 Item 6, Serious	\$11,167.00
Citation 1 Item 7a, Serious	\$11,167.00
Citation 1 Item 7b, Serious	\$0.00
Citation 1 Item 8, Serious	\$11,167.00
Citation 1 Item 9, Serious	\$11,167.00
Citation 2 Item 1, Willful - Serious	\$127,624.00

TOTAL PROPOSED PENALTIES: \$228,127.00

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 at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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 two 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.

Basil Singh
Area Director



Date 08-03-2022

U.S. Department of Labor Occupational Safety and Health Administration
1100 East Campbell Road, Suite 250
Richardson, TX 75081



08/03/2022

M & H Crates, Inc.
and its successors
4022 FM 347 North
Jacksonville, TX 75766

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (972) 952-1330.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

A handwritten signature in blue ink, appearing to read "Basil Singh", is written over a printed name and title. The signature is stylized and cursive.

Basil Singh
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
1100 East Campbell Road, Suite 250
Richardson, TX 75081



Citation and Notification of Penalty

To:
M & H Crates, Inc.
and its successors
4022 FM 347 North
Jacksonville, TX 75766

Inspection Number: 1577326
Inspection Date(s): 02/09/2022 - 02/09/2022
Issuance Date: 08/03/2022

Inspection Site:
4022 FM 347 North
Jacksonville, TX 75766

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 (972) 952-1330. 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 at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type “OSHA” in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. 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 08/03/2022. The conference will be held by telephone or at the OSHA office located at 1100 East Campbell Road, Suite 250, Richardson, TX 75081 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1577326

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766
Issuance Date: 08/03/2022

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, 1100 East Campbell Road, Suite 250, Richardson, TX 75081.**

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: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

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

29 CFR 1910.95(c)(1): The employer did not administer a continuing, effective hearing conservation program as described in 29 CFR 1910.95(c) through (o) whenever employee noise exposures equaled or exceeded an 8-hour time-weighted average sound level of 85 decibels measured on the A scale, or equivalently a dose of fifty percent:

(a) In the band saw 1 building, a chop saw operator was exposed to noise levels at 165.0% of the permissible 8-hour TWA (90 dBA). The equivalent dBA level of 165.0% is approximately 93.6 dBA. Sampling was performed for 483 minutes during one shift. Zero exposure was assumed for the unsampled time.

(b) In the band saw 1 building, an operator was exposed to noise levels at 136.9% of the permissible 8-hour TWA (90 dBA). The equivalent dBA level of 136.9% is approximately 92.2 dBA. Sampling was performed for 486 minutes during one shift. Zero exposure was assumed for the unsampled time.

(c) In sawmill 1, a band saw operator was exposed to noise levels at 92.0% of the permissible 8-hour TWA (90 dBA). The equivalent dBA level of 92.0% is approximately 89.3 dBA. Sampling was performed for 370 minutes during one shift. Zero exposure was assumed for the unsampled time.

(d) In sawmill 1, a trim saw operator was exposed to noise levels at 312.7% of the permissible 8-hour TWA (90 dBA). The equivalent dBA level of 312.7% is approximately 98.2 dBA. Sampling was performed for 467 minutes during one shift. Zero exposure was assumed for the unsampled time.

(e) In sawmill 1, an edger operator was exposed to noise levels at 304.57% of the permissible 8-hour TWA (90 dBA). The equivalent dBA level of 304.5% is approximately 98.0 dBA. Sampling was performed for 467 minutes during one shift. Zero exposure was assumed for the unsampled time.

(f) In the gang saw building, a feeder was exposed to noise levels at 231.2% of the permissible 8-hour TWA (90 dBA). The equivalent dBA level of 231.2% is approximately 96.0 dBA. Sampling was performed for 470 minutes during one shift. Zero exposure was assumed for the unsampled time.

(g) In the cooper mill, a band saw operator was exposed to noise levels at 112.1% of the permissible 8-hour TWA (90 dBA). The equivalent dBA level of 112.1% is approximately 90.8 dBA. Sampling was performed for 437 minutes during one shift. Zero exposure was assumed for the unsampled time:

(h) In the cooper mill, a stacker/operator was exposed to noise levels at 70.12% of the permissible 8-hour TWA (90

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: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

dBA). The equivalent dBA level of 70.12% is approximately 87.4 dBA. Sampling was performed for 437 minutes during one shift. Zero exposure was assumed for the unsampled time.

(i) In the cooper mill, a stacker was exposed to noise levels at 131.4% of the permissible 8-hour TWA (90 dBA). The equivalent dBA level of 131.4% is approximately 91.9 dBA. Sampling was performed for 439 minutes during one shift. Zero exposure was assumed for the unsampled time.

(j) In the nail room, a pallet grader was exposed to noise levels at 160.5% of the permissible 8-hour TWA (90 dBA). The equivalent dBA level of 160.5% is approximately 93.4 dBA. Sampling was performed for 523 minutes during one shift. Zero exposure was assumed for the unsampled time.

(k) In the nail room, a nailing machine operator was exposed to noise levels at 158.6% of the permissible 8-hour TWA (90 dBA). The equivalent dBA level of 158.6% is approximately 93.3 dBA. Sampling was performed for 521 minutes during one shift. Zero exposure was assumed for the unsampled time.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 29, 2022
Proposed Penalty: \$11,167.00

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

Inspection Number: 1577326
Inspection Date(s): 02/09/2022 - 02/09/2022
Issuance Date: 08/03/2022



Citation and Notification of Penalty

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

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

29 CFR 1910.141(c)(1)(i): Toilet facilities were not provided in accordance with TABLE J-1 of this Section:

- (a) In the veneer building, one toilet facility was furnished for more than 50 male employees.
- (b) In the veneer building, the toilet facility furnished for female employees was not in working order.

Date By Which Violation Must be Abated:
Proposed Penalty:

August 29, 2022
\$4,786.00

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: 1577326
Inspection Date(s): 02/09/2022 - 02/09/2022
Issuance Date: 08/03/2022



Citation and Notification of Penalty

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766

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

29 CFR 1910.141(d)(2)(ii): Lavatories were not provided with hot and cold, or tepid running water:

(a) In the veneer building, restrooms for male and female employees were not provided with hot and cold, or tepid running water.

Date By Which Violation Must be Abated:
Proposed Penalty:

August 29, 2022
\$4,786.00


Basil Singh
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
1100 East Campbell Road, Suite 250
Richardson, TX 75081



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: M & H Crates, Inc.
Inspection Site: 4022 FM 347 North, Jacksonville, TX 75766
Issuance Date: 08/03/2022

Summary of Penalties for Inspection Number: 1577326

Citation 1 Item 1, Serious	\$11,167.00
Citation 1 Item 2, Serious	\$4,786.00
Citation 1 Item 3, Serious	\$4,786.00

TOTAL PROPOSED PENALTIES: \$20,739.00

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 at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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 two 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.



Basil Singh

Area Director

08-03-2022

Date