

U.S. Department of Labor
Occupational Safety and Health Administration
4802 E. Broadway
Madison, WI 53716



Citation and Notification of Penalty

To:
Avid Pallet Services, LLC
and its successors
1401 Eddy Avenue
Beloit, WI 53511

Inspection Number: 1346897
Inspection Date(s): 09/14/2018 - 12/27/2018
Issuance Date: 03/12/2019

Inspection Site:
1401 Eddy Avenue
Beloit, WI 53511

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 608-441-5388. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

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

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

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

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

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

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

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

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/12/2019. The conference will be held by telephone or at the OSHA office located at 4802 E. Broadway, Madison, WI 53716 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1346897

Company Name: Avid Pallet Services, LLC
Inspection Site: 1401 Eddy Avenue, Beloit, WI 53511
Issuance Date: 03/12/2019

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, 4802 E. Broadway, Madison, WI 53716**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

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

Inspection Number: 1346897
Inspection Date(s): 09/14/2018 - 12/27/2018
Issuance Date: 03/12/2019



Citation and Notification of Penalty

Company Name: Avid Pallet Services, LLC
Inspection Site: 1401 Eddy Avenue, Beloit, WI 53511

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

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

The employer did not ensure that the pallet dismantler operators (bandsaw operators) were protected from contact with the bandsaw blade during the pallet dismantling process.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	04/02/2019
Proposed Penalty:	\$13260.00



Citation and Notification of Penalty

Company Name: Avid Pallet Services, LLC
Inspection Site: 1401 Eddy Avenue, Beloit, WI 53511

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

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

On or about September 14, 2018, the employer did not provide a medical evaluation to employees in the Band Saw Area to determine each employees' ability to use a respirator before the employees were required to wear a respirator.

- a) Band Saw 207 Operator was not medically evaluated prior to initial use of a tight-fitting facepiece respirator.
- b) Band Saw 203 Operator was not medically evaluated prior to initial use of a tight-fitting facepiece respirator.
- c) Band Saw 206 Operator was not medically evaluated prior to initial use of a tight-fitting facepiece respirator.
- d) Band Saw 204 Operator was not medically evaluated prior to initial use of a tight-fitting facepiece respirator.
- e) Band Saw 201 Operator was not medically evaluated prior to initial use of a tight-fitting facepiece respirator.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$8335.00



Citation and Notification of Penalty

Company Name: Avid Pallet Services, LLC
Inspection Site: 1401 Eddy Avenue, Beloit, WI 53511

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 3a Type of Violation: **Serious**

29 CFR 1910.134(f)(2): Employee(s) using a tight-fitting facepiece respirator were not fit tested prior to initial use or annually thereafter:

On or about September 14, 2018, the employer did not ensure that all employees working in the Band Saw Area that are required to wear a respirator were fit tested prior to initial use or annually thereafter.

- a) Band Saw 207 Operator was not fit tested prior to initial use of a tight-fitting facepiece respirator.
- b) Band Saw 203 Operator was not fit tested prior to initial use of a tight-fitting facepiece respirator.
- c) Band Saw 206 Operator was not fit tested prior to initial use of a tight-fitting facepiece respirator.
- d) Band Saw 204 Operator was not fit tested prior to initial use of a tight-fitting facepiece respirator.
- e) Band Saw 201 Operator was not fit tested prior to initial use of a tight-fitting facepiece respirator.
- f) Band Saw Helper on the rotation table was not annually fit tested.
- g) Band Saw 202 Operator was not annually fit tested.
- h) Band Saw 205 Operator was not annually fit tested.
- i) Band Saw Helper between Band Saws 202 and 203 was not annually fit tested.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$10419.00



Citation and Notification of Penalty

Company Name: Avid Pallet Services, LLC
Inspection Site: 1401 Eddy Avenue, Beloit, WI 53511

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

29 CFR 1910.134(l)(1): Evaluations of the workplace were not conducted to ensure the written respiratory protection program was being effectively implemented:

On September 14, 2018, the employer did not conduct an evaluation of the Band Saw Area to ensure the written respiratory protection was being effectively implemented.

