

# U.S. Department of Labor

Occupational Safety and Health Administration  
1141 Montlimar Drive  
Suite 1006  
Mobile, AL 36609



## Citation and Notification of Penalty

**To:**  
Henry Brick Company, Inc.  
and its successors  
3409 Water Avenue  
Selma, AL 36703

**Inspection Number:** 1695478  
**Inspection Date(s):** 08/30/2023 - 01/02/2024  
**Issuance Date:** 02/20/2024

**Inspection Site:**  
3409 Water Ave.  
Selma, AL 36703

*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 (251) 441-6131. 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](http://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](http://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 02/20/2024. The conference will be held by telephone or at the OSHA office located at 1141 Montlimar Drive, Suite 1006, Mobile, AL 36609 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1695478**

Company Name: Henry Brick Company, Inc.  
Inspection Site: 3409 Water Ave., Selma, AL 36703  
Issuance Date: 02/20/2024

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, 1141 Montlimar Drive, Suite 1006, Mobile, AL 36609.**

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:** Henry Brick Company, Inc.  
**Inspection Site:** 3409 Water Ave., Selma, AL 36703

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

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

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

- a) Shale Area and Mixing area; On or about August 31, 2023: the employer exposed employees to respiratory hazards in that employees were required to wear N95 respirators in the workplace without the employer establishing and implementing a written respiratory protection program with worksite-specific procedures.
- b) Brick Face Saw Area; On or about August 31, 2023: the employer exposed employees to respiratory hazards in that employees were required to wear N95 respirators in the workplace without the employer establishing and implementing a written respiratory protection program with worksite-specific procedures.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	March 19, 2024
Proposed Penalty:	\$11,292.00

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:** 1695478  
**Inspection Date(s):** 08/30/2023 - 01/02/2024  
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**Citation and Notification of Penalty**

**Company Name:** Henry Brick Company, Inc.  
**Inspection Site:** 3409 Water Ave., Selma, AL 36703

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

29 CFR 1910.1053(g)(2): Where respirator use was required by this section, the employer did not institute a respiratory protection program in accordance with 29 CFR 1910.134:

a) Shale Area, Brick Face Saw Area and Clay Prep area; On or about August 31, 2023, and at times prior thereto; the employer exposed employees to respiratory hazards in that employees performed work in an area requiring employees to use respirators to reduce exposure to respirable Silica without having a respiratory protection program meeting the requirements of 29 CFR 1910.134 in place.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	March 19, 2024
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.



**Citation and Notification of Penalty**

**Company Name:** Henry Brick Company, Inc.  
**Inspection Site:** 3409 Water Ave., Selma, AL 36703

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

- a) Shale Area and Mixing area; On or about August 31, 2023: the employer exposed employees to respiratory hazards in that employees were required to wear a tight-fitting N95 negative pressure respirator without first being medically evaluated to ensure the employees were medically able to wear a negative pressure respirator.
- b) Brick Face Saw Area; On or about August 31, 2023: the employer exposed employees to respiratory hazards in that employees were required to wear a tight-fitting N95 negative pressure respirator without first being medically evaluated to ensure the employees were medically able to wear a negative pressure respirator.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

March 19, 2024  
\$11,292.00

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**Citation and Notification of Penalty**

**Company Name:** Henry Brick Company, Inc.  
**Inspection Site:** 3409 Water Ave., Selma, AL 36703

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

29 CFR 1910.134(f)(1): The employer did not ensure that employee(s) required to use a tight-fitting facepiece respirator passed the appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT):

- a) Shale Area and Mixing area; On or about August 31, 2023: the employer exposed employees to respiratory hazards in that employees were required to wear N95 negative pressure respirators without first being fit tested.
- b) Brick Face Saw Area; On or about August 31, 2023: the employer exposed employees to respiratory hazards in that employees were required to wear N95 negative pressure respirators without first being fit tested.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	March 19, 2024
Proposed Penalty:	\$11,292.00

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**Citation and Notification of Penalty**

**Company Name:** Henry Brick Company, Inc.  
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Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.134(k)(3): Training was not provided prior to requiring employees to use a respirator in the workplace:

