

**BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD**

In the Matter of the Appeal of:

**ROPLAST INDUSTRIES, INC.
3155 South 5th Avenue
Oroville, CA 95965**

Employer

DOCKET 12-R2D3-3709

DECISION

Statement of the Case

Roplast Industries, Inc. (“Employer”) manufactures polyethylene-based films and bags for retail, grocery, food packaging and industrial markets. Beginning October 9, 2012, the Division of Occupational Safety and Health (the Division or DOSH) conducted an accident-related inspection at 3155 S. 5th Avenue, Oroville, CA (the site). On December 6, 2012, the Division cited Employer for a Serious, Accident Related violation of California Code of Regulations¹, Title 8, section 3314, subdivision (c) for failure to lock-out and tag-out a printing press while an employee climbed up and into the press to remove a piece of film. The employee’s left hand was sucked under the support bar and the circle drum, crushing his wrist. He was hospitalized for three days.

On December 10, 2012, Employer filed a timely appeal of Citation 2, Item 1, contesting the violation by raising the Independent Employee Act Defense (“IEAD”), based on the fact that the employee violated company safety policy and acted contrary to his safety training.²

This matter came on regularly for hearing before Mary Dryovage, Administrative Law Judge for the California Occupational Safety and Health Appeals Board, in Sacramento, California on September 5, 2013. Roplast Industries, Inc. was represented by Manuel Melgoza, Esq., Robert D. Peterson Law Corporation. The Division was represented by Jon Weiss, District Manager for California Occupational Safety and Health, Sacramento District Office. All parties presented testimony and documentary evidence. Each party submitted a post-hearing brief and a reply brief, the last brief being filed on October 14, 2013, and the matter was submitted for decision at that time. The submission date was later extended by the ALJ on her own motion to July 18, 2014.

¹ Unless otherwise specified, references are to Sections of Title 8, California Code of Regulations.

² At the hearing, the Employer moved to amend the appeal to add an additional affirmative defense that the event was unforeseeable pursuant to *Newbery Electric Corp. v. Occupational Safety & Health Appeals Board*, (1981) 123 Cal. App. 3d 64. This motion is denied as untimely. (Section 371(c).)

At the September 5, 2013 hearing, the Employer moved to amend its appeal of Citation 2, Item 1 to contest the classification and penalty. The Division objected to the motion but conceded that it was not prejudiced by the amendment. This motion was granted.

Issues

1. Did DOSH establish that an employee engaged in cleaning, servicing and adjusting operations while a machine was still running, in violation of Section 3314(c)?
2. Did Employer carry its burden of proof on the issue of the IEAD pursuant to *Mercury Service Inc.*, Cal/OSHA App. 77-1133, Decision After Reconsideration, October 16, 1980?

Findings of Fact

1. An employee reached into a printing press while trying to remove a piece of film; the employee's hand got caught between the jack shaft³ and the printing drum, causing a serious injury.
2. The printing press was capable of movement; it was not stopped nor was the power source de-energized or disengaged, and the movable parts were not mechanically blocked or locked out to prevent inadvertent movement.
3. The employee was an experienced press operator, having worked for Employer for three years as a press operator and for another employer as a press operator for five years.
4. When the employee was hired by the Employer, he received orientation training, general safety training and specific training on the Faustel printing press.
5. The employee passed a test to demonstrate his comprehension of the Lock-Out/Tag-Out procedure for the Faustel printing press on November 15, 2011.
6. The employer has a well-devised safety program which includes training employees in matters of safety respective to their particular job assignments.
7. The employer effectively enforces the safety program by requiring the operators at the beginning of each shift to discuss the employer's rules and to sign a form indicating that they have read a document with ten rules. One of the rules was "Never reach into a press while it is in operation."
8. The injured employee knew the rule and violated the employer's Lock-Out/Tag-Out procedures, and caused the accident.

³ A "jackshaft" is a shaft that transmits motion from an engine or motor to a machine. (See Dictionary.com)

Analysis⁴

Issue 1

Did DOSH establish that an employee adjusted a machine while it was still running, in violation of Section 3314(c)?

Section 3314(c) provides, in pertinent part:

Cleaning, Servicing and Adjusting Operations

Machinery or equipment capable of movement shall be stopped and the power source de-energized or disengaged, and, if necessary, the moveable parts shall be mechanically blocked or locked out to prevent inadvertent movement, or release of stored energy during cleaning, servicing and adjusting operations. Accident prevention signs or tags both shall be placed on the controls or the power source of the machinery or equipment.

