

U.S. Department of Labor
Occupational Safety and Health Administration
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345



71C
3/6/20

Citation and Notification of Penalty

To:
Garick, LLC, dba Smith Garden Products
and its successors
4200 Dr. Bramblett Road
Cumming, GA 30028

Inspection Number: 1442637
Inspection Date(s): 11/05/2019 - 12/06/2019
Issuance Date: 02/12/2020

Inspection Site:
4200 Dr. Bramblett Road
Cumming, GA 30028

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 770-493-6644. 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 02/12/2020. The conference will be held by telephone or at the OSHA office located at 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1442637

Company Name: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028
Issuance Date: 02/12/2020

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, 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345**

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: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

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 1910.147(c)(4)(ii)(B): The energy control procedure did not clearly and specifically outline specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy:

On or about November 5, 2019, employees perform maintenance and service on various equipment. Employees were exposed to struck by, caught in and amputation hazards in that:

- a) bag line 3 - The lockout/tagout procedure does not indicate the location of the air valves, how to lock them out and how to verify that they have been deenergized.
- b) bag line 3- The lockout/tagout procedures does not indicate the location of the main power or how many electrical boxes are needed to be locked out.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 03/10/2020
Proposed Penalty: \$13359.00



Citation and Notification of Penalty

Company Name: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

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

29 CFR 1910.147(c)(4)(ii)(D): The energy control procedures did not clearly and specifically outline the requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control:

On or about November 5, 2019, employees perform maintenance and servicing on various equipment. Employees were exposed to struck by, caught in and amputation hazards in that:

a) bag line # 3 - The verification step of the lockout/tagout procedure for pneumatic, does not specify how to verify that the pneumatic energies were locked out.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/10/2020

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

Inspection Number: 1442637
Inspection Date(s): 11/05/2019 - 12/06/2019
Issuance Date: 02/12/2020



Citation and Notification of Penalty

Company Name: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

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

29 CFR 1910.147(c)(5)(i): Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware were not provided by the employer for isolating, securing or blocking of machines or equipment from energy sources:

On or about November 5, 2019, employees performed maintenance and service to equipment. The employer did not provide a means to lock out pneumatic energy sources on Line III when it is being serviced or maintained to prevent the release of stored energy.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/10/2020
Proposed Penalty:	\$13359.00

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: 1442637
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Issuance Date: 02/12/2020



Citation and Notification of Penalty

Company Name: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

Citation 1 Item 3 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:

a) Clark sit down propane power forklift- On or about November 5, 2019, forklift horn was not operational and the name plate of the forklift was broken and it was not taken out of service.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/10/2020
\$8111.00

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: 1442637
Inspection Date(s): 11/05/2019 - 12/06/2019
Issuance Date: 02/12/2020



Citation and Notification of Penalty

Company Name: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

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

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i.:

a) Line 3 - On or about November 5, employees used compressed air to clean mulch residue from themselves, and surfaces inside the equipment. The pressure measured in excess of 55 psi.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/10/2020
Proposed Penalty:	\$8111.00

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: 1442637
Inspection Date(s): 11/05/2019 - 12/06/2019
Issuance Date: 02/12/2020



Citation and Notification of Penalty

Company Name: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

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

On or about November 5, 2019, employees were exposed to electric shock hazards where employees used equipment receiving power from flexible cords. Instances include:

- a) Line III: Employees operating equipment including light fixtures receiving power from a flexible cord.
- b) Production area: Light sign powered by a flexible cord.

No abatement required.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4866.00

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: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

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

29 CFR 1910.305(g)(1)(iv)(D): Flexible cords and cables were attached to building surfaces:

a) Line III - On or about November 5, 2019, employees were exposed to shock and fire hazards associated with the use of extension cords attached to the structure of equipment. The extension cord was used to provide power to light fixtures used throughout the day.

a) Production area - On or about November 5, 2019, employees were exposed to electrical shock and fire hazards associated with the use of extension cords attached to the building structure. The extension cord was used to provide power to signs used throughout the day.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

Corrected During Inspection



Citation and Notification of Penalty

Company Name: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

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

29 CFR 1910.147(c)(6)(i)(B): The periodic inspection of the energy control procedure was not conducted to correct any deviations or inadequacies identified:

Garick, LLC, Cumming, GA - In the bulk mill and bagging area, employees repaired and maintained the equipment. Specific written procedures did not include the magnitude of energies, location of energy sources and verification of deenergized energy sources. The periodic inspection was not conducted, on or about 11/5/19.