- a) The employer did not evaluate that employees required to wear respirators were medically evaluated prior to initial use.
- b) The employer did not evaluate that employees required to wear respirators were fit tested prior to initial use and annually thereafter.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:

04/02/2019



Citation and Notification of Penalty

Company Name: Avid Pallet Services, LLC
Inspection Site: 1401 Eddy Avenue, Beloit, WI 53511

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 1a Type of Violation: **Repeat**

29 CFR 1910.1000(a)(2): Employee(s) were exposed to an airborne concentration of particulates not otherwise regulated (PNOR) - Total Dust listed in Table Z-1 in excess of the 8 hour Time Weighted Average concentration of 15 mg/m³.

The employer does not ensure that Bandsaw operators are not exposed to airborne concentrations of PNOR - Total Dust in excess of 15 mg/m³. This most recently occurred when two Bandsaw operators were exposed to an 8 hour time weighted average concentration of PNOR-Total Dust in excess of 15 mg/m³. To abate this violation, the employer must ensure that Bandsaw operators are protected from overexposures to PNOR - total dust through implementation of effective engineering controls to maintain employee exposures below 15 mg/m³.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect employees from airborne concentration of PNOR - Total Dust in excess of the 8 hour Time Weighted Average concentration of 15 mg/m³ and documentation demonstrating that employee exposures to PNOR - Total Dust are below 8 hour time weighted average concentrations of 15 mg/m³.

This employer has been previously cited for this practice that includes:

Avid Pallet Services, LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard, which was contained in OSHA Inspection Number 922672, Citation Number 1, Item Number 5a and was affirmed as a final order on May 1, 2014, with respect to a workplace located at 1401 Eddy Avenue, Beloit, WI 53551.

Avid Pallet Services, LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard, which was contained in OSHA Inspection Number 1177229, Citation Number 1, Item Number 1b and was affirmed as a final order on January 17, 2017, with respect to a workplace located at 1401 Eddy Avenue, Beloit, WI 53511.

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: 1346897
Inspection Date(s): 09/14/2018 - 12/27/2018
Issuance Date: 03/12/2019



Citation and Notification of Penalty

Company Name: Avid Pallet Services, LLC
Inspection Site: 1401 Eddy Avenue, Beloit, WI 53511

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	04/18/2019
Proposed Penalty:	\$104192.00

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: Avid Pallet Services, LLC
Inspection Site: 1401 Eddy Avenue, Beloit, WI 53511

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

29 CFR 1910.1000(e): Feasible administrative or engineering controls were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

The employer does not determine and implement feasible engineering controls to reduce bandsaw operators exposure below the limit for particulates not otherwise regulated (PNOR) - total dust. This most recently occurred when two Bandsaw operators were exposed to an 8 hour time weighted average concentration of PNOR-Total Dust in excess of 15 mg/m³. To abate this violation, the employer must ensure that Bandsaw operators are protected from overexposures to PNOR - total dust through implementation of effective engineering controls to maintain employee exposures below 15 mg/m³.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect employees from airborne concentration of PNOR - Total Dust in excess of the 8 hour Time Weighted Average concentration of 15 mg/m³ and documentation demonstrating that employee exposures to PNOR - Total Dust are below 8 hour time weighted average concentrations of 15 mg/m³.

Abatement normally will be multistep as follows:

STEP 1: Effective respiratory protection shall continue to be provided and used by exposed employees as an interim protective measure until feasible engineering controls can be implemented or whenever such controls fail to reduce employee exposures to within permissible exposure limits.

STEP 2: A written detailed plan of abatement shall be submitted to the Area Director outlining a schedule for the implementation of engineering measures to control employee exposures to hazardous substances as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with abatement dates required by this citation:

1. Evaluation of engineering control options;
2. Selection of optimum control methods and completion of design;
3. Procurement, installation, and operation of selected control measures; and
4. Testing and acceptance or modification/redesign of controls.