Citation 2, Item 1 alleges as follows:

On 10/03/2012, Roplast Industries, Inc. located at 3155 S. 5th Avenue, Oroville, CA, the printing press was capable of movement and was not stopped nor was the power source de-energized or disengaged; also, the movable parts were not mechanically blocked nor locked out to prevent inadvertent movement. The employee reached into the press while trying to remove a piece of film and got his hand caught in the roller causing a serious injury. This is an accident related citation.

The Division has the burden of proving a violation, including the applicability of the safety order, by a preponderance of the evidence. (*Howard J. White, Inc.*, Cal/OSHA App. 78-741, Decision After Reconsideration (June 16, 1983).) In evaluating the support for the factual allegations of a citation, it is proper for an Administrative Law Judge to draw logical and reasonable inferences from the evidence presented. (*MCM Construction Inc.*, Cal/OSHA App. 92-436, Decision after Reconsideration (May 23, 1995); *ARB Inc.*, Cal/OSHA App. 93-2084, Decision after Reconsideration (Dec. 22, 1997) at p. 6 and cases cited therein).

Section 3314(a) defines the scope of all provisions of §3314, including

⁴ Exhibits received and testifying witnesses are listed on Appendix A. Certification of the Record is signed by the ALJ. Unless otherwise specified, all section references are to Sections of Title 8, California Code of Regulations.

subdivision (c), as limited to *cleaning, servicing or adjusting* operations. The Appeals Board has held that this includes *un-jamming* machinery during the course of normal production operations as well as service work that involves the modification of the machine but is not limited to routine or minor service work. (*Sacramento Bag Mfg. Co.*, Cal/OSHA App. 91-320, Decision After Reconsideration (December 11, 1992); *United States Pipe and Foundry Company, Inc.*, Cal/OSHA App. 98-1130, Decision After Reconsideration (June 29, 2001).)

It can reasonably be inferred from the Board's factual determinations in *Sacramento Bag Mfg. Co.*, *supra* that the prohibited activity involved an employee positioned within the *zone of danger* of energized moving parts extracting (clearing) the material being processed or acted upon by the machinery that had interrupted or impaired the machine's normal operations. If an employee is manipulating a *product* of the machinery (jammed bags, damaged cans) during production, the manipulation must be for the purpose of *correcting a production malfunction* that would then restore the machine to normal operations. "It is well established that 3314(a) applies when an employee fails to de-energize a machine before putting a hand into a running machine to *correct some malfunction* even though the employee's purpose was not directly connected with a repair or adjustment of that machine." (Emphasis added; *Tri-Valley Growers*, Cal/OSHA App. 93-1971, Decision After Reconsideration (February 25, 1997).) The task performed in *Tri-Valley Growers* was manually removing a damaged can from the assembly line during production.

The facts are undisputed: the injured employee, Josh Harris, was involved in an accident on the Faustel Press at 2:00 a.m. on October 3, 2012. He began the graveyard shift by walking to the press where he worked. The press, which imprints shopping bags and packaging products with company logos or other printed information, was running at a speed of 500 feet per minute that evening. The products are made using polyethylene-based film, in which the paint is sprayed onto the film. The film moves between large roller drums which hold the film in place.

Later that morning, Harris noticed a drag in the film and went to the opposite or backside of the press to determine the cause. Exhibit A-1 is a photo of the backside of Faustel Press, showing a ladder used to access the platform next to the press; this platform was six feet from the floor. Harris moved a ladder over and climbed onto the top deck of the platform next to the press. (Exhibit A-2)

Harris noticed that a piece of plastic (film) or debris was on the film that was rotating. In order to inspect the problem, he climbed into the press, over eight feet from the ground. (Exhibit J) In order to pull the film out of the press, he climbed over the bar and put his hand between the printing drum and the jack shaft. (Exhibit A-3) At the time, he was wearing latex gloves. He reached toward the debris with his left hand and inadvertently touched the CI drum roller, which was spinning or rolling. (Exhibit A-4) Harris testified that he put his arm under the green bar, as shown in Exhibit A-6, a photo of the press. His left hand was sucked under the support bar and the circle drum, into the machine up to the

wrist. (Exhibit A-5) Harris was able to slide his arm to one side of the roller to free his hand.

