

**Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (920) 734-4521.**

U.S. Department of Labor Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914
Phone: (920) 734-4521 Fax: (920) 734-2661




February 28, 2024

Dear Brenda Milan,

On 09/05/2023, an OSHA compliance officer met with you or your representative as part of an inspection at 5215 Mill Road, Laona, WI 54541. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,


Robert J. Bonack, Area Director

Your Citation Summary

WD Flooring LLC

Inspection Number: 1695353

Total Amount Due: \$49,684.00

**Payment Due Date: 15 working days
after receipt of
this letter**

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 4

**Your First Correction Deadline is:
March 27, 2024**

Step 1 – Choose a Response Option and Act within 15 working days

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (920) 734-4521.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:

1. Call our office at (920) 734-4521 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****
2. Fill in and post the attached “Notice to Employees OSHA Informal Conference” after scheduling meeting.

___ / ___

___ / ___

Option #2 – Correct Violations and Pay Penalty

I will complete by:

1. Correct violations, then complete and mail the attached “Certification of Corrective Action Worksheet” along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**
2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

___ / ___

___ / ___

Pay Online: Search “OSHA” on www.pay.gov and complete the “OSHA Penalty Payment Form.” Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days.** Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to “DOL-OSHA” for the Total Penalty to the OSHA office listed on the first page **within 15 working days.**

Option #3 – Contest the Citation

I will complete by:

Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days.**

___ / ___

U.S. Department of Labor Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914



02/28/2024

WD Flooring LLC
and its successors
PO BOX 368
Laona, WI 54541

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (920) 734-4521.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

A handwritten signature in blue ink that reads "Robert J. Bonack". The signature is written in a cursive style with a large initial "R".

Robert J. Bonack
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914



Citation and Notification of Penalty

To:
WD Flooring LLC
and its successors
PO BOX 368
Laona, WI 54541

Inspection Number: 1695353
Inspection Date(s): 09/05/2023 - 02/27/2024
Issuance Date: 02/28/2024

Inspection Site:
5215 Mill Road
Laona, WI 54541

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 (920) 734-4521. 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 02/28/2024. The conference will be held by telephone or at the OSHA office located at 1648 Tri Park Way, Appleton, WI 54914 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1695353

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541
Issuance Date: 02/28/2024

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, 1648 Tri Park Way, Appleton, WI 54914.**

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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 1910.95(i)(3): Hearing protectors. Employees shall be given the opportunity to select their hearing protectors from a variety of suitable hearing protectors provided by the employer.

At an establishment located at 5215 Mill Road in Laona, Wisconsin:

a) On or about September 5, 2023, to November 2, 2023, in Plants A and B, the employer did not provide and give employees the opportunity to select their hearing protectors from a variety of suitable hearing protectors to include ear muffs.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|----------------|
| Date By Which Violation Must be Abated: | March 27, 2024 |
| Proposed Penalty: | \$12,421.00 |

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.95(i)(5): Hearing protectors. The employer shall ensure proper initial fitting and supervise the correct use of all hearing protectors.

At an establishment located at 5215 Mill Road in Laona, Wisconsin:

- a) On or about September 13, 2023, in Plant A, the employer did not ensure proper initial fitting and supervise the correct use of the Honeywell Maximum earplugs a grading employee wore on the finish end of the line. The employee did not have the earplugs inserted correctly into the ear canals per the manufacturer's guidelines.
- b) On or about December 12, 2023, in Plant A, the the employer did not ensure proper initial fitting and supervise the correct use of the Moldex 6604 Sparkplugs earplugs a planer operator employee wore on the rough end of the line. The employee did not have the earplugs inserted correctly into the ear canals per the manufacturer's guidelines.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|----------------|
| Date By Which Violation Must be Abated: | March 27, 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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

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

29 CFR 1910.1200(e)(1): Written hazard communication program. Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met.

At an establishment located at 5215 Mill Road in Laona, Wisconsin;

a) On or about September 5, 2023, to December 13, 2023, in Plants A and B, the employer did not implement and maintain a hazard communication (HAZCOM) program for hazardous chemicals used and present in the workplace, including but not limited to, H.B. Fuller HL-9555 (flushing compound), Rapidex 4001-149 (hot melt adhesive), H.B. Fuller Swift Clean 9050 (adhesive removal agent), combustible wood dust, and liquid petroleum gas (LPG).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|----------------|
| Date By Which Violation Must be Abated: | March 27, 2024 |
| Proposed Penalty: | \$12,421.00 |

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.1200(g)(8): Safety Data Sheets. The employer shall maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access and other alternatives to maintaining paper copies of the safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)

At an establishment located at 5215 Mill Road in Laona, Wisconsin;

a) On or about September 5, 2023, to December 13, 2023, in Plants A and B, the employer did not maintain and make readily accessible to employees during each work shift copies of required safety data sheet (SDS) for each hazardous chemical present in the workplace. Hazardous chemicals present in the workplace included, but were not limited to, H.B. Fuller HL-9555 (flushing compound), Rapidex 4001-149 (hot melt adhesive), H.B. Fuller Swift Clean 9050 (adhesive removal agent), combustible wood dust, and liquid petroleum gas (LPG).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|----------------|
| Date By Which Violation Must be Abated: | March 27, 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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.1200(h)(2): Employee information and training. Employees shall be informed of: (i) The requirements of this section; (ii) Any operations in their work area where hazardous chemicals are present; and (iii) The location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and safety data sheets required by this section.

At an establishment located at 5215 Mill Road in Laona, Wisconsin;

a) On or about September 5, 2023, to December 13, 2023, in Plants A and B, the employer did not inform employees of the requirements of the Hazard Communication section, did not inform employees of the hazardous chemicals present in their work areas, and did not inform employees on the location and availability of safety data sheets when employees worked with hazardous chemicals such as, but not limited to, H.B. Fuller HL-9555 (flushing compound), Rapidex 4001-149 (hot melt adhesive), H.B. Fuller Swift Clean 9050 (adhesive removal agent), combustible wood dust, and liquid petroleum gas (LPG).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|----------------|
| Date By Which Violation Must be Abated: | March 27, 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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.1200(h)(3): Employee information and training. Employee training shall include at least the topics from (h)(3)(i) through (h)(3)(iv) of this section.

At an establishment located at 5215 Mill Road in Laona, Wisconsin;

a) On or about September 5, 2023, to December 13, 2023, in Plants A and B, the employer did not provide training to employees regarding:

- (i) how employees could detect hazardous chemicals in the work areas;
- (ii) the physical hazards, health hazards and combustible dust hazards of the chemicals in their work areas;
- (iii) the measures employees could take to protect themselves from hazardous chemicals through procedures and/or personal protective equipment (PPE); and
- (iv) the details of a hazard communication program including descriptions of labeling on containers and safety data sheets (SDS).

