

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
8344 East R.L. Thornton Frwy.  
Suite 420  
Dallas, TX 75228  
Phone: (214)320-2400 FAX: (214)320-2598



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## Citation and Notification of Penalty

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To:  
PJ Trailers Mfg. Co., Inc.; Delco Trailers  
and its successors  
1807 FM 2352  
Sumner, TX 75486

Inspection Number: 314181926  
Inspection **Date(s)**: 03/28/2011-09/27/2011  
Issuance Date: 09/27/2011

Inspection Site:  
1807 FM 2352  
Sumner, TX 75486

*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.*

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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 mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. 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. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

**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 page 4 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. Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

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

**Notification of Corrective Action** - For each violations which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and Repeat violations, documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as Serious and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All** abatement verification documents must contain the following information: **1)** Your name and address; **2)** the inspection number (found on the front page); **3)** the citation and citation item **number(s)** to which the submission relates; **4)** a statement that the information is accurate; **5)** the signature of the employer or employer's authorized representative; **6)** the date the hazard was corrected; **7)** a brief statement of how the hazard was corrected; and **8)** a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

**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.

**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 your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [WWW.OSHA.GOV](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the **citation(s)** issued on 09/27/2011. The conference will be held at the OSHA office located at 8344 East R.L. Thornton Frwy., Suite 420, Dallas, TX, 75228 on \_\_\_\_\_ at \_\_\_\_\_

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

ABATEMENT CERTIFICATION

STEPHEN BOYD, Area Director  
U.S. Department of Labor - OSHA  
8344 East R.L. Thornton Frwy.  
Suite 420  
Dallas, TX 75228  
Phone: (214)320-2400

PJ Trailers Mfg. Co., Inc.; Delco Trailers  
1807 FM 2352  
Sumner, TX 75486

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by way of \_\_\_\_\_

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by way of \_\_\_\_\_

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by way of \_\_\_\_\_

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by way of \_\_\_\_\_

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by way of \_\_\_\_\_

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name



**Citation and Notification of Penalty**

Company Name: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, Sumner, TX 75486

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

29 CFR 1910.38(f): The employer did not review the emergency action plan with each employee covered by the plan when the plan was developed, when the employees responsibilities or designated actions under the plan changed, and when the plan was changed:

The employer does not review the emergency action plan with each employee covered by the plan. This violation was discovered on or about March 28, 2011, when the employer had not reviewed the emergency action plan with each employee who was required to evacuate **and/or** use portable fire extinguishers in the case of a fire.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the emergency action plan is reviewed with each employee covered by the plan when the employee is initially assigned to a job, when the employee's responsibilities under the plan change, and when the plan is changed.

<b>Date By Which Violation Must be Abated:</b>	<b>10/21/2011</b>
<b>Proposed Penalty:</b>	<b>\$ 5500.00</b>



**Citation and Notification of Penalty**

Company Name: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, Sumner, TX 75486

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

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

The employer does not provide a medical evaluation to determine the employee's ability to use a respirator. This violation was discovered on or about March 29, 2011, in the finishing department, where employees wearing respirators during abrasive blasting and powder coating operations had not been medically evaluated to determine their fitness to wear the respirators.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that a medical evaluation is provided to determine the employee's ability to use a respirator before the employee is fit tested or required to use the respirator in the workplace.

