

U.S. Department of Labor

Occupational Safety and Health Administration
690 S. Loop 336 West
Suite 400
Conroe, TX 77304
Phone: 936-760-3800 Fax: 936-760-3327



Citation and Notification of Penalty

To:

ST Feed Mill, LLC, dba Thomas Moore Feed
and its successors
7963 Allen Farm Road
Navasota, TX 77868

Inspection Number: 1172693**Inspection Date(s):** 08/24/2016 - 12/01/2016**Issuance Date:** 12/20/2016**Inspection Site:**

7963 Allen Farm Road
Navasota, TX 77868

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. 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 12/20/2016. The conference will be held by telephone or at the OSHA office located at 690 S. Loop 336 West, Suite 400, Conroe, TX 77304 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1172693

Company Name: ST Feed Mill, LLC, dba Thomas Moore Feed
Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868
Issuance Date: 12/20/2016

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, 690 S. Loop 336 West, Suite 400, Conroe, TX 77304**

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: ST Feed Mill, LLC, dba Thomas Moore Feed
Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer does not furnish to each of his employees employment and a place of employment which are free from the recognized hazards which are causing or likely to cause death or serious physical harm to employees in that employees were exposed to dust explosion, deflagration and fire hazards caused by equipment used to process animal feed:

- a) During August of 2016, located outside the commodity barn where employees were exposed to deflagration and fire hazards from the explosion vents of the dust collector that did not provide protection from the fireball path.
- b) During August of 2016, located outside the commodity barn where employees were exposed to deflagration and fire hazards when the dust collector was not equipped with a means to automatically shut down the system in the event of a deflagration.
- c) During August of 2016, located outside the commodity barn where employees were exposed to fire hazards when the ductwork of the dust collection system was not equipped with access openings.
- d) During August of 2016, outside the commodity barn where employees were exposed to deflagration and fire hazards when the cyclone of the hammer mill was not protected from explosion hazards.

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: ST Feed Mill, LLC, dba Thomas Moore Feed
Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868

- a) Among feasible methods to correct the identified hazard:
 - 1. Direct the material discharged from an enclosure during a deflagration to a safe location per 2013 NFPA 61: Standard for the Prevention of Fire and Dust Explosions in Agricultural and Food Processing Facilities, Section 6.3.3.1.
 - 2. Calculate the potential fireball dimension per 2013 NFPA 68: Standard on Explosion Protection by Deflagration Venting, Section 8.9.
- b) Among feasible methods to correct the identified hazard:
 - 1. Provide a method of shutting down the system automatically per 2013 NFPA 61: Standard for the Prevention of Fire and Dust Explosions in Agricultural and Food Processing Facilities, Section 10.4.8.3.
 - 2. Employ isolation devices such as material chokes per 2014 NFPA 69: Standard on Explosion Prevention Systems, Section 12.2.4.
- c) Among feasible methods to correct the identified hazard, one method would be to install inspection ports or a means to inspect the system per 2010 NFPA 91: Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids, Section 4.3.1.
- d) Among feasible methods to correct the identified hazard, one method would be to protect the hammer mill cyclone by containment, suppression, inerting or explosion venting per 2013 NFPA 61: Standard for the Prevention of Fire and Dust Explosions in Agricultural and Food Processing Facilities, Section 6.3.1.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/25/2017
\$9603.00

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: 1172693
Inspection Date(s): 08/24/2016 - 12/01/2016
Issuance Date: 12/20/2016



Citation and Notification of Penalty

Company Name: ST Feed Mill, LLC, dba Thomas Moore Feed
Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868

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

29 CFR 1910.23(c)(1): Open sided floor(s) or platform(s) 4 feet or more above the adjacent floor or ground level were not guarded by standard railings (or the equivalent as specified in 29 CFR 1910.23(e)(3)(i) through (v)), on all open sides:

On or about August 24, 2016, on the west side of the bird seed bagging platform where employees were exposed to a fall hazard greater than 4 feet when accessing the platform for adjustments and cleaning without railing or an equivalent surrounding the entire side of the platform.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6859.00

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: ST Feed Mill, LLC, dba Thomas Moore Feed
Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868

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

29 CFR 1910.27(c)(4): The distance from the centerline of rungs, cleats, or steps to the nearest permanent object in back of the ladder was less than 7 inches, except that when unavoidable obstructions are encountered, minimum clearances as shown in Figure D-3 shall be provided.