Employees worked with hazardous chemicals such as, but not limited to, H.B. Fuller HL-9555 (flushing compound), Rapidex 4001-149 (hot melt adhesive), H.B. Fuller Swift Clean 9050 (adhesive removal agent), combustible wood dust, and liquid petroleum gas (LPG).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|----------------|
| Date By Which Violation Must be Abated: | March 27, 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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

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

29 CFR 1910.95(g)(8)(ii)(B): Follow-up procedures. Unless a physician determines that the standard threshold shift is not work related or aggravated by occupational noise exposure, the employer shall ensure that the following steps are taken when a standard threshold shift occurs: Employees already using hearing protectors shall be refitted and retrained in the use of hearing protectors and provided with hearing protectors offering greater attenuation if necessary.

At an establishment located at 5215 Mill Road in Laona, Wisconsin:

The employer does not ensure that employees sustaining standard threshold shifts (STSs) of hearing have their hearing protectors refitted and are provided with retraining in the use of hearing protectors.

- a) On or about September 5, 2023, in Plants A & B, the employer had not ensured that a nester employee working near the end matching machine who had a standard threshold shift (STS) was refitted and retrained in the use of hearing protectors.
- b) On or about September 5, 2023, in Plants A & B, the employer had not ensured that a Maintenance Supervisor employee who had a standard threshold shift (STS) was refitted and retrained in the use of hearing protectors.

The WD Flooring LLC was previously cited for a violation of this Occupational Safety and Health Standard, which was contained in OSHA inspection number 1526029, citation number 1, item number 1c, and was affirmed as a final order on August 18, 2021, with respect to a workplace located at 5215 Mill Road in Laona, Wisconsin.

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

Inspection Number: 1695353
Inspection Date(s): 09/05/2023 - 02/27/2024
Issuance Date: 02/28/2024



Citation and Notification of Penalty

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

To abate this violation, the employer must ensure that employees are refitted, retrained, and provided with hearing protectors offering greater attenuation if necessary, after an audiogram identifies the employee has a standard threshold shift in one or both ears.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **March 27, 2024**
Proposed Penalty: **\$24,842.00**

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.95(k)(1): Training program. The employer shall train each employee who is exposed to noise at or above an 8-hour time weighted average of 85 decibels in accordance with the requirements of this section. The employer shall institute a training program and ensure employee participation in the program.

At a worksite located at 5215 Mill Road in Laona, Wisconsin:

The employer does not train each employee who is exposed to noise at or above an 8-hour time-weighted average (TWA) of 85 decibels in accordance with the requirements 29 CFR 1910.95(k).

- a) On or about September 13, 2023, in Plant A, the employer did not train an employee grading wood stock who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. A grading employee near the end-matcher machine was exposed to noise at 175.4 percent dose of the permissible daily dose, or an average sound level of 94.1 dBA, as measured over 480 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 94.1 dBA accounting for the period of 0 minutes unmonitored.
- b) On or about September 13, 2023, in Plant A, the employer did not train an employee working near the end matcher who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 166.3 percent dose of the permissible daily dose, or an average sound level of 93.7 dBA, as measured over 478 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 93.7 dBA accounting for the period of 2 minutes unmonitored.
- c) On or about September 13, 2023, in Plant A, the employer did not train an employee operating the Mereen Johnson rip saw and Compu-rip saw who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 190.6 percent dose of the permissible daily dose, or an average sound level of 94.7 dBA, as measured over 480 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 94.7 dBA accounting for the period of 0 minutes unmonitored.

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

- d) On or about September 13, 2023, in Plant A, the employer did not train an employee operating an up-cut saw near the flooring machine who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 243.7 percent dose of the permissible daily dose, or an average sound level of 96.6 dBA, as measured over 467 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 96.4 dBA accounting for the period of 13 minutes unmonitored.
- e) On or about December 12, 2023, in Plant A and Plant B, the employer did not train an employee operating a forklift and banding floor planks who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 92.0 percent dose of the permissible daily dose, or an average sound level of 89.4 dBA, as measured over 480 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 89.4 dBA accounting for the period of 0 minutes unmonitored.
- f) On or about September 13, 2023, in Plant B, the employer did not train an employee operating a Dewalt miter chop saw who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 70.7 percent dose of the permissible daily dose, or an average sound level of 87.8 dBA, as measured over 459 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 87.5 dBA accounting for the period of 21 minutes unmonitored.
- g) On or about September 13, 2023, in Plant A, the employer did not train an employee operating a Cantek straight-line rip saw near the flooring machine who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 298.2 percent dose of the permissible daily dose, or an average sound level of 97.9 dBA, as measured over 480 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 97.9 dBA accounting for the period of 0 minutes unmonitored.
- h) On or about September 13, 2023, in Plant A, the employer did not train an employee operating an up-cut saw near the flooring machine who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 261.5 percent dose of the permissible daily dose, or an average sound level of 97.3 dBA, as measured over 456 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 96.9 dBA accounting for the period of 24 minutes unmonitored.

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

- i) On or about September 13, 2023, in Plant A, the employer did not train an employee that was banding wood stock who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 111.4 percent dose of the permissible daily dose, or an average sound level of 91.0 dBA, as measured over 463 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 90.8 dBA accounting for the period of 17 minutes unmonitored.
- j) On or about September 13, 2023, in Plant A, the employer did not train an employee operating the Hasko flooring machine who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 689.6 percent dose of the permissible daily dose, or an average sound level of 103.9 dBA, as measured over 480 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 103.9 dBA accounting for the period of 0 minutes unmonitored.
- k) On or about September 5, 2023, in Plant A, the employer did not train an employee marking wood stock near the Brute Optimizer rip saw who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 109.0 percent dose of the permissible daily dose, or an average sound level of 93.9 dBA, as measured over 302 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 90.6 dBA accounting for the period of 178 minutes unmonitored.
- l) On or about December 12, 2023, in Plant A, the employer did not train an employee that was sorting and block piling near the up-cut saws and flooring machine who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 180.3 percent dose of the permissible daily dose, or an average sound level of 94.2 dBA, as measured over 480 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 94.2 dBA accounting for the period of 0 minutes unmonitored.
- m) On or about December 12, 2023, in Plant A, the employer did not train an employee operating an up-cut saw near the flooring machine who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 167.0 percent dose of the permissible daily dose, or an average sound level of 93.7 dBA, as measured over 480 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 93.7 dBA accounting for the period of 0 minutes unmonitored.

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

n) On or about September 5, 2023, in Plant A, the employer did not train an employee performing nesting operations near the end matcher machine who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 98.7 percent dose of the permissible daily dose, or an average sound level of 93.4 dBA, as measured over 295 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 89.9 dBA accounting for the period of 185 minutes unmonitored.

o) On or about December 12, 2023, in Plant A, the employer did not train a supervisor employee who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The supervisor employee was exposed to noise at 106.3 percent dose of the permissible daily dose, or an average sound level of 90.4 dBA, as measured over 480 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 90.4 dBA accounting for the period of 0 minutes unmonitored.

p) On or about December 12, 2023, in Plant A, the employer did not train an employee operating a planer and Mereen Johnson rip saw who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 174.0 percent dose of the permissible daily dose, or an average sound level of 94.1 dBA, as measured over 471 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 94.0 dBA accounting for the period of 9 minutes unmonitored.

q) On or about December 13, 2023, in Plant B, the employer did not train an employee operating an Ogden Group Eco-power Plus frame saw who was exposed to noise exceeding 85 dBA as an 8-hour TWA in accordance with the requirements of this section and the employer did not institute a training program. The employee was exposed to noise at 172.4 percent dose of the permissible daily dose, or an average sound level of 94.0 dBA, as measured over 471 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 93.9 dBA accounting for the period of 9 minutes unmonitored.