Harris testified that the machine was not locked out and tagged out at the time he reached into the press to clear the film. A violation of Section 3314(c) is found to exist because 1) the printing press was not locked out/tagged out when Harris reached into the machine to clean, service and adjust it by attempting to remove the debris from the film, and 2) Harris was exposed to the dangerous condition of having his hand entangled in the press.

Issue 2

Did Employer carry its burden of proof on the issue of the IEAD affirmative defense pursuant to *Mercury Service Inc.*, Cal/OSHA App. 77-1133, Decision After Reconsideration, October 16, 1980?

Employer asserted the independent employee action defense (IEAD). To avoid liability through that affirmative defense, employers must establish all five of the following elements: (1) the employee was experienced in the job being performed; (2) employer has a well-devised safety program that includes training employees in matters of safety respective to their particular job assignments; (3) employer effectively enforces the safety program; (4) employer has a policy which it enforces of sanctions against employees who violate the safety program, and; (5) the employee caused a safety infraction which s/he knew was against employer's safety requirement. (*Mercury Service, Inc.*, Cal/OSHA App. 77-1133, Decision After Reconsideration (Oct. 16, 1980).)

The ultimate burden of proof is upon Employer to establish each of the five elements. The defense is premised upon an employer's compliance with non-delegable statutory and regulatory duties. (*Pierce Enterprises*, Cal/OSHA App. 00-1951, Decision After Reconsideration (March 20, 2002).) An employer must show it has taken all reasonable steps to avoid employee exposure to a hazard, but the employee's actions serve to circumvent or frustrate the employer's best efforts. (*Paramount Farms, King Facility*, Cal/OSHA App. 09-864, Decision After Reconsideration (March 27, 2014); *Lights of America*, Cal/OSHA App. 89-400, Decision After Reconsideration (Feb. 19, 1991).)

The first element requires that the employee be experienced in the job performed. This requires proof that the worker had done the specific task "enough times in the past to become reasonably proficient". (*Solar Turbines, Inc.*, Cal/OSHA App. 90-1367, Decision After Reconsideration (July 13, 1992).)

Harris worked as a press operator at Deluxe Packaging for five years prior to his employment at Roplast. At the time of the accident, Harris had worked for Roplast for over two years as a press operator and normally was assigned as the press operator on the Faustel 1 press, the machine involved in the accident in this case. As discussed, *infra*, Harris' training at Roplast on July 26, 2011 specifically covered the policy requiring locking-out and tagging-out equipment

before reaching into it. (Exhibits B through E.) Employer established that Harris was experienced in the Press Operator position.

The second element requires the employer to have a well-devised safety program that includes training employees in matters of safety respective to their particular job assignments. (*Mercury Service, Inc., supra*) The well devised safety program must contain specific procedures. (*Blue Diamond Growers, Cal/OSHA App. 10-1281, Decision After Reconsideration (July 30, 2012).*)⁵ An Injury and Illness Prevention Program that is written and contains provisions for progressive discipline for safety violations constituted a well devised safety program. (*Glass Pak, Cal/OSHA App. 03-750, Decision After Reconsideration (November 4, 2010).*) The Employer's Injury and Illness Prevention Program (Exhibit N) includes all required elements. It provides that before employees are assigned actual job tasks, they receive training.

Employer established that Harris received orientation training, general safety training and specific training on the Faustel Press from Roplast Print Manager Dean Squires when he was hired at Roplast. Harris testified that the topics listed were covered in the "employee orientation press department", signed by himself on July 26, 2011 (Exhibit C.)

The Employer's Energy Control Policy included the Lockout/Tagout (LO/TO) Procedure for both presses, Faustel I and Faustel II. (Exhibit B) The documentation of the training was signed by both Dean Squires and the injured employee Harris on July 26, 2011.

The "CI drum" is the part of the Faustel press which was involved in the accident. Harris testified that he also watched the safety video "Lock Out/Tag Out: Tag you're it". Exhibit F is the sign-in sheet showing he attended the training and the test questions and answers which establish that he took the test to demonstrate his comprehension of Employer's Lock Out/Tag Out procedure and correctly answered each of the questions on November 15, 2011.