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

Inspection Number: 1346897
Inspection Date(s): 09/14/2018 - 12/27/2018
Issuance Date: 03/12/2019



Citation and Notification of Penalty

Company Name: Avid Pallet Services, LLC
Inspection Site: 1401 Eddy Avenue, Beloit, WI 53511

NOTE: All proposed control measures shall be approved for each particular use by a competent industrial hygienist or other technically qualified person.

STEP 3: Abatement shall have been completed by the implementation of feasible engineering controls upon verification of their effectiveness in achieving compliance.

- Date by Which Violation Must be Abated: STEP-1 - Upon issuance.
- Date by Which Violation Must be Abated: STEP-2 - 60 days from issuance.
- Date by Which Violation Must be Abated: STEP-3 - 90 days from issuance.

This employer has been previously cited for this practice that includes:

Avid Pallet Services, LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard, which was contained in OSHA Inspection Number 922672, Citation Number 1, Item Number 5b and was affirmed as a final order on May 1, 2014, with respect to a workplace located at 1401 Eddy Avenue, Beloit, WI 53551.

Avid Pallet Services, LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard, which was contained in OSHA inspection number 1177229, Citation number 1, Item Number 1c and was affirmed as a final order on January 17, 2017, with respect to a workplace located at 1401 Eddy Avenue, Beloit, WI 53511.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated: 06/17/2019



Citation and Notification of Penalty

Company Name: Avid Pallet Services, LLC
Inspection Site: 1401 Eddy Avenue, Beloit, WI 53511

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

29 CFR 1910.1200(h)(3)(ii): Employee training did not include the physical and health hazards of the chemicals in the work area:

The employer's training does not inform employees of the health hazards of the wood dust, including but not limited to, that it is a carcinogen.

The employer's training does not ensure that employees are trained on the health hazards of the wood dust, including that it is a carcinogen. Employees working in the Bandsaw department at the worksite are exposed to wood dust daily. To abate this violation, the employer must develop a training program to ensure that Bandsaw operators are informed of the health hazards of wood dust, specifically that it is a carcinogen.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a copy of the training information that will be used to inform employees of the health hazards of wood dust, specifically that it is a carcinogen.

This employer has been previously cited for this practice that includes:

Avid Pallet Services, LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard, which was contained in OSHA Inspection Number 922672, Citation number 1, Item Number 6 and was affirmed as a final order on May 1, 2014(date), with respect to a workplace located at 1401 Eddy Avenue, Beloit, WI 53551.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	04/02/2019
Proposed Penalty:	\$52096.00

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

Inspection Number: 1346897
Inspection Date(s): 09/14/2018 - 12/27/2018
Issuance Date: 03/12/2019



Citation and Notification of Penalty

Company Name: Avid Pallet Services, LLC
Inspection Site: 1401 Eddy Avenue, Beloit, WI 53511

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

29 CFR 1910.1020(g)(1): Employees covered by 29 CFR 1910.1020 were not informed, upon entering employment and at least annually thereafter, of the existence, location, availability of any records covered by this section, of the identity of the person responsible for maintaining and providing access to records, or of each employee's right of access to these records:

The employer did not inform employees of the existence, location and availability, the identity of the person responsible for maintaining and providing access, and employees' rights to access the employee exposure records for personal air monitoring records to determine employees' exposure to particulates not otherwise regulated - total dust.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date By Which Violation Must be Abated:
Proposed Penalty:

04/02/2019
\$0.00

A handwritten signature in black ink, appearing to read "Chad E. Greenwood".

Chad E. Greenwood
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
4802 E. Broadway
Madison, WI 53716



INVOICE / DEBT COLLECTION NOTICE

Company Name: Avid Pallet Services, LLC
Inspection Site: 1401 Eddy Avenue, Beloit, WI 53511
Issuance Date: 03/12/2019

Summary of Penalties for Inspection Number	1346897
Citation 1, Serious	\$32014.00
Citation 2, Repeat	\$156288.00
Citation 3, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$188302.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement.

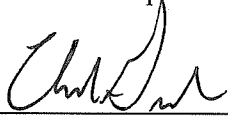
You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.


Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Chad E. Greenwood

Area Director



Date