The WD Flooring LLC was previously cited for a violation of this Occupational Safety and Health Standard, which was contained in OSHA inspection number 1526029, citation number 1, item number 1b and was affirmed as a final order on August 18, 2021, with respect to a workplace located at 5215 Mill Road in Laona, Wisconsin.

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

To abate this violation, the employer must implement an annual training program, and ensure employee participation in the program, for those employees exposed to noise levels at or above an 8-hour time-weighted average of 85 decibels and are informed of the following:

1. The effects of noise on hearing
2. The purpose of hearing protectors, the advantages, disadvantages, and attenuation of various types, and instructions on selection, fitting, use, and care; and
3. The purpose of audiometric testing, and an explanation of the test procedures.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|----------------|
| Date By Which Violation Must be Abated: | March 27, 2024 |
| Proposed Penalty: | \$0.00 |



Citation and Notification of Penalty

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.95(j)(1): Hearing protector attenuation. The employer shall evaluate hearing protector attenuation for the specific noise environments in which the protector will be used. The employer shall use one of the evaluation methods described in Appendix B: "Methods for Estimating the Adequacy of Hearing Protection Attenuation."

At an establishment located at 5215 Mill Road in Laona, Wisconsin:

a) On or about September 13, 2023, in Plant A, the employer did not evaluate the Silenta Bell II earmuffs the Cantek straight-line rip saw operator was using when exposed to noise exceeding 90 dBA as an 8-hour time-weighted average (TWA). The employee was exposed to noise at 293.0 percent dose of the permissible daily dose, or an average sound level of 97.8 dBA, as measured over 480 minutes of sampling of an 8-hour work shift. This dose is equivalent to an 8-hour TWA exposure of 97.8 dBA accounting for the period of 0 minutes unmonitored.

Use the methods in Appendix B of 29 CFR 1910.95 to evaluate hearing protector attenuation specific to each specific noise environment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|-----------------------------|
| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$0.00 |

A handwritten signature in blue ink that reads "Robert J. Bonack".

Robert J. Bonack
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
1648 Tri Park Way
Appleton, WI 54914



INVOICE / DEBT COLLECTION NOTICE

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541
Issuance Date: 02/28/2024

Summary of Penalties for Inspection Number: 1695353

| | |
|---------------------------------------|-------------|
| Citation 1 Item 1a, Serious | \$12,421.00 |
| Citation 1 Item 1b, Serious | \$0.00 |
| Citation 1 Item 2a, Serious | \$12,421.00 |
| Citation 1 Item 2b, Serious | \$0.00 |
| Citation 1 Item 2c, Serious | \$0.00 |
| Citation 1 Item 2d, Serious | \$0.00 |
| Citation 2 Item 1a, Repeat - Serious | \$24,842.00 |
| Citation 2 Item 1b, Repeat - Serious | \$0.00 |
| Citation 3 Item 1, Other-than-Serious | \$0.00 |

TOTAL PROPOSED PENALTIES: **\$49,684.00**

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.

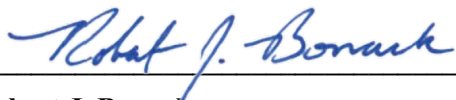
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.



Robert J. Bonack

Area Director

February 28, 2024

Date

**Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (920) 734-4521.**

U.S. Department of Labor Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914
Phone: (920) 734-4521 Fax: (920) 734-2661



February 28, 2024

Dear Brenda Milan,

On 09/05/2023, an OSHA compliance officer met with you or your representative as part of an inspection at 5215 Mill Road, Laona, WI 54541. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

Robert J. Bonack, Area Director

Your Citation Summary

WD Flooring LLC

Inspection Number: 1695679

Total Amount Due: \$218,259.00

**Payment Due Date: 15 working days
after receipt of
this letter**

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 21

**Your First Correction Deadline is:
March 27, 2024**

Step 1 – Choose a Response Option and Act within 15 working days

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (920) 734-4521.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:

1. Call our office at (920) 734-4521 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****
2. Fill in and post the attached “Notice to Employees OSHA Informal Conference” after scheduling meeting.

___ / ___

___ / ___

Option #2 – Correct Violations and Pay Penalty

I will complete by:

1. Correct violations, then complete and mail the attached “Certification of Corrective Action Worksheet” along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**
2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

___ / ___

___ / ___

Pay Online: Search “OSHA” on www.pay.gov and complete the “OSHA Penalty Payment Form.” Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days.** Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to “DOL-OSHA” for the Total Penalty to the OSHA office listed on the first page **within 15 working days.**

Option #3 – Contest the Citation

I will complete by:

Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days.**

___ / ___

U.S. Department of Labor Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914



02/28/2024

WD Flooring LLC
and its successors
PO BOX 368
Laona, WI 54541

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (920) 734-4521.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

A handwritten signature in blue ink that reads "Robert J. Bonack". The signature is written in a cursive style with a large initial 'R'.

Robert J. Bonack
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914



Citation and Notification of Penalty

To:
WD Flooring LLC
and its successors
PO BOX 368
Laona, WI 54541

Inspection Number: 1695679
Inspection Date(s): 09/05/2023 - 09/05/2023
Issuance Date: 02/28/2024

Inspection Site:
5215 Mill Road
Laona, WI 54541

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 (920) 734-4521. 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 02/28/2024. The conference will be held by telephone or at the OSHA office located at 1648 Tri Park Way, Appleton, WI 54914 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1695679

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541
Issuance Date: 02/28/2024

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, 1648 Tri Park Way, Appleton, WI 54914.**

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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 1910.22(c): Access and egress. The employer must provide, and ensure each employee uses, a safe means of access and egress to and from walking-working surfaces.

At an establishment located at 5215 Mill Road, in Laona, Wisconsin;

- (a) On or about September 5, 2023, in Plant A by the row of Up Cut Saws, the employer did not provide a safe means of access and egress to and from the walking-working surfaces. Employees cutting lumber following the block pile stations had to step over up to four waste chutes and had limitations of the size of the exit route for emergency egress from the workstation.
- (b) On or about September 5, 2023, in Plant A by the row of Up Cut Saws, the employer did not provide a safe means of access and egress to and from the walking-working surfaces. Employees would jump down onto the Take Off belt to egress their workstations hindering the exit route for emergency egress from the workstation.
- (c) On or about September 13, 2023, in Plant A by the Brute Optimizer, the employer did not provide a safe means of access and egress to and from the walking-working surfaces. Employees were required to climb on conveyors to get to the back open area to perform cleaning activities which limited the exit route for emergency egress from the work area.
- (d) On or about September 22, 2023, in Plant A by the Tongue/End Matcher, the employer did not provide a safe means of access and egress to and from the walking-working surfaces. Employees were required to duck under one of two conveyors to get in/out of their workstations hindering the exit route for emergency egress from the workstation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **March 27, 2024**
Proposed Penalty: **\$7,098.00**

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.28(b)(1)(i): Unprotected sides and edges. Except as provided elsewhere in this section, the employer must ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the following systems identified in 29 CFR 1910.28(b)(1)(i)(A), (b)(1)(i)(B), (b)(1)(i)(C).