Press Department Training contains a checklist of topics to be covered with new operators including training on Faustel I and Faustel II. (Exhibit D.) Harris testified that he took a test to ensure he understood the information covered during this training. Exhibit E, Plant Safety General Safety Rules (seven pages) includes the questions and answers to the general safety test. Question 6

⁵ The Division argues that a negative inference should be drawn from the fact that the employer did not appeal Citation 1, item 1, alleging a failure to include a separate procedural step for the LO/TO of the electrical panel. The inference which the Division urges the Appeals Board to make is rejected for two reasons. First, there may be a variety of reasons for an employer's decision to not appeal a citation; acknowledgement of error is only one of those. In addition, there is stronger evidence contrary to that inference: Associate Safety Engineer Wendland admitted on cross-examination that the LO/TO procedure for Faustel #I Press was posted on the press during the time of the accident. (Employer's Exhibit A-7). The LO/TO procedure for Faustel I and II is Exhibit B.

provides:

(6) It is ok to clean a CI drum while the press is running because it is faster.

Harris answered this question correctly:

B FALSE

Employer offered proof of a progressive disciplinary system, as discussed below. Employer established that it has a well-devised safety program.

The third element of the IEAD defense requires proof that Employer effectively enforces its safety program.⁶ Proof that Employer's safety program is effectively enforced requires evidence of meaningful consistent enforcement. (*Glass Pak*, Cal/OSHA App. 03-0750, Decision After Reconsideration (November 4, 2010) quoting *Tri-Valley Growers*, Cal/OSHA App. 94-3355, Decision After Reconsideration (September. 15, 1999).) In *Tri-Valley Growers*, the Board stated that "[s]ystematic inspections for hazardous conditions and practices and a sufficient measure of competent supervision must also be demonstrated to meet the third element" citing *Atchison, Topeka and Santa Fe Railway Company*, Cal/OSHA App. 86-1700, Decision After Reconsideration (Mar. 17, 1988). The Board has also stated that "[a]n essential ingredient of effective enforcement is provision of that level of supervision reasonably necessary to detect and correct hazardous condition and practices." (*City of Los Angeles Water and Power*, Cal/OSHA App. 86-349, Decision After Reconsideration (Apr. 5, 1988) at p.5.)

It is undisputed that each department has a "safety huddle" at the beginning of each shift, in which the manager discusses safety awareness items. The participation in daily safety huddles (Exhibit G), weekly safety bulletins (Exhibit P) and monthly safety training videos (Exhibit O) of each employee are documented.

Employer's evidence of meaningful enforcement of its safety program includes proof of ongoing site inspections by supervisors, safety audits done by two member teams, and a safety committee which evaluates conditions. Each week, every department undergoes a "6S" audit to identify and correct potential safety hazards. The inspection is done by teams of two people from other departments. The Faustel #1 was inspected four times in April 2012 and was found to be in compliance each time. (Exhibit M)

Division's Associate Safety Engineer Wendland was told by Harris that reaching into moving machinery was a common practice at Roplast Industries.

⁶ The policy of sanctioning employees who violate safety rules is discussed in more detail under the fourth element.

Employer objected to that testimony as hearsay.⁷ Under Appeals Board rule Section 376.2, hearsay alone cannot support a finding unless it falls within some recognized exception.⁸ (*W. R. Thomason, Inc.* Cal/OSHA App. 77-1384, Decision After Reconsideration (Nov. 18 1980).) Roplast's Health and Safety Coordinator, Shane Turner investigated the comment made to Wendland. Harris stated that "shortcuts were made but he could not cite any specific instances when anyone [had] done it." At the hearing, Harris testified that Roplast does not condone reaching into moving equipment while it is running. The out-of-court statement lacks reliability, and is not supported by admissible evidence.

All Press Operators sign the Press Safety checklist each day to verify that they have read the Employer's ten safety rules. (Exhibit G) Rule 9 is: "Never reach into a press while it is in operation." Thirty-two forms which include the signature of all press operators on each shift were produced for the period July 31, 2012 until October 2, 2012. These forms establish that the foreman reviewed the safety rules with every press operator at the beginning of each shift. Employer carried the burden of proving that it effectively enforced its safety program as required by the third element of the independent employee action defense.

The fourth element requires employer to establish that it has a policy which it enforces of sanctions issued against employees who violate the safety program. The Board has held that Employer's evidence established the existence and consistent application of a policy of sanctions, when the Employer's evidence includes the safety manager's testimony regarding how discipline is administered and a stack of corrective procedure notices Employer filed against employees for safety infractions before the accident. (*Marine Terminals Corporation*, Cal/OSHA App. 95-0896, Decision After Reconsideration (September 28, 1999).)