Date By Which Violation Must be Abated:	10/21/2011
Proposed Penalty:	\$ 4400.00



## **Citation and Notification of Penalty**

**Company Name:** PJ Trailers Mfg. Co., Inc.; Delco Trailers  
**Inspection Site:** 1807 FM 2352, Sumner, TX 75486

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

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

29 CFR 1910.1000(a)(2): Employees were exposed to airborne concentrations of iron oxide fume, listed in Table Z-1, in excess of the 8-hour time weighted average concentration of 10 mg/m<sup>3</sup>:

The employer does not ensure that employee exposure to iron oxide fume does not exceed 10 milligrams per cubic meter (mg/m<sup>3</sup>) of air, as an 8-hour time weighted average (TWA). This violation occurred on June 1, 2011, in the plasma cutting shop, where a plasma cutter was exposed to iron oxide fume at an 8-hour TWA of 12.4 mg/m<sup>3</sup> of air, approximately 1.2 times the permissible exposure limit of 10 mg/m<sup>3</sup>. Sampling was performed for 475 minutes during one shift. Zero exposure was assumed for the 5 minute period not sampled.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employee exposure to substances listed in Table Z-1 does not exceed the 8-hour TWA concentration given for the substance. .

<b>Date By Which Violation Must be Abated:</b>	<b>10/21/2011</b>
<b>Proposed Penalty:</b>	<b>\$ 6600.00</b>





## **Citation and Notification of Penalty**

Company Name: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, Sumner, TX 75486

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

29 CFR 1910.1000(d): When determined by the computational formula specified in 29 CFR 1910.1000(d)(2)(i), employees were exposed to concentrations of more than one substance for which 8-hour time weighted averages are listed in Subpart Z of 29 CFR part 1910 in excess of the permissible exposure for the mixture:

The employer does not ensure that employee exposure to concentrations of more than one substance does not exceed the permissible exposure for the mixture. This violation occurred on June 1, 2011, in the plasma cutting shop:

a) A plasma cutter was exposed to copper fume at an 8-hour time weighted average (TWA) of 0.048 milligrams per cubic meter (**mg/m<sup>3</sup>**) of air, approximately 0.48 times the permissible exposure limit (PEL) of 0.1 **mg/m<sup>3</sup>**, and iron oxide fume at an 8-hour TWA of 7.9 **mg/m<sup>3</sup>**, approximately 0.79 time the PEL of 10 **mg/m<sup>3</sup>**. The exposure combination was approximately 1.3 times the permissible 8-hour TWA concentration for the mixture. Sampling was performed for 475 minutes during one shift. Zero exposure was assumed for the 5 minute period not sampled.

b) A plasma cutter was exposed to copper fume at an 8-hour TWA of 0.042 **mg/m<sup>3</sup>**, approximately 0.42 times the PEL of 0.1 **mg/m<sup>3</sup>**, and iron oxide fume at an 8-hour TWA of 6.9 **mg/m<sup>3</sup>**, approximately 0.69 times the PEL of 10 **mg/m<sup>3</sup>**. The exposure combination was approximately 1.1 times the permissible 8-hour TWA concentration for the mixture. Sampling was performed for 476 minutes during one shift. Zero exposure was assumed for the 4 minute period not sampled.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employee exposure to concentrations of more than one substance does not exceed the permissible exposure for the mixture.

**Date By Which Violation Must be Abated:** **10/21/2011**

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## Citation and Notification of Penalty

Company Name: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, Sumner, TX 75486

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

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 administrative or engineering controls to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d). This violation occurred on June 1, 2011, in the plasma cutting shop, where the employer had not implemented feasible administrative or engineering controls to achieve compliance with the permissible exposure limit for iron oxide fume and the permissible exposure limit for a mixture of iron oxide fume and copper fume during plasma cutting operations.

#### Abatement:

Step 1: Effective respiratory protection shall 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 exposure 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 options;
2. Selection of optimum control methods and completion of design;
3. Procurement, installation, and operation of selected controls measures; and
4. Testing and acceptance or **modification/redesign** of controls.

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.

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## Citation and Notification of Penalty

**Company Name:** PJ Trailers Mfg. Co., Inc.; Delco Trailers  
**Inspection Site:** 1807 FM 2352, Sumner, TX 75486

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Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that feasible administrative or engineering controls are determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d).