At an establishment located at 5215 Mill Road in Laona, Wisconsin;

(a) On or about September 5, 2023, in Plant A, an up-cut saw operator was exposed to a fall hazard of approximately 50-3/4 inches from the top of the #50 chain conveyor. Employees jumped up on the conveyor, walked across it, and jumped off of the other side to get in and out of the working area of the up cut saws.

(b) On or about September 13, 2023, in Plant A, an up-cut saw operator was exposed to a fall hazard of approximately 50-3/4 inches from the top of the #50 chain conveyor. Employees jumped up on the conveyor, walked across it, and jumped off of the other side to get in and out of the working area of the up cut saws.

(c) On or about September 13, 2023, in Plant A, an up-cut saw operator was exposed to a fall hazard of approximately 50-3/4 inches from the top of the #50 chain conveyor while standing on it to clear lumber that was caught in the belt of the conveyor above.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|----------------|
| Date By Which Violation Must be Abated: | March 27, 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.

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

Inspection Number: 1695679
Inspection Date(s): 09/05/2023 - 09/05/2023
Issuance Date: 02/28/2024



Citation and Notification of Penalty

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.136(a): General requirements. The employer shall ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, or when the use of protective footwear will protect the affected employee from an electrical hazard, such as a static-discharge or electric-shock hazard, that remains after the employer takes other necessary protective measures.

On or about September 5, 2023, at an establishment located at 5215 Mill Road, in Laona, Wisconsin; the employer did not ensure that each employee utilized protective footwear when working around lumber while being exposed to foot injuries due to falling or rolling of the lumber.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$7,098.00

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.147(c)(4)(ii): The procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, 29 CFR 1910.147(c)(4)(ii)(A), (c)(4)(ii)(B), (c)(4)(ii)(C), and (c)(4)(ii)(D).

At an establishment located at 5215 Mill Road in Laona, Wisconsin;

- (a) On or about September 11, 2023, in Plant B, employees were required to perform setup, maintenance, and servicing tasks on the Ogden Group Eco Power Plus, the procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques nor did the procedure identify all energy sources, pneumatic, to be de-energized for the control of hazardous energy, and the means to enforce compliance.
- (b) On or about September 5, 2023, in Plant A and Plant B, employees were required to perform setup, clearing jams, maintenance, and servicing tasks on the Hasko FSM MatchMaster, the procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques nor did the procedure identify how to verify all energy sources were de-energized for the control of hazardous energy, information regarding the coasting time for cutterheads and spindles to come to a stop, and the means to enforce compliance.
- (c) On or about September 21, 2023, in Plant B, employees were required to perform cleaning, maintenance, and servicing tasks on The Union Hot Melt Roller Coater, the procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques nor did the procedure identify all energy sources, thermal and pneumatic energy, the location to de-energize each energy source, steps to verify de-energization, and the means to enforce compliance.
- (d) On or about September 21, 2023, in Plant B, employees were required to perform cleaning, maintenance, and servicing tasks on The Union Tool Corporation Laminate Press, the procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques nor did the procedure identify all energy sources, thermal energy, pneumatic energy source and location to de-energize, steps to verify de-energization, and the means to enforce compliance.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: April 03, 2024
Proposed Penalty: \$12,421.00

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.147(c)(7)(i): The employer shall provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees. The training shall include the items listed under 29 CFR 1910.147(c)(7)(i)(A), (c)(7)(i)(B), (c)(7)(i)(C).

At an establishment located at 5215 Mill Road in Laona, Wisconsin;

(a) On or about September 13, 2023, in Plant A, the employer did not ensure that each authorized employee received training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control. The employer did not train employees as authorized employees to lockout equipment such as but not limited to the Brute Optimizer conveying systems. Employees were exposed to caught between and struck by hazards associated with the unexpected machine startup of energy sources such as, but not limited to, electrical. Employees were not trained to understand how to control energy sources prior to performing repair tasks.

(b) On or about September 13, 2023, in Plant A, the employer did not provide employees with affected training in the purpose and use of the energy control procedures whose job required them to work in areas in which set up, servicing, or maintenance activities would be performed exposing employees to electrical and pneumatic energy sources and other hazards associated with the work being performed in the facility.

To abate this violation, the employer must ensure that each authorized employee receives training in accordance with 29 CFR 1910.147(c)(7)(i)(A) and 29 CFR 1910.147(c)(7)(i)(B).

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 03, 2024
\$12,421.00

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the actions listed in and was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6).

On or about September 21, 2023, at an establishment located at 5215 Mill Road in Laona, Wisconsin; in Plant B, the employer did not ensure that all the steps outlined in 29 CFR 1910.147(d), required for the control of hazardous energy sources, were performed. Employees did not utilize energy control procedures when engaged in servicing and maintenance tasks in Plant B of the facility. Employees were exposed to machine hazards associated with moving parts when they engaged in cleaning activities on The Union Tool Corporation Roll Coater. The employer did not ensure that employees implemented energy control application steps prior to allowing them to clean up. The machine was not deenergized prior to the employee engaging in cleaning activities.

As a result, the remaining applicable energy control elements, involving machine isolation [1910.147(d)(3)], lockout/tagout device application [1910.147(d)(4)], dissipation of residual energy [1910(d)(5)(i)], and verification of isolation [1910.147(d)(6)] were not implemented to protect employees from machine hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

April 03, 2024

Proposed Penalty:

\$12,421.00

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the actions listed in and was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6).

On or about September 19, 2023, at an establishment located at 5215 Mill Road in Laona, Wisconsin; in Plant B, the employer did not ensure that all the steps outlined in 29 CFR 1910.147(d), required for the control of hazardous energy sources, were performed. Employees did not utilize energy control procedures when engaged in servicing and maintenance tasks in Plant B of the facility. Employees were exposed to machine hazards associated with moving parts when they engaged in cleaning activities on The Union Tool Corporation Laminate Press. The employer did not ensure that employees implemented energy control application steps prior to allowing them to clean up. The machine was not deenergized prior to the employee engaging in cleaning activities.

As a result, the remaining applicable energy control elements, involving machine isolation [1910.147(d)(3)], lockout/tagout device application [1910.147(d)(4)], dissipation of residual energy [1910(d)(5)(i)], and verification of isolation [1910.147(d)(6)] were not implemented to protect employees from machine hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 03, 2024
\$12,421.00

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the actions listed in and was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6).

On or about September 21, 2023, at an establishment located at 5215 Mill Road in Laona, Wisconsin; in Plant B, the employer did not ensure that all the steps outlined in 29 CFR 1910.147(d), required for the control of hazardous energy sources, were performed. Employees did not utilize energy control procedures when engaged in servicing and maintenance tasks in Plant B of the facility. Employees were exposed to machine hazards associated with moving parts when they engaged in setup and cleaning activities on the Costa Sander. The employer did not ensure that employees implemented energy control application steps prior to allowing them to setup. The machine was not deenergized prior to the employee engaging in cleaning and setup activities.

