

U.S. Department of Labor
Occupational Safety and Health Administration
8713 Airport Freeway
Suite 302
Fort Worth, TX 76180



Citation and Notification of Penalty

To:
Clarke Products Inc.
and its successors
800 Central Drive
Colleyville, TX 76034

Inspection Number: 1501372
Inspection Date(s): 11/06/2020-11/06/2020
Issuance Date: 05/04/2021

Inspection Site:
2100-B Orchard Lane
Waco, TX 76705

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 (817) 428-2470. 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 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 05/04/2021. The conference will be held by telephone or at the OSHA office located at 8713 Airport Freeway Suite 302, Fort Worth, TX 76180 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1501372

Company Name: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705
Issuance Date: 05/04/2021

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, 8713 Airport Freeway Suite 302, Fort Worth, TX 76180.**

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: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

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

29 CFR 1910.28(b)(15): Walking-working surfaces not otherwise addressed. Except as provided elsewhere in this section or by other subparts of this part, the employer did not ensure each employee on a walking-working surface 4 feet (1.2 m) or more above a lower level is protected from falling by one of the systems listed in 1910.28(b)(15)(i)-(iii).

On or about March 17, 2021 and at times prior thereto, an employee accessed the top of the Manual Booth Number 1 without fall protection, exposing the employee to a fall hazard of approximately 13-feet.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

May 25, 2021
\$9,655.00



Citation and Notification of Penalty

Company Name: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks.

On or about December 14, 2020, and at times prior thereto, the employer did not ensure that interlocks were operational on the doors of Trim Robot 2 in the Trim Department, exposing an employee to struck-by and amputation hazards.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	May 25, 2021
Proposed Penalty:	\$9,655.00

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: 1501372
Inspection Date(s): 11/06/2020 - 11/06/2020
Issuance Date: 05/04/2021



Citation and Notification of Penalty

Company Name: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

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

29 CFR 1910.303(b)(8)(i): Electrical equipment was not firmly secured to the surface on which it was mounted.

On or about November 6, 2020, and at times prior thereto, the employer did not ensure an electrical junction box was firmly secured/mounted near the door on the outside wall of Manual Booth Number 1, exposing employees to caught-on and electric shock hazards.

No additional abatement information is needed for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5,792.00

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: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

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

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed.

On or about November 6, 2020, and at times prior thereto, the employer did not ensure that the breaker panel (identified by the employer as LT PANEL) in the Mold Department, had an unused opening in breaker panel was missing blank cover, exposing employee to shock and electrocution hazards.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

May 25, 2021
\$7,724.00



Citation and Notification of Penalty

Company Name: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

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

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s).

On or about November 6, 2020, and at times prior thereto, employees operated a Forrest horizontal band saw located in front of the sliding doors of the Trim Robot 1 without guarding at the point of operation, exposing employees to amputation hazards.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

May 25, 2021
\$135,167.00

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: 1501372
Inspection Date(s): 11/06/2020 - 11/06/2020
Issuance Date: 05/04/2021



Citation and Notification of Penalty

Company Name: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

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

29 CFR 1910.213(i)(1): Nonworking portion(s) of the blade of the bandsaw were not enclosed or guarded.

On or about November 6, 2020, and at times prior thereto, the employer did not ensure the blade of the Rockwell Model 14 vertical band saw located near the mixing area was guarded, exposing employees to amputation hazards.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

May 25, 2021
\$135,167.00

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: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized crush by and struck-by hazards that were causing or likely to cause death or serious physical harm to employees.

On or about November 6, 2020, and at times prior thereto, employees used the Dayton 1/2 ton overhead hoist located on the Northern portion of the overhead rail in the Solid Surface Department to lift molds and bathtubs on a hook with a damaged safety latch, exposing employees to struck-by hazards.

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard OSH ACT of 1970 Section (5)(a)(1), which was contained in OSHA inspection number 1309982, citation number 001, item number 001, issued on October 1, 2018, and was affirmed final order on October 23, 2018, with respect to a workplace located at 2100 B. Orchard Lane, Waco, Texas 76705.

Among other methods, feasible and acceptable means of abatement would be to follow the guidelines set forth in ASME B30.10-2019 titled Hooks. 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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

May 25, 2021
\$27,033.00



Citation and Notification of Penalty

Company Name: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

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 2 a Type of Violation: **Repeat - Serious**

29 CFR 1910.107(b)(9): A clear space of not less than 3 feet on all sides was not kept free from storage or combustible construction.

On or about November 6, 2020, and at times prior thereto, the employer did not maintain a minimum of 3-foot clearance around:

- a. Manual Booth Number 1; exposing employees to fire and explosion hazards and
- b. Manual Booth Number 2, exposing employees to fire and explosion hazards.