**Date By Which Violation Must be Abated:** 11/11/2011

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

29 CFR 1910.252(c)(1)(iii): Local exhaust or general ventilating systems were not provided and arranged to keep the **amount** of toxic fumes, gases, or dusts below the maximum allowable concentration as specified in 29 CFR 1910.1000:

The employer does not provide **and/or** arrange local exhaust or general ventilating systems to keep the amount of toxic fumes **below** the maximum allowable concentration as specified in 1910.1000. This violation occurred on June 1, 2011, in the plasma cutting shop, where the employer had not provided **and/or** arranged local exhaust or general ventilating systems to achieve compliance with the permissible exposure limits for iron oxide fume and the mixture of iron oxide and copper fume during plasma cutting operations.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that local exhaust or general ventilating systems are provided and arranged to keep the amount of toxic fumes, gases, or dusts below the maximum allowable concentration as specified in 1910.1000.

**Date By Which Violation Must be Abated:** 11/11/2011



## **Citation and Notification of Penalty**

Company Name: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, Sumner, TX 75486

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

29 CFR 1910.134(a)(2): The employer did not establish and maintain a respiratory protection program which included the requirements outlined in paragraph (c) of 1910.134 for each employee required by this section to wear a respirator:

The employer does not establish and maintain a respiratory protection program for each employee when respirators are necessary to protect the health of the employee. This violation occurred on June 1, 2011, in the plasma cutting shop, where the employer had not established and maintained a respiratory protection program for employees who were exposed to iron oxide fume and the mixture of iron oxide and copper fume in excess of the permissible exposure limits.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that a respiratory protection program is established and maintained for each employee when respirators are necessary to protect the health of the employee.

**Date By Which Violation Must be Abated: 10/07/2011**



## **Citation and Notification of Penalty**

Company Name: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, **Sumner**, TX 75486

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

### **Citation 2 Item 1a** Type of Violation: **Willful**

29 CFR 1910.95(g)(1): An audiometric testing program was not established and maintained for all employees whose noise exposure equaled or exceeded an 8 hour time weighted average of 85 **dBA**:

The employer does not maintain an audiometric testing program for all employees whose noise exposures equal or exceed an 8-hour time weighted average (TWA) of 85 **dBA**. This violation occurred on or about March 29, 2011, when the employer had not made audiometric testing available to employees whose noise exposure equaled or exceeded an 8-hour TWA of 85 **dBA**:

- a) In the finishing department, an abrasive blaster was exposed to continuous noise levels at 315.7% of the allowable 8-hour TWA (90 **dBA**). The equivalent **dBA** level of 315.7% is approximately 98.3 **dBA**. Sampling was performed for 488 minutes during one shift.
  - b) In the finishing department, a trailer dryer was exposed to continuous noise levels at 556.3% of the allowable 8-hour TWA (90 **dBA**). The equivalent **dBA** level of 556.3% is approximately 102.3 **dBA**. Sampling was performed for 493 minutes during one shift.
  - c) In the finishing department, a trailer dryer was exposed to continuous noise levels at 289.8% of the allowable 8-hour TWA (90 **dBA**). The equivalent **dBA** level of 289.8% is approximately 97.6 **dBA**. Sampling was performed for 497 minutes during one shift.
  - d) In the fabrication department, a plasma cutter operator was exposed to continuous noise levels at 104.9% of the allowable 8-hour TWA (90 **dBA**). The equivalent **dBA** level of 104.9% is approximately 90.3 **dBA**. Sampling was performed for 483 minutes during one shift.
  - e) In the fabrication department, a press operator was exposed to continuous noise levels at 111.6% of the allowable 8-hour TWA (90 **dBA**). The equivalent **dBA** level of 111.6% is approximately 90.8 **dBA**. Sampling was performed for 479 minutes during one shift. Zero exposure was assumed for the 1 minute period not sampled.
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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, Sumner, TX 75486