The evidence establishes that Employer did have a policy of sanctioning employees who violated safety rules. Eight corrective procedure notices were issued involving safety violations in which disciplinary action was taken during the period November 2009 to July 2012, including four in 2011 and two in 2012. (See Exhibit L, Corrective Procedure Notice.) Each form specified the details of the occurrence and was signed and dated by the employee, manager and supervisor. The penalty given was commensurate with the number of prior occurrences within the prior 52 week period and the seriousness of the violation. Each employee who committed a safety violation was given one of the following penalties in writing: 1) informed of the occurrence and given a recommendation to

⁷ Evidence Code Section 1200(a) defines "hearsay evidence" as "evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated." Evidence Code Section 225 defines "statement" to mean "(a) oral or written verbal expression or (b) nonverbal conduct of a person intended by him as a substitute for oral or written verbal expression." The comments made by an employee to the safety engineer were "statements" under Evidence Code Section 225 and were offered by the Division to prove the truth of the matter stated, namely, that reaching into moving machinery was a common practice.

⁸ Evidence Code Section 1222 provides in pertinent part: "Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions."

improve, 2) given a final warning and recommendation to improve, 3) suspended with or without pay, or 4) terminated from the company.

On June 3, 2013, the employer issued a final warning disciplinary notice to Harris for violating Roplast safety rules in October, 2012 which states: “any safety violations will be cause for termination”. (Exhibit H, Corrective Procedure Notice re: Oct. 2012 safety violations, signed by Harris on June 3, 2013.)

The Division disputed that the Employer met this prong, because Employer did not discipline Harris for his actions in this incident until June 3, 2013, well over seven months after the accident. That disciplinary action – Employer gave Harris a “final warning” notice stating that “any safety violations will be cause for termination” - was taken shortly after Harris returned to work from leave, which did not occur until he healed and received a full medical release.

In determining the validity of an employer’s IEA defense, the most relevant evidence is about the employer’s disciplinary practice before the safety violation at issue, rather than its actions after the violation. See: *David Fisher, dba Fisher Transport*, DAR, Cal/OSHA App. 90-726 (Oct. 26, 1991). In any event, Employer’s reasonable decision to delay disciplinary action against Harris until his return to work should not be viewed as a weakness of its disciplinary system.

Chris Waters, the Plant Manager, testified that the Employer emphasizes compliance with Employer’s lockout/tagout (LO/TO) procedures, because nine years earlier, an employee lost the tip of his finger by reaching into a machine which had not been properly de-energized. Since that accident, there have been no instances of anyone’s violating the company’s policy which prohibits reaching into moving equipment or failing to LO/TO machinery, until the accident in this case, in October 2012. (Waters; Christensen) Accordingly, it proved the fourth element of the independent employee action defense.

The fifth element requires the employer to prove that Harris caused a safety infraction which he knew was against employer's safety requirement. Harris admitted in his testimony that on the night of the accident, he attended a “safety huddle” given by the graveyard shift supervisor, Christiansen. The Press Safety Rules were reviewed, including Rule 9: “Never reach into a press while it is in operation.” (Exhibit G) Harris signed the safety huddle acknowledgement form for that shift. This form was signed by him each night for the shifts he worked between July 31 and October 2, 2012 (Exhibit G). This established that he knew it was against the employer’s safety requirement to climb into the press while it was running.

The Employer’s LO/TO procedures required the operator to stop the machine by pressing the red “STOP” button and folding a cap over the green “START” button, putting a padlock on it, taking the key out of the padlock and putting the key in his pocket until the operation is completed, then reversing the steps to re-start production. (Exhibit B) Exhibit A-8 is a photograph of the front of the press which shows the red and green buttons and the padlock which is used to secure the start button. These procedures were posted on the front of the

press.

Earlier during the shift on the night of the accident, Harris stopped the machine and used the normal lock-out procedures to clean debris off the drum and then re-energized the press. Christiansen saw Harris perform the LO/TO procedures correctly and in conformance with his reputation for being “a good, safe worker”.

Harris testified that he did not follow his safety training when he reached into the press while it was still running to remove a piece of plastic film, without stopping and locking out the press. The employer established that Harris knew the rule and violated the employer’s LO/TO procedures, thereby causing the accident. Element five has been proved.