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.107(b)(9), which was contained in OSHA inspection number 1309982, citation number 001, item number 005, issued on October 1, 2018, and was affirmed as final order on October 23, 2018, with respect to a workplace located at 2100 B. Orchard Lane, Waco, Texas 76705.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

May 25, 2021
\$27,033.00



Citation and Notification of Penalty

Company Name: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

Citation 3 Item 2 b Type of Violation: **Repeat - Serious**

29 CFR 1910.107(c)(6): Electrical wiring and equipment not subject to deposits of combustible residues but located in a spraying area as herein defined were not explosion-proof type approved for Class I, group D locations and did not otherwise conform to the provisions of subpart S of this part, for Class I, Division 1, Hazardous Locations.

On or about November 6, 2020, and at times prior thereto, the employer did not ensure pedestal fans in the spraying areas were explosion-proof type approved for Class I, group D locations and did not conform to the provisions of subpart S for Class I, Division I, hazardous locations in the following locations:

- a. Manual Booth Number 1; exposing employees to fire and explosion hazards and
- b. Manual Booth Number 2, exposing employees to fire and explosion hazards.

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.107(c)(6), which was contained in OSHA inspection number 1309982, citation number 001, item number 006, issued on October 1, 2018, and was affirmed as final order on October 23, 2018, with respect to a workplace located at 2100 B. Orchard Lane, Waco, Texas 76705.

No additional abatement information is needed for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00



Citation and Notification of Penalty

Company Name: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

Citation 3 Item 3 Type of Violation: **Repeat - Serious**

29 CFR 1910.178(l)(1)(ii): Prior to permitting an employee to operate a powered industrial truck (except for training purposes), the employer did not ensure that each operator had successfully completed the training required by paragraph (l).

On or about November 6, 2020, and at times prior thereto, the employer did not ensure that employees were adequately trained to operate forklifts, exposing employees to struck-by hazards.

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.178(l)(1)(ii), which was contained in OSHA inspection number 1309982, citation number 001, item number 012, issued on October 1, 2018, and was affirmed as final order on October 23, 2018, with respect to a workplace located at 2100 B. Orchard Lane, Waco, Texas 76705.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

May 25, 2021
\$27,033.00

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

Inspection Number: 1501372
Inspection Date(s): 11/06/2020 - 11/06/2020
Issuance Date: 05/04/2021



Citation and Notification of Penalty

Company Name: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

Citation 3 Item 4 Type of Violation: **Repeat - Serious**

29 CFR 1910.213(a)(9): All belts, pulleys, gears, shafts, and moving parts were not guarded in accordance with the specific requirements of 1910.219.

On or about November 6, 2020, and at times prior thereto, the employer did not ensure the belt and pulley of the Rockwell Model 14 vertical band saw near the mixing area was guarded in accordance with the specific requirements of 1910.219, exposing employees to caught-in and amputation hazards.

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.213(a)(9), which was contained in OSHA inspection number 1309982, citation number 001, item number 014/a, issued on October 1, 2018, and was affirmed as final order on October 23, 2018, with respect to a workplace located at 2100 B. Orchard Lane, Waco, Texas 76705.

No additional abatement information is needed for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$19,311.00

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: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

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 5 a Type of Violation: **Repeat - Serious**

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 6, 2020, and at times prior thereto, the employer did not ensure the Forrest horizontal band saw motor driven pulleys were guarded, exposing employees to caught-in and amputation hazards.

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.219(d)(1), which was contained in OSHA inspection number 1309982, citation number 001, item number 013/b, issued on October 1, 2018, and was affirmed as final order on October 23, 2018, with respect to a workplace located at 2100 B. Orchard Lane, Waco, Texas 76705.

No additional abatement information is needed for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$27,033.00

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

Inspection Number: 1501372
Inspection Date(s): 11/06/2020 - 11/06/2020
Issuance Date: 05/04/2021



Citation and Notification of Penalty

Company Name: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

Citation 3 Item 5 b Type of Violation: **Repeat - Serious**

29 CFR 1910.219(e)(3)(i): Vertical and inclined belts were not enclosed by a guard conforming to standards in paragraphs (m) and (o) of this section.

On or about November 6, 2020, and at times prior thereto, the employer did not ensure the vertical belt on the Forrest horizontal band saw was guarded, exposing employees to caught-in and amputation hazards.

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.219(e)(3)(i), which was contained in OSHA inspection number 1309982, citation number 001, item number 013/c, issued on October 1, 2018, and was affirmed as final order on October 23, 2018, with respect to a workplace located at 2100 B. Orchard Lane, Waco, Texas 76705.

