

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:
W.D. Townley and Son Lumber Company, Inc., dba
Townley Lumber Co.
and its successors
P. O. Box 726
Henderson, TX 75653

Inspection Number: 1546049
Inspection Date(s): 08/04/2021 - 08/04/2021
Issuance Date: 01/27/2022

Inspection Site:
13668 US 79 South
Henderson, TX 75654

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 01/27/2022. 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: 1546049

Company Name: W.D. Townley and Son Lumber Company, Inc., dba Townley Lumber Co.
Inspection Site: 13668 US 79 South, Henderson, TX 75654
Issuance Date: 01/27/2022

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

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Inspection Date(s): 08/04/2021 - 08/04/2021
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Citation and Notification of Penalty

Company Name: W.D. Townley and Son Lumber Company, Inc., dba Townley Lumber Co.
Inspection Site: 13668 US 79 South, Henderson, TX 75654

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

29 CFR 1910.95(i)(2)(i):The employer did not ensure that hearing protectors were worn by an employee who was required by 29 CFR 1910.95(b)(1) to wear personal protective equipment:

The employer did not ensure hearing protection was worn by employees exposed to noise levels that exceeded an 8-hour time-weighted average (TWA) of 90 dBA, based on a 90 dB threshold:

(a) In the baker sawmill, a flat edger operator was exposed to noise levels at 200.2% of the permissible 8-hour TWA, which is approximately 95.0 dBA. Sampling was performed for 359 minutes during one shift. Zero exposure was assumed for the unsampled time.

(b) In the edger building, a sawyer was exposed to noise levels at 184.8% the permissible 8-hour TWA, which is approximately 94.4 dBA. Sampling was performed for 446 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:

February 23, 2022

Proposed Penalty:

\$13,052.00

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

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Occupational Safety and Health Administration

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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) At the workplace, male employees working in the scragg mill, edger building, and pallet production departments only had access to portable toilets.

Date By Which Violation Must be Abated:
Proposed Penalty:

February 23, 2022
\$5,594.00

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: W.D. Townley and Son Lumber Company, Inc., dba Townley Lumber Co.
Inspection Site: 13668 US 79 South, Henderson, TX 75654

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

The employer did not administer a hearing conservation program for employees exposed to noise levels that exceeded a dose of fifty percent, based on an 80 dB threshold:

- (a) In the cooper scragg mill, a chipper operator was exposed to noise at a dose of 344.8%, with an average sound level of 97.0 dBA during a 619-minute sampling period. Zero exposure was assumed for the unsampled time during the shift.
- (b) In the cooper scragg mill, a maintenance employee was exposed to noise at a dose of 637.1%, with an average sound level of 101.5 dBA during a 615-minute sampling period. Zero exposure was assumed for the unsampled time during the shift.
- (c) In the cooper scragg mill, a splitter operator was exposed to noise at a dose of 546.1%, with an average sound level of 100.3 dBA during a 620-minute sampling period. Zero exposure was assumed for the unsampled time during the shift.
- (d) In the cooper scragg mill, a flat edger operator was exposed to noise at a dose of 362.7%, with an average sound level of 102.2 dBA during a 318-minute sampling period. Zero exposure was assumed for the unsampled time during the shift.
- (e) In the edger building, a sawyer was exposed to noise at a dose of 196.5%, with an average sound level of 95.3 dBA during a 446-minute sampling period. Zero exposure was assumed for the unsampled time during the shift.
- (f) In the edger building, a lumber stacker was exposed to noise at a dose of 259.2%, with an average sound level of 94.8 dBA during a 638-minute sampling period. Zero exposure was assumed for the unsampled time during the shift.
- (g) In pallet production, a lead nailing machine operator was exposed to noise at a dose of 108.3%, with an average sound level of 90.2 dBA during a 501-minute sampling period. Zero exposure was assumed for the unsampled time during the shift.

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(h) In pallet production, a 2" x 4" loader was exposed to noise at a dose of 137.7%, with an average sound level of 91.8 dBA during a 509-minute sampling period. Zero exposure was assumed for the unsampled time during the shift.

(i) In the baker sawmill, a flat edger operator was exposed to noise at a dose of 202.4%, with an average sound level of 97.1 dBA during a 359-minute sampling period. Zero exposure was assumed for the unsampled time during the shift.

(j) In the baker sawmill, a laborer was exposed to noise at a dose of 209.2%, with an average sound level of 93.0 dBA during a 661-minute sampling period. Zero exposure was assumed for the unsampled time during the shift.

(k) In the baker sawmill, a laborer was exposed to noise at a dose of 223.4%, with an average sound level of 93.4 dBA during a 662-minute sampling period. Zero exposure was assumed for the unsampled time during the shift.

(l) In the baker sawmill, a laborer was exposed to noise at a dose of 217.0%, with an average sound level of 93.2 dBA during a 665-minute sampling period. Zero exposure was assumed for the unsampled time during the shift.

(m) In the baker sawmill, a laborer was exposed to noise at a dose of 113.7%, with an average sound level of 90.4 dBA during a 513-minute sampling period. Zero exposure was assumed for the unsampled time during the shift.

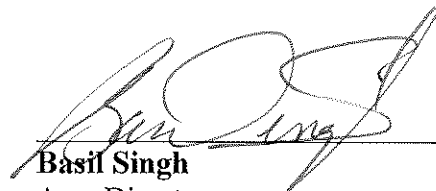
ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

February 23, 2022

Proposed Penalty:

\$130,524.00


Basil Singh
Area Director