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f) In the gooseneck trailer department, a welder was exposed to continuous noise levels at 109.8% of the allowable 8-hour TWA (90 dBA). The equivalent dBA level of 109.8% is approximately 90.6 dBA. Sampling was performed for 548 minutes during one shift.

g) In the custom trailer department, a welder was exposed to continuous noise levels at 80.01% of the allowable 8-hour TWA (90 dBA). The equivalent dBA level of 80.01% is approximately 88.3 dBA. Sampling was performed for 517 minutes during one shift.

h) In the utility trailer department, a welder was exposed to continuous noise levels at 116.8% of the allowable 8-hour TWA (90 dBA). The equivalent dBA level of 116.8% is approximately 91.1 dBA. Sampling was performed for 542 minutes during one shift.

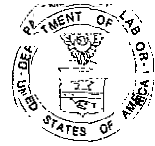
i) In the dump trailer department, a welder was exposed to continuous noise levels at 162.3% of the allowable 8-hour TWA (90 dBA). The equivalent dBA level of 162.3% is approximately 93.4 dBA. Sampling was performed for 535 minutes during one shift.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that an audiometric testing program is established and maintained.

Date By Which Violation Must be Abated:	10/21/2011
Proposed Penalty:	\$ 70000.00

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## **Citation and Notification of Penalty**

Company Name: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, Sumner, TX 75486

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### **Citation 2 Item 1b** Type of Violation: **Willful**

29 CFR 1910.95(k)(1): A training program was not instituted for all employees who were exposed to noise at or above an 8 hour time weighted average of 85 **dB**A:

The employer does not institute a training program for all employees who are exposed to noise at or above an 8-hour time weighted average (TWA) of 85 **dB**A. This violation occurred on or about March 29, 2011, when employees exposed to noise above an 8-hour TWA of 85 **dB**A had not been trained on the effects of noise on hearing; the purpose of hearing protectors; instructions on selection, fitting, use, and care of hearing protectors; and the purpose and explanation of audiometric testing:

- a) In the finishing department, an abrasive blaster **was** exposed to continuous noise levels at 315.7% of the allowable 8-hour TWA (90 **dB**A). The equivalent **dB**A level of 315.7% is approximately 98.3 **dB**A. Sampling was performed for 488 minutes during one shift.
- b) In the **finishing** department, a trailer **dryer** was exposed to continuous noise levels at 556.3% of the allowable 8-hour TWA (90 **dB**A). The equivalent **dB**A level of 556.3% is approximately 102.3 **dB**A. Sampling was performed for 493 minutes during one shift.
- c) In the finishing department, a trailer dryer was exposed to continuous noise levels at 289.8% of the allowable 8-hour TWA (90 **dB**A). ~~The~~ equivalent **dB**A level of 289.8% is approximately 97.6 **dB**A. Sampling was performed for 497 minutes during one shift.
- d) In the fabrication department, a plasma cutter operator was exposed to continuous noise levels at 104.9% of the allowable 8-hour TWA (90 **dB**A). The equivalent **dB**A level of 104.9% is approximately 90.3 **dB**A. Sampling was performed for 483 minutes during one shift.
- e) In the fabrication department, a press operator was exposed to continuous noise levels at 111.6% of the allowable 8-hour TWA (90 **dB**A). The equivalent **dB**A level of 111.6% is approximately 90.8 **dB**A. Sampling was performed for 479 minutes during one shift. Zero exposure was assumed for the 1 minute period not sampled.
- f) In the gooseneck trailer department, a welder was exposed to continuous noise levels at 109.8% of the allowable 8-hour TWA (90 **dB**A). The equivalent **dB**A level of 109.8% is approximately 90.6 **dB**A. Sampling was performed for 548 minutes during one shift.