As a result, the remaining applicable energy control elements, involving machine isolation [1910.147(d)(3)], lockout/tagout device application [1910.147(d)(4)], dissipation of residual energy [1910(d)(5)(i)], and verification of isolation [1910.147(d)(6)] were not implemented to protect employees from machine hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 03, 2024
\$12,421.00

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the actions listed in and was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6).

At an establishment located at 5215 Mill Road in Laona, Wisconsin; in Plant A, the employer did not ensure that all the steps outlined in 29 CFR 1910.147(d), required for the control of hazardous energy sources, were performed. Employees did not utilize energy control procedures when engaged in servicing and maintenance tasks in Plant A of the facility.

(a) On or about September 5, 2023, employees were exposed to machine hazards associated with moving parts when they engaged in cleaning with an air hose inside the Hasko Flooring Machine. The employer did not ensure that employees implemented energy control application steps prior to allowing them to clean. The machine was not deenergized at an energy isolating device prior to the employee engaging in the servicing / maintenance activity.

(b) On or about September 12, 2023, employees were exposed to machine hazards associated with moving parts when they engaged in changing heads as part of the set-up activities on the Hasko Flooring Machine. The employer did not ensure that employees implemented energy control application steps prior to allowing them to change the cutting heads. The machine was not deenergized at an energy isolating device prior to the employee engaging in the servicing/maintenance activity.

As a result, the remaining applicable energy control elements, involving machine isolation [1910.147(d)(3)], lockout/tagout device application [1910.147(d)(4)], dissipation of residual energy [1910(d)(5)(i)], and verification of isolation [1910.147(d)(6)] were not implemented to protect employees from machine hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 03, 2024
\$12,421.00

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the actions listed in and was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6).

At an establishment located at 5215 Mill Road in Laona, Wisconsin; in Plant B, the employer did not ensure that all the steps outlined in 29 CFR 1910.147(d), required for the control of hazardous energy sources, were performed. Employees did not utilize energy control procedures when engaged in servicing and maintenance tasks in Plant B of the facility.

(a) On or about September 12, 2023, employees were exposed to machine hazards associated with moving parts when they engaged in changing the side profile cutting head on the LMC Leadermac Speed Mac 523. The employer did not ensure that employees implemented energy control application steps prior to allowing them to set up. The machine was not deenergized at an energy isolating device prior to the employee engaging in the set-up activity.

(b) On or about September 12, 2023, employees were exposed to machine hazards associated with moving parts when they engaged in troubleshooting an air leak on the LMC Leadermac Speed Mac 523. The employer did not ensure that employees implemented energy control application steps prior to allowing them to troubleshoot. The machine was not deenergized at an energy isolating device prior to the employee engaging in troubleshooting activities.

As a result, the remaining applicable energy control elements, involving machine isolation [1910.147(d)(3)], lockout/tagout device application [1910.147(d)(4)], dissipation of residual energy [1910(d)(5)(i)], and verification of isolation [1910.147(d)(6)] were not implemented to protect employees from machine hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 03, 2024
\$12,421.00

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the actions listed in and was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6).

At an establishment located at 5215 Mill Road in Laona, Wisconsin; in Plant A, the employer did not ensure that all the steps outlined in 29 CFR 1910.147(d), required for the control of hazardous energy sources, were performed. Employees did not utilize energy control procedures when engaged in servicing and maintenance tasks in Plant A of the facility.

(a) On or about September 5, 2023, employees were exposed to machine hazards associated with moving parts when they engaged in removing jammed boards on the Brute Optimizer. The employer did not ensure that employees implemented energy control application steps prior to allowing them to clear jams under the yellow and orange guard leading to the Brute and again under the guard to the right of the control station. The machine was not deenergized prior to the employee engaging in the unjamming activity.

(b) On or about September 13, 2023, employees were exposed to machine hazards associated with moving parts when they engaged in servicing activities of replacing a cotter pin on the infeed conveyor leading to the Brute Optimizer conveying system. The employer did not ensure that employees implemented energy control application steps prior to allowing them to replace a sheared cotter pin under the orange cylindrical guard. The machine was not deenergized prior to the employee engaging in the servicing/maintenance activity.

As a result, the remaining applicable energy control elements, involving machine isolation [1910.147(d)(3)], lockout/tagout device application [1910.147(d)(4)], dissipation of residual energy [1910(d)(5)(i)], and verification of isolation [1910.147(d)(6)] were not implemented to protect employees from machine hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 03, 2024
\$12,421.00

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the actions listed in and was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6).

On or about September 12, 2023, at an establishment located at 5215 Mill Road in Laona, Wisconsin; in Plant B, the employer did not ensure that all the steps outlined in 29 CFR 1910.147(d), required for the control of hazardous energy courses, were performed. Employees were exposed to machine hazards associated with moving parts when they engaged in setup activities on the Ogden Group Eco Power Plus, Type Designation: TR88 Eco-Power-Plus, Serial Number 641. The employer did not ensure that employees implemented energy control application steps for the electrical and pneumatic energy sources prior to allowing them to set up. The machine was not deenergized prior to the employee engaging in setup activities.

As a result, the remaining applicable energy control elements, involving machine isolation [1910.147(d)(3)], lockout/tagout device application [1910.147(d)(4)], dissipation of residual energy [1910(d)(5)(i)], and verification of isolation [1910.147(d)(6)] were not implemented to protect employees from machine hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 03, 2024
\$12,421.00

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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 12 a Type of Violation: **Serious**

29 CFR 1910.178(n)(7)(iii): On all grades the load and load engaging means shall be tilted back if applicable, and raised only as far as necessary to clear the road surface.

On or about September 12, 2023, at an establishment located at 5215 Mill Road in Laona, Wisconsin; in Plant B, the forklift operator driving the Komatsu 25, Model: FG258T-12, LP, S/N: 552726A, was traveling in the facility with the forks in a raised position, exposing employees to struck by hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|----------------|
| Date By Which Violation Must be Abated: | March 27, 2024 |
| Proposed Penalty: | \$8,873.00 |

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

Citation 1 Item 12 b Type of Violation: **Serious**

29 CFR 1910.178(p)(1): If at any time a powered industrial truck is found to be in need of repair, defective, or in any way unsafe, the truck shall be taken out of service until it has been restored to safe operating condition.

At an establishment located at 5215 Mill Road in Laona, Wisconsin;

- (a) On September 12, 2023, in Plant B, employees were exposed to hazards related to powered industrial vehicle operation while utilizing a Komatsu propane forklift, Model: FG25ST-12, S/N: 552726A which was missing chunks of rubber in the rear right steering tires and worn to the safety line.
- (b) On September 12, 2023, in Plant B, employees were exposed to hazards related to powered industrial vehicle operation while utilizing a Caterpillar 60 propane forklift, No. D-664574 which was missing chunks of rubber in the rear steering tires.
- (c) On September 12, 2023, in Plant B, employees were exposed to hazards related to powered industrial vehicle operation while utilizing a Caterpillar 60 propane forklift, No. D-664574 which did not have a functioning strobe light nor back up alarm.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|----------------|
| Date By Which Violation Must be Abated: | March 27, 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.