No additional abatement information is needed for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

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: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

Citation 3 Item 6 Type of Violation: **Repeat - Serious**

29 CFR 1910.303(b)(2): Electrical equipment was not used or installed in accordance with instructions included in the listing or labeling.

On or about November 6, 2020, and at times prior thereto, the employer did not ensure that electrical equipment was used or installed in accordance with manufacturer instructions and the electrical equipment listing and labeling in the following locations:

- a. In Manual Booth Number 1, a short three outlet "pigtail" extension cord powered by another extension cord, exposing employees to fire and explosion hazards;
- b. In Manual Booth Number 1, a relocatable power tap was powered by another extension cord and not mounted, exposing employees to fire and explosion hazards; and
- c. The light switch (used as a power switch) of the Rockwell Model 14 vertical band saw near the mixing area, exposing employees to fire and explosion hazards.

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.303(b)(2), which was contained in OSHA inspection number 1309982, citation number 001, item number 018, issued on October 1, 2018, and was affirmed as final order on October 23, 2018, with respect to a workplace located at 2100 B. Orchard Lane, Waco, Texas 76705.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

May 25, 2021
\$27,033.00

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: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

Citation 3 Item 7 Type of Violation: **Repeat - Serious**

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

On or about November 6, 2020, and at times prior thereto, electrical equipment was blocked and used for storage in the following locations:

a. In the Vacuum Forming Area, a transformer, electrical cabinet, and a knife switch were blocked by stacks of bathtubs, exposing employees to electric shock and fire hazards; and

On or about January 22, 2021, and at times prior thereto, electrical equipment was blocked and used for storage in the following location:

b. In the Vacuum Forming Area, a 480V electrical panel was blocked by trash and boxes, exposing employees to electric shock and fire hazards.

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.303(g)(1), which was contained in OSHA inspection number 1309982, citation number 001, item number 020, issued on October 1, 2018, and was affirmed as final order on October 23, 2018, with respect to a workplace located at 2100 B. Orchard Lane, Waco, Texas 76705.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

May 25, 2021
\$23,172.00

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: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

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 8 a Type of Violation: **Repeat - 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 6, 2020, and at times prior thereto, flexible cords were used as a substitute for the fixed wiring of the structure in the following locations:

- a. Flexible cord powering the light fixture above the Forrest horizontal band saw, exposing employees to fire and explosion hazards;
- b. Extension cords powering the hoists in the Solid Surface Department, exposing employees to fire and explosion hazards;
- c. On the top and side of Manual Booth Number 1, exposing employees to fire and explosion hazards; and

On or about January 22, 2021, and at times prior thereto, flexible cords were used as a substitute for the fixed wiring of the structure in the following location:

- d. Extension cords run through the trusses above the Testing Department and powering an overhead light fixture exposing employees to fire and explosion hazards.

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.303(g)(1)(iv)(A), which was contained in OSHA inspection number 1309982, citation number 001, item number 022/a, issued on October 1, 2018, and was affirmed as final order on October 23, 2018, with respect to a workplace located at 2100 B. Orchard Lane, Waco, Texas 76705.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

May 25, 2021

Proposed Penalty:

\$19,311.00

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: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

Citation 3 Item 8 b Type of Violation: **Repeat - Serious**

29 CFR 1910.305(g)(1)(iv)(B): Flexible cords and/or cables were run through holes in walls, ceilings, or floors.

On or about November 6, 2020, and at times prior thereto, flexible cords were run through holes in walls of Manual Booth Number 1 to power items such as, but not limited to, a relocatable power tap, pedestal fans, a guitar amplifier, and employees' cell phone chargers, exposing employees to fire and explosion hazards.

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.303(g)(1)(iv)(B), which was contained in OSHA inspection number 1309982, citation number 001, item number 022/b, issued on October 1, 2018, and was affirmed as final order on October 23, 2018, with respect to a workplace located at 2100 B. Orchard Lane, Waco, Texas 76705.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

May 25, 2021
\$0.00



Citation and Notification of Penalty

Company Name: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

Citation 3 Item 8 c Type of Violation: **Repeat - Serious**

29 CFR 1910.305(g)(2)(ii): Flexible cords were not used in continuous lengths without splice or tap. Hard-service cord and junior hard-service cord No. 14 and larger may be repaired if spliced so that the splice retains the insulation, outer sheath properties, and usage characteristics of the cord being spliced.