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## **Citation and Notification of Penalty**

Company Name: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, Sumner, TX 75486

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g) In the custom trailer department, a welder was exposed to continuous noise levels at 80.01% of the allowable 8-hour TWA (90 **dBA**). The equivalent **dBA** level of 80.01% is approximately 88.3 **dBA**. Sampling was performed for 517 minutes during one shift.

h) In the utility trailer department, a welder was exposed to continuous noise levels at 116.8% of the allowable 8-hour TWA (90 **dBA**). The equivalent **dBA** level of 116.8% is approximately 91.1 **dBA**. Sampling was performed for 542 minutes during one shift.

i) In the dump trailer department, a welder was exposed to continuous noise levels at 162.3% of the allowable 8-hour TWA (90 **dBA**). The equivalent **dBA** level of 162.3% is approximately 93.4 **dBA**. Sampling was performed for 535 minutes during one shift.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that a training program is instituted for all employees who are exposed to noise at or above an 8-hour TWA of 85 **dBA**.

**Date By Which Violation Must be Abated: 10/21/2011**





### Citation and Notification of Penalty

Company Name: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, Sumner, TX 75486

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#### Citation 3 Item 1 Type of Violation: Repeat

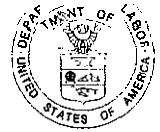
29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

The employer does not develop, implement, and maintain at the workplace a written hazard communication program. This violation occurred on or about March 28, 2011, when the employer had not developed, implemented, and maintained a written hazard communication program for employees working in the finishing department who were exposed to hazardous chemicals including, but not limited to, powder coating, EZ-107 and EZ-rust guard trailer cleaners, and xylene, and for employees working in the plasma cutting shop who were exposed to metal fumes.

THIS EMPLOYER WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, 29 CFR 1910.1200(e)(1), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 312125578, CITATION NUMBER 1, ITEM NUMBER 13, ISSUED ON MARCH 2, 2010, WITH RESPECT TO A WORKPLACE LOCATED AT DELCO TRAILERS, 4131 CR 35500, SUMNER, TEXAS 75486, AND WAS AFFIRMED AS A FINAL ORDER ON MARCH 24, 2010.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that a written hazard communication program which describes how the criteria in 29 CFR 1810.1200(f), (g), and (h) will be met.

Date By Which Violation Must be Abated:	10/21/2011
Proposed Penalty:	\$ 35000.00



**Citation and Notification of Penalty**

Company Name: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, Sumner, TX 75486

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

29 CFR 1904.29(b)(3): Each recordable injury or illness was not entered on the OSHA 300 Log and/or an incident report (OSHA Form 301 or equivalent) within seven (7) calendar days of receiving information that a recordable injury or illness has occurred:

The employer does not enter each recordable injury or illness on the OSHA 300 log, or equivalent form. This violation was discovered on or about May 9, 2011, when the employer had not recorded four cases involving occupational hearing loss per 1904.10(a) on the OSHA 300 log for calendar year 2007.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that each recordable injury or illness is entered on the OSHA 300 log within 7 calendar days of receiving information that a recordable injury or illness has occurred.

<b>Date By Which Violation Must be Abated:</b>	<b>10/05/2011</b>
<b>Proposed Penalty:</b>	<b>\$ 1100.00</b>



**Citation and Notification of Penalty**

Company Name: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, **Sumner**, TX 75486

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**Citation 4 Item 2** Type of Violation: **Other**

29 CFR 1904.32(b)(3): The Summary of Work-Related Injuries and Illnesses (OSHA Form 300A or equivalent) was not properly certified:

The employer does not properly certify the Summary of Work-Related Injuries and Illnesses (OSHA Form 300A). This violation was discovered on or about May 20, 2011, when the highest company executive at the establishment or at the corporate level had not certified the OSHA Form 300A for calendar years:

- a) 2007
- b) 2008
- c) 2009
- d) 2010

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the Summary of Work-Related Injuries and Illnesses (OSHA Form 300A or equivalent) is certified by the highest company executive in the establishment or at the corporate level.