Employer proved the IEA defense and thus, it is unnecessary to consider the remaining issues and defenses.

Decision

For the reasons stated above, the Employer’s appeal is granted for Citation 2, Item 1, and no penalties are assessed, as set forth in the attached Summary Table.

IT IS SO ORDERED.

DATED: August 7, 2014

MARY DRYOVAGE
Administrative Law Judge

Pursuant to §364.2(d), Title 8 California Code of Regulations, Employer shall post for 15 working days a copy of this Decision.

Pursuant to §364.2(b), Title 8 California Code of Regulations, the Division shall serve a copy of this disposition on any authorized employee representative if known to the Division to represent affected employees.

APPENDIX A
SUMMARY OF EVIDENTIARY RECORD
ROPLAST INDUSTRIES, INC.
DOCKET 12-R2D3-3709
DATE OF HEARING: September 5, 2013

Division's Exhibits – Admitted

Exhibit Number	Exhibit Description
1.	Jurisdictional Documents
2.	Proposed Penalty Worksheet
3.	Training Records - John Wendland
5.	DOSH document request (October 9, 2012)

Employer's Exhibits – Admitted

Exhibit Number	Exhibit Description
A.	Photos of the Faustel Press (A-1 through A-8)
B.	Faustel 1 & 2 "Energy Control Policy" signed by Harris on July 26, 2011
C.	Checklist in "employee orientation press department", signed by Harris on July 26, 2011
D.	"Press Department Training" checklist of topics to be covered, with checkmarks from the Trainer
E.	Plant Safety - General Safety Rules and test (7 pages)
F.	Sign-in sheet for safety video "Lock out/Tag Out: Tag you're it" and test signed by Harris on Nov. 15, 2011.
G.	Press Safety Rules 1 to 10, dated October 2, 2012, and same form for thirty one other days between July 31 and Oct. 2, 2012, signed by Harris.
H.	Corrective Procedure Notice re: Oct. 2012 safety violations, signed by Harris on June 3, 2013
I.	Job Safety Analysis Training Guide, Faustel, Faustel II
J.	Letter from Roplast Industries to Appeals Board, dated October 23, 2012

- K. DOSH Inspection Report, dated November 26, 2012
- L. Various Corrective Procedure Notices (8 pages)
- M. Inspection of Faustel #1 on April 26, 2012 (4 pages)
- N. Injury and Illness Prevention Program (9 pages)
- O. List of Safety Video Topics (July 2012 – Feb. 2015)
- P. Safety Performance Weekly (3 pages)
- Q. Email from Tannis Walburn to Shayne Turner re: Harris injury

Witnesses Testifying at Hearing

1. Joshua Harris
2. John Wendland
3. Chris Waters
4. Dennis Christensen
5. Dean Squires
6. Shayne Turner

CERTIFICATION OR RECORDING

I, MARY DRYOVAGE, the California Occupational Safety and Health Appeals Board Administrative Law Judge duly assigned to hearing the above-entitled matter, hereby certify the proceedings therein were electronically recorded. The recording was monitored by the undersigned and constitutes the official record of said proceedings. To the best of my knowledge the electronic recording equipment was functioning normally.

MARY DRYOVAGE

August 7, 2014
DATE

DOCKET	CITATION	ITEM	SECTION	TYPE	ALLEGED VIOLATION DESCRIPTION MODIFICATION OR WITHDRAWAL AND REASON	AFFIRMED	VAITED	PENALTY PROPOSED BY DOSH IN CITATION	PENALTY PROPOSED BY DOSH AT PRE-HEARING	FINAL PENALTY ASSESSED BY BOARD
12-R2D3-3709	2	1	3314(c)	S	[Failure to lock out and tag out printing press, causing serious accident-related injuries.] ALJ granted Employer's appeal.		X	\$22,500	\$22,500	\$0
Sub-Total								\$22,500	\$22,500	\$0
Total Amount Due*										\$0

(INCLUDES APPEALED CITATIONS ONLY)

NOTE: Payment of final penalty amount should be made to:
 Accounting Office (OSH)
 Department of Industrial Relations
 PO Box 420603
 San Francisco, CA 94142
 (415) 703-4291, (415) 703-4308 (payment plans)

*You will owe more than this amount if you did not appeal one or more citations or items containing penalties. Please call (415) 703-4291 if you have any questions.

ALJ: MD/sp
POS: 08/7/14