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

Inspection Number: 1695679
Inspection Date(s): 09/05/2023 - 09/05/2023
Issuance Date: 02/28/2024



Citation and Notification of Penalty

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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 13 a Type of Violation: **Serious**

29 CFR 1910.213(b)(7): Feeder attachments shall have the feed rolls or other moving parts so covered or guarded as to protect the operator from hazardous points.

On or about September 12, 2023, at an establishment located at 5215 Mill Road in Laona, Wisconsin; in Plant B, the Leadermac Speedmac 523 Molder did not have guarding for the ingoing feed rollers exposing employees to caught between hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|----------------|
| Date By Which Violation Must be Abated: | March 27, 2024 |
| Proposed Penalty: | \$8,873.00 |

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: 1695679
Inspection Date(s): 09/05/2023 - 09/05/2023
Issuance Date: 02/28/2024



Citation and Notification of Penalty

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

Citation 1 Item 13 b Type of Violation: **Serious**

29 CFR 1910.213(f)(1): Feed rolls and saws shall be protected by a hood or guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of heavy material, preferably metal, and the bottom of the guard shall come down to within three-eighths inch of the plane formed by the bottom or working surfaces of the feed rolls. This distance (three-eighths inch) may be increased to three-fourths inch, provided the lead edge of the hood is extended to be not less than 5 1/2 inches in front of the nip point between the front roll and the work.

On or about September 5, 2023, at an establishment located at 5215 Mill Road in Laona, Wisconsin; in Plant A, the CompuSaw Rip Saw used to rip boards had an unguarded in running nip point for the infeed/hold down rollers exposing employees to caught in hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|----------------|
| Date By Which Violation Must be Abated: | March 27, 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.

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

Inspection Number: 1695679
Inspection Date(s): 09/05/2023 - 09/05/2023
Issuance Date: 02/28/2024



Citation and Notification of Penalty

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

Citation 1 Item 13 c Type of Violation: **Serious**

29 CFR 1910.213(r)(1): The feed rolls of roll type glue spreaders shall be guarded by a semicylindrical guard. The bottom of the guard shall come to within three-eighths inch of a plane formed by bottom or contact face of the feed roll where it touches the stock.

On or about September 12, 2023, at an establishment located at 5215 Mill Road in Laona, Wisconsin; in Plant B, the Union Tool Corporation Roll Coater/Glue Machine was not provided adequate guarding to prevent access to the feed rollers during operation exposing employees to ingoing nip point hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: March 27, 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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.213(r)(4): The mention of specific machines in paragraphs (a) thru (q) and this paragraph (r) of this section, inclusive, is not intended to exclude other woodworking machines from the requirement that suitable guards and exhaust hoods be provided to reduce to a minimum the hazard due to the point of operation of such machines.

At an establishment located at 5215 Mill Road in Laona, Wisconsin;

- (a) On or about September 5, 2023, in Plant A, the Mellott hydraulic shear had openings on the side exposing employees to caught in between hazards as the blade automatically activated to chop scrap wood into smaller pieces.
- (b) On or about September 5, 2023, in Plant A, the Crosscut Solutions, LLC Model: 14M-RH, S/N: 040603, upcut saw did not have adequate guarding to prevent employees from accessing the cutting blade on the infeed and outfeed side exposing them to the point of operation hazard.
- (c) On or about September 13, 2023, in Plant A, the Precision Products Company, Model: 14M, Serial 14-1429, upcut saw did not have adequate guarding to prevent employees from accessing the cutting blade on the infeed and outfeed side exposing them to the point of operation hazard.
- (d) On or about September 13, 2023, in Plant A, the Crosscut Solutions, LLC, Model: 14m_RH, S/N: 040602, upcut saw did not have adequate guarding to prevent employees from accessing the cutting blade on the infeed and outfeed side exposing them to the point of operation hazard.
- (e) On or about September 12, in Plant B, the Precision Products Company, Model: 14M, Serial 111245, upcut saw did not have adequate guarding to prevent employees from accessing the cutting blade on the infeed and outfeed side exposing them to the point of operation hazard.
- (f) During the week of September 4, 2023, in Plant B, an employee would stack boards to be cut in the Herringbone which did not have guarding for multiple blades exposing employees to rotating blades.

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: 1695679
Inspection Date(s): 09/05/2023 - 09/05/2023
Issuance Date: 02/28/2024



Citation and Notification of Penalty

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: April 03, 2024
Proposed Penalty: \$8,873.00

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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 15 a Type of Violation: **Serious**

29 CFR 1910.219(c)(2)(i): All exposed parts of horizontal shafting seven (7) feet or less from floor or working platform, excepting runways used exclusively for oiling, or running adjustments, shall be protected by a stationary casing enclosing shafting completely or by a trough enclosing sides and top or sides and bottom of shafting as location requires.

At an establishment located at 5215 Mill Road in Laona, Wisconsin;

- (a) On or about September 5, 2023, in Plant A, the employer had multiple unguarded rotating shafts on the infeed roller system to the CompuSaw Rip Saw exposing employees to entanglement hazards.
- (b) On or about September 12, 2023, in Plant B, the Mattison Machine Rip Saw had a single rotating shaft on the operator right side under the hood exposing employees to entanglement hazards.
- (c) On or about December 13, 2023, in Plant B, the conveyor leading to The Union Tool Corporation Laminate Press had an unguarded rotating shaft with couplers exposing employees to entanglement hazards.
- (d) On or about December 13, 2023, in Plant B, the blue conveyor located between the Hasko Flooring Machine and the Hasko End Matcher had two unguarded rotating shafts on either end exposing employees to entanglement hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 27, 2024
\$8,873.00

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

Citation 1 Item 15 b Type of Violation: **Serious**

29 CFR 1910.219(f)(3): Sprockets and chains. All sprocket wheels and chains shall be enclosed unless they are more than seven (7) feet above the floor or platform. Where the drive extends over other machine or working areas, protection against falling shall be provided.