- a) Shale Area and Mixing areas; On or about August 31, 2023: the employer exposed employees to respiratory hazards in that employees were required to wear N95 negative pressure respirators without first being provided training as required by the standard.
- b) Brick Face Saw Area; On or about August 31, 2023: the employer exposed employees to respiratory hazards in that employees were required to wear N95 negative pressure respirators without first being provided training as required by the standard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	March 19, 2024
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**Citation and Notification of Penalty**

**Company Name:** Henry Brick Company, Inc.  
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Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.1053(c): The employer did not ensure that no employee was exposed to an airborne concentration of respirable crystalline silica in excess of 50 cmg/m<sup>3</sup>, calculated as an 8-hour TWA:

a) Shale Area and Clay Prep area; On or about August 31, 2023, and at times prior thereto, the employer exposed employees to an airborne concentration of respirable crystalline silica in excess of 50 cmg/m<sup>3</sup>, calculated as an 8-hour time weight average (TWA). An employee removing roots from the lines and cleaning was exposed to respirable crystalline silica hazards at 57.5 micrograms per cubic meter which is approximately 1.15 times the permissible exposure level (PEL) of 50 micrograms per cubic meter. Results were based on a 523-minute sampling period.

b) Brick Face Saw Area; On or about August 31, 2023, and at times prior thereto, the employer exposed employees to an airborne concentration of respirable crystalline silica in excess of 50 cmg/m<sup>3</sup>, calculated as an 8-hour TWA. An employee operating the brick face saw was exposed to respirable crystalline silica hazards at 326 micrograms per cubic meter which is approximately 6.52 times the permissible exposure level of 50 micrograms per cubic meter. Results were based on a 499-minute sampling period.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	March 19, 2024
Proposed Penalty:	\$11,292.00

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**  
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**Inspection Number:** 1695478  
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**Citation and Notification of Penalty**

**Company Name:** Henry Brick Company, Inc.  
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Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.1053(d)(3)(i): The employer did not perform initial monitoring to assess the 8-hour TWA exposure for each employee on the basis of one or more personal breathing zone air samples that reflect the exposures of employees on each shift, for each job classification, in each work area:

a) Brick Face Saw Area; On or about August 31, 2023, and at times prior thereto, the employer failed to assess the employee cutting brick faces to determine their 8-hour TWA exposure. An employee operating the brick face saw was exposed to respirable crystalline silica hazards at 326 micrograms per cubic meter which is approximately 6.52 times the permissible exposure level of 50 micrograms per cubic meter. Results were based on a 499-minute sampling period.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	March 19, 2024
Proposed Penalty:	\$11,292.00

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:** Henry Brick Company, Inc.  
**Inspection Site:** 3409 Water Ave., Selma, AL 36703

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

29 CFR 1910.1053(d)(3)(iii): Where the most recent exposure monitoring indicated that employee exposures were at or above the action level but at or below the PEL, the employer did not repeat such monitoring within six months of the most recent monitoring:

a) Shale Area and Clay Prep area; On or about August 31, 2023, and at times prior thereto, the employer exposed employees to an airborne concentration of respirable crystalline silica in excess of 50 cmg/m<sup>3</sup>, calculated as an 8-hour TWA. An employee removing roots from the lines and cleaning was exposed to respirable crystalline silica hazards at 57.5 micrograms per cubic meter which is approximately 1.15 times the permissible exposure level of 50 micrograms per cubic meter. Results were based on a 523-minute sampling period. Sampling on August 7, 2018, showed exposures over the action level and the employer did not resample within six months of the monitoring.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	March 19, 2024
Proposed Penalty:	\$11,292.00

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:** Henry Brick Company, Inc.  
**Inspection Site:** 3409 Water Ave., Selma, AL 36703

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

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

29 CFR 1910.1053(e)(1): The employer did not establish a regulated area wherever an employee's exposure to airborne concentrations of respirable crystalline silica was, or could have been reasonably expected to be, in excess of the PEL:

a) Brick Face Saw Area; On or about August 31, 2023, and at times prior thereto, the employer exposed employees to an airborne concentration of respirable crystalline silica in excess of 50 cmg/m<sup>3</sup>, calculated as an 8-hour TWA. An employee operating the brick face saw was exposed to respirable crystalline silica hazards at 326 micrograms per cubic meter which is approximately 6.52 times the permissible exposure level of 50 micrograms per cubic meter and the employer failed to establish a regulated area. Results were based on a 499-minute sampling period.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	March 19, 2024
Proposed Penalty:	\$11,292.00