- a) On or about August 24, 2016, located at the pellet mill level where employees were exposed to a fall hazard when using the first set of fixed ladders to access a platform where the centerline of the top two rungs were less than 7 inches to nearest permanent object.
- b) On or about August 24, 2016, located at the pellet mill area where employees were exposed to a fall hazard when using the second set of fixed ladders to access a platform where the centerline of the rungs were less than 7 inches to nearest permanent object.
- c) On or about August 24, 2016, located at the pellet mill area where employees were exposed to a fall hazard when using the fourth set of fixed ladders to access a platform where the centerline of one rung was less than 7 inches to nearest permanent object.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/25/2017
\$6859.00

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

Inspection Number: 1172693
Inspection Date(s): 08/24/2016 - 12/01/2016
Issuance Date: 12/20/2016



Citation and Notification of Penalty

Company Name: ST Feed Mill, LLC, dba Thomas Moore Feed
Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868

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

29 CFR 1910.27(d)(2)(i): Where an employee had to step a distance greater than 12 inches from the centerline of the rung of a ladder to the nearest edge of structure or equipment, a landing platform was not provided:

On or about August 24, 2016, located in the pellet mill area where employees were exposed to a fall hazard when using the fourth set of fixed ladders to access a roof without a landing platform.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/25/2017
\$5487.00

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: 1172693
Inspection Date(s): 08/24/2016 - 12/01/2016
Issuance Date: 12/20/2016



Citation and Notification of Penalty

Company Name: ST Feed Mill, LLC, dba Thomas Moore Feed
Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868

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

29 CFR 1910.27(d)(3): The side rails of through or side-step ladder extensions did not extend 3 1/2 feet above parapets and landings:

- a) On or about August 24, 2016, at the bird seed bagging platform where employees were exposed to a fall hazard when using a fixed ladder to access the platform without side rail ladder extensions on the right side.
- b) On or about August 24, 2016, located at the pellet mill level where employees were exposed to a fall hazard when using a fixed ladder to access a platform without side rail ladder extensions.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/25/2017
\$6859.00

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: 1172693
Inspection Date(s): 08/24/2016 - 12/01/2016
Issuance Date: 12/20/2016



Citation and Notification of Penalty

Company Name: ST Feed Mill, LLC, dba Thomas Moore Feed

Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868

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

29 CFR 1910.95(c)(1): The employer did not administer a continuing, effective hearing conservation program as described in 29 CFR 1910.95(c) through (o) whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level of 85 decibels measured on the A scale, or equivalently a dose of fifty percent:

A pellet mill operator was exposed to continuous noise levels at 78.6% of the permissible daily noise exposure or an equivalent sound level of approximately 88.2 dBA during the 400 minute sampling period on 8-25-16; exposure calculations included a zero increment for the 80 minutes not sampled.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/25/2017

Proposed Penalty:

\$9603.00

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: 1172693
Inspection Date(s): 08/24/2016 - 12/01/2016
Issuance Date: 12/20/2016



Citation and Notification of Penalty

Company Name: ST Feed Mill, LLC, dba Thomas Moore Feed
Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868

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

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

On or about August 24, 2016, located in the bagging area where employees were exposed to struck-by hazards when operating a Chantland EC201 robot to stack animal feed bags on pallets without barrier guarding surrounding the entire operating envelope of the robotic arm.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/18/2017
\$6859.00

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: 1172693
Inspection Date(s): 08/24/2016 - 12/01/2016
Issuance Date: 12/20/2016



Citation and Notification of Penalty

Company Name: ST Feed Mill, LLC, dba Thomas Moore Feed
Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868

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

29 CFR 1910.272(j)(3): Compressed air was used to blow dust from ledges, walls, and other areas in grain handling facilities when machinery presenting an ignition source was not shut down, and/or when all other known potential ignition sources in the area:

On or about September 23, 2016, located in the grain pit unloading area where an employee was exposed to explosion and fire hazards during cleaning tasks with compressed air, without the Walinga Agri-vac vacuum being plugged into a receptacle that was ignition proof.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/10/2017
\$6859.00

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: ST Feed Mill, LLC, dba Thomas Moore Feed

Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868

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**

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

On or about September 23, 2016, located near the grain pit where an employee was exposed to caught-in hazards when operating a Walinga Agri-Vac for cleaning grain dust without enclosing two sets of pulleys on the vacuum.