At an establishment located at 5215 Mill Road in Laona, Wisconsin;

- (a) On or about September 5, 2023, in Plant A, the infeed conveyor leading to the CompuSaw Rip Saw had an unguarded sprocket wheel located behind the main computer console exposing employees to rotating parts.
- (b) On or about September 5, 2023, in Plant A, employees were exposed to ingoing nip points and caught in hazards created by a chain and sprocket on the outfeed side of the CompuSaw Rip Saw. The chain and sprocket were not effectively guarded to prevent exposure to the hazards.
- (c) On or about September 5, 2023, in Plant A, employees were exposed to ingoing nip points and caught in hazards created by a chain and sprocket on the infeed conveyor leading to the Brute Optimizer. The chain and sprocket were not effectively guarded to prevent exposure to the hazards.
- (d) On or about September 5, 2023, in Plant A, employees were exposed to ingoing nip points and caught in hazards created by a chain and sprocket on the Takeoff Conveyor #1 for the Block Piler when advancing the chain. The chain and sprocket were not effectively guarded to prevent exposure to the hazards.
- (e) On or about September 5, 2023, in Plant A, employees were exposed to ingoing nip points and caught in hazards created by a chain and sprocket on the Takeoff Conveyor #2 for the Block Piler when advancing the chain. The chain and sprocket were not effectively guarded to prevent exposure to the hazards.
- (f) On or about September 5, 2023, in Plant A, employees were exposed to ingoing nip points and caught in hazards created by a chain and sprocket on the Takeoff Conveyor #3 for the Block Piler when advancing the chain. The chain and sprocket were not effectively guarded to prevent exposure to the hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|--|-----------------------|
| Date By Which Violation Must be Abated: | March 27, 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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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 16 a Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(i): Conductors entering cutout boxes, cabinets, or fittings shall be protected from abrasion, and openings through which conductors enter shall be effectively closed.

At an establishment located at 5215 Mill Road, in Laona, Wisconsin;

(a) On or about September 5, 2023, in Plant A by the Brute Optimizer Saw, the infeed conveyor had conduit/steel tight with damage at the junction box by the table for the marking employees exposing employees to electrical shock hazards.

(b) On or about September 5, 2023, in Plant A, at the control panel for Conveyor #49 and #13 integrated with the Brute Optimizer, the conduit was pulled from the electrical disconnect exposing employees to electrical shock hazards.

(c) On or about September 5, 2023, in Plant A by the Feed table the conduit was pulled exposing the wires to abrasion from moving lumber exposing employees to electrical shock hazards.

(d) On or about September 12, 2023, in Plant B, the Leadermac Speedmac 523 Molder had a broken and open connection fitting, used to power the shaft, exposing wires to abrasion while employees were operating while being exposed to electrical shock hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 27, 2024
\$7,098.00

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

Citation 1 Item 16 b Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Unless specifically permitted otherwise in paragraph (g)(1)(ii) of this section, flexible cords and cables may not be used as a substitute for the fixed wiring of a structure.

At an establishment located at 5215 Mill Road in Laona, Wisconsin;

(a) On or about September 5, 2023, in Plant A, the employer used flexible cords as a substitute for fixed wiring to power five foot pedals and a palm button used to advance the six Nesting conveyors. Each of the controls for the conveyors were plugged into an extension cord to reach an outlet, exposing employees to electrical shock and fire hazards.

(b) On or about September 12, 2023, in Plant B near the Leadermac Speedmac 523 machine feed table, the employer used a flexible cord as a substitute for fixed wiring to power a Chung Yuan Electric Co., Ltd, 9-inch, high velocity fan, exposing employees to electrical shock and fire hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

| | |
|---|----------------|
| Date By Which Violation Must be Abated: | March 27, 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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.147(c)(6)(i): The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed.

At an establishment located at 5215 Mill Road in Laona, Wisconsin;

The employer does not ensure that periodic inspections of their energy control procedures are performed.

On or about September 5, 2023, in Plant A and Plant B, employees performing servicing and maintenance activities did not have a periodic inspection conducted at least annually to ensure the steps in the energy control procedure are being followed and the employees involved knew their responsibilities under the procedure, exposing employees to the unexpected energization of the machine.

The WD Flooring LLC was previously cited for a violation of this Occupational Safety and Health standard 29 CFR 1910.147(c)(6)(i), which was contained in OSHA inspection number 1526115, citation number 1, item number 2a and was affirmed as a final order on August 18, 2021, with respect to a workplace located at 5215 Mill Road in Laona, Wisconsin.

To abate this violation, the employer must ensure that periodic inspections of their energy control procedures are performed in accordance with 29 CFR 1910.147(c)(6)(i).

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 03, 2024
\$24,842.00

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.212(a)(1): Types of guarding. One or more methods of machine guarding shall be 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. Examples of guarding methods are-barrier guards, two-hand tripping devices, electronic safety devices, etc.

At an establishment located at 5215 Mill Road in Laona, Wisconsin:

The employer does not ensure that one or more methods of machine guarding is provided to protect the operator and other employees from machine hazards. Employees are exposed to unguarded hazards such as in running nip points, caught in between, and struck by hazards in Plant A and Plant B.

(a) On or about September 21, 2023, in Plant B, the C103 outfeed conveyor for the Mereen Johnson Gang Rip Saw had an unguarded in running nip point between the belt and drive roller exposing employees to caught in between hazards.

(b) On or about September 21, 2023, in Plant B, the C116 Conveyor Table following the Laminate Press on the outfeed side had an unguarded in running nip point between the belt and drive roller exposing employees to caught in between hazards.

(c) On or about September 21, 2023, Plant B, the outfeed conveyor C115 for Costa Sander had an unguarded in-running nip point between the belt and drive pulley exposing employees to caught in between hazards.

(d) On or about September 13, 2023, in Plant A, by the End Matcher/Even Ender, the drive for the slat conveyor had a broken guard exposing employees to a rotating motor fan propeller exposing employees to struck by and caught in hazards.

(e) On or about September 13, 2023, in Plant A, the Return Conveyor by the Grading Table along the main aisle had an unguarded motor fan propeller exposing employees to struck by and caught in hazards.

The WD Flooring LLC was previously cited for a violation of this Occupational Safety and Health standard 29 CFR 1910.212(a)(1), which was contained in OSHA inspection number 1526115, citation number 1, item number 5 and was affirmed as a final order on August 18, 2021, with respect to a workplace located at 5215 Mill Road in Laona, Wisconsin.

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: 1695679
Inspection Date(s): 09/05/2023 - 09/05/2023
Issuance Date: 02/28/2024



Citation and Notification of Penalty

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

To abate this violation, the employer must ensure machine hazards are provided one or more methods of machine guarding to protect the operator and other employees in accordance with 29 CFR 1910.212(a)(1).

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **March 27, 2024**
Proposed Penalty: **\$24,842.00**

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: 1695679
Inspection Date(s): 09/05/2023 - 09/05/2023
Issuance Date: 02/28/2024



Citation and Notification of Penalty

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

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

29 CFR 1910.178(a)(4): Modifications and additions which affect capacity and safe operation shall not be performed by the customer or user without manufacturers prior written approval. Capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly.

On or about September 12, 2023, at an establishment located at 5215 Mill Road in Laona, Wisconsin; in Plant B, a Caterpillar 60, Model: GP30, 7AM04119, with fork extensions was not approved by the manufacturer, which affected the capacity and safe operations, and did not have the capacity and operation plate updated to adjust the lifting capacity exposing employees to tip over hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

March 27, 2024
\$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: 1695679
Inspection Date(s): 09/05/2023 - 09/05/2023
Issuance Date: 02/28/2024



Citation and Notification of Penalty

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.178(a)(6): The user shall see that all nameplates and markings are in place and are maintained in a legible condition.

On or about September 12, 2023, in Plant B, the Caterpillar 60, Model: GP30, Serial No. 7AM04119, did not have a legible nameplate to include the capacity of the lift with the forks which were attached.