On or about November 6, 2020, and at times prior thereto, the employer did not ensure that flexible cords were used in continuous lengths without splice in the following location:

- a. Flexible cord used to power the box fan near the Manual Booth Number 1, exposing employees to fire and explosion hazards; and

On or about November 13, 2020 and at times prior thereto, the employer did not ensure that flexible cords were used in continuous lengths without splice in the following location:

- b. Flexible cord wired to the overhead light in the testing department exposing employees to fire and explosion hazards.

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.303(g)(2)(ii), which was contained in OSHA inspection number 1309982, citation number 001, item number 022/c, issued on October 1, 2018, and was affirmed as final order on October 23, 2018, with respect to a workplace located at 2100 B. Orchard Lane, Waco, Texas 76705.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **May 25, 2021**
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: 1501372
Inspection Date(s): 11/06/2020 - 11/06/2020
Issuance Date: 05/04/2021



Citation and Notification of Penalty

Company Name: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705

Citation 4 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.40(a):The employer did not provide an authorized government representative the records within the four business hours.

On or about November 13, 2020, the employer did not provide the OSHA 300 log for the year 2020 to date.

No additional abatement information is needed for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

May 25, 2021
\$1,931.00

Timothy Minor

Timothy Minor
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
8713 Airport Freeway
Suite 302
Fort Worth, TX 76180

**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Clarke Products Inc.
Inspection Site: 2100-B Orchard Lane, Waco, TX 76705
Issuance Date: 05/04/2021

Summary of Penalties for Inspection Number: 1501372

Citation 1 Item 1, Serious	\$9,655.00
Citation 1 Item 2, Serious	\$9,655.00
Citation 1 Item 3, Serious	\$5,792.00
Citation 1 Item 4, Serious	\$7,724.00
Citation 2 Item 1, Willful - Serious	\$135,167.00
Citation 2 Item 2, Willful - Serious	\$135,167.00
Citation 3 Item 1, Repeat - Serious	\$27,033.00
Citation 3 Item 2a, Repeat - Serious	\$27,033.00
Citation 3 Item 2b, Repeat - Serious	\$0.00
Citation 3 Item 3, Repeat - Serious	\$27,033.00
Citation 3 Item 4, Repeat - Serious	\$19,311.00
Citation 3 Item 5a, Repeat - Serious	\$27,033.00
Citation 3 Item 5b, Repeat - Serious	\$0.00
Citation 3 Item 6, Repeat - Serious	\$27,033.00
Citation 3 Item 7, Repeat - Serious	\$23,172.00
Citation 3 Item 8a, Repeat - Serious	\$19,311.00
Citation 3 Item 8b, Repeat - Serious	\$0.00
Citation 3 Item 8c, Repeat - Serious	\$0.00
Citation 4 Item 1, Other-than-Serious	\$1,931.00

TOTAL PROPOSED PENALTIES: **\$502,050.00**

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.

Timothy Minor

Timothy Minor

Area Director

May 4, 2021

Date

U.S. Department of Labor
Occupational Safety and Health Administration
8713 Airport Freeway
Suite 302
Fort Worth, TX 76180



Citation and Notification of Penalty

To:
Clarke Products Inc.
and its successors
800 Central Drive
Colleyville, TX 76034

Inspection Number: 1501376
Inspection Date(s): 11/06/2020-11/06/2020
Issuance Date: 05/04/2021

Inspection Site:
2100 B Orchard Lane
Waco, TX 76705

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 (817) 428-2470. 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 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 05/04/2021. The conference will be held by telephone or at the OSHA office located at 8713 Airport Freeway Suite 302, Fort Worth, TX 76180 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1501376

Company Name: Clarke Products Inc.
Inspection Site: 2100 B Orchard Lane, Waco, TX 76705
Issuance Date: 05/04/2021

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, 8713 Airport Freeway Suite 302, Fort Worth, TX 76180.**

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: Clarke Products Inc.
Inspection Site: 2100 B Orchard Lane, Waco, TX 76705

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

29 CFR 1910.132(a): Protective equipment was not whenever hazards capable of causing injury and impairment were encountered:

Spray Area: where the employer did not ensure employees that were spraying a chemical mixture containing 2-Butanone Peroxide and working in the spray booth area were protected from exposure to chemical burn hazards

- a) On January 22, 2021, employees were not properly wearing their Tyvek protective clothing so that it covered exposed skin.
- b) On February 9, 2021, employees were not properly wearing their Tyvek protective clothing so that it covered exposed skin.
- c) On March 31, 2021, employees were not properly wearing their Tyvek protective clothing so that it covered exposed skin.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

May 19, 2021
\$13,516.00

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: Clarke Products Inc.
Inspection Site: 2100 B Orchard Lane, Waco, TX 76705