The ST Feed Mill, LLC was previously cited for a violation of this Occupational Safety and Health Standard 1910.219(d)(1), which was contained in OSHA inspection number 994617, citation number 1, item number 8a and was affirmed as a final order on March 9, 2015, with respect to a workplace located at 7963 Allen Farm Road, Navasota, Texas 77868.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$13718.00



Citation and Notification of Penalty

Company Name: ST Feed Mill, LLC, dba Thomas Moore Feed
Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868

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

29 CFR 1910.219(e)(1)(i): Horizontal belts which had both runs seven -7 feet or less from the floor level were not guarded with a guard that extended to at least fifteen inches above the belt:

On or about September 23, 2016, located near the grain pit where an employee was exposed to caught-in hazards when operating a Walinga Agri-Vac for cleaning grain dust without enclosing two sets of belts on the vacuum.

The ST Feed Mill, LLC was previously cited for a violation of an equivalent Occupational Safety and Health Standard 1910.219(e)(3)(i), which was contained in OSHA inspection number 994617, citation number 1, item number 8b and was affirmed as a final order on March 9, 2015, with respect to a workplace located at 7963 Allen Farm Road, Navasota, Texas 77868.

Date By Which Violation Must be Abated:

Corrected During Inspection



Citation and Notification of Penalty

Company Name: ST Feed Mill, LLC, dba Thomas Moore Feed
Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868

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

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven -7 feet or less above floors or platforms were not enclosed:

- a) On or about August 24, 2016, located below the pellet mill where employees were exposed to caught in hazards when operating a drag chain conveyor that feeds the pellet mill cooler without enclosing the end of the drag chain conveyor.
- b) On or about August 24, 2016, located in the commodity barn where employees were exposed to caught in hazards when operating a drag chain conveyor to unload commodities without enclosing a section of the drag chain conveyor.
- c) On or about August 24, 2016, in the bird seed mixing area where an employee was exposed to caught-in hazards when operating the drag chain conveyor for the bird seed without enclosing a section of the drag chain conveyor.
- d) On or about August 24, 2016, located on the sweet line where employees were exposed to caught in hazards when bagging sweet feed without enclosing sprockets and chains that operate the belts for the weight feeders.
- e) On or about September 23, 2016, located near the grain pit where an employee was exposed to caught-in hazards when operating a Walinga Agri-Vac vacuum for cleaning grain dust without enclosing the chain and sprockets.

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: 1172693
Inspection Date(s): 08/24/2016 - 12/01/2016
Issuance Date: 12/20/2016



Citation and Notification of Penalty

Company Name: ST Feed Mill, LLC, dba Thomas Moore Feed

Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868

The ST Feed Mill, LLC was previously cited for a violation of this Occupational Safety and Health Standard 1910.219(f)(3), which was contained in OSHA inspection number 994617, citation number 1, item number 9 and was affirmed as a final order on February 25, 2015, with respect to a workplace located at 7963 Allen Farm Road, Navasota, Texas 77868.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/10/2017

Proposed Penalty:

\$19205.00

A handwritten signature in blue ink, reading "Joann J. Figueroa", written over a horizontal line.

Joann J. Figueroa
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
690 S. Loop 336 West
Suite 400
Conroe, TX 77304
Phone: 936-760-3800 Fax: 936-760-3327



INVOICE / DEBT COLLECTION NOTICE

Company Name: ST Feed Mill, LLC, dba Thomas Moore Feed
Inspection Site: 7963 Allen Farm Road, Navasota, TX 77868
Issuance Date: 12/20/2016

Summary of Penalties for Inspection Number	1172693
Citation 1, Serious	\$58988.00
Citation 2, Repeat	\$32923.00
TOTAL PROPOSED PENALTIES	\$91911.00

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.


Joann J. Figueroa

Area Director

12/20/2014
Date