Date By Which Violation Must be Abated:
Proposed Penalty:

March 27, 2024
\$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: 1695679
Inspection Date(s): 09/05/2023 - 09/05/2023
Issuance Date: 02/28/2024



Citation and Notification of Penalty

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.219(d)(1): Guarding. Pulleys, any parts of which are seven (7) feet or less from the floor or working platform, shall be guarded in accordance with the standards specified in paragraphs (m) and (o) of this section. Pulleys serving as balance wheels (e.g., punch presses) on which the point of contact between belt and pulley is more than six feet six inches (6 ft. 6 in.) from the floor or platform may be guarded with a disk covering the spokes.

At an establishment located at 5215 Mill Road in Laona, Wisconsin;

- (a) On or about September 12, 2023, in Plant B, on the outfeed conveyor for the Costa Wide Belt Sander, the Sew-Eurodrive motor had an unguarded belt and pulley assembly exposing employees to caught-in and amputation hazards created by the in-running nip points on the rubber belt and pulley.
- (b) On or about September 12, 2023, in Plant B, the Precision Products Company Up cut saw, Model: 14M, S/N: 141245 had an unguarded belt and pulley assembly exposing employees to caught-in and amputation hazards created by the in-running nip points on the rubber belt and pulley.

Date By Which Violation Must be Abated:
Proposed Penalty:

March 27, 2024
\$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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1910.219(e)(3)(i): Vertical and inclined belts shall be enclosed by a guard conforming to standards in paragraphs (m) and (o) of this section.

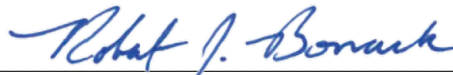
At an establishment located at 5215 Mill Road in Laona, Wisconsin;

(a) On or about September 5, 2023, in Plant B, on the outfeed conveyor for the Costa Wide Belt Sander, the Sew-Eurodrive motor had an unguarded belt and pulley assembly exposing employees to caught-in and amputation hazards created by the in-running nip points on the rubber belt and pulley.

(b) On or about September 12, 2023, in Plant B, the Precision Products Company Up cut saw, Model: 14M, S/N: 141245 had an unguarded belt and pulley assembly exposing employees to caught-in and amputation hazards created by the in-running nip points on the rubber belt and pulley.

Date By Which Violation Must be Abated:
Proposed Penalty:

March 27, 2024
\$0.00


Robert J. Bonack
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914



INVOICE /
DEBT COLLECTION NOTICE

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541
Issuance Date: 02/28/2024

Summary of Penalties for Inspection Number: 1695679

| | |
|--|-------------|
| Citation 1 Item 1a, Serious | \$7,098.00 |
| Citation 1 Item 1b, Serious | \$0.00 |
| Citation 1 Item 2, Serious | \$7,098.00 |
| Citation 1 Item 3, Serious | \$12,421.00 |
| Citation 1 Item 4, Serious | \$12,421.00 |
| Citation 1 Item 5, Serious | \$12,421.00 |
| Citation 1 Item 6, Serious | \$12,421.00 |
| Citation 1 Item 7, Serious | \$12,421.00 |
| Citation 1 Item 8, Serious | \$12,421.00 |
| Citation 1 Item 9, Serious | \$12,421.00 |
| Citation 1 Item 10, Serious | \$12,421.00 |
| Citation 1 Item 11, Serious | \$12,421.00 |
| Citation 1 Item 12a, Serious | \$8,873.00 |
| Citation 1 Item 12b, Serious | \$0.00 |
| Citation 1 Item 13a, Serious | \$8,873.00 |
| Citation 1 Item 13b, Serious | \$0.00 |
| Citation 1 Item 13c, Serious | \$0.00 |
| Citation 1 Item 14, Serious | \$8,873.00 |
| Citation 1 Item 15a, Serious | \$8,873.00 |
| Citation 1 Item 15b, Serious | \$0.00 |
| Citation 1 Item 16a, Serious | \$7,098.00 |
| Citation 1 Item 16b, Serious | \$0.00 |
| Citation 2 Item 1, Repeat - Serious | \$24,842.00 |
| Citation 2 Item 2, Repeat - Serious | \$24,842.00 |
| Citation 3 Item 1a, Other-than-Serious | \$0.00 |
| Citation 3 Item 1b, Other-than-Serious | \$0.00 |
| Citation 3 Item 2, Other-than-Serious | \$0.00 |
| Citation 3 Item 3, Other-than-Serious | \$0.00 |

TOTAL PROPOSED PENALTIES: **\$218,259.00**

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.

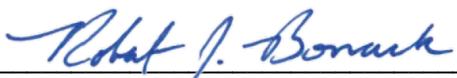
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.



Robert J. Bonack

Area Director

February 28, 2024

Date

U.S. Department of Labor Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914



01/04/2024

WD Flooring LLC
and its successors
PO BOX 368
Laona, WI 54541

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (920) 734-4521.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. J. Bonack', written in a cursive style.

For:
Robert J. Bonack
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914



Citation and Notification of Penalty

To:
WD Flooring LLC
and its successors
PO BOX 368
Laona, WI 54541

Inspection Number: 1695679
Inspection Date(s): 09/05/2023 - 09/05/2023
Issuance Date: 01/04/2024

Inspection Site:
5215 Mill Road
Laona, WI 54541

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 (920) 734-4521. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide **abatement certification** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that **abatement documentation** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that

he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 01/04/2024. The conference will be held by telephone or at the OSHA office located at 1648 Tri Park Way, Appleton, WI 54914 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1695679

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541
Issuance Date: 01/04/2024

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, 1648 Tri Park Way, Appleton, WI 54914.**

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: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541

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

29 CFR 1904.29(b)(3): How quickly must each injury or illness be recorded? You must enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven (7) calendar days of receiving information that a recordable injury or illness has occurred.

On or about September 5, 2023, at an establishment located at 5215 Mill Street, in Laona, Wisconsin; the employer did not record a workplace injury on the OSHA 300 Log for calendar year 2023. A recordable injury which occurred in Plant A on or about July 6, 2023 was not recorded within seven days.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: February 02, 2024
Proposed Penalty: \$1,719.00

A handwritten signature in black ink, appearing to read "Robert J. Bonack", written over a horizontal line.

For:
Robert J. Bonack
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: WD Flooring LLC
Inspection Site: 5215 Mill Road, Laona, WI 54541
Issuance Date: 01/04/2024

Summary of Penalties for Inspection Number: 1695679

| | |
|---------------------------------------|------------|
| Citation 4 Item 1, Other-than-Serious | \$1,719.00 |
|---------------------------------------|------------|

TOTAL PROPOSED PENALTIES: **\$1,719.00**

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.

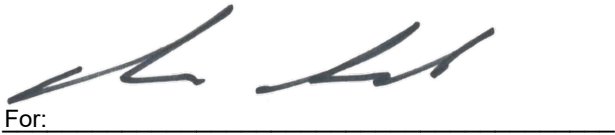
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.



For: _____

Robert J. Bonack
Area Director

January 4, 2024

Date