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:** 1695478  
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**Issuance Date:** 02/20/2024



**Citation and Notification of Penalty**

**Company Name:** Henry Brick Company, Inc.  
**Inspection Site:** 3409 Water Ave., Selma, AL 36703

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

29 CFR 1910.1053(j)(2): The employer did not post signs at all entrances to regulated areas that bear the following legend:

DANGER RESPIRABLE CRYSTALLINE SILICA  
MAY CAUSE CANCER  
CAUSES DAMAGE TO LUNGS  
WEAR RESPIRATORY PROTECTION IN THIS AREA  
AUTHORIZED PERSONNEL ONLY

a) Brick Face Saw Area; On or about August 31, 2023, and at times prior thereto, the employer exposed employees to an airborne concentration of respirable crystalline silica in excess of 50 cmg/m<sup>3</sup>, calculated as an 8-hour TWA. An employee operating the brick face saw was exposed to respirable crystalline silica hazards at 326 micrograms per cubic meter which is approximately 6.52 times the permissible exposure level of 50 micrograms per cubic meter and the employer did not post the required signage. Results were based on a 499-minute sampling period.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: **March 19, 2024**  
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.



**Citation and Notification of Penalty**

**Company Name:** Henry Brick Company, Inc.  
**Inspection Site:** 3409 Water Ave., Selma, AL 36703

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Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.1053(f)(1): The employer did not use engineering and work practice controls to reduce and maintain employee exposure to respirable crystalline silica to or below the PEL, and the employer did not demonstrate that such controls are not feasible:

a) Shale Area and Clay Prep area; On or about August 31, 2023, and at times prior thereto, the employer exposed employees to an airborne concentration of respirable crystalline silica in excess of 50 cmg/m<sup>3</sup>, calculated as an 8-hour TWA. An employee removing roots from the lines and cleaning was exposed to respirable crystalline silica hazards at 57.5 micrograms per cubic meter which is approximately 1.15 times the permissible exposure level of 50 micrograms per cubic meter and the employer did not use engineering and work practice controls to reduce and maintain employee exposure to respirable crystalline silica to or below the PEL. Results were based on a 523-minute sampling period.

b) Brick Face Saw Area; On or about August 31, 2023, and at times prior thereto, the employer exposed employees to an airborne concentration of respirable crystalline silica in excess of 50 cmg/m<sup>3</sup>, calculated as an 8-hour TWA. An employee operating the brick face saw was exposed to respirable crystalline silica hazards at 326 micrograms per cubic meter which is approximately 6.52 times the permissible exposure level of 50 micrograms per cubic meter and the employer did not use engineering and work practice controls to reduce and maintain employee exposure to respirable crystalline silica to or below the PEL. Results were based on a 499-minute sampling period.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

March 19, 2024  
\$11,292.00

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:** Henry Brick Company, Inc.  
**Inspection Site:** 3409 Water Ave., Selma, AL 36703

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**Citation 1 Item 10** Type of Violation: **Serious**

29 CFR 1910.1053(i)(1)(i): The employer did not make medical surveillance available at no cost to each employee, and at a reasonable time and place, for each employee who has been occupationally exposed to respirable crystalline silica at or above the action level for 30 or more days per year:

- a) Shale Area and Clay Prep area; On or about August 31, 2023, and at times prior thereto, the employer did not make medical surveillance available at no cost to each employee, and at a reasonable time and place, for each employee who has been occupationally exposed to respirable crystalline silica at or above the action level for 30 or more days per year. An employee shoveling spillage from the line and cleaning was exposed to respirable crystalline silica hazards at 55.21 micrograms per cubic meter which is approximately 2.2 times the action level of 25 micrograms per cubic meter.
- b) Shale Area and Clay Prep area; On or about August 31, 2023, and at times prior thereto, the employer did not make medical surveillance available at no cost to each employee, and at a reasonable time and place, for each employee who has been occupationally exposed to respirable crystalline silica at or above the action level for 30 or more days per year. An employee removing roots from the lines and cleaning was exposed to respirable crystalline silica hazards at 57.5 micrograms per cubic meter which is approximately 2.3 times the action level of 25 micrograms per cubic meter.
- c) Brick Face Saw Area; On or about August 31, 2023, and at times prior thereto, the employer did not make medical surveillance available at no cost to each employee, and at a reasonable time and place, for each employee who has been occupationally exposed to respirable crystalline silica at or above the action level for 30 or more days per year. An employee operating the brick face saw was exposed to respirable crystalline silica hazards at 326 micrograms per cubic meter which is approximately 13 times the action level of 25 micrograms per cubic meter.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: **March 19, 2024**  
Proposed Penalty: **\$11,292.00**

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:** Henry Brick Company, Inc.  
**Inspection Site:** 3409 Water Ave., Selma, AL 36703

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**Citation 1 Item 11** Type of Violation: **Serious**

29 CFR 1910.1053(j)(3)(i): The employer did not ensure that each employee covered by this section could demonstrate knowledge and understanding of the following: (A) the health hazards associated with exposure to respirable crystalline silica; (B) specific tasks in the workplace that could result in exposure to respirable crystalline silica; (C) specific measures the employer has implemented to protect employees from exposure to respirable crystalline silica, including engineering controls, work practices, and respirators to be used; (D) the contents of this section; and, (E) the purpose and a description of the medical surveillance program required by paragraph (i) of this section:

- a) Shale Area and Clay Prep area; On or about August 31, 2023, and at times prior thereto, the employer did not provide effective training on silica to employees exposed over the action level. An employee shoveling spillage from the line and cleaning was exposed to respirable crystalline silica hazards at 55.21 micrograms per cubic meter which is approximately 2.2 times the action level of 25 micrograms per cubic meter.
- b) Shale Area and Clay Prep area; On or about August 31, 2023, and at times prior thereto, the employer did not provide effective training on silica to employees exposed over the permissible exposure level. An employee removing roots from the lines and cleaning was exposed to respirable crystalline silica hazards at 57.5 micrograms per cubic meter which is approximately 1.15 times the permissible exposure level of 50 micrograms per cubic meter.
- c) Brick Face Saw Area; On or about August 31, 2023, and at times prior thereto, the employer did not provide effective training on silica to employees exposed over the permissible exposure level. An employee operating the brick face saw was exposed to respirable crystalline silica hazards at 326 micrograms per cubic meter which is approximately 6.52 times the permissible exposure level of 50 micrograms per cubic meter.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

March 19, 2024  
\$11,292.00

A handwritten signature in blue ink, appearing to read "JG/3", written over a horizontal line.

**Jose A. Gonzalez**  
Area Director

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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  
1141 Montlimar Drive  
Suite 1006  
Mobile, AL 36609



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## INVOICE / DEBT COLLECTION NOTICE

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**Company Name: Henry Brick Company, Inc.**  
**Inspection Site: 3409 Water Ave., Selma, AL 36703**  
**Issuance Date: 02/20/2024**

Summary of Penalties for Inspection Number: 1695478

Citation 1 Item 1a, Serious	\$11,292.00
Citation 1 Item 1b, Serious	\$0.00
Citation 1 Item 2, Serious	\$11,292.00
Citation 1 Item 3, Serious	\$11,292.00
Citation 1 Item 4, Serious	\$11,292.00
Citation 1 Item 5, Serious	\$11,292.00
Citation 1 Item 6, Serious	\$11,292.00
Citation 1 Item 7, Serious	\$11,292.00
Citation 1 Item 8a, Serious	\$11,292.00
Citation 1 Item 8b, Serious	\$0.00
Citation 1 Item 9, Serious	\$11,292.00
Citation 1 Item 10, Serious	\$11,292.00
Citation 1 Item 11, Serious	\$11,292.00

**TOTAL PROPOSED PENALTIES: \$124,212.00**

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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](http://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.



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**Jose A. Gonzalez**  
Area Director

02/20/2024

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Date