

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: 1544668
Inspection Date(s): 07/28/2021 - 07/28/2021
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: 1544668

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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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 1910.28(b)(6)(i):(i) Each employee less than 4 feet (1.2 m) above dangerous equipment was not protected from falling into or onto the dangerous equipment by a guardrail system or a travel restraint system, unless the equipment is covered or guarded to eliminate the hazard:

On or about July 28, 2021, employees walking on conveyor belts over saws were not protected, exposing employees to fall hazards:

Instance a) In the Cooper Scragg saw mill; and

Instance b) In the Baker saw mill.

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.

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

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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 2 a 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 July 28, 2021, and at times prior thereto, employees did not use safety glasses, exposing employees to struck by hazards from flying debris.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

February 23, 2022
\$13,052.00

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

29 CFR 1910.133(a)(3): The employer did not ensure that each affected employee who wore prescription lenses while engaged in operations that involved eye hazards wore eye protection that incorporated the prescription in its design, or wore eye protection that could be worn over the prescription lenses without disturbing the proper position of the prescription lenses or the protective lenses:

(a) On or about July 28, 2021, and times prior in the Baker sawmill, employees wore prescription eyewear and were not protected from eye injuries.

(b) On or about July 28, 2021, and times prior in the Cooper Scragg mill, employee wore prescription eyewear and were not protected from eye injuries.

Date By Which Violation Must be Abated:
Proposed Penalty:

February 23, 2022
\$0.00

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

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

(a) On or about July 28, 2021, and at times prior thereto, untrained employees operated powered industrial trucks, exposing employees to struck by hazards

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

February 23, 2022
\$13,052.00

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Citation and Notification of Penalty

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

29 CFR 1910.242(b): Compressed air can not be used for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment:

(a) On or about July 28, 2021, and at times prior thereto, employees used compressed air that had a dead end pressure of more than 30 p.s.i. to clean saw dust from their skin and clothing.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

February 23, 2022
\$9,324.00

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Citation and Notification of Penalty

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Inspection Site: 13668 US 79 South, Henderson, TX 75654

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

29 CFR 1910.265(c)(4)(ii): Walkways and floors were not kept even and in good repair:

On or about July 28, 2021, and at times prior thereto employees were exposed to trip and fall hazards:

(a) In the Cooper Scragg saw edger building, where there were sheets of metal placed on the walkways to cover floor holes that had been damaged and displaced.

(b) In the Cooper Scragg saw mill area, where the stairs had been bent and damaged and in need of repair.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

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Proposed Penalty:

\$13,052.00

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

29 CFR 1910.265(c)(4)(iv): All elevated walks, runways, or platforms, if 4 feet or more from the floor level, were not provided with a standard railing except on loading or unloading sides of platforms. If height exceeds 6 feet, a standard toe board was not provided to prevent material from rolling or falling off:

On or about July 28, 2021, and at times prior thereto; employees were exposed to fall hazards of more than 4-feet above the ground level:

- (a) In the Cooper Scragg mill loading dock area.
- (b) In the Edger Building from the sawyer chair.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	February 23, 2022
Proposed Penalty:	\$13,052.00

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

29 CFR 1910.265(c)(18)(i): Construction, operation, and maintenance of conveyors were not in accordance with American National Standard B20.1-1957, which is incorporated by reference as specified in Sec. 1910.6:

(a) On or about July 28, 2021, and at times prior thereto in the Cooper Scragg mill, employees were exposed to tripping hazards while walking on the moving conveyor.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

February 23, 2022
\$13,052.00

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

29 CFR 1910.265(d)(1)(ii)(b): The lifting cylinders of all hydraulically operated log handling machines was not equipped with a positive device for preventing the uncontrolled lowering of the load or forks in case of a failure in the hydraulic system:

(a) On or about November 2, 2021, and at times prior thereto at the Cooper Scragg mill, the log loader had visible hydraulic leaks from the hoses and cylinders exposing employees to struck-by and crushed-by hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

February 23, 2022
\$13,052.00

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 1910.147(c)(4)(i): Procedures shall 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, document or utilize energy control procedures for employees who perform maintenance work on equipment and machinery such as;

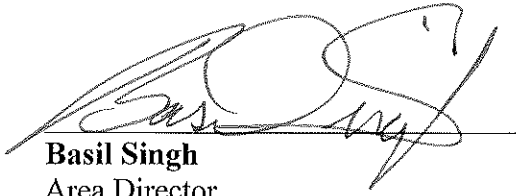
- a) On or about July 28, 2021, and at times prior to, employees replacing chains on the stackers located in both the Cooper Scragg and Baker Mills, were exposed to amputation hazards;
- b) On or about September 7, 2021, and at times prior to, employees removing debris from the metal detector conveyor located in the Cooper Scragg Mill while conveyor continues to be engaged were exposed to crushed-by hazards;
- c) On or about November 3, 2021, and at times prior to, employees replacing hydraulic cylinders on log handler located behind the Cooper Scragg Mill were exposed to struck-by and crushed-by the collapsing arm;
- d) On or about November 3, 2021, and at times prior to, employees replacing saw blades for circular and band saws located through the entire facility (Cooper Scragg Mill, Baker Mill and Edger Building). Employees 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:	February 23, 2022
Proposed Penalty:	\$130,524.00

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



Basil Singh
Area Director