Garick, LLC. was previously cited for a violation of an equivalent Occupational Safety and Health Standard 1910.147(c)(6)(i)(B), which was contained in OSHA inspection number 1374883, citation 1, item 2 issued May 3 2019 and was affirmed as a final order on July 2, 2019, with respect to a workplace located at 4200 Dr. Bramblett Road Cumming, GA 30028.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/10/2020
Proposed Penalty:	\$26718.00



Citation and Notification of Penalty

Company Name: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

Citation 2 Item 2 Type of Violation: **Repeat**

29 CFR 1910.147(c)(7)(i)(A): Authorized employee(s) 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:

a) Garick, LLC, Cumming, GA - In the bagging area employees servicing equipment, including Line III, were exposed to amputation and electrical hazards. Lockout/tagout training as required by the standard was not provided, on or about 11/5/19.

Garick, LLC. was previously cited for a violation of an equivalent Occupational Safety and Health Standard 1910.147(c)(7)(i)(A), which was contained in OSHA inspection number 1374883, citation 1, item 3 issued May 3 2019 and was affirmed as a final order on July 2, 2019, with respect to a workplace located at 4200 Dr. Bramblett Road Cumming, GA 30028.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/10/2020
Proposed Penalty:	\$26718.00

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

Inspection Number: 1442637
Inspection Date(s): 11/05/2019 - 12/06/2019
Issuance Date: 02/12/2020



Citation and Notification of Penalty

Company Name: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

Citation 2 Item 3 Type of Violation: **Repeat**

29 CFR 1910.147(d)(4)(i): Lockout or tagout devices were not affixed to each energy isolating device by authorized employees:

Garick, LLC, Cumming, GA - In the production area, employees performing, PM's, unjamming equipment and accessing moving parts were exposed to amputation hazards. Employees did not lock the energies prior to perform the repairs, on or about 11/5/19.

Garick, LLC. was previously cited for a violation of an equivalent Occupational Safety and Health Standard 1910.147(d)(4)(i), which was contained in OSHA inspection number 1374883, citation 1, item 4 issued May 3 2019 and was affirmed as a final order on July 2, 2019, with respect to a workplace located at 4200 Dr. Bramblett Road Cumming, GA 30028.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/10/2020
Proposed Penalty:	\$26718.00

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: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

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

Citation 2 Item 4 a Type of Violation: **Repeat**

29 CFR 1910.219(d)(1): Pulley(s) with part(s) seven feet or less from the floor or work platform were not guarded in accordance with the requirements specified in 29 CFR 1910.219(m) and (o):

On or about November 5, 2019, and at times prior to,

a) McT Hot Seal Operator, SN CM 169680: The employer did not ensure the pulleys of the machine were guarded. The operator guides bags of product through the machine to be hot sealed, exposing the employee to amputations and caught in between hazards.

b) Line III - In the production area, employees were exposed to an ingoing nip points from the belt and pulley located less four feet from the ground, when a control panel was moved and exposed an opening on the line for access, on or about 11/5/19.

Garick, LLC. was previously cited for a violation of an equivalent Occupational Safety and Health Standard 1910.219(d)(1), which was contained in OSHA inspection number 1374883, citation 1, item 7a issued May 3 2019 and was affirmed as a final order on July 2, 2019, with respect to a workplace located at 4200 Dr. Bramblett Road Cumming, GA 30028.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 03/10/2020
Proposed Penalty: \$19085.00

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: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

Citation 2 Item 4 b Type of Violation: **Repeat**

29 CFR 1910.219(e)(1)(i): Horizontal belts which had both runs seven feet or less from the floor level were not guarded with a guard that extended to at least fifteen inches above the belt:

On or about November 5, 2019, and at times prior to,

a) McT Hot Seal Operator, SN CM 169680: The employer did not ensure the v-belt of the belt and pulley system was guarded. The operator guides bags of product through the machine to be hot sealed, exposing the employee to amputations and caught in between hazards.

b) Line III - In the production area, employees were exposed to an ingoing nip points from the horizontal located less than the ground, when the control panel was moved and exposed an opening on the line for access, on or about 11/5/19.