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

29 CFR 1910.95(g)(1): The employer did not establish and maintain an audiometric testing program as provided by 29 CFR 1910.95(g) by making audiometric testing available to all employees whose exposures equal or exceed an 8-hour time-weighted average (TWA) of 85 decibels:

On or about March 31, 2021, and at times prior thereto, where the employer did not provide audiometric testing to employees exposed to continuous noise exceeding the daily action level TWA of 85 dBA while working the facility:

(a) in the Trim area: Employees were exposed to continuous noise at 135.8% of the permissible daily noise exposure (8-hour Time Weighted Average of 85 dBA during the 445 minute sampling period and were not included in the hearing conservation program. For a full eight hour work shift this exposure is equivalent to an average noise exposure level of 92.2 dBA. Exposure calculations include a zero increment for the 35 minutes not sampled.

(b) in the Mold Shop: Employees working in the area were exposed to continuous noise at 100.4 % of the permissible daily exposure limit (8-hour Time Weighted Average sound level of 85 dBA) during the 448 minute sampling period and were not included in the hearing conservation program. For a full eight hour work shift this exposure is equivalent to an average noise exposure level 90.0 dBA. Exposure calculations include a zero increment for the 32 minutes not sampled.

(c) in the Solid Surface: Employees working in the area were exposed to continuous noise at 70.7% of the permissible daily exposure limit (8-hour Time Weighted Average sound level of 85dBA) during the 447 minute sampling period and were not included in the hearing conservation program. For a full eight hour work shift this exposure is equivalent to an average noise exposure level of 87.5 dBA Exposure calculations include a zero increment for the 33 minutes not sampled.

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.95(g)(1), which was contained in OSHA inspection number 1311129, citation number 001, item number 002-a, issued on October 1, 2018, and was affirmed as a final order on October 24, 2018, with respect to a workplace located at 2100 B Orchard Lane, Waco, Texas 76705.

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

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: 1501376
Inspection Date(s): 11/06/2020 - 11/06/2020
Issuance Date: 05/04/2021



Citation and Notification of Penalty

Company Name: Clarke Products Inc.
Inspection Site: 2100 B Orchard Lane, Waco, TX 76705

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

May 19, 2021
\$19,311.00

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: Clarke Products Inc.
Inspection Site: 2100 B Orchard Lane, Waco, TX 76705

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new chemical hazard that the employees had not been previously trained about was introduced into their work area:

On or about November 6, 2020, and at times prior thereto, for employees exposed to hazardous chemicals such as, but not limited to, 2-Butanone Peroxide while working in and around the spray booths, the respecta area, and other chemical storage areas without first being provided information on the the chemical hazards, their health effects, the appropriate means and methods to protect themselves, or the company's hazard communication program.

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1200(h)(1), which was contained in OSHA inspection number 1311129, citation number 2, item number 2, issued on October 1, 2018, and was affirmed as a final order on October 24, 2018, with respect to a workplace located at 2100 B Orchard Lane, Waco, Texas 76705.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

May 19, 2021
\$23,172.00

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: Clarke Products Inc.
Inspection Site: 2100 B Orchard Lane, Waco, TX 76705

Citation 3 Item 1 Type of Violation: **Repeat - Other**

29 CFR 1910.134(c)(2)(i):Respirator users were not provided with the information contained in Appendix D to 29 CFR 1910.134 when the employer determined that any voluntary respirator use was permissible.

On or about November 6, 2020, and at times prior thereto, the employer did not ensure that voluntary respirator users were provided with the information contained in Appendix D when respirator use was voluntary:

Clarke Products Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.134(c)(2)(i), which was contained in OSHA inspection number 1311129, citation number 3, item number 1 and was affirmed as a final order on October 24, 2018, with respect to a workplace located at 2100 B Orchard Lane, Waco, Texas 76705.

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, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

May 19, 2021

Proposed Penalty:

\$772.00

Timothy Minor

Timothy Minor
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
8713 Airport Freeway
Suite 302
Fort Worth, TX 76180



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Clarke Products Inc.
Inspection Site: 2100 B Orchard Lane, Waco, TX 76705
Issuance Date: 05/04/2021

Summary of Penalties for Inspection Number: 1501376

Citation 1 Item 1, Serious	\$13,516.00
Citation 2 Item 1, Repeat - Serious	\$19,311.00
Citation 2 Item 2, Repeat - Serious	\$23,172.00
Citation 3 Item 1, Repeat - Other	\$772.00

TOTAL PROPOSED PENALTIES: \$56,771.00

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.

Timothy Minor

Timothy Minor

Area Director

May 4, 2021

Date