<b>Date By Which Violation Must be Abated:</b>	<b>10/05/2011</b>
<b>Proposed Penalty:</b>	<b>\$ 4400.00</b>

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See pages I 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: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, Sumner, TX 75486

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**Citation 4 Item 3** Type of Violation: **Other**

29 CFR 1904.40(a): Copies of records kept under Part 1904 requested by an authorized government representative were not provided within four (4) business hours:

The employer does not provide copies of records kept under Part 1904 within four hours when requested by an authorized government representative. This violation occurred on or about March 28, when the employer did not provide copies of logs of all recordable work-related injuries and illnesses (OSHA Form 300s or equivalent forms) to representatives of the Secretary of Labor who were conducting an inspection under the Act.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that copies of records under Part 1904 requested by government representatives are provided within four hours.

<b>Date By Which Violation Must be Abated:</b>	<b>10/05/2011</b>
<b>Proposed Penalty:</b>	<b>\$ 5500.00</b>



## **Citation and Notification of Penalty**

Company Name: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, Sumner, TX 75486

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

### **Citation 4 Item 4a Type of Violation: Other**

29 CFR 1910.1000(a)(2): Employees were exposed to airborne concentrations of particulates not otherwise regulated, listed in Table Z-1, which is also referenced in Table Z-3 under "Inert or Nuisance dust", in excess of 5 mg/m<sup>3</sup> (respirable) as an 8-hour time weighted average:

The employer does not ensure that employee exposure to particulates not otherwise regulated (PNOR), respirable fraction, does not exceed 5 milligrams per cubic meter (mg/m<sup>3</sup>) of air as an 8-hour time weighted average (TWA). This violation occurred on April 13, 2011, in the finishing department, where a powder coat operator was exposed to PNOR, respirable fraction, at an 8-hour TWA of 28.1 mg/m<sup>3</sup> of air, approximately 5.6 times the permissible exposure limit of 5 mg/m<sup>3</sup>. Sampling was performed for 450 minutes during one shift. Zero exposure was assumed for the 30 minute period not sampled.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in **compliance** with the standard, including describing the steps that it is taking to ensure that employee exposure to substances listed in Table Z-1 does not exceed the 8-hour TWA given for the substance.

<b>Date By Which Violation Must be Abated:</b>	<b>10/15/2011</b>
<b>Proposed Penalty:</b>	<b>\$ 6600.00</b>

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See pages I 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: PJ Trailers Mfg. Co., Inc.; Delco Trailers  
Inspection Site: 1807 FM 2352, Sumner, TX 75486

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**Citation 4 Item 4b** Type of Violation: **Other**

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 administrative or engineering controls to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d). This violation was discovered on or about April 13, 2011, in the powder coating booth, where the employer had not implemented feasible administrative or engineering controls to achieve compliance with the prescribed exposure limit for particles not otherwise regulated, respirable fraction.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that feasible administrative or engineering controls are determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d).

**Date By Which Violation Must be Abated:** **10/21/2011**

  
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**STEPHEN BOYD**  
Area Director

# U.S. Department of Labor

Occupational Safety and Health Administration  
8344 East R.L. Thomson Frwy.  
Suite 420  
Dallas, TX 75228  
Phone: (214)320-2400 FAX: (214)320-2598



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** PJ Trailers Mfg. Co., Inc.; Delco Trailers  
**Inspection Site:** 1807 FM 2352, Sumner, TX 75486  
**Issuance Date:** 09/27/2011

**Summary of Penalties for Inspection Number 314181926**

<b>Citation 1, Serious</b>	= \$	<b>16500.00</b>
<b>Citation 2, Willful</b>	= \$	<b>70000.00</b>
<b>Citation 3, Repeat</b>	= \$	<b>35000.00</b>
<b>Citation 4 Other</b>	= \$	<b>17600.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>139100.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions put on any check or money order 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 1%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within **30** calendar days of the final order.

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

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



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STEPHEN BOYD  
Area Director



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Date