Garick, LLC. was previously cited for a violation of an equivalent Occupational Safety and Health Standard 1910.219(e)(1)(i), which was contained in OSHA inspection number 1374883, citation 1, item 7b issued May 3 2019 and was affirmed as a final order on July 2, 2019, with respect to a workplace located at 4200 Dr. Bramblett Road Cumming, GA 30028.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/10/2020



Citation and Notification of Penalty

Company Name: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

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

Citation 3 Item 1 a Type of Violation: **Other-than-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:

On or about November 5, 2019, employees in the Production area were exposed to hazards associated with improperly stored fire extinguishers where the following deficiencies found included, but were not limited to:

- a) Office- Fire extinguisher was mounted and properly marked, but was blocked by doors and it was not yearly inspected.
- b) Production area- Fire extinguisher was not mounted, identified by signage and not mounted, left on the ground, not yearly inspected, it was blocked by pallets and was empty.
- c) Production area - Fire extinguisher was not mounted, identified with signage, left on the ground, and not yearly inspected.
- d) Production area - Fire extinguisher not mounted, identified with signage, left on the ground and not yearly inspected.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$911.00

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

Inspection Number: 1442637
Inspection Date(s): 11/05/2019 - 12/06/2019
Issuance Date: 02/12/2020



Citation and Notification of Penalty

Company Name: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

Citation 3 Item 1 b Type of Violation: **Other-than-Serious**

29 CFR 1910.157(e)(2): Portable fire extinguishers were not visually inspected at least monthly:

a) On or about November 5, 2019, throughout the facility, employees engaged in work activities associated with the production of mulch exposed to hazards associated with portable fire extinguishers that were not inspected on a monthly basis, deficiencies included, but were not limited to fire extinguishers that were not mounted or located in designated areas, blocked by equipment, and missing annual and monthly inspection tags.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

Corrected During Inspection

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: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

Citation 3 Item 1 c Type of Violation: **Other-than-Serious**

29 CFR 1910.157(e)(3): Portable fire extinguishers were not subjected to an annual maintenance check:

- a) Production area - On or about November 5 , 2019, the employer did not ensure that portable fire extinguishers were inspected and maintained on an annual basis as required.
- b) Production area- On or about November 5, 2019, the employer did not ensure that the portable fire extinguisher were inspected when the yellow tag on the extinguisher was ripped off.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

Corrected During Inspection

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

Inspection Number: 1442637
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Citation and Notification of Penalty

Company Name: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028

Citation 3 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.178(a)(6): The employer did not ensure that all nameplates and markings were in place:

Throughout the facility - On or about November 5, 2019, and at times prior to, nameplate on the Clark forklift was illegible.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

03/10/2020

Proposed Penalty:

\$911.00

A handwritten signature in cursive script that reads "Americo Pagan".

Americo Pagan
Acting 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
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345



INVOICE / DEBT COLLECTION NOTICE

Company Name: Garick, LLC, dba Smith Garden Products
Inspection Site: 4200 Dr. Bramblett Road, Cumming, GA 30028
Issuance Date: 02/12/2020

Summary of Penalties for Inspection Number	1442637
Citation 1, Serious	\$47806.00
Citation 2, Repeat	\$99239.00
Citation 3, Other-than-Serious	\$1822.00
TOTAL PROPOSED PENALTIES	\$148867.00

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

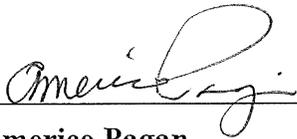
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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.



Americo Pagan

Acting